

**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 15.1-27-35  
3 of the North Dakota Century Code, relating to the provision of and payment for early childhood  
4 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~~7~~.

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:

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          e. ~~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:

1           **15.1-27-15.1. Isolated school districts - Transition payments.**

2           If during the 2010-11 school year, a school district received payments as a result of section  
3 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the  
4 factor established under subdivision jk of subsection 1 of section 15.1-27-03.1, the district is  
5 entitled to the following transition payments:

- 6           1. For the 2013-14 school year, an amount equal to that which the district would have  
7           received under section 15.1-27-15, as the section existed on June 30, 2011;
- 8           2. For the 2014-15 school year, an amount equal to seventy-five percent of that which  
9           the district would have received under section 15.1-27-15, as the section existed on  
10           June 30, 2011;
- 11           3. For the 2015-16 school year, an amount equal to fifty percent of that which the district  
12           would have received under section 15.1-27-15, as the section existed on June 30,  
13           2011; and
- 14           4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the  
15           district would have received under section 15.1-27-15, as the section existed on  
16           June 30, 2011.

17           **SECTION 6. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **15.1-27-35. Average daily membership - Calculation.**

- 20           1. Average daily membership is calculated at the conclusion of the school year by adding  
21           the total number of days that each student in a given grade, school, or school district is  
22           in attendance during a school calendar and the total number of days that each student  
23           in a given grade, school, or school district is absent during a school calendar, and then  
24           dividing the sum by the greater of:
  - 25           a. The school district's calendar; or
  - 26           b. One hundred eighty-two.
- 27           2. For purposes of calculating average daily membership, all students are deemed to be  
28           in attendance on:
  - 29           a. The three holidays listed in subdivisions b through j of subsection 1 of section  
30           15.1-06-02 and selected by the school board in consultation with district  
31           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. A student enrolled in an approved early childhood education program may not  
18          exceed an average daily membership of 0.50.