

Sixty-fourth  
Legislative Assembly  
of North Dakota

**REENGROSSED 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, subsection 1 of  
2 section 15.1-09.1-10, and sections 15.1-27-03.1 and 15.1-27-15.1 of the North Dakota Century  
3 Code, relating to the provision of and payment for early childhood education programs.

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

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

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

15 **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-09.1-10 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 1. The superintendent of public instruction shall forward the portion of a school district's  
18 state aid which is payable by the superintendent under subdivision no of subsection 1  
19 of section 15.1-27-03.1 as a result of the district's participation in a regional education  
20 association directly to the association in which the district participates. The  
21 superintendent shall forward the amount payable under this subsection at the same  
22 time and in the same manner as provided for other state aid payments under section  
23 15.1-27-01.

1       **SECTION 3. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-27-03.1. (~~Effective July 1, 2013, through June 30, 2015~~) Weighted average daily**  
4 **membership -- Determination:**

- 5       ~~1. For each school district, the superintendent of public instruction shall multiply by:~~
- 6           ~~a. 1.00 the number of full-time equivalent students enrolled in a migrant summer~~  
7           ~~program;~~
  - 8           ~~b. 1.00 the number of full-time equivalent students enrolled in an extended~~  
9           ~~educational program in accordance with section 15.1-32-17;~~
  - 10          ~~c. 0.60 the number of full-time equivalent students enrolled in a summer education~~  
11          ~~program;~~
  - 12          ~~d. 0.20 the number of full-time equivalent students enrolled in a home-based~~  
13          ~~education program and monitored by the school district under chapter 15.1-23;~~
  - 14          ~~e. 0.30 the number of full-time equivalent students who:~~
    - 15               ~~(1) On a test of English language proficiency approved by the superintendent of~~  
16               ~~public instruction are determined to be least proficient and placed in the first~~  
17               ~~of six categories of proficiency; and~~
    - 18               ~~(2) Are enrolled in a program of instruction for English language learners;~~
  - 19          ~~f. 0.25 the number of full-time equivalent students enrolled in an alternative high~~  
20          ~~school;~~
  - 21          ~~g. 0.20 the number of full-time equivalent students attending school in a bordering~~  
22          ~~state in accordance with section 15.1-29-01;~~
  - 23          ~~h. 0.20 the number of full-time equivalent students who:~~
    - 24               ~~(1) On a test of English language proficiency approved by the superintendent of~~  
25               ~~public instruction are determined to be more proficient than students placed~~  
26               ~~in the first of six categories of proficiency and therefore placed in the second~~  
27               ~~of six categories of proficiency; and~~
    - 28               ~~(2) Are enrolled in a program of instruction for English language learners;~~
  - 29          ~~i. 0.17 the number of full-time equivalent students enrolled in an early childhood~~  
30          ~~special education program;~~

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- 1           j. ~~0.15 the number of full-time equivalent students in grades six through eight~~  
2           ~~enrolled in an alternative education program for at least an average of fifteen~~  
3           ~~hours per week;~~
- 4           k. ~~0.10 the number of students enrolled in average daily membership, if the district~~  
5           ~~has fewer than one hundred students enrolled in average daily membership and~~  
6           ~~the district consists of an area greater than two hundred seventy-five square~~  
7           ~~miles [19424.9 hectares], provided that any school district consisting of an area~~  
8           ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~  
9           ~~fifty students in average daily membership must be deemed to have an~~  
10          ~~enrollment equal to fifty students in average daily membership;~~
- 11          l. ~~0.082 the number of students enrolled in average daily membership, in order to~~  
12          ~~support the provision of special education services;~~
- 13          m. ~~0.07 the number of full-time equivalent students who:~~
- 14               (1) ~~On a test of English language proficiency approved by the superintendent of~~  
15               ~~public instruction are determined to be more proficient than students placed~~  
16               ~~in the second of six categories of proficiency and therefore placed in the~~  
17               ~~third of six categories of proficiency;~~
- 18               (2) ~~Are enrolled in a program of instruction for English language learners; and~~
- 19               (3) ~~Have not been in the third of six categories of proficiency for more than~~  
20               ~~three years;~~
- 21          n. ~~0.025 the number of students representing that percentage of the total number of~~  
22          ~~students in average daily membership which is equivalent to the three-year~~  
23          ~~average percentage of students in grades three through eight who are eligible for~~  
24          ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~  
25          ~~[42 U.S.C. 1751 et seq.];~~
- 26          o. ~~0.003 the number of students enrolled in average daily membership in each~~  
27          ~~public school in the district that:~~
- 28               (1) ~~Has acquired and is utilizing the PowerSchool student information system;~~
- 29               (2) ~~Has acquired and is in the process of implementing the PowerSchool~~  
30               ~~student information system; or~~

1                   (3) Will acquire the PowerSchool student information system during the current  
2                   school year, provided the acquisition is contractually demonstrated; and  
3           p. 0.002 the number of students enrolled in average daily membership in a school  
4                   district that is a participating member of a regional education association meeting  
5                   the requirements of chapter 15.1-09-1.

6           2. The superintendent of public instruction shall determine each school district's weighted  
7                   average daily membership by adding the products derived under subsection 1 to the  
8                   district's average daily membership.

9           **~~(Effective after June 30, 2015)~~ Weighted average daily membership - Determination.**

- 10           1. For each school district, the superintendent of public instruction shall multiply by:
- 11           a. 1.00 the number of full-time equivalent students enrolled in a migrant summer  
12                   program;
  - 13           b. 1.00 the number of full-time equivalent students enrolled in an extended  
14                   educational program in accordance with section 15.1-32-17;
  - 15           c. 0.60 the number of full-time equivalent students enrolled in a summer education  
16                   program;
  - 17           d. 0.50 the number of full-time equivalent students enrolled in a home-based  
18                   education program and monitored by the school district under chapter 15.1-23;
  - 19           e. 0.30 the number of full-time equivalent students enrolled in an early childhood  
20                   education program offered in accordance with section 15.1-09-58;
  - 21           f. 0.30 the number of full-time equivalent students who:
    - 22                   (1) On a test of English language proficiency approved by the superintendent of  
23                   public instruction are determined to be least proficient and placed in the first  
24                   of six categories of proficiency; and
    - 25                   (2) Are enrolled in a program of instruction for English language learners;
  - 26           f.g. 0.25 the number of full-time equivalent students enrolled in an alternative high  
27                   school;
  - 28           g.h. 0.20 the number of full-time equivalent students attending school in a bordering  
29                   state in accordance with section 15.1-29-01;
  - 30           h.i. 0.20 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 first of six categories of proficiency and therefore placed in the second  
4 of six categories of proficiency; and
- 5 (2) Are enrolled in a program of instruction for English language learners;
- 6 i.j. 0.17 the number of full-time equivalent students enrolled in an early childhood  
7 special education program;
- 8 j.k. 0.10 the number of students enrolled in average daily membership, if the district  
9 has fewer than one hundred students enrolled in average daily membership and  
10 the district consists of an area greater than two hundred seventy-five square  
11 miles [19424.9 hectares], provided that any school district consisting of an area  
12 greater than six hundred square miles [155399 hectares] and enrolling fewer than  
13 fifty students in average daily membership must be deemed to have an  
14 enrollment equal to fifty students in average daily membership;
- 15 k.l. 0.082 the number of students enrolled in average daily membership, in order to  
16 support the provision of special education services;
- 17 l.m. 0.07 the number of full-time equivalent students who:
- 18 (1) On a test of English language proficiency approved by the superintendent of  
19 public instruction are determined to be more proficient than students placed  
20 in the second of six categories of proficiency and therefore placed in the  
21 third of six categories of proficiency;
- 22 (2) Are enrolled in a program of instruction for English language learners; and
- 23 (3) Have not been in the third of six categories of proficiency for more than  
24 three years;
- 25 m.n. 0.025 the number of students representing that percentage of the total number of  
26 students in average daily membership which is equivalent to the three-year  
27 average percentage of students in grades three through eight who are eligible for  
28 free or reduced lunches under the Richard B. Russell National School Lunch Act  
29 [42 U.S.C. 1751 et seq.];
- 30 n.o. 0.006 the number of students enrolled in average daily membership in each  
31 public school in the district that:

- 1 (1) Has acquired and is utilizing the PowerSchool student information system;
- 2 (2) Has acquired and is in the process of implementing the PowerSchool
- 3 student information system; or
- 4 (3) Will acquire the PowerSchool student information system during the current
- 5 school year, provided the acquisition is contractually demonstrated; and
- 6 ~~o.p.~~ 0.004 the number of students enrolled in average daily membership in a school
- 7 district that is a participating member of a regional education association meeting
- 8 the requirements of chapter 15.1-09.1.
- 9 2. The superintendent of public instruction shall determine each school district's weighted
- 10 average daily membership by adding the products derived under subsection 1 to the
- 11 district's average daily membership.

12 **SECTION 4. AMENDMENT.** Section 15.1-27-15.1 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15.1-27-15.1. Isolated school districts - Transition payments.**

15 If during the 2010-11 school year, a school district received payments as a result of section  
16 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the  
17 factor established under subdivision ~~jk~~ of subsection 1 of section 15.1-27-03.1, the district is  
18 entitled to the following transition payments:

- 19 1. For the 2013-14 school year, an amount equal to that which the district would have
- 20 received under section 15.1-27-15, as the section existed on June 30, 2011;
- 21 2. For the 2014-15 school year, an amount equal to seventy-five percent of that which
- 22 the district would have received under section 15.1-27-15, as the section existed on
- 23 June 30, 2011;
- 24 3. For the 2015-16 school year, an amount equal to fifty percent of that which the district
- 25 would have received under section 15.1-27-15, as the section existed on June 30,
- 26 2011; and
- 27 4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the
- 28 district would have received under section 15.1-27-15, as the section existed on
- 29 June 30, 2011.