

FISCAL NOTE
Requested by Legislative Council
02/24/2015

Amendment to: SB 2254

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2254 relates to state aid payments for approved early childhood education programs.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill adds a .30 factor for full-time equivalent students enrolled in an early childhood education program offered in accordance with section 15.1-09-58 for purposes of determining state aid payments to school districts.

The assumptions used in this fiscal note are based on current year funding generated for kindergarten in the state school aid formula. Kindergarten grades are at roughly 9,000 students in ADM. The per student payment rate is \$9,092.

If 9,000 full-time equivalent students participate at .30 the cost for one year is \$25,000,000 or \$50,000,000 for a biennium.

The cost will vary directly with changes in student enrollment and changes to the state school aid formula.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Jerry Coleman

Agency: Department of Public Instruction

Telephone: 701-328-4051

Date Prepared: 02/25/2015

FISCAL NOTE
Requested by Legislative Council
02/10/2015

Amendment to: SB 2254

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$52,650,000			
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts		\$52,650,000	
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2254 relates to state aid payments for approved early childhood education programs.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill provides for up to .30 ADM for any student enrolled in an approved early childhood for purposes of determining state aid payments to school districts.

The assumptions used in this fiscal note are based on current year funding generated for kindergarten in the state school aid formula. Kindergarten grades are at roughly 9,000 students in ADM with an effective payment rate (after applying formula weights) of \$9,750.

If 9,000 students participate at .30 ADM, the cost for a biennium would be \$52,650,000. This estimate is the cost of full implementation in the 2014-15 school year.

The cost will vary directly with changes in student enrollment and changes to the state school aid formula.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Funding for this bill is not included in the Executive Budget Recommendation.

Name: Jerry Coleman

Agency: Department of Public Instruction

Telephone: 701-328-4051

Date Prepared: 02/11/2015

FISCAL NOTE
Requested by Legislative Council
01/19/2015

Bill/Resolution No.: SB 2254

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$87,750,000			
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts		\$87,750,000	
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Bill 2254 relates to state aid payments for approved early childhood education programs.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill provides for up to .50 ADM for any student enrolled in an approved early childhood for purposes of determining state aid payments to school districts.

The assumptions used in this fiscal note are based on current year funding generated for kindergarten in the state school aid formula. Kindergarten grades are at roughly 9,000 students in ADM with an effective payment rate (after applying formula weights) of \$9,750.

If 9,000 students participate at .50 ADM, the cost for a biennium would be \$87,750,000. This estimate is the cost of full implementation in the 2014-15 school year.

The cost will vary directly with changes in student enrollment and changes to the state school aid formula.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Funding for this bill is not included in the Executive Budget Recommendation.

Name: Jerry Coleman

Agency: Department of Public Instruction

Telephone: 701-328-4051

Date Prepared: 01/27/2015

2015 SENATE EDUCATION

SB 2254

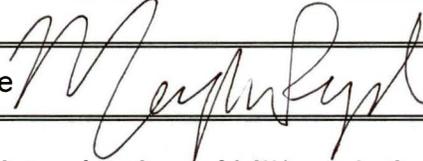
2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

SB 2254
2/2/2015
Job # 22950 (27:32)

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

INITIAL HEARING

Relating to the provision of and payment for early childhood education programs

Minutes:

7 attachments

Chairman Flakoll called the committee to order at 10:15am with all committee members present.

Phil Murphy, District 20 Senator (*see attachments #1-3*)

(7) **Tim Mathern**, District 11 Senator

Senator Mathern: I support this bill. If we leave the funding and application of Pre-K to districts, individuals or organizations most able to develop a program, the program will be delivered to children that may be in least need. There are children whose parents and communities are not able to organize themselves for pre education. The time is coming when this will be viewed as a matter of constitutional rights. This bill addresses the children in greatest need and is an expression of providing the same possibility for every child.

Chairman Flakoll: Have you seen the proposed amendments?

Senator Mathern: I have not, however I believe the primary sponsor is trying to clarify the issues.

(10:20) **Kathy Hawkin**, District 46 Representatives

Representative Hawkin: I am an advocate for children and early childhood education. Nothing has changed. This is still supposed to be one of our responsibilities. All of us talk about it during our campaign, and too many of us forget it when we get here. After 17 years we have a little bit of money for childcare. In last session we got permission to do some Pre-K, but no money and we put caps on the mill levies so it made it impossible. There are many bills being offered, but we've been told that we don't have money and therefore cannot pass these bills. The final decisions have a ways to go. We need to keep these bills in the air so we have choices for the young children in the state. I would like us to be a little more visionary this sess. This bill is the big picture and we should never lose sight of the big picture.

(13:20) **Mike Bitz**, Superintendent of the Mandan School District (*see attachment #4*)

Chairman Flakoll: How many mills do you have in Mandan for early childhood education?

Bitz: Currently we are not levying any, but our general fund levy is 59 right now and we are not using any of our 12 miscellaneous mills.

Chairman Flakoll: If it is important why aren't you levying any mills?

Bitz: Right now we don't have any space and we would have to cover 100% of it. We have a great working relationship with both the parochial schools in Mandan- St. Joseph and Christ the King. We provide title, ELL and special education services. We actually bus parochial school students to their schools. If this bill passes, we would work with them to lease space.

Chairman Flakoll: How many kids do you have with the .17 weighting factor for special education students for early childhood education for 3 and 4 year olds?

Bitz: Our preschool population generally starts the year with 50 and ends with 80 because we identify children throughout the year.

Senator Davison: We had testimony on the other early childhood education bill from a small school that had 13 in the morning and 14 in the afternoon and it was about 63-64,000 dollars for them to run that program. I calculated that for 22-2300 per student. Is that about where the .3 is at?

Bitz: It's about \$2,900 in the second year of the biennium. The weighting factor is variable.

Senator Davison: With the Mandan public schools, do you think long-term that if this bill passes from a superintendent standpoint, would we need more buildings?

Bitz: If we recall when Kindergarten went from half to full day, it was up to each individual district to decide whether they wanted to continue half or transition into full. To my knowledge there are no districts that are doing half day, their communities wouldn't allow it. I would think it would be the same thing. Once a payment is available for Pre-K, our parents and patrons would obligate us and find a way to get it done to meet the needs of these kids.

Senator Davison: That doesn't bother you from a superintendent's perspective?

Bitz: I am an elementary education major. I cannot think of a better way to invest and utilize money as a state. It is more work for us, but the right thing to do and good for kids.

(21:40) **Rae Ann Kelsch**, ND Council of Educational Leaders (*see attachment #5*)

Kelsch: We support this bill although I have not seen the amended version.

(23:05) **Fern Pokorny**, North Dakota United (*see attachment # 6*)

Chairman Flakoll: should there be both a state and local financial involvement?

Pokorny: Yes, if it is supported like regular K12 education programs.

(25:40) **Bradnt Dick**, Superintendent of the Underwood School district

Dick: we have had a preschool program at our school for over 20 years. We serve all of our students in our school district and some even from neighboring districts because of their lack of opportunity. Anything we can do for preschool students is a good thing.

Chairman Flakoll closes the hearing on SB 2254

Testimony handed in after hearing (*see attachment #7*)

2015 SENATE STANDING COMMITTEE MINUTES

Education Committee
Missouri River Room, State Capitol

SB 2254
2/4/2015
Job # 23191 (17:34)

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

COMMITTEE ACTION

Minutes:

No attachments

(2:30) **Senator Davison:** I want to change the factor to 0.30 on page 8 lines 17 and 18. We heard testimony from New Rockford and others regarding the current cost for providing early education. In my calculations it is typically around the 25-2600 mark. That isn't counting overhead for new buildings or if they happen to do it off campus at a church to cover some costs there. The 0.3 factor is around 28-2900 dollars per student. Page 5 line 5 is the other spot that would have to be amended.

Senator Davison makes a motion to amend the weighting factor from .5 to .3, reducing the fiscal note by 60%.

Senator Oban seconds the motion.

Senator Davison: I would like to note that Superintendent Bitz made this suggestion in his testimony as a way to move the bill forward and lower the fiscal note.

A vote was taken: Yes: 5, No: 1, Absent: 0

Chairman Flakoll opposes but the motion passes.

Vice Chairman Rust: What is the relationship between this bill and the one you've introduced?

Chairman Flakoll: There will only be one early childhood bill that will pass, if any.

Senator Davison: Page 1 lines 23-24, beginning with the 2016-2017 school year, the board of each school district shall provide or contract. How is the Department of Public Instruction taking both years of the biennium to come up with a fiscal note? It would start in 2016-17. Also the difference with this bill is that this is driven and controlled by the school district whereas SB 2151 is facilitated by and the through the school and run by the community with more of a voucher system in place. That is how I see it personally. They both have the same goal in mind to fund early childhood education.

Chairman Flakoll: With this bill the locals pay nothing. We would have to pick up the entire amount.

Senator Schaible: This bill is a big difference from SB 2151. This bill claims that the schools shall provide. Now there is no longer a choice in the matter, whether they have room or not and whether they want to implement it or not. They take all of the local control out. That is a big step that I'm not willing to take.

Senator Oban: This doesn't mandate anyone to send their children there. It's very similar to Kindergarten.

Chairman Flakoll: if one parent requests it, they have to provide it. I would assume in the small districts, they wouldn't have to provide it if there weren't any students, correct?

Senator Schaible: I would imagine with this, every school would. You are taking the local community decision out. Now you are forcing a district that majority wise they probably do not see this as the best use of their funds. Now if one student wants it, it shall be provided.

Senator Davison makes a motion for a do pass as amended and rereferred to Appropriations.

Senator Oban seconds the motion.

A vote was taken: Yes: 3, No: 3, Absent: 0
The motion fails.

Senator Schaible motions for a do not pass.

Vice Chairman Rust seconds the motion.

A vote was taken: Yes: 3, No: 3, Absent: 0
The motion fails.

Senator Davison motions for a without committee recommendation and rereferred to Appropriations.

Senator Schaible seconds the motion.

A vote was taken: Yes: 6, No: 0, Absent: 0
The motion passes.

Chairman Flakoll will carry the bill.

15.0732.02003
Title.03000

Adopted by the Education Committee

February 4, 2015

TDD
2/4/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 5, line 5, replace "0.50" with "0.30"

Page 8, line 18, replace "0.50" with "0.30"

Renumber accordingly

**2015 SENATE EDUCATION COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254**

Senate Education Committee

Subcommittee

Amendment LC# or Description: Replace 0.5 factor to 0.3

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Davison Seconded By Senator Oban

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll		X	Senator Marcellais	X	
Vice Chairman Rust	X		Senator Oban	X	
Senator Davison	X				
Senator Schaible	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: Replace 0.5 factor to 0.3

**2015 SENATE EDUCATION COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254**

Senate Education _____ Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Davison _____ Seconded By Senator Oban _____

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll		X	Senator Marcellais	X	
Vice Chairman Rust		X	Senator Oban	X	
Senator Davison	X				
Senator Schaible		X			

Motion Fails

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

**2015 SENATE EDUCATION COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254**

Senate Education _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Schaible Seconded By Vice Chairman Rust

Senators	Yes	No	Senators	Yes	No
Chairman Flakoll	X		Senator Marcellais		X
Vice Chairman Rust	X		Senator Oban		X
Senator Davison		X			
Senator Schaible	X				

Motion Fails

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2254: Education Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 5, line 5, replace "0.50" with "0.30"

Page 8, line 18, replace "0.50" with "0.30"

Renumber accordingly

2015 SENATE APPROPRIATIONS

SB 2254

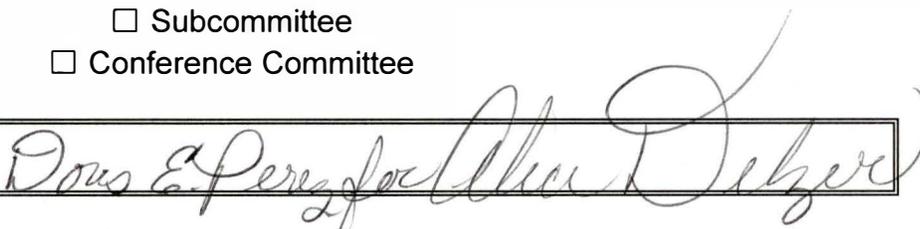
2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2254
2/17/2015
Job # 23956

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL relating to early childhood education programs

Minutes:

Testimony 1 - 7

Chairman Holmberg called the committee to order on Tuesday, February 17, 2015, at 9:00 am in regards to SB 2254. All committee members were present. Chris Kadrmas, Legislative Council and Nick Creamer, OMB.

Senator Phil Murphy District 20 introduced bill and provided written Testimony Attached # 1, stating this is the universal Pre-K bill, it supports a half-day voluntary program which could be instituted in any facility or by any person with the blessing of the DPI. In support of this bill. Asking you to move the amendments # 15.0732.02002, attachment # 2 and the marked up bill attachment # 3. (4.58)

Vice Chairman Bowman: You are proposing we start state funding all of this, instead of local. This is a huge growth in the cost of education.

Senator Mathern: Explain the amendment.

Senator Murphy: basically it says it will be 2 hours and 45 minutes a day, bottom page 1 any person may request approval from DPI.

Chairman Holmberg: what was the vote in the Education committee?

Murphy: came out 3 -3.

Chairman Holmberg: We will be talking about this bill later today.

Superintendent Mike Bitz, Mandan School District: testified in favor of SB 2254 see Testimony Attached #4. (10.30)

Senator Mathern: Are you saying that the kids who need it the most are excluded by the other bill and essentially we will create a bigger problem?

Mr. Bitz: Potentially yes, low income families are not going to be the first ones to apply to take advantage of this program.

Senator Mathern What if we funded this bill just excluding the children that took advantage of the other program? Maybe we could do both, the 1st \$6,000 we eliminate from the cost of this and then this would cost half as much.

Senator Wanzek: Would you still support this bill if the funding was directed to the parents to utilize it to go to any preschool program that is accredited and certified (private or public) to go to any?

Mr. Bitz: Are you asking if the appropriation in the other bill went up and was available to be used at any location; that would be much improvement over SB 2151. I prefer it to run through the schools because of transportation.

Senator Wanzek: if the money was directed in a voucher system to parents, you would say that's an improvement to this bill.

Mr. Bitz: that is an improvement to 2151. It allows more access to students to pre-k programs. It's a middle ground, I don't think it's as good as this bill.

Senator Erbele: How is public transportation going to work? Do you run the buses mid-day?

Bitz: it would be a small route in morning and then a midafternoon route.

Senator Erbele then you are separating the rural from city children.

Mr. Bitz: No, I think we would run a midafternoon route.

Andy Peterson, President/CEO of the Greater North Dakota Chamber testified in favor of SB 2254 and provided written Testimony Attached # 5. We support early childhood education. (17.34)

V.Chairman Bowman: You just said it allows everyone to succeed. Come back 20 years from now can you make the same statement? Kids are kids. The ones who want to succeed will, those who don't, won't. How can you possibly say everyone will succeed?

Andy: We need to give opportunities for everyone and hopefully they will take them.

Senator Heckaman: We are always looking for dollars to fund these programs, would you rather we fund this or income/corporate tax relief.

Andy: I don't want to answer. We want it all, education is one of those things as a society we do have to fund.

Senator Heckaman: as we go through this, would the chamber bring a recommendation in the realm of where we can find this money. Right now it is not a policy issue but a funding issue. Once you are putting on tax relief you are taking some programs off the table.

Andy: we would consider that, once we get through these bills and have some discussions.

Senator Carlisle: we did 6 corporate/income tax relief bills, isn't this kind of off your field?

Andy: we have always supported education. We understand the importance of education in such a competitive global economy. We like tax relief and education, decisions need to be made but as an organization we stand in favor of education.

Senator Wanzek: I would never support anything like this unless the power is in the hands of the parents to make that decision. How would you feel if the money was directed towards parents?

Andy: if you are asking the difference of 2151 (more of a voucher program) and this bill, we like the idea of choice, I would never take away from the parents, it's their decision. You are a product of good parenting and a lot of education. It is both. I do believe in choice.

Chairman Holmberg: anyone else?

Fern Pokorny: ND United testified in favor of SB 2254 and provided written Testimony Attached # 6. Senator Wanzek, a quality program will include parents. Although our organization supported SB 2151 this one allows more access, we like this one better.

Jon Godfreid, Vice President of Government relations for the Greater ND Chamber submitted written Testimony Attached # 7 in support of SB 2254.

Chairman Holmberg: Would you be nervous if we looked at this bill, and because there are some questions about how much money we have, take it out of foundation aid and put it into this bill?

Senator Mathern: I am wondering if we should adopt those amendments.

Chairman Holmberg: We will talk about this afternoon in subcommittee. Closed the hearing on SB 2254.

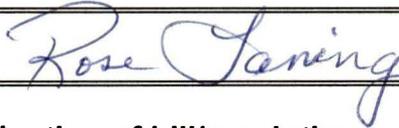
2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2254
2/17/2015
Job # 23996

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

This is a subcommittee hearing on the budget of the Department of Public Instruction. Bills 2013, 2031, 2254, 2151, 2169.

Minutes:

Attachment 1 - 2

Legislative Council - Sheila Sandness
OMB - Tammy Dolan

Chairman Holmberg called the committee to order on SB 2013. **Senator Krebsbach** and **Senator Heckaman** were also present.

Chairman Holmberg said we have the Flakoll bill (\$6M voucher for pre-school) and the Murphy bill for preschool. Senator Flakoll's bill would be \$6M vouchers for any preschool program for 4 year olds. They would have to apply and the individuals in front of the students would have to be certified (SB 2151). SB 2254 is a competing or companion bill and had \$52,650.

Senator Heckaman said no one had talked to her, but she thought that for \$21M we can expand and merge these two bills together. Neither one will start until the 2016-17 biennium. If we guess at 6000 students and give \$2000 as a voucher, that would cost us \$12,000 for one year. And if we take 3000 that we consider low income students and move their voucher up to \$3000, which would be \$9000 for one year for a total of \$21,000. You would still be on the voucher system. I'm supportive of pre-K and also childcare systems that are out there. Coming out of the last legislative session, we asked Ms. Baesler to do a study and this is the results of that study. Just a thought for now.

Chairman Holmberg: I think we're going to have a challenge to pass a bill with \$6M.

Senator Krebsbach I don't think they're ready yet. The schools aren't ready. The faculty isn't ready.

Senator Heckaman: This would be a compromise between the two bills and would cover all the students for one year.

Chairman Holmberg: Let's throw the two out and get a sense of the body (Senate Appropriations). We can ask and see if the two can be merged. We don't want Legislative Council to put together an amendment that has no support.

SB 2013 -

Senator Krebsbach asked about Section 3 - the transfer of \$300M from SIIF for the school construction loans. Is that still valid?

Sheila Sandness said there is language in this bill about the revolving loan fund. If you want the revolving loan fund language that's currently in the bill, you can do that or you can remove that section if you want.

Chairman Holmberg asked if there was any other revolving loan fund bills in the House - for schools?

Chairman Holmberg said this bill is the one with the money. The SIIF fund is about close to zero if what they talk about is going to be in the Surge bill. Would this have to be moved to the general fund?

Sheila Sandness: I'm not sure where we are in the SIIF fund, but the language is in section 19 and 20. It's coming from the SIIF fund in here. If you wanted to maintain the program, there isn't any money left in the SIIF fund so you'd have to look at some other source.

Senator Heckaman handed out amendment 15.0291.05003 - Attachment 1.

This amendment goes into 2031 and removed the transition maximum that schools are allowed to get under the school per pupil payment. There are a number of schools that were only allowed, the first year, to get 110% more than they got the year before. Last year they were only allowed to get 120% of that. Some schools were at the bottom for the funding formula. A lot of these schools are the Native American schools, but not all. Maybe $\frac{1}{2}$ and $\frac{1}{2}$. Those schools don't have a clue when they will get off of the maximum.

Jerry Coleman, Dept of Public Instruction: If it continues on the same trajectory, That's a base line based on the effective rate that they were getting from state and local sources at the time the new formula went up. That has increased 10% each year, so it will be 10%, then 20%, 30, 40, 50 and so I'd expect that maybe in 5 years they'll all come on to the

Senator Heckaman: But some are not getting near what the per pupil payment is expected to be from the state - from the combination of the state and local funds.

Jerry Coleman: And the reason they're on this maximum is because the formula doesn't consider federal funds that replace the local property tax. That's why that exists.

Chairman Holmberg asked if this amendment was proposed to the education committee?

Senator Heckaman: It was proposed and it didn't pass. It was before this bill was engrossed the last time to the 03000 version, I'm not sure.

Chairman Holmberg said that appropriations is usually reluctant to overturn any decisions made by a policy committee.

Senator Heckaman handed out **15.0291.05002. Attachment 2**. This is actually Senator Rust's amendment. It's on making school's whole in the oil patch when they have to deduct 75% of their oil tax money. This is a grant. As a grant, he has gone thru and figured all of the schools that are losing money and according to him, \$8.75M would be needed to make this whole. I'm bringing this forward for Senator Rust's benefit.

Chairman Holmberg: If this was attached, then would SB 2169 be unnecessary?

Senator Heckaman I don't know. He thought it should be in addition to 2169.

Chairman Holmberg asked Sheila Sandness of Legislative Council to check if they are duplicative.

Sheila Sandness: So the question is whether 2169 is here because they brought this amendment or if you need both of them or one or the other?

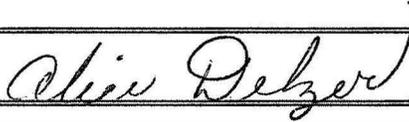
2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2254
2/17/2015
Job # 24021

- Subcommittee
· Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act regarding early childhood education

Minutes:

Attachment # 1

Chairman Holmberg called the committee to order on Tuesday, February 17, 2015 in regards to SB 2254. All committee members were present. Tammy Dolan, OMB and Chris Kadrmas, Legislative Council were also present.

Chairman Holmberg we have the amendment # 15.0732.02002. Attachment # 1.

Senator Heckaman moved the amendment. 2nd by **Senator Mathern**.

Discussion followed.

Chairman Holmberg: All in favor of the amendment # 15.0732.02002 raise your hand. 7 yes; 6 no, it passed.

Chairman Holmberg closed the hearing on SB 2254.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2254
2/18/2015
Job # 24036

- Subcommittee
 Conference Committee

Committee Clerk Signature <i>Rose Jensen</i>
--

Explanation or reason for introduction of bill/resolution:

Relating to the provision of and payment for early childhood education programs.

Minutes:

--

**Senator Sorvaag moved Do Not Pass as Amended on SB 2254.
Senator Carlisle seconded.**

A Roll Call vote was taken. Yea: 10 Nay: 3 Absent: 0

Senator Holmberg will carry the bill on the floor.

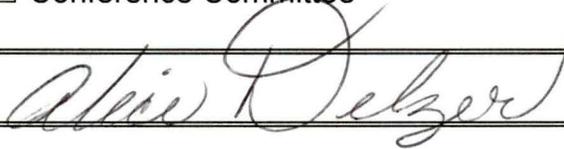
2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2254
2/24/2015
Job # 24274

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act relating to early childhood education programs. (Do Not Pass)

Minutes:

"Click to enter attachment information."

Chairman Holmberg called the committee to order on Tuesday, February 24, 2015 in regards to SB 2254. Roll Call was taken. All committee members were present. Sheila M. Sandness, Legislative Council and Lori Laschkewitsch, OMB were also present.

Chairman Holmberg: The first thing we need to do is take another look at 2254. It is a Pre K bill that has an original fiscal note of \$54M. We had amendments that were proposed by Senator Murphy that we attached that would have dropped the price tag down and changed the payment factor to .3 and we attached those amendments, but the problem was we attached them to the wrong version of the bill, so it is incorrect. We need a motion to reconsider the action by which we passed the bill, which was just moved by Senator Mathern. 2nd Senator Robinson. All in favor of reconsidering say aye. Now we have a bill before us and we have an amendment that is in the process of being completed upstairs which would change the bill back to where we thought it was being changed, the .3 and the reduction of the fiscal note and we had put a do not pass on the bill, and personally, I hope we still do, but we said we are going to amend the bill, and I think we should. What Anita has said because of the issues involved she has to do a hog-house, but the hog-house will follow what we thought we did and what Senator Murphy was in favor of and then each one of will have to decide how we are going to vote on it.

Senator Heckaman: I checked Senator Murphy's testimony that he brought in on the amendments to the bill and he has the waiting factor would be .3. that is what he asked for and that's just on the Pre K.

Chairman Holmberg: What is the number of the amendment?

Senator Heckaman: The number of the amendment I have is .02002. That's the one that he brought in.

Chairman Holmberg: That's to the wrong version. Would the number be different?

Sheila M. Sandness, Legislative Council That is the wrong version. It would be the 3000 amendment.

Chairman Holmberg: Can you move the 3000 amendment number we haven't seen but I think we know what it is?

Senator Heckaman moved the 3000 amendment. 2nd by Senator Mathern.

Chairman Holmberg: All in favor say aye. It carried.

V. Chairman Krebsbach moved a do not pass. Senator Wanzek second.

Chairman Holmberg: Call the roll on a do not pass again on 2254. What's going to happen with this, even though we're expediting the process, it should be on the floor tomorrow because 2151 is the other Pre K bill and that will be held until this one is there so they are together. Could you call the roll on a do not pass on 2254.

A Roll Call vote was taken. Yea: 10; Nay: 3; Absent: 0. Senator Holmberg will carry the bill. The hearing was closed on SB 2254.

The hearing was closed on SB 2254

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 1, remove "subsection 2 of section 15.1-07-33, section 15.1-09-58,"

Page 1, line 2, replace "subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and" with "sections"

Page 1, line 2, after "15.1-27-35" insert "and 15.1-37-01"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 16

Page 8, line 17, after the period insert "(1)"

Page 8, line 17, after "enrolled" insert "full time."

Page 8, after line 18, insert:

(2) The membership may be prorated for a student who is enrolled less than full time.

(3) For purposes of this subdivision, "full time" means at least two hours and forty-five minutes per school day.

SECTION 2. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-01. Early childhood education program - Approval.

4. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:

- a.1. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;
- b.2. Follows a developmentally appropriate curriculum;
- c.3. Is in compliance with all municipal and state health, fire, and safety requirements; and
- d.4. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.

15.0732.03002
Title. 4000

Prepared by the Legislative Council staff for
Senator Holmberg
February 24, 2015

TD
2/24/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2254

Page 1, line 1, remove "section 15.1-09-58,"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", and 15.1-27-35"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 9

Page 7, remove lines 17 through 31

Page 8, remove lines 1 through 18

Renumber accordingly

Date: 2-17-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2254

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: 15.0732.02002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Heckaman Seconded By Mather

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mather		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) 7 No 6

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: passed

Date: 2-18-15
 Roll Call Vote #: _____

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sorvaag Seconded By Carlisle

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman		✓
Senator Bowman	✓		Senator Mathern		✓
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson		✓
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Holmberg

If the vote is on an amendment, briefly indicate intent:

Date: 2-24-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2254

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: To be presented

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Mathern Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-24-15
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254**

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: to be completed - Changing to 3000

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Heckaman Seconded By Mathern

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: voice vote

Date: 2-24-15
 Roll Call Vote #: 3

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
 BILL/RESOLUTION NO. 2254

Senate Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Refer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Krebsbach Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman		✓
Senator Bowman	✓		Senator Mathern		✓
Senator Krebsbach	✓		Senator O'Connell	✓	✓
Senator Carlisle	✓		Senator Robinson		✓
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Holmberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2254, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 15.1-09-58,"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", and 15.1-27-35"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 9

Page 7, remove lines 17 through 31

Page 8, remove lines 1 through 18

Renumber accordingly

2015 TESTIMONY

SB 2254

#1
2/2/15

Testimony on 2254-A Universal Pre-K Bill Senate Education
Committee, February 2, 2015

Mr. Chairman, members of the committee, I am Senator Phil Murphy of District 20. I appear before you today to applaud your efforts on behalf of our state's four year old children. This bill is merely an effort to expand upon what you have crafted in the bill supported by the Governor's office, the DPI and others interested. I realize that what I am about to offer in its amended form, should you be gracious enough to accept and adopt them, is more ambitious in expanding Pre-K than current political will allows. By the same token, I fully realize that 2151 was crafted with limitations that many of you may chafe at, but that realpolitik or the politics of reality was uppermost in your mind. And also know that I will support 2151 should this bill suffer the demise I foresee.

The draft before you is accompanied by the amendments that simplify it and turn it into about a two page bill. To encapsulate its essence, this bill proposes that our state would fund Pre-K as soon as any person or school district approved by the Superintendent of DPI is ready to offer it. The Christmas tree version I have handed to you eliminates all language until page 7 which is existing language in Section 1 until, on page 8, line 17-21, it establishes that full time for a Pre-K is about 2 hours and 45 minutes. I would read Section 2 on the bottom of page 8 with you simply to remind us of what Approval language looks like. At the end it brings the beginning date for Pre-K and 4 year olds into line with the current Kindergarten date.

Mr. Chairman and Committee, I have little wish to waste your time with arguments about the ability of our state to pay for Universal Pre-K, as it

is a measure puny in comparison with our larger departments such as Human Services or Transportation. (The fiscal note for the coming biennium is nowhere near reality until all districts would be functioning - we are years away from that) Nor do I need to explain the efficacy and wisdom of publicly financing that which our Governor, 44 other states and our last two presidents have already endorsed since George W. Bush in his SOTU of 2002. You know this is about our children, that we need to get them to the starting line ready for Kindergarten. You know that the curriculum is about appropriate play to engender both motor skills and emotional growth so that the disparity of the achievement gap is narrowed as much as possible.

In conclusion, getting parents involved at this stage to understand their child's development, as your amendment in 2151 attempts, is important. I see this legislation going forward in the future to allow quality child care and/or Head Start to use the same buildings and rooms as is done in some of our communities already. This is about our children first and foremost, not about a business plan or other turf which adults sometimes get so caught up in. I appear here today to ask you to do what might initially seem counter to 2151's future but will not be - to give this bill a Do Pass recommendation so that the debate can go on to serve more and more of our children as soon as possible. North Dakota had perhaps nine thousand four year olds when that State of the Union was delivered in 2002 and every year since. When will we serve them all? Mr. Chairman, I stand for questions.

Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2254

Introduced by

Senators Murphy, Mathern, Oban

Representatives P. Anderson, Boschee, Hawken

1 A BILL for an Act to amend and reenact ~~subsection 2 of section 15.1-07-33, section 15.1-09-58,~~
2 ~~subsection 1 of section 15.1-09-1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and~~sections
3 15.1-27-35 and 15.1-37-01 of the North Dakota Century Code, relating to the provision of and
4 payment for early childhood education programs.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~2. The superintendent of public instruction shall forward that portion of a school district's~~
9 ~~state aid which is payable by the superintendent under subdivision no of subsection 1-~~
10 ~~of section 15.1-27-03.1 directly to the information technology department to reimburse~~
11 ~~the department for the cost of the school district's acquisition, implementation, or~~
12 ~~utilization of PowerSchool and any related technology support services. The~~
13 ~~superintendent shall forward the amount payable under this subsection at the same~~
14 ~~time and in the same manner as provided for other state aid payments under section~~
15 ~~15.1-27-01.~~

16 ~~SECTION 2. AMENDMENT. Section 15.1-09-58 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~15.1-09-58. Early childhood education - Authorization - Support.~~

19 ~~1. a. Except as otherwise required in this section, the board of a school district~~
20 ~~may establish an early childhood education program and, provided the~~
21 ~~program that is approved by the superintendent of public instruction in~~
22 ~~accordance with chapter 15.1-37,~~

23 ~~b. Beginning with the 2016-17 school year, the board of each school district shall~~
24 ~~provide or contract for the provision of an early childhood education program that~~

1 ~~is approved by the superintendent of public instruction, in accordance with~~
2 ~~chapter 15.1-37.~~

3 ~~2. A school district may support that an early childhood education program with:~~

4 ~~1. a. Local tax revenues, other than those necessary to support the district's~~
5 ~~kindergarten program and the provision of elementary and high school~~
6 ~~educational services;~~

7 ~~2. b. State moneys specifically appropriated for the program;~~

8 ~~3. c. Federal funds specifically appropriated or approved for the program; and~~

9 ~~4. d. Gifts, grants, and donations specifically given for the program.~~

10 ~~SECTION 3. AMENDMENT. Subsection 1 of section 15.1-09.1-10 of the North Dakota~~
11 ~~Century Code is amended and reenacted as follows: —~~

12 ~~1. The superintendent of public instruction shall forward the portion of a school district's~~
13 ~~state aid which is payable by the superintendent under subdivision no of subsection 1~~
14 ~~of section 15.1-27-03.1 as a result of the district's participation in a regional education~~
15 ~~association directly to the association in which the district participates. The~~
16 ~~superintendent shall forward the amount payable under this subsection at the same~~
17 ~~time and in the same manner as provided for other state aid payments under section~~
18 ~~15.1-27-01.~~

19 ~~SECTION 4. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~15.1-27-03.1. (Effective July 1, 2013, through June 30, 2015) Weighted average daily~~
22 ~~membership – Determination.~~

23 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~

24 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~
25 ~~program;~~

26 ~~b. 1.00 the number of full-time equivalent students enrolled in an extended~~
27 ~~educational program in accordance with section 15.1-32-17;~~

28 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~
29 ~~program;~~

30 ~~d. 0.20 the number of full-time equivalent students enrolled in a home-based~~
31 ~~education program and monitored by the school district under chapter 15.1-23;~~

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Legislative Assembly

- 1 ~~_____ e. 0.30 the number of full-time equivalent students who:~~
- 2 ~~_____ (1) On a test of English language proficiency approved by the superintendent of~~
- 3 ~~public instruction are determined to be least proficient and placed in the first~~
- 4 ~~of six categories of proficiency; and~~
- 5 ~~_____ (2) Are enrolled in a program of instruction for English language learners;~~
- 6 ~~_____ f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~
- 7 ~~school;~~
- 8 ~~_____ g. 0.20 the number of full-time equivalent students attending school in a bordering-~~
- 9 ~~state in accordance with section 15.1-29-01;~~
- 10 ~~_____ h. 0.20 the number of full-time equivalent students who:~~
- 11 ~~_____ (1) On a test of English language proficiency approved by the superintendent of~~
- 12 ~~public instruction are determined to be more proficient than students placed~~
- 13 ~~in the first of six categories of proficiency and therefore placed in the second-~~
- 14 ~~of six categories of proficiency; and~~
- 15 ~~_____ (2) Are enrolled in a program of instruction for English language learners;~~
- 16 ~~_____ i. 0.17 the number of full-time equivalent students enrolled in an early childhood-~~
- 17 ~~special education program;~~
- 18 ~~_____ j. 0.15 the number of full-time equivalent students in grades six through eight~~
- 19 ~~enrolled in an alternative education program for at least an average of fifteen-~~
- 20 ~~hours per week;~~
- 21 ~~_____ k. 0.10 the number of students enrolled in average daily membership, if the district~~
- 22 ~~has fewer than one hundred students enrolled in average daily membership and~~
- 23 ~~the district consists of an area greater than two hundred seventy-five square~~
- 24 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
- 25 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
- 26 ~~fifty students in average daily membership must be deemed to have an~~
- 27 ~~enrollment equal to fifty students in average daily membership;~~
- 28 ~~_____ l. 0.082 the number of students enrolled in average daily membership, in order to~~
- 29 ~~support the provision of special education services;~~
- 30 ~~_____ m. 0.07 the number of full-time equivalent students who:~~

- 1 ~~————— (1) On a test of English language proficiency approved by the superintendent of~~
- 2 ~~public instruction are determined to be more proficient than students placed~~
- 3 ~~in the second of six categories of proficiency and therefore placed in the~~
- 4 ~~third of six categories of proficiency;~~
- 5 ~~————— (2) Are enrolled in a program of instruction for English language learners; and~~
- 6 ~~————— (3) Have not been in the third of six categories of proficiency for more than~~
- 7 ~~three years;~~
- 8 ~~————— n. 0.025 the number of students representing that percentage of the total number of~~
- 9 ~~students in average daily membership which is equivalent to the three-year~~
- 10 ~~average percentage of students in grades three through eight who are eligible for~~
- 11 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
- 12 ~~[42 U.S.C. 1751 et seq.];~~
- 13 ~~————— o. 0.003 the number of students enrolled in average daily membership in each~~
- 14 ~~public school in the district that:~~
- 15 ~~————— (1) Has acquired and is utilizing the PowerSchool student information system;~~
- 16 ~~————— (2) Has acquired and is in the process of implementing the PowerSchool~~
- 17 ~~student information system; or~~
- 18 ~~————— (3) Will acquire the PowerSchool student information system during the current~~
- 19 ~~school year, provided the acquisition is contractually demonstrated; and~~
- 20 ~~————— p. 0.002 the number of students enrolled in average daily membership in a school~~
- 21 ~~district that is a participating member of a regional education association meeting~~
- 22 ~~the requirements of chapter 15.1-09.1.~~
- 23 ~~————— 2. The superintendent of public instruction shall determine each school district's weighted~~
- 24 ~~average daily membership by adding the products derived under subsection 1 to the~~
- 25 ~~district's average daily membership.~~
- 26 ~~————— **(Effective after June 30, 2015) Weighted average daily membership – Determination.**~~
- 27 ~~————— 1. For each school district, the superintendent of public instruction shall multiply by:~~
- 28 ~~————— a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~
- 29 ~~program;~~
- 30 ~~————— b. 1.00 the number of full-time equivalent students enrolled in an extended~~
- 31 ~~educational program in accordance with section 15.1-32-17;~~

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- 1 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~
- 2 ~~program;~~
- 3 ~~d. 0.50 the number of full-time equivalent students enrolled in a home-based~~
- 4 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 5 ~~e. 0.50 the number of full-time equivalent students enrolled in an early childhood~~
- 6 ~~education program offered in accordance with section 15.1-09-58;~~
- 7 ~~f. 0.30 the number of full-time equivalent students who:~~
- 8 ~~(1) On a test of English language proficiency approved by the superintendent of~~
- 9 ~~public instruction are determined to be least proficient and placed in the first~~
- 10 ~~of six categories of proficiency; and~~
- 11 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 12 ~~f.g. 0.25 the number of full-time equivalent students enrolled in an alternative high~~
- 13 ~~school;~~
- 14 ~~g.h. 0.20 the number of full-time equivalent students attending school in a bordering~~
- 15 ~~state in accordance with section 15.1-29-01;~~
- 16 ~~h.i. 0.20 the number of full-time equivalent students who:~~
- 17 ~~(1) On a test of English language proficiency approved by the superintendent of~~
- 18 ~~public instruction are determined to be more proficient than students placed~~
- 19 ~~in the first of six categories of proficiency and therefore placed in the second~~
- 20 ~~of six categories of proficiency; and~~
- 21 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 22 ~~i.j. 0.17 the number of full-time equivalent students enrolled in an early childhood~~
- 23 ~~special education program;~~
- 24 ~~j.k. 0.10 the number of students enrolled in average daily membership, if the district~~
- 25 ~~has fewer than one hundred students enrolled in average daily membership and~~
- 26 ~~the district consists of an area greater than two hundred seventy-five square~~
- 27 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
- 28 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
- 29 ~~fifty students in average daily membership must be deemed to have an~~
- 30 ~~enrollment equal to fifty students in average daily membership;~~

- 1 ~~k.l.~~ 0.082 the number of students enrolled in average daily membership, in order to
2 support the provision of special education services;
- 3 ~~l.m.~~ 0.07 the number of full-time equivalent students who:
4 ~~(1) On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be more proficient than students placed
6 in the second of six categories of proficiency and therefore placed in the
7 third of six categories of proficiency;~~
8 ~~(2) Are enrolled in a program of instruction for English language learners; and
9 (3) Have not been in the third of six categories of proficiency for more than
10 three years;~~
- 11 ~~m.n.~~ 0.025 the number of students representing that percentage of the total number of
12 students in average daily membership which is equivalent to the three-year
13 average percentage of students in grades three through eight who are eligible for
14 free or reduced lunches under the Richard B. Russell National School Lunch Act
15 [42 U.S.C. 1751 et seq.];
- 16 ~~n.o.~~ 0.006 the number of students enrolled in average daily membership in each
17 public school in the district that:
18 ~~(1) Has acquired and is utilizing the PowerSchool student information system;
19 (2) Has acquired and is in the process of implementing the PowerSchool
20 student information system; or
21 (3) Will acquire the PowerSchool student information system during the current
22 school year, provided the acquisition is contractually demonstrated; and~~
- 23 ~~o.p.~~ 0.004 the number of students enrolled in average daily membership in a school
24 district that is a participating member of a regional education association meeting
25 the requirements of chapter 15.1-09.1.
- 26 ~~2. The superintendent of public instruction shall determine each school district's weighted
27 average daily membership by adding the products derived under subsection 1 to the
28 district's average daily membership.~~
- 29 ~~**SECTION 5. AMENDMENT.** Section 15.1-27-15.1 of the North Dakota Century Code is
30 amended and reenacted as follows:~~

~~15.1-27-15.1. Isolated school districts - Transition payments.~~

~~If during the 2010-11 school year, a school district received payments as a result of section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the factor established under subdivision jk of subsection 1 of section 15.1-27-03.1, the district is entitled to the following transition payments:~~

- ~~1. For the 2013-14 school year, an amount equal to that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~
- ~~2. For the 2014-15 school year, an amount equal to seventy-five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~
- ~~3. For the 2015-16 school year, an amount equal to fifty percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011; and~~
- ~~4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011.~~

SECTION 1. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
 - a. The school district's calendar; or
 - b. One hundred eighty-two.
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
 - a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

- 1 b. The two days set aside for professional development activities under section
2 15.1-06-04; and
- 3 c. The two full days, or portions thereof, during which parent-teacher conferences
4 are held or which are deemed by the board of the district to be compensatory
5 time for parent-teacher conferences held outside regular school hours.
- 6 3. For purposes of calculating average daily membership:
- 7 a. A student enrolled full time in any grade from one through twelve may not exceed
8 an average daily membership of 1.00. The membership may be prorated for a
9 student who is enrolled less than full time.
- 10 b. A student enrolled full time in an approved regular education kindergarten
11 program may not exceed an average daily membership of 1.00. The membership
12 may be prorated for a student who is enrolled less than full time.
- 13 c. A student enrolled full time, as defined by the superintendent of public instruction,
14 in an approved early childhood special education program may not exceed an
15 average daily membership of 1.00. The membership may be prorated for a
16 student who is enrolled less than full time.
- 17 d. (1) A student enrolled full time, in an approved early childhood education
18 program may not exceed an average daily membership of 0.50.
- 19 (2) The membership may be prorated for a student who is enrolled less than full
20 time.
- 21 (3) For purposes of this subdivision, "full time" means at least two hours and
22 forty-five minutes per school day.

23 **SECTION 2. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-37-01. Early childhood education program - Approval.**

26 ~~4.~~ Any person or school district operating an early childhood education program may request
27 approval of the program from the superintendent of public instruction. The superintendent shall
28 approve an early childhood education program if the program:

29 ~~a-~~1. Is taught by individuals who are licensed to teach in early childhood education by the
30 education standards and practices board;

31 ~~b-~~2. Follows a developmentally appropriate curriculum;

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- 1 ~~e.3~~ Is in compliance with all municipal and state health, fire, and safety requirements; and
- 2 ~~e.4~~ Limits its enrollment to children who have reached the age of four before August first in
- 3 the year of enrollment.
- 4 ~~2. In determining the state aid payments to which a school district is entitled, the~~
- 5 ~~superintendent of public instruction may not count any student enrolled in a regular~~
- 6 ~~early childhood education program.~~

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

- Page 1, line 1, remove "subsection 2 of section 15.1-07-33, section 15.1-09-58,"
- Page 1, line 2, replace "subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and" with "sections"
- Page 1, line 2, after "15.1-27-35" insert "and 15.1-37-01"
- Page 1, remove lines 6 through 24
- Page 2, remove lines 1 through 31
- Page 3, remove lines 1 through 30
- Page 4, remove lines 1 through 31
- Page 5, remove lines 1 through 30
- Page 6, remove lines 1 through 30
- Page 7, remove lines 1 through 16
- Page 8, line 17, after the period insert "(1)"
- Page 8, line 17, after "enrolled" insert "full time."
- Page 8, after line 18, insert:

"(2) The membership may be prorated for a student who is enrolled less than full time.

(3) For purposes of this subdivision, "full time" means at least two hours and forty-five minutes per school day.

SECTION 2. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-01. Early childhood education program - Approval.

4. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:

- a.1. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;
- b.2. Follows a developmentally appropriate curriculum;
- c.3. Is in compliance with all municipal and state health, fire, and safety requirements; and
- d.4. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.

2. ~~In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count any student enrolled in a regular early childhood education program.~~

Renumber accordingly

#4
2/2/15

**Testimony in Support of
SB 2254
ND Senate Education Committee
February 2, 2015
By: Mike Bitz
(701) 391-8664**



Chairman Flakoll and members of the Senate Education Committee, I appreciate the opportunity to come before you this morning in support of SB 2254. My name is Mike Bitz and I am the superintendent of the Mandan School District.

Before I begin, I want to thank the members of this committee for giving a DO PASS to SB 2151, the other preschool bill. That bill is a step in the right direction. If passed, it will allow ND to join 44 other states who recognize the importance of early intervention, and who provide state dollars to pre-K education.

Research shows that children from low income families can especially benefit from a quality pre-K experience. A 2013 Stanford University study found that by 18 months, toddlers from low income families already were several months behind their more advantaged peers in language development. This gap continues to widen before school entry at age 5, leaving disadvantaged students up to two years behind.

While SB 2151 is a step in the right direction, SB 2254 is where preschool education in ND needs to eventually end up. Although SB2151 will give low income families up to \$1,500, to put toward the cost of a pre-K program, I am concerned that this contribution will not be enough to get the neediest students into a pre-K program. Many low income families will be unable to come up with the additional funds they need to enroll their children into a high quality pre-K program. Low income families will also be at a disadvantage in registering their children in time to qualify for the limited number of pre-K slots that will be available under SB2151. Although SB2151 is a step in the right direction, it potentially will widen the achievement gap that exists for children living in low income homes, because unfortunately, low income families will not be able to take advantage of preschool the way it is structured in SB 2121.

The fiscal note on SB 2254 assumes a .5 weighted factor multiplied by the per pupil payment for both years of the biennium. The other preschool bill does not have any expenditure in the first year of the biennium and calls for a \$6 million allocation in the 2nd year. With a few simple amendments to SB 2254, this committee could significantly reduce the fiscal note on SB 2254. If the weighted factor were reduced from .5 to .3. and it was only allocated in the 2nd year of the biennium, the fiscal note to serve 6,000 students (which is the number that SB 2151 is hoping to serve) would be \$17,578,800. If you wanted to serve all 9,000 pre-K students who would be eligible, the total fiscal note would be \$26,368,200 (per pupil payment of \$9,766 x .3 = \$2,929.80 per student x 9,000 students = \$26,368,200). In other words by appropriating an additional \$20 million dollars, you will be giving EVERY CHILD the opportunity to enroll in a high quality pre-K

#4

program. One other advantage to this approach is that by running the pre-K programs through the public school districts, pre-K students will have access to bussing. This will remove one more barrier that low income families face when they try to enroll their children in a high quality preschool.

In closing I strongly urge you to do the right thing for ALL North Dakota pre-K students and give a DO PASS to SB 2254.

I'd be happy to answer any questions that you may have.

#5
2/2/15

SB 2254 – Provision and Payment of Early Childhood Education Programs

Testimony – NDCEL – North Dakota Council of Educational Leaders

February 2nd, 2015

Chairman Flakoll, members of the Senate Education Committee, my name is Rae Ann Kelsch – a registered lobbyist for the North Dakota Council of Educational Leaders.

Thank you for the opportunity to share some thoughts regarding Early Education and our support of SB 2254.

There is certainly a need for Pre-K education for all children and communities in our state. NDCEL is also aware of the roadblocks that continue to exist in our state. We enter into this conversation with a long term vision for education of our youth. At some point in time, we are hopeful that there will be an opportunity for Pre-K for all youth in ND, preparing them for success. We believe that any conversation that can be had by the legislature, that will ultimately provide for early education opportunities for our youth is both necessary and welcome.

NDCEL supports SB 2254

11

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2/2/15



Great Public Schools

Great Public Service

Testimony of Fern Pokorny
Support for SB 2254
February 2, 2015

Good morning Mr. Chairman Flakoll and Members of the Senate Education Committee. For the record my name is Fern Pokorny with North Dakota United. I am here in support of SB 2254.

Early Childhood Education is one of the best investments our state can make.

Research shows that providing a high quality education for children before they turn five yields significant long-term benefits.

One well-known study, the High/Scope Perry Preschool Study found that individuals who enrolled in a quality preschool program ultimately earned up to \$2,000 more per month than those who were not. Young people who were in preschool programs are more likely to graduate from high school, to own homes, and have longer marriages. Cost-benefit analysis revealed that, over the lifetimes of the participants, the preschool program returned to the public an estimated \$7.16 for every dollar spent.

Other studies, like the Abecedarian Project, show similar results. Children in quality preschool programs are less likely to repeat grades, need special education, or get into future trouble with the law.

Early childhood education makes good economic sense, as well. In Early Childhood Development: Economic Development with a High Public Return, a high-ranking Federal Reserve Bank official pegs its return on investment at 12 percent, after inflation.

NDU believes there should be dedicated funding for early childhood education. Public schools should be the primary provider of pre-kindergarten programs, and additional funding must be allocated to finance them in the same manner as K-12 schools.

Testimony of Jon Godfread
Greater North Dakota Chamber of Commerce
SB 2254
February 2, 2015

Mr. Chairman and members of the committee, my name is Jon Godfread, I am the Vice President of Government Relations for the Greater North Dakota Chamber, the champions for business in North Dakota. GNDC is working on behalf of our more than 1,100 members, to build the strongest business environment in North Dakota. GNDC also represents the National Association of Manufacturers and works closely with the U.S. Chamber of Commerce. As a group we stand in Support of SB 2254.

By investing in Early Childhood Education today, we prepare our workforce of the future, creating a strong foundation for innovation and prosperity in North Dakota. Children who received a quality early childhood education have shown:

- Higher high school graduation rates
- Higher median incomes as working adults
- More home ownership
- And fewer arrests and incarcerations

There are many educational experts who can better speak to the studies and how Early Childhood Education prepares students, we agree with their findings but I wanted to share some of what we would consider the direct/immediate impacts this investment could make. As we are faced with a workforce shortage in North Dakota, investment in Early Childhood Education can help ease that pressure on many fronts.

- Allows an alternative to daycare
- Allows full participation of the workforce
- Fully prepared workforce
- Return on investment
- Quality of life

The GNDC also stood in full support of SB 2151 which provides grants for early childhood education, we also wanted to be on record showing our full support for universal early childhood education, and thus we are supporting SB 2254.

We understand that given our current revenue projections and the uncertainty that is facing this budgeting process, that \$87 million is a significant investment. But because we believe early childhood education prepares our children to become tomorrow's workforce we believe it is important and this is an important discussion to have. We would support a DO PASS recommendation on SB 2254 to keep the discussion going as things start to shape out with the budgeting process we will better know if there is money to make this important investment.

Because of those reasons we would urge a DO PASS recommendation on SB 2254.

2-17-13

1

SB 2254

Testimony on 2254 - Approps Committee

Mr. Chairman and committee, I am Senator Phil Murphy from district 20 which bumps up against the Chair's district in southern GF County. This is the universal Pre-K bill. It supports a half day, voluntary program which could be instituted in any facility or by any person with the blessing of the DPI. It has a cost of 26 million per year on the fiscal note, which would not be reached for several years as many communities would not be ready to apply for the program for some time. 72 or so communities are already running some type of Pre-K with whatever local funding they have been able to patch together. Already approved, the state would fund them at .3 of the DPI weighting factor starting next year. The bill as I have proposed it would have them in attendance for 2:45 hours a day. This bill gives communities time to prepare if they wish to. It works with daycare providers and/Head Start people by allowing children to stay in one facility all day so that parents do not have to run their children around in the middle of the work day. Lots of countries and states follow this type of model.

Mr. Chairman, I brought the bill into our Senate Ed committee as I have brought it to you. Due perhaps to inexperience or oversight, the amendments you have which would render this a simple, two page bill were never moved. Some in that committee were sad that they did not move them, some not. With your Governor stating the positive and lasting effects of Pre-K in conjunction with US Presidents at least as far back as George W. Bush in his SOTU of 2002, and their urging to put funding behind every child, I will not attempt to explain why it is efficacious. I would tell the committee that this is the only bill on this topic which does support every child, rather than picking winners and losers.

Mr. Chairman and committee, all I am asking is for you to move and approve these amendments in front of you so that I can bring the bill I intended to the body. This will preclude me having to bring the amendment to the floor. I ask you to let it rise or fall on its own merits. Thank you.

2
SB 2254
2-17-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

- Page 1, line 1, remove "subsection 2 of section 15.1-07-33, section 15.1-09-58,"
- Page 1, line 2, replace "subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and" with "sections"
- Page 1, line 2, after "15.1-27-35" insert "and 15.1-37-01"
- Page 1, remove lines 6 through 24
- Page 2, remove lines 1 through 31
- Page 3, remove lines 1 through 30
- Page 4, remove lines 1 through 31
- Page 5, remove lines 1 through 30
- Page 6, remove lines 1 through 30
- Page 7, remove lines 1 through 16
- Page 8, line 17, after the period insert "(1)"
- Page 8, line 17, after "enrolled" insert "full time."
- Page 8, after line 18, insert:

- "(2) The membership may be prorated for a student who is enrolled less than full time.
- (3) For purposes of this subdivision, "full time" means at least two hours and forty-five minutes per school day.

SECTION 2. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-01. Early childhood education program - Approval.

4. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:

- a.1. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;
- b.2. Follows a developmentally appropriate curriculum;
- c.3. Is in compliance with all municipal and state health, fire, and safety requirements; and
- d.4. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.

2-1

2. ~~In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count any student enrolled in a regular early childhood education program.~~

Renumber accordingly

2-2

3

Introduced by

Senators Murphy, Mathern, Oban

Representatives P. Anderson, Boschee, Hawken

1 A BILL for an Act to amend and reenact ~~subsection 2 of section 15.1-07-33, section 15.1-09-58,~~
2 ~~subsection 1 of section 15.1-09-1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and~~sections
3 15.1-27-35 and 15.1-37-01 of the North Dakota Century Code, relating to the provision of and
4 payment for early childhood education programs.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota~~
7 ~~Century Code is amended and reenacted as follows:~~

8 ~~2. The superintendent of public instruction shall forward that portion of a school district's~~
9 ~~state aid which is payable by the superintendent under subdivision no of subsection 1~~
10 ~~of section 15.1-27-03.1 directly to the information technology department to reimburse~~
11 ~~the department for the cost of the school district's acquisition, implementation, or~~
12 ~~utilization of PowerSchool and any related technology support services. The~~
13 ~~superintendent shall forward the amount payable under this subsection at the same~~
14 ~~time and in the same manner as provided for other state aid payments under section~~
15 ~~15.1-27-01.~~

16 ~~SECTION 2. AMENDMENT. Section 15.1-09-58 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~15.1-09-58. Early childhood education - Authorization - Support.~~

19 ~~1. a. The Except as otherwise required in this section, the board of a school district~~
20 ~~may establish an early childhood education program and, provided the~~
21 ~~program that is approved by the superintendent of public instruction in~~
22 ~~accordance with chapter 15.1-37-1,2.~~

23 ~~b. Beginning with the 2016-17 school year, the board of each school district shall~~
24 ~~provide or contract for the provision of an early childhood education program that~~

1 is approved by the superintendent of public instruction, in accordance with
2 chapter 15.1-37.

3 ~~2. A school district may support that an early childhood education program with:~~

4 ~~1. a. Local tax revenues, other than those necessary to support the district's~~
5 ~~kindergarten program and the provision of elementary and high school~~
6 ~~educational services;~~

7 ~~2. b. State moneys specifically appropriated for the program;~~

8 ~~3. c. Federal funds specifically appropriated or approved for the program; and~~

9 ~~4. d. Gifts, grants, and donations specifically given for the program.~~

10 ~~**SECTION 3. AMENDMENT.** Subsection 1 of section 15.1-09.1-10 of the North Dakota~~
11 ~~Century Code is amended and reenacted as follows: —~~

12 ~~1. The superintendent of public instruction shall forward the portion of a school district's~~
13 ~~state aid which is payable by the superintendent under subdivision no of subsection 1~~
14 ~~of section 15.1-27-03.1 as a result of the district's participation in a regional education~~
15 ~~association directly to the association in which the district participates. The~~
16 ~~superintendent shall forward the amount payable under this subsection at the same~~
17 ~~time and in the same manner as provided for other state aid payments under section~~
18 ~~15.1-27-01.~~

19 ~~**SECTION 4. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~**15.1-27-03.1. (Effective July 1, 2013, through June 30, 2015) Weighted average daily**~~
22 ~~**membership – Determination.**~~

23 ~~1. For each school district, the superintendent of public instruction shall multiply by:~~

24 ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~
25 ~~program;~~

26 ~~b. 1.00 the number of full-time equivalent students enrolled in an extended~~
27 ~~educational program in accordance with section 15.1-32-17;~~

28 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~
29 ~~program;~~

30 ~~d. 0.20 the number of full-time equivalent students enrolled in a home-based~~
31 ~~education program and monitored by the school district under chapter 15.1-23;~~

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- 1 ~~_____ e. 0.30 the number of full-time equivalent students who:~~
- 2 ~~_____ (1) On a test of English language proficiency approved by the superintendent of~~
- 3 ~~public instruction are determined to be least proficient and placed in the first~~
- 4 ~~of six categories of proficiency; and~~
- 5 ~~_____ (2) Are enrolled in a program of instruction for English language learners;~~
- 6 ~~_____ f. 0.25 the number of full-time equivalent students enrolled in an alternative high-~~
- 7 ~~school;~~
- 8 ~~_____ g. 0.20 the number of full-time equivalent students attending school in a bordering~~
- 9 ~~state in accordance with section 15.1-29-01;~~
- 10 ~~_____ h. 0.20 the number of full-time equivalent students who:~~
- 11 ~~_____ (1) On a test of English language proficiency approved by the superintendent of~~
- 12 ~~public instruction are determined to be more proficient than students placed~~
- 13 ~~in the first of six categories of proficiency and therefore placed in the second~~
- 14 ~~of six categories of proficiency; and~~
- 15 ~~_____ (2) Are enrolled in a program of instruction for English language learners;~~
- 16 ~~_____ i. 0.17 the number of full-time equivalent students enrolled in an early childhood-~~
- 17 ~~special education program;~~
- 18 ~~_____ j. 0.15 the number of full-time equivalent students in grades six through eight~~
- 19 ~~enrolled in an alternative education program for at least an average of fifteen-~~
- 20 ~~hours per week;~~
- 21 ~~_____ k. 0.10 the number of students enrolled in average daily membership, if the district~~
- 22 ~~has fewer than one hundred students enrolled in average daily membership and~~
- 23 ~~the district consists of an area greater than two hundred seventy-five square~~
- 24 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
- 25 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
- 26 ~~fifty students in average daily membership must be deemed to have an~~
- 27 ~~enrollment equal to fifty students in average daily membership;~~
- 28 ~~_____ l. 0.082 the number of students enrolled in average daily membership, in order to~~
- 29 ~~support the provision of special education services;~~
- 30 ~~_____ m. 0.07 the number of full-time equivalent students who:~~

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- 1 ~~_____ (1) On a test of English language proficiency approved by the superintendent of~~
2 ~~public instruction are determined to be more proficient than students placed~~
3 ~~in the second of six categories of proficiency and therefore placed in the~~
4 ~~third of six categories of proficiency;~~
- 5 ~~_____ (2) Are enrolled in a program of instruction for English language learners; and~~
6 ~~_____ (3) Have not been in the third of six categories of proficiency for more than~~
7 ~~three years;~~
- 8 ~~_____ n. 0.025 the number of students representing that percentage of the total number of~~
9 ~~students in average daily membership which is equivalent to the three-year~~
10 ~~average percentage of students in grades three through eight who are eligible for~~
11 ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
12 ~~[42 U.S.C. 1751 et seq.];~~
- 13 ~~_____ o. 0.003 the number of students enrolled in average daily membership in each~~
14 ~~public school in the district that:~~
- 15 ~~_____ (1) Has acquired and is utilizing the PowerSchool student information system;~~
16 ~~_____ (2) Has acquired and is in the process of implementing the PowerSchool~~
17 ~~student information system; or~~
18 ~~_____ (3) Will acquire the PowerSchool student information system during the current~~
19 ~~school year, provided the acquisition is contractually demonstrated; and~~
- 20 ~~_____ p. 0.002 the number of students enrolled in average daily membership in a school~~
21 ~~district that is a participating member of a regional education association meeting~~
22 ~~the requirements of chapter 15.1-09.1.~~
- 23 ~~_____ 2. The superintendent of public instruction shall determine each school district's weighted~~
24 ~~average daily membership by adding the products derived under subsection 1 to the~~
25 ~~district's average daily membership.~~
- 26 ~~_____ **(Effective after June 30, 2015) Weighted average daily membership – Determination.**~~
- 27 ~~_____ 1. For each school district, the superintendent of public instruction shall multiply by:~~
- 28 ~~_____ a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~
29 ~~program;~~
- 30 ~~_____ b. 1.00 the number of full-time equivalent students enrolled in an extended~~
31 ~~educational program in accordance with section 15.1-32-17;~~

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- 1 ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~
2 ~~program;~~
- 3 ~~d. 0.50 the number of full-time equivalent students enrolled in a home-based~~
4 ~~education program and monitored by the school district under chapter 15.1-23;~~
- 5 ~~e. 0.50 the number of full-time equivalent students enrolled in an early childhood~~
6 ~~education program offered in accordance with section 15.1-09-58;~~
- 7 ~~f. 0.30 the number of full-time equivalent students who:~~
- 8 ~~(1) On a test of English language proficiency approved by the superintendent of~~
9 ~~public instruction are determined to be least proficient and placed in the first~~
10 ~~of six categories of proficiency; and~~
- 11 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 12 ~~f.g. 0.25 the number of full-time equivalent students enrolled in an alternative high~~
13 ~~school;~~
- 14 ~~g.h. 0.20 the number of full-time equivalent students attending school in a bordering~~
15 ~~state in accordance with section 15.1-29-01;~~
- 16 ~~h.i. 0.20 the number of full-time equivalent students who:~~
- 17 ~~(1) On a test of English language proficiency approved by the superintendent of~~
18 ~~public instruction are determined to be more proficient than students placed~~
19 ~~in the first of six categories of proficiency and therefore placed in the second~~
20 ~~of six categories of proficiency; and~~
- 21 ~~(2) Are enrolled in a program of instruction for English language learners;~~
- 22 ~~i.j. 0.17 the number of full-time equivalent students enrolled in an early childhood~~
23 ~~special education program;~~
- 24 ~~j.k. 0.10 the number of students enrolled in average daily membership, if the district~~
25 ~~has fewer than one hundred students enrolled in average daily membership and~~
26 ~~the district consists of an area greater than two hundred seventy-five square~~
27 ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
28 ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
29 ~~fifty students in average daily membership must be deemed to have an~~
30 ~~enrollment equal to fifty students in average daily membership;~~

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- 1 ~~k.l.~~ 0.082 the number of students enrolled in average daily membership, in order to
2 support the provision of special education services;
- 3 ~~l.m.~~ 0.07 the number of full-time equivalent students who:
- 4 ~~(1)~~ On a test of English language proficiency approved by the superintendent of
5 public instruction are determined to be more proficient than students placed
6 in the second of six categories of proficiency and therefore placed in the
7 third of six categories of proficiency;
- 8 ~~(2)~~ Are enrolled in a program of instruction for English language learners; and
- 9 ~~(3)~~ Have not been in the third of six categories of proficiency for more than
10 three years;
- 11 ~~m.n.~~ 0.025 the number of students representing that percentage of the total number of
12 students in average daily membership which is equivalent to the three-year
13 average percentage of students in grades three through eight who are eligible for
14 free or reduced lunches under the Richard B. Russell National School Lunch Act
15 [42 U.S.C. 1751 et seq.];
- 16 ~~n.o.~~ 0.006 the number of students enrolled in average daily membership in each
17 public school in the district that:
- 18 ~~(1)~~ Has acquired and is utilizing the PowerSchool student information system;
- 19 ~~(2)~~ Has acquired and is in the process of implementing the PowerSchool
20 student information system; or
- 21 ~~(3)~~ Will acquire the PowerSchool student information system during the current
22 school year, provided the acquisition is contractually demonstrated; and
- 23 ~~o.p.~~ 0.004 the number of students enrolled in average daily membership in a school
24 district that is a participating member of a regional education association meeting
25 the requirements of chapter 15.1-09.1.
- 26 ~~2.~~ The superintendent of public instruction shall determine each school district's weighted
27 average daily membership by adding the products derived under subsection 1 to the
28 district's average daily membership.
- 29 ~~**SECTION 5. AMENDMENT.**~~ Section 15.1-27-15.1 of the North Dakota Century Code is
30 amended and reenacted as follows:

~~15.1-27-15.1. Isolated school districts - Transition payments.~~

~~If during the 2010-11 school year, a school district received payments as a result of section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the factor established under subdivision jk of subsection 1 of section 15.1-27-03.1, the district is entitled to the following transition payments:~~

~~1. For the 2013-14 school year, an amount equal to that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~

~~2. For the 2014-15 school year, an amount equal to seventy five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;~~

~~3. For the 2015-16 school year, an amount equal to fifty percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011; and~~

~~4. For the 2016-17 school year, an amount equal to twenty five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011.~~

SECTION 1. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
 - a. The school district's calendar; or
 - b. One hundred eighty-two.
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
 - a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

- 1 b. The two days set aside for professional development activities under section
2 15.1-06-04; and
- 3 c. The two full days, or portions thereof, during which parent-teacher conferences
4 are held or which are deemed by the board of the district to be compensatory
5 time for parent-teacher conferences held outside regular school hours.
- 6 3. For purposes of calculating average daily membership:
- 7 a. A student enrolled full time in any grade from one through twelve may not exceed
8 an average daily membership of 1.00. The membership may be prorated for a
9 student who is enrolled less than full time.
- 10 b. A student enrolled full time in an approved regular education kindergarten
11 program may not exceed an average daily membership of 1.00. The membership
12 may be prorated for a student who is enrolled less than full time.
- 13 c. A student enrolled full time, as defined by the superintendent of public instruction,
14 in an approved early childhood special education program may not exceed an
15 average daily membership of 1.00. The membership may be prorated for a
16 student who is enrolled less than full time.
- 17 d. (1) A student enrolled full time, in an approved early childhood education
18 program may not exceed an average daily membership of 0.50.
- 19 (2) The membership may be prorated for a student who is enrolled less than full
20 time.
- 21 (3) For purposes of this subdivision, "full time" means at least two hours and
22 forty-five minutes per school day.

23 **SECTION 2. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-37-01. Early childhood education program - Approval.**

26 + Any person or school district operating an early childhood education program may request
27 approval of the program from the superintendent of public instruction. The superintendent shall
28 approve an early childhood education program if the program:

- 29 ~~a-1~~ Is taught by individuals who are licensed to teach in early childhood education by the
30 education standards and practices board;
- 31 ~~b-2~~ Follows a developmentally appropriate curriculum;

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Legislative Assembly

- 1 ~~e-3~~ Is in compliance with all municipal and state health, fire, and safety requirements; and
- 2 ~~e-4~~ Limits its enrollment to children who have reached the age of four before August first in
- 3 the year of enrollment.
- 4 ~~2. In determining the state aid payments to which a school district is entitled, the~~
- 5 ~~superintendent of public instruction may not count any student enrolled in a regular~~
- 6 ~~early childhood education program.~~

**Testimony in Support of
SB 2254
ND Senate Appropriations Committee
February 17, 2015
By: Mike Bitz
(701) 391-8664**

2-17-15
MB
SB 2254

Chairman Holmberg and members of the Senate Appropriations Committee, I appreciate the opportunity to come before you this morning in support of SB 2254. My name is Mike Bitz and I am the superintendent of the Mandan School District.

Before I begin, I want to thank the Senate Education Committee for giving a DO PASS to SB 2151, the other preschool bill. That bill is a step in the right direction. If passed, it will allow ND to join 44 other states who recognize the importance of early intervention, and who provide state dollars to pre-K education.

Research shows that children from low income families can especially benefit from a quality pre-K experience. A 2013 Stanford University study found that by 18 months, toddlers from low income families already were several months behind their more advantaged peers in language development. This gap continues to widen before school entry at age 5, leaving disadvantaged students up to two years behind.

#4-1

While SB 2151, the other preschool bill, is a step in the right direction, SB 2254 is where preschool education in ND needs to eventually end up. Although SB2151 will give low income families up to \$1,500, to put toward the cost of a pre-K program, I am concerned that this contribution will not be enough to get the neediest students into a pre-K program. Many low income families will be unable to come up with the additional funds they need to enroll their children into a high quality pre-K program. Low income families will also be at a disadvantage in registering their children in time to qualify for the limited number of pre-K slots that will be available under SB2151. Although SB2151 is a step in the right direction, it potentially will widen the achievement gap that exists for children living in low income homes, because unfortunately, low income families will not be able to take advantage of preschool the way it is structured in SB 2121.

With the amendment passed by the Senate Ed. Committee putting the weighted factor at .3, the total fiscal note for year two of the biennium, if every four year old participated is \$26,368,200, (*per pupil payment of \$9,766 x .3 = \$2,929.80 per student x 9,000 students = \$26,368,200*). In other words by appropriating an additional \$20 million dollars over what is being proposed in SB2151, you will be giving EVERY CHILD the opportunity to enroll in a high quality pre-K program. I cannot think of a better investment that the 64th Legislative Assembly could make.

One other advantage to SB2254 is that by running the pre-K programs through the public school districts, pre-K students will have access to public school transportation. This will remove one more barrier that low income families face when they try to enroll their children in a high quality preschool.

In closing I strongly urge you to do the right thing for ALL North Dakota pre-K students and give a DO PASS to SB 2254.

I'd be happy to answer any questions that you may have.

Testimony of Andy Peterson
Greater North Dakota Chamber of Commerce
SB 2254
February 17, 2015

#5
SB 2254

Mr. Chairman and members of the committee, my name is Andy Peterson; I am the President/CEO of the Greater North Dakota Chamber, the champions for business in North Dakota. GNDC is working on behalf of our more than 1,100 members, to build the strongest business environment in North Dakota. GNDC also represents the National Association of Manufacturers and works closely with the U.S. Chamber of Commerce. As a group we stand in support of SB 2254.

By investing in Early Childhood Education today, we prepare our workforce of the future, creating a strong foundation for innovation and prosperity in North Dakota. Children who received a quality early childhood education have shown:

- Higher high school graduation rates
- Higher median incomes as working adults
- More home ownership
- And fewer arrests and incarcerations

There are many educational experts who can better speak to the studies and how Early Childhood Education prepares students, we agree with their findings but I wanted to share some of what we would consider the direct/immediate impacts this investment could make. As we are faced with a workforce shortage in North Dakota, investment in Early Childhood Education can help ease that pressure on many fronts.

- Allows an alternative to daycare
- Allows full participation of the workforce
- Fully prepared workforce
- Return on investment
- Quality of life

The GNDC also stood in full support of SB 2151 which provides grants for early childhood education, we also wanted to be on record showing our full support for universal early childhood education, and thus we are supporting SB 2254.

We understand that given our current revenue projections and the uncertainty that is facing this budgeting process, that \$87 million is a significant investment. But because we believe early childhood education prepares our children to become tomorrow's workforce we believe it is important and this is an important discussion to have. We would support a DO PASS recommendation on SB 2254 to keep the discussion going as things start to shape out with the budgeting process we will better know if there is money to make this important investment.

Because of those reasons we would urge a DO PASS recommendation on SB 2254. Thank you and I would be happy to answer any questions.



Great Public Schools

Great Public Service

2-17-15
#6

Testimony of Fern Pokorny
Support for SB 2254
February 17, 2015

Good morning Mr. Chairman Holmberg and Members of the Senate Appropriations Committee. For the record my name is Fern Pokorny with North Dakota United. I am here in support of SB 2254.

Early Childhood Education is one of the best investments our state can make. Research shows that providing a high quality education for children before they turn five yields significant long-term benefits.

One well-known study, the High/Scope Perry Preschool Study found that individuals who enrolled in a quality preschool program ultimately earned up to \$2,000 more per month than those who were not. Young people who were in preschool programs are more likely to graduate from high school, to own homes, and have longer marriages. Cost-benefit analysis revealed that, over the lifetimes of the participants, the preschool program returned to the public an estimated \$7.16 for every dollar spent.

Other studies, like the Abecedarian Project, show similar results. Children in quality preschool programs are less likely to repeat grades, need special education, or get into future trouble with the law.

Although we supported SB 2151, it is more limiting than this bill. It appears more children can access a program in the bill before you.

NDU believes there should be dedicated funding for early childhood education. Public schools should be the primary provider of pre-kindergarten programs, and additional funding must be allocated to finance them in the same manner as K-12 schools.

Testimony of Jon Godfread
Greater North Dakota Chamber of Commerce
SB 2254
February 2, 2015

#7
2-17-15
SB 2254

Mr. Chairman and members of the committee, my name is Jon Godfread, I am the Vice President of Government Relations for the Greater North Dakota Chamber, the champions for business in North Dakota. GNDC is working on behalf of our more than 1,100 members, to build the strongest business environment in North Dakota. GNDC also represents the National Association of Manufacturers and works closely with the U.S. Chamber of Commerce. As a group we stand in in Support of SB 2254.

By investing in Early Childhood Education today, we prepare our workforce of the future, creating a strong foundation for innovation and prosperity in North Dakota. Children who received a quality early childhood educations have shown:

- Higher high school graduation rates
- Higher median incomes as working adults
- More home ownership
- And fewer arrests and incarcerations

There are many educational experts who can better speak to the studies and how Early Childhood Education prepares students, we agree with their findings but I wanted to share some of what we would consider the direct/immediate impacts this investment could make. As we are faced with a workforce shortage in North Dakota, investment in Early Childhood Education can help ease that pressure on many fronts.

- Allows an alternative to daycare
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The GNDC also stood in full support of SB 2151 which provides grants for early childhood education, we also wanted to be on record showing our full support for universal early childhood education, and thus we are supporting SB 2254.

We understand that given our current revenue projections and the uncertainty that is facing this budgeting process, that \$87 million is a significant investment. But because we believe early childhood education prepares our children to become tomorrow's workforce we believe it is important and this is an important discussion to have. We would support a DO PASS recommendation on SB 2254 to keep the discussion going as things start to shape out with the budgeting process we will better know if there is money to make this important investment.

Because of those reasons we would urge a DO PASS recommendation on SB 2254.

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Title.

Prepared by the Legislative Council staff for
Senator Heckaman

February 13, 2015

2254
SB ~~2031~~
2-17-15
#1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2031

Page 21, line 9, overstrike "(1)"

Page 21, line 11, overstrike "(a)" and insert immediately thereafter "(1)"

Page 21, line 14, overstrike "(b)" and insert immediately thereafter "(2)"

Page 21, remove lines 16 through 19

Page 21, line 22, remove "(1)"

Page 21, line 24, overstrike "(a)" and insert immediately thereafter "(1)"

Page 21, line 27, overstrike "(b)" and insert immediately thereafter "(2)"

Page 21, remove lines 29 and 30

Page 22, remove lines 1 and 2

Renumber accordingly

February 13, 2015

Russ Amund

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2031

Page 1, line 9, after the third "provide" insert "an appropriation; to provide"

Page 53, after line 16, insert:

"SECTION 28. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$8,750,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing oil impact grants to school districts, for the biennium beginning July 1, 2015, and ending June 30, 2017.

1. Ten percent of the amount appropriated must be allocated to each of the ten counties that received the highest total formula allocations under subsection 2 of section 57-51-15 during 2014.
2. The superintendent shall distribute the amount allocated under subsection 1 to school districts, on a pro rated basis, in accordance with the percentage that each school district's average daily attendance bears to the total average daily attendance of all eligible school districts within a qualifying county.
3. A grant under this section may not be forwarded to a hub city school district, as defined in section 57-51-01."

Renumber accordingly

2254
SB ~~2031~~
2-17-15
#2

#1
2-17-15
SB 2254

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

- Page 1, line 1, remove "subsection 2 of section 15.1-07-33, section 15.1-09-58,"
- Page 1, line 2, replace "subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, and" with "sections"
- Page 1, line 2, after "15.1-27-35" insert "and 15.1-37-01"
- Page 1, remove lines 6 through 24
- Page 2, remove lines 1 through 31
- Page 3, remove lines 1 through 30
- Page 4, remove lines 1 through 31
- Page 5, remove lines 1 through 30
- Page 6, remove lines 1 through 30
- Page 7, remove lines 1 through 16
- Page 8, line 17, after the period insert "(1)"
- Page 8, line 17, after "enrolled" insert "full time."
- Page 8, after line 18, insert:

"(2) The membership may be prorated for a student who is enrolled less than full time.

(3) For purposes of this subdivision, "full time" means at least two hours and forty-five minutes per school day.

SECTION 2. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-01. Early childhood education program - Approval.

4. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:

- a.1. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board;
- b.2. Follows a developmentally appropriate curriculum;
- c.3. Is in compliance with all municipal and state health, fire, and safety requirements; and
- d.4. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.

2. ~~In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count any student enrolled in a regular early childhood education program.~~

Renumber accordingly