

Sixty-fourth
Legislative Assembly
of North Dakota

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

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 2. 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 3. 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 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. 0.30 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 4. 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 0.30.~~