

Introduced by

Representatives Owens, Monson, Nathe, Sanford, Schreiber-Beck

Senators Rust, Schaible

1 A BILL for an Act to amend and reenact sections 15.1-27-03.1 and 15.1-27-04.1 of the North  
2 Dakota Century Code, relating to the determination of state aid payable to school districts.

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

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

6 **15.1-27-03.1. (~~Effective through June 30, 2017~~) ~~Weighted average daily membership~~**  
7 **~~Determination.~~**

- 8 1. ~~For each school district, the superintendent of public instruction shall multiply by:~~
  - 9 a. ~~1.00 the number of full-time equivalent students enrolled in an extended~~  
10 ~~educational program in accordance with section 15.1-32-17;~~
  - 11 b. ~~0.60 the number of full-time equivalent students enrolled in a summer education~~  
12 ~~program, including a migrant summer education program;~~
  - 13 c. ~~0.33 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 least proficient and placed in the first~~  
16 ~~of six categories of proficiency; and~~
    - 17 (2) ~~Are enrolled in a program of instruction for English language learners;~~
  - 18 d. ~~0.25 the number of full-time equivalent students under the age of twenty-one~~  
19 ~~enrolled in grades nine through twelve in an alternative high school;~~
  - 20 e. ~~0.22 the number of full-time equivalent students who:~~
    - 21 (1) ~~On a test of English language proficiency approved by the superintendent of~~  
22 ~~public instruction are determined to be more proficient than students placed~~  
23 ~~in the first of six categories of proficiency and therefore placed in the second~~  
24 ~~of six categories of proficiency; and~~

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- 1           (2) Are enrolled in a program of instruction for English language learners;
- 2           f. ~~0.20 the number of full-time equivalent students enrolled in a home-based~~
- 3           ~~education program and monitored by the school district under chapter 15.1-23;~~
- 4           g. ~~0.17 the number of full-time equivalent students enrolled in an early childhood~~
- 5           ~~special education program;~~
- 6           h. ~~0.15 the number of full-time equivalent students in grades six through eight~~
- 7           ~~enrolled in an alternative education program for at least an average of fifteen~~
- 8           ~~hours per week;~~
- 9           i. ~~0.10 the number of students enrolled in average daily membership, if the district~~
- 10           ~~has fewer than one hundred students enrolled in average daily membership and~~
- 11           ~~the district consists of an area greater than two hundred seventy-five square~~
- 12           ~~miles [19424.9 hectares], provided that any school district consisting of an area~~
- 13           ~~greater than six hundred square miles [155399 hectares] and enrolling fewer than~~
- 14           ~~fifty students in average daily membership must be deemed to have an~~
- 15           ~~enrollment equal to fifty students in average daily membership;~~
- 16           j. ~~0.082 the number of students enrolled in average daily membership, in order to~~
- 17           ~~support the provision of special education services;~~
- 18           k. ~~0.07 the number of full-time equivalent students who:~~
- 19           (1) ~~On a test of English language proficiency approved by the superintendent of~~
- 20           ~~public instruction are determined to be more proficient than students placed~~
- 21           ~~in the second of six categories of proficiency and therefore placed in the~~
- 22           ~~third of six categories of proficiency;~~
- 23           (2) ~~Are enrolled in a program of instruction for English language learners; and~~
- 24           (3) ~~Have not been in the third of six categories of proficiency for more than~~
- 25           ~~three years;~~
- 26           l. ~~0.025 the number of students representing that percentage of the total number of~~
- 27           ~~students in average daily membership which is equivalent to the three-year~~
- 28           ~~average percentage of students in grades three through eight who are eligible for~~
- 29           ~~free or reduced lunches under the Richard B. Russell National School Lunch Act~~
- 30           ~~[42 U.S.C. 1751 et seq.];~~
- 31           and

1 m. ~~0.002 the number of students enrolled in average daily membership in a school-~~  
2 ~~district that is a participating member of a regional education association meeting-~~  
3 ~~the requirements of chapter 15.1-09.1.~~

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

7 **~~(Effective after June 30, 2017) Weighted average daily membership - Determination.~~**

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

9 a. 1.00 the number of full-time equivalent students enrolled in an extended  
10 educational program in accordance with section 15.1-32-17;

11 b. 0.60 the number of full-time equivalent students enrolled in a summer education  
12 program, including a migrant summer education program;

13 c. 0.40 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 least proficient and placed in the first  
16 of six categories of proficiency; and

17 (2) Are enrolled in a program of instruction for English language learners;

18 d. 0.28 the number of full-time equivalent students who:

19 (1) On a test of English language proficiency approved by the superintendent of  
20 public instruction are determined to be more proficient than students placed  
21 in the first of six categories of proficiency and therefore placed in the second  
22 of six categories of proficiency; and

23 (2) Are enrolled in a program of instruction for English language learners;

24 e. 0.25 the number of full-time equivalent students under the age of twenty-one  
25 enrolled in grades nine through twelve in an alternative high school;

26 f. 0.20 the number of full-time equivalent students enrolled in a home-based  
27 education program and monitored by the school district under chapter 15.1-23;

28 g. 0.17 the number of full-time equivalent students enrolled in an early childhood  
29 special education program;

- 1           h. 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           i. 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          j. 0.082 the number of students enrolled in average daily membership, in order to  
12          support the provision of special education services;
- 13          k. 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          l. 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.]; and
- 26          m. 0.002 the number of students enrolled in average daily membership in a school  
27          district that is a participating member of a regional education association meeting  
28          the requirements of chapter 15.1-09.1.
- 29        2. The superintendent of public instruction shall determine each school district's weighted  
30        average daily membership by adding the products derived under subsection 1 to the  
31        district's average daily membership.

1       **SECTION 2. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-27-04.1. Baseline funding - Establishment - Determination of state aid.**

4       1. ~~In order to~~To determine the amount of state aid payable to each district, the  
5 superintendent of public instruction shall establish each district's baseline funding. A  
6 district's baseline funding consists of:

- 7       a. All state aid received by the district in accordance with chapter 15.1-27 during the  
8 2012-13 school year;
- 9       b. The district's 2012-13 mill levy reduction grant, as determined in accordance with  
10 chapter 57-64, as it existed on June 30, 2013;
- 11       c. An amount equal to that raised by the district's 2012 general fund levy or that  
12 raised by one hundred ten mills of the district's 2012 general fund levy, whichever  
13 is less;
- 14       d. An amount equal to that raised by the district's 2012 long-distance learning and  
15 educational technology levy;
- 16       e. An amount equal to that raised by the district's 2012 alternative education  
17 program levy; and
- 18       f. An amount equal to:
- 19           (1) Seventy-five percent of all revenue received by the school district and  
20 reported under code 2000 of the North Dakota school district financial  
21 accounting and reporting manual, as developed by the superintendent of  
22 public instruction in accordance with section 15.1-02-08;
- 23           (2) Seventy-five percent of all mineral revenue received by the school district  
24 through direct allocation from the state treasurer and not reported under  
25 code 2000 of the North Dakota school district financial accounting and  
26 reporting manual, as developed by the superintendent of public instruction  
27 in accordance with section 15.1-02-08;
- 28           (3) Seventy-five percent of all tuition received by the school district and  
29 reported under code 1300 of the North Dakota school district financial  
30 accounting and reporting manual, as developed by the superintendent of  
31 public instruction in accordance with section 15.1-02-08, with the exception

- 1 of revenue received specifically for the operation of an educational program  
2 provided at a residential treatment facility and tuition received for the  
3 provision of an adult farm management program;
- 4 (4) Seventy-five percent of all revenue received by the school district from  
5 payments in lieu of taxes on the distribution and transmission of electric  
6 power;
- 7 (5) Seventy-five percent of all revenue received by the school district from  
8 payments in lieu of taxes on electricity generated from sources other than  
9 coal;
- 10 (6) All revenue received by the school district from mobile home taxes;
- 11 (7) Seventy-five percent of all revenue received by the school district from the  
12 leasing of land acquired by the United States for which compensation is  
13 allocated to the state under 33 U.S.C. 701(c)(3);
- 14 (8) All telecommunications tax revenue received by the school district; and
- 15 (9) All revenue received by the school district from payments in lieu of taxes  
16 and state reimbursement of the homestead credit and disabled veterans  
17 credit.
- 18 2. The superintendent shall divide the district's total baseline funding by the district's  
19 2012-13 weighted student units ~~in order~~ to determine the district's baseline funding per  
20 weighted student unit.
- 21 3. a. In ~~2015-16~~2017-18, the superintendent shall multiply the district's weighted  
22 student units by nine thousand ~~threesix~~ hundred ~~sixty-five~~forty-six dollars.
- 23 (1) The superintendent shall adjust the product to ensure ~~that~~ the product is at  
24 least equal to the greater of:
- 25 (a) One hundred ~~six~~eight percent of the district's baseline funding per  
26 weighted student unit, as established in subsection 2, multiplied by  
27 the district's ~~2013-14~~ weighted student units from the previous school  
28 year; or
- 29 (b) One hundred percent of the district's baseline funding as established  
30 in subsection 1.

- 1           (2) The superintendent also shall also adjust the product to ensure that the  
2           product does not exceed one hundred ~~thirty~~fourty percent of the district's  
3           baseline funding per weighted student unit multiplied by the district's  
4           ~~2013-14~~ weighted student units from the previous school year, as  
5           established in subsection 2.
- 6           b. In ~~2016-17~~2018-19, the superintendent shall multiply the district's weighted  
7           student units by nine thousand six hundred forty-six dollars.
- 8           (1) The superintendent shall adjust the product to ensure that the product is at  
9           least equal to the greater of:
- 10           (a) One hundred eight percent of the district's baseline funding per  
11           weighted student unit, as established in subsection 2, multiplied by  
12           the district's ~~2014-15~~ weighted student units from the previous school  
13           year; or
- 14           (b) One hundred percent of the district's baseline funding as established  
15           in subsection 1.
- 16           (2) The superintendent also shall also adjust the product to ensure that the  
17           product does not exceed one hundred forty percent of the district's baseline  
18           funding per weighted student unit, as established in subsection 2, multiplied  
19           by the district's ~~2014-15~~ weighted student units from the previous school  
20           year.
- 21           4. After determining the product in accordance with subsection 3, the superintendent of  
22           public instruction shall:
- 23           a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the  
24           school district, ~~provided that after 2013, except~~ the amount in dollars subtracted  
25           for purposes of this subdivision may not exceed the previous year's amount in  
26           dollars subtracted for purposes of this subdivision by more than twelve percent;  
27           and
- 28           b. Subtract an amount equal to seventy-five percent of all revenues listed in  
29           paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred  
30           percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of  
31           subsection 1.

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- 1           5.   The amount remaining after the computation required under subsection 4 is the
- 2                   amount of state aid to which a school district is entitled, subject to any other statutory
- 3                   requirements or limitations.