

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
 2 public instruction, the state library, the school for the deaf, and the North Dakota vision  
 3 services - school for the blind; to amend and reenact sections 15.1-02-02, 15.1-02-16,  
 4 ~~15.1-06-19~~, and 15.1-27-16 of the North Dakota Century Code, relating to the salary of the  
 5 superintendent of public instruction, credentialing, ~~school counselors~~, and administrative cost-  
 6 sharing for cooperating districts; to provide for a transfer; to provide an exemption; to provide for  
 7 a legislative management study; to provide for reports; ~~and to provide an expiration date;~~ and to  
 8 declare an emergency.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 11 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 13 other income, to the department of public instruction, the state library, the school for the deaf,  
 14 and North Dakota vision services - school for the blind for the purpose of defraying the  
 15 expenses of those agencies, for the biennium beginning July 1, 2021, and ending June 30,  
 16 2023, as follows:

17 Subdivision 1.

18 DEPARTMENT OF PUBLIC INSTRUCTION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
21 <del>Salaries and wages</del>	<del>\$18,027,035</del>	<del>(\$188,572)</del>	<del>\$17,838,463</del>
22 <del>Operating expenses</del>	<del>33,770,947</del>	<del>(672,798)</del>	<del>33,098,149</del>
23 <del>Integrated formula payments</del>	<del>2,098,202,429</del>	<del>168,071</del>	<del>2,098,370,500</del>
24 <del>Grants - special education</del>	<del>24,000,000</del>	<del>3,000,000</del>	<del>27,000,000</del>

Sixty-seventh  
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1	<del>Grants – transportation</del>	<del>56,500,000</del>	<del>0</del>	<del>56,500,000</del>
2	<del>Grants – other grants</del>	<del>287,062,705</del>	<del>25,676,188</del>	<del>312,738,893</del>
3	<del>Grants – program grants</del>	<del>7,680,000</del>	<del>(7,680,000)</del>	<del>0</del>
4	<del>Grants – passthrough grants</del>	<del>2,863,764</del>	<del>(2,863,764)</del>	<del>0</del>
5	<del>Grants – program and passthrough</del>	<del>0</del>	<del>23,733,064</del>	<del>23,733,064</del>
6	<del>PowerSchool</del>	<del>5,500,000</del>	<del>(250,000)</del>	<del>5,250,000</del>
7	<del>National board certification</del>	<del>108,000</del>	<del>68,290</del>	<del>176,290</del>
8	<del>Total all funds</del>	<del>\$2,533,714,880</del>	<del>\$40,990,479</del>	<del>\$2,574,705,359</del>
9	<del>Less estimated income</del>	<del>812,553,743</del>	<del>105,661,414</del>	<del>918,215,157</del>
10	<del>Total general fund</del>	<del>\$1,721,161,137</del>	<del>(\$64,670,935)</del>	<del>\$1,656,490,202</del>
11	Salaries and wages	\$18,027,035	(\$172,288)	\$17,854,747
12	Operating expenses	33,770,947	30,053,890	63,824,837
13	Integrated formula payments	2,098,202,429	39,147,571	2,137,350,000
14	Grants - special education	24,000,000	3,000,000	27,000,000
15	Grants - transportation	56,500,000	1,600,000	58,100,000
16	Grants - other grants	287,062,705	300,416,379	587,479,084
17	Grants - program grants	7,680,000	(7,680,000)	0
18	Grants - passthrough grants	2,863,764	(2,863,764)	0
19	Grants - program and passthrough	0	23,887,064	23,887,064
20	PowerSchool	5,500,000	(250,000)	5,250,000
21	National board certification	108,000	68,290	176,290
22	Total all funds	\$2,533,714,880	\$387,207,142	\$2,920,922,022
23	Less estimated income	812,553,743	445,291,906	1,257,845,649
24	Total general fund	\$1,721,161,137	(\$58,084,764)	\$1,663,076,373
25	Full-time equivalent positions	89.25	(3.00)	86.25
26	Subdivision 2.			
27	STATE LIBRARY			
28			Adjustments or	
29		Base Level	Enhancements	Appropriation
30	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066
31	Operating expenses	1,621,917	200,786	1,822,703

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1	<del>Grants</del>	<del>2,233,528</del>	<del>0</del>	<del>2,233,528</del>
2	<del>Total all funds</del>	<del>\$8,155,780</del>	<del>\$48,517</del>	<del>\$8,204,297</del>
3	<del>Less estimated income</del>	<del>2,374,361</del>	<del>(10,438)</del>	<del>2,363,923</del>
4	<del>Total general fund</del>	<del>\$5,781,419</del>	<del>\$58,955</del>	<del>\$5,840,374</del>
5	Salaries and wages	\$4,300,335	(\$160,428)	\$4,139,907
6	Operating expenses	1,621,917	200,786	1,822,703
7	Grants	2,233,528	0	2,233,528
8	Total all funds	\$8,155,780	\$40,358	\$8,196,138
9	Less estimated income	2,374,361	(9,944)	2,364,417
10	Total general fund	\$5,781,419	\$50,302	\$5,831,721
11	Full-time equivalent positions	27.75	(1.00)	26.75

Subdivision 3.

SCHOOL FOR THE DEAF

	Base Level	Adjustments or Enhancements	Appropriation	
16	<del>Salaries and wages</del>	<del>\$8,054,944</del>	<del>\$282,522</del>	<del>\$8,337,466</del>
17	<del>Operating expenses</del>	<del>1,705,586</del>	<del>0</del>	<del>1,705,586</del>
18	<del>Capital assets</del>	<del>158,678</del>	<del>697,500</del>	<del>856,178</del>
19	<del>Grants</del>	<del>40,000</del>	<del>(40,000)</del>	<del>0</del>
20	<del>Total all funds</del>	<del>\$9,959,208</del>	<del>\$940,022</del>	<del>\$10,899,230</del>
21	<del>Less estimated income</del>	<del>2,430,358</del>	<del>1,058,622</del>	<del>3,488,980</del>
22	<del>Total general fund</del>	<del>\$7,528,850</del>	<del>(\$118,600)</del>	<del>\$7,410,250</del>
23	Salaries and wages	\$8,054,944	\$277,876	\$8,332,820
24	Operating expenses	1,705,586	21,500	1,727,086
25	Capital assets	158,678	697,500	856,178
26	Grants	40,000	(40,000)	0
27	Total all funds	\$9,959,208	\$956,876	\$10,916,084
28	Less estimated income	2,430,358	1,079,170	3,509,528
29	Total general fund	\$7,528,850	(\$122,294)	\$7,406,556
30	Full-time equivalent positions	44.61	0.00	44.61

Subdivision 4.

NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND			
		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	<del>\$4,935,291</del>	<del>\$60,053</del>	<del>\$4,995,344</del>
Operating expenses	<del>795,821</del>	<del>29,850</del>	<del>825,671</del>
Capital assets	<del>39,192</del>	<del>284,000</del>	<del>323,192</del>
Total all funds	<del>\$5,770,304</del>	<del>\$373,903</del>	<del>\$6,144,207</del>
Less estimated income	<del>1,052,315</del>	<del>473,796</del>	<del>1,526,111</del>
Total general fund	<del>\$4,717,989</del>	<del>(\$99,893)</del>	<del>\$4,618,096</del>
Salaries and wages	\$4,935,291	\$56,903	\$4,992,194
Operating expenses	795,821	29,850	825,671
Capital assets	39,192	284,000	323,192
Total all funds	\$5,770,304	\$370,753	\$6,141,057
Less estimated income	1,052,315	326,863	1,379,178
Total general fund	\$4,717,989	\$43,890	\$4,761,879
Full-time equivalent positions	27.90	(0.15)	27.75

Subdivision 5.

TOTAL - SECTION 1

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	<del>\$1,739,189,395</del>	<del>(\$64,830,473)</del>	<del>\$1,674,358,922</del>
Grand total special funds	<del>818,410,777</del>	<del>107,183,394</del>	<del>925,594,171</del>
Grand total all funds	<del>\$2,557,600,172</del>	<del>\$42,352,921</del>	<del>\$2,599,953,093</del>
Grand total general fund	\$1,739,189,395	(\$58,112,866)	\$1,681,076,529
Grand total special funds	818,410,777	446,687,995	1,265,098,772
Grand total all funds	\$2,557,600,172	\$388,575,129	\$2,946,175,301

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**

**EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

Sixty-seventh  
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	<u>2019-21</u>	<u>2021-23</u>
1 <u>One-Time Funding Description</u>		
2 Department of public instruction		
3     Science experiments grant	\$0	\$13,500,000
4 <u>Federal COVID-19 relief funds</u>	<u>0</u>	<u>305,266,879</u>
5 <u>State automated reporting system maintenance</u>	<u>0</u>	<u>200,000</u>
6     Rapid enrollment grants	3,000,000	0
7     State automated reporting system rewrite	1,200,000	0
8     Music education grants	800,000	0
9     State school aid formula rewrite	<u>200,000</u>	<u>0</u>
10 <del>Total department of public instruction</del>	<del>\$5,200,000</del>	<del>\$13,500,000</del>
11 <del>all funds</del>		
12 <del>Total department of public instruction</del>	<del>5,000,000</del>	<del>13,500,000</del>
13 <del>estimated income</del>		
14 <del>Total department of public instruction</del>	<del>\$200,000</del>	<del>\$0</del>
15 <del>general fund</del>		
16 <u>Total department of public instruction -</u>	<u>\$5,200,000</u>	<u>\$318,966,879</u>
17 <u>all funds</u>		
18 <u>Total department of public instruction -</u>	<u>5,000,000</u>	<u>318,766,879</u>
19 <u>estimated income</u>		
20 <u>Total department of public instruction -</u>	<u>\$200,000</u>	<u>\$200,000</u>
21 <u>general fund</u>		
22 School for the deaf		
23     Extraordinary repairs	\$250,000	\$0
24     Campus server upgrade	0	7,500
25 <u>Operating expenses</u>	<u>0</u>	<u>21,500</u>
26     Equipment	20,000	40,000
27     Boiler and resource center projects	<u>0</u>	<u>650,000</u>
28 <del>Total school for the deaf - estimated income</del>	<del>\$270,000</del>	<del>\$697,500</del>
29 <u>Total school for the deaf - estimated income</u>	<u>\$270,000</u>	<u>\$719,000</u>
30 North Dakota vision services - school for the blind		
31     South wing restroom remodel	\$120,000	\$0

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1	Gymnasium floor replacement	42,000	0
2	West wing roof repair	39,000	0
3	Daily living skills area remodel	25,000	0
4	Adaptive technology equipment	20,000	0
5	Other repairs	18,500	0
6	Garage door replacement	16,000	0
7	Replace flooring	0	10,000
8	Replace south wing air conditioning	0	40,000
9	Repair sidewalk, roof, and parking lot	0	24,000
10	Replace doors and key system	0	45,000
11	Install LED lighting	0	33,000
12	South wing electrical service	<u>0</u>	<u>165,000</u>
13	Total school for the blind - estimated income	\$280,500	\$317,000
14	<del>Grand total - all funds</del>	<del>\$5,750,500</del>	<del>\$14,514,500</del>
15	<del>Grand total - estimated income</del>	<del>5,550,500</del>	<del>14,514,500</del>
16	<del>Grand total - general fund</del>	<del>\$200,000</del>	<del>\$0</del>
17	<u>Grand total - all funds</u>	<u>\$5,750,500</u>	<u>\$320,002,879</u>
18	<u>Grand total - estimated income</u>	<u>5,550,500</u>	<u>319,802,879</u>
19	<u>Grand total - general fund</u>	<u>\$200,000</u>	<u>\$200,000</u>

20 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for  
 21 the 2023-25 biennium. The department of public instruction, school for the deaf, and North  
 22 Dakota vision services - school for the blind shall report to the appropriations committees of the  
 23 sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning  
 24 July 1, 2021, and ending June 30, 2023.

25 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$433,020,000,  
 26 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is  
 27 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund  
 28 that becomes available for distribution to public schools is appropriated to the department of  
 29 public instruction for that purpose for the biennium beginning July 1, 2021, and ending June 30,  
 30 2023.

1       **SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The  
2 estimated income line item in subdivision 1 of section 1 of this Act includes the sum of  
3 ~~\$110,000,000~~\$144,300,000 from the foundation aid stabilization fund for integrated formula  
4 payments.

5       **SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**  
6 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may  
7 expend funds included in the integrated formula payments and grants - special education  
8 contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational  
9 services that were due in the 2019-21 biennium but which were not filed, claimed, or properly  
10 supported by the education provider until after June 30, 2021. To be reimbursed under this  
11 section, claims must be properly supported and filed with the superintendent of public  
12 instruction by June 30, 2022.

13       **SECTION 6. GIFTED AND TALENTED PROGRAM --MEDICAID MATCHING FUNDING--**  
14 **DISTRIBUTION.**

15       ~~1.~~The sum of \$800,000, included in the integrated formula payments line item in  
16 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts or special  
17 education units for gifted and talented programs upon the submission of an application that is  
18 approved in accordance with guidelines adopted by the superintendent of public instruction. The  
19 superintendent of public instruction shall encourage cooperative efforts for gifted and talented  
20 programs among school districts and special education units.

21       ~~2.~~State school aid payments for special education must be reduced by the amount of  
22 matching funds required to be paid by school districts or special education units for  
23 students participating in the Medicaid program. Special education funds equal to the  
24 amount of the matching funds required to be paid by the school district or special  
25 education unit must be paid by the superintendent of public instruction to the  
26 department of human services on behalf of the school district or unit.

27       **SECTION 7. MEDICAID MATCHING FUNDING - SCHOOL APPROVAL - WITHHOLDING**  
28 **AND DISTRIBUTION.**

29       1. State school aid payments for special education must be reduced by the amount of  
30 matching funds required to be paid by school districts or special education units for  
31 students participating in the Medicaid program for the biennium beginning July 1,

2021, and ending June 30, 2023. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.

2. State school aid payments for integrated formula payments must be reduced by the amount of funds required to be paid by school districts for school approval for the biennium beginning July 1, 2021, and ending June 30, 2023.

#### **SECTION 8. TRANSPORTATION GRANTS - DISTRIBUTION.**

1. During each year of the 2021-23 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:
  - a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or more passengers;
  - b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer passengers;
  - c. Fifty cents per mile, provided:
    - (1) The student being transported is a student with a disability, as defined in chapter 15.1-32;
    - (2) The student's individualized education program plan requires that the student attend a public or a nonpublic school located outside the student's school district of residence;
    - (3) The student is transported by an adult member of the student's family;
    - (4) The student is transported in a vehicle furnished by the student's parents;
    - (5) The student's transportation is paid for by the student's parents; and
    - (6) The reimbursement does not exceed two round trips daily between the student's home and school.
  - d. Fifty cents per mile, one way, provided:
    - (1) The student being transported resides more than two miles from the public school that the student attends;
    - (2) The student is transported by an adult member of the student's family;



1 (3) The student is transported in a vehicle furnished by the student's parents;  
2 and

3 (4) The student's transportation is paid for by the student's parents.  
4 e. Thirty cents per student for each one-way trip.

5 2. The superintendent of public instruction shall use the latest available student  
6 enrollment count in each school district in applying the provisions of subsection 1.

7 3. This section does not authorize the reimbursement of any costs incurred in providing  
8 transportation for student attendance at extracurricular activities or events.

9 **SECTION 9. CONDITION ON APPROPRIATION FOR GRANTS - PROGRAM AND**

10 **PASSTHROUGH LINE ITEM.** The appropriation in the grants - program and passthrough line  
11 item in subdivision 1 of section 1 of this Act is conditioned on the superintendent of public  
12 instruction not using federal funds to defray the expenses of the following programs for which  
13 state funding is provided in this line item for the biennium beginning July 1, 2021, and ending  
14 June 30, 2023:

- 15 1. Adult education matching grants;
- 16 2. School food services matching grants;
- 17 3. Program grant pool; and
- 18 4. Mentoring program.

19 **SECTION 10. REGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION.**

20 The integrated formula payments line item in subdivision 1 of section 1 of this Act includes  
21 \$500,000 from the general fund for the purpose of providing annual grants to regional education  
22 associations for the biennium beginning July 1, 2021, and ending June 30, 2023. An annual  
23 grant of \$35,714 is provided to each regional education association that exists as of July 1,  
24 2021. Regional education associations that merge during the 2021-23 biennium are entitled to  
25 the annual grants that would have been paid to each of the member associations.

26 ~~SECTION 10. EXEMPTION – INDIRECT COST ALLOCATION. Notwithstanding section-~~  
27 ~~54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its-~~  
28 ~~operating account.~~

29 **SECTION 11. POSTSECONDARY TRANSITIONAL GRANT PROGRAM FUNDING.** The  
30 integrated formula payments line item in subdivision 1 of section 1 of this Act includes funding  
31 for postsecondary transitional grants. The superintendent of public instruction shall provide

1 integrated formula payments to postsecondary transitional programs for eligible students  
2 enrolled in a postsecondary transitional program within the state at the rate provided under  
3 section 15.1-27-04.1. For purposes of this section, "eligible student" means a student with a  
4 documented intellectual or developmental disability who is at least eighteen years of age but  
5 has not reached the age of twenty-two, who has graduated from a public high school in the  
6 state or obtained an equivalent degree, and who enrolls in a postsecondary transitional  
7 program. By June thirtieth of each year, postsecondary transitional programs shall submit to the  
8 superintendent of public instruction for the reimbursement of eligible students enrolled in the  
9 program. Grant payments under this section may not exceed the per student rate under section  
10 15.1-27-04.1. The superintendent of public instruction shall review and approve postsecondary  
11 transitional programs and develop a system for the distribution of payments necessary to  
12 implement this section.

13 **SECTION 12. USE OF NEW MONEY - NON-ADMINISTRATIVE PERSONNEL**  
14 **COMPENSATION INCREASES - REPORT TO LEGISLATIVE MANAGEMENT.**

- 15 1. During the 2021-23 biennium, the board of each school district shall use an amount  
16 equal to at least seventy percent of all new money received by the district for  
17 integrated formula payments to increase the compensation paid to non-administrative  
18 personnel.
- 19 2. For purposes of this section, the superintendent of public instruction shall provide  
20 guidance to school districts regarding the calculation of the amount of new money  
21 available during the 2021-23 biennium.

22 **SECTION 13. KINDERGARTEN THROUGH GRADE TWELVE EDUCATION**  
23 **COORDINATION COUNCIL FUNDING - RESTRICTION.** Funding totaling \$260,000 from the  
24 general fund, appropriated in subdivision 1 of section 1 of this Act, is provided for defraying the  
25 expenses of the kindergarten through grade twelve education coordination council, for the  
26 biennium beginning July 1, 2021, and ending June 30, 2023. These funds may not be used for  
27 any other purpose.

28 **SECTION 14. EXEMPTION - GENERAL EDUCATIONAL DEVELOPMENT FEES AND**  
29 **DISPLACED HOMEMAKER DEPOSITS.** Notwithstanding section 54-44.1-15, the department  
30 of public instruction may deposit indirect cost recoveries in its operating account. In addition,  
31 any moneys collected by the department of public instruction for general educational

1 development fees and displaced homemakers deposits, must be deposited in the public  
2 instruction fund in the state treasury ~~and may be spent.~~ Any funds deposited in the public  
3 instruction fund may only be spent subject to appropriation by the legislative assembly.

4 **SECTION 15. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.**

5 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies  
6 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
7 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
8 Session Laws, the lesser of ~~\$23,733,064~~ \$23,887,064 or the remaining amount must be  
9 continued into the 2021-23 biennium and the office of management and budget shall transfer  
10 this amount into the public instruction fund for the purpose of providing program and  
11 passthrough grants as appropriated in subdivision 1 of section 1 of this Act.

12 **SECTION 16. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.**

13 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies  
14 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in  
15 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019  
16 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of  
17 defraying the expenses of the dyslexia screening pilot program.

18 **SECTION 17. EXEMPTION - STATE AUTOMATED REPORTING SYSTEM REWRITE.** Up

19 to \$600,000 of the unexpended amount remaining from the one-time appropriation from the  
20 foundation aid stabilization fund for the state automated reporting system rewrite, as authorized  
21 in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, is not subject to the  
22 provisions of section 54-44.1-11 at the end of the 2019-21 biennium, and may be continued into  
23 the 2021-23 biennium for the purpose of continuing the state automated reporting system  
24 rewrite.

25 **SECTION 18. STATE AID TO PUBLIC LIBRARIES.** The grants line item in subdivision 2 of

26 section 1 of this Act includes \$1,737,582 for aid to public libraries, of which no more than  
27 one-half may be expended during the fiscal year ending June 30, 2022.

28 **SECTION 19. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**

29 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The \$40,000 appropriated for the  
30 purpose of providing grants to assist institutions under the control of the state board of higher  
31 education with the cost of interpreters and real-time captioning for students who are deaf or

1 hard of hearing in subdivision 3 of section 1 of chapter 38 of the 2019 Session Laws and any  
2 funding continued for this purpose from prior bienniums is not subject to section 54-44.1-11. Any  
3 funds remaining must be distributed pursuant to the provisions of this section:

- 4 1. The school for the deaf shall develop a formula to determine the grant amount for  
5 which an institution is eligible. The formula must be based on a uniform hourly  
6 reimbursement.
- 7 2. To obtain a grant under this section, an institution shall submit to the school for the  
8 deaf, at the time and in the manner directed by the school, invoices showing the  
9 amount expended for interpreters and real-time captioning for students who are deaf  
10 or hard of hearing.
- 11 3. The school for the deaf may not distribute more than fifty percent of the amount  
12 appropriated during the first year of the biennium.
- 13 4. If any grant moneys remain undistributed at the end of the biennium, the school for the  
14 deaf shall provide additional prorated grants to institutions that incurred, during the  
15 biennium, hourly expenses in excess of the formula reimbursement level.
- 16 5. At the request of an institution under the control of the state board of higher education,  
17 the school for the deaf shall consult with the institution and provide advice regarding  
18 the provision of services most appropriate to meet a student's needs.

19 **SECTION 20. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **15.1-02-02. Salary.**

22 The annual salary of the superintendent of public instruction is one hundred  
23 ~~twenty-two~~twenty-seven thousand ~~eight~~seven hundred ~~ten~~sixty-eight dollars through June 30,  
24 ~~2020~~2022, and one hundred ~~twenty-five~~twenty-nine ~~thirty~~thirty thousand ~~eight~~six ~~hundred~~three  
25 ~~eighty~~eighty-five ~~twenty-three~~twenty-three dollars thereafter.

26 **SECTION 21. AMENDMENT.** Section 15.1-02-16 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers**  
29 **and administrators.**

30 The superintendent of public instruction may adopt rules governing the issuance of:

- 31 1. Credentials for teachers of driver's education;

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- 1        2.    Credentials for teachers of early childhood special education;
- 2        3.    Credentials for elementary school principals;
- 3        4.    Credentials for teachers of students who are emotionally disturbed;
- 4        5.    Credentials for teachers of students who are gifted and talented;
- 5        6.    Credentials for secondary school principals;
- 6        7.    Credentials for library media;
- 7        8.    Credentials for teachers of title I;
- 8        9.    Credentials for teachers of students who have intellectual disabilities;
- 9        10.   Credentials for teachers of students who are physically disabled;
- 10       11.   Credentials for coordinators of programs for students with limited English proficiency;
- 11       12.   Credentials for school counselors;
- 12       13.   Credentials for special education directors;
- 13       14.   Credentials for special education strategists;
- 14       15.   Credentials for teachers of students who have specific learning disabilities;
- 15       16.   Credentials for superintendents;
- 16       17.   Credentials for teachers of students who have vision impairments;
- 17       18.   Credentials for teachers of students who are deaf or hard of hearing;
- 18       19.   Credentials for teachers of computer and cyber science; ~~and~~
- 19       20.   Certificate of completion for paraprofessionals; and
- 20       21.   Certificate of completion for school health technicians.

21    ~~— **SECTION 18. AMENDMENT.** Section 15.1-06-19 of the North Dakota Century Code is~~  
22    ~~amended and reenacted as follows:~~

23    ~~— **15.1-06-19. Counselor positions – Requirement.**~~

24    ~~— 1. Beginning with the 2010-11 school year, each school district must have available one~~  
25    ~~full-time equivalent school counselor for every three hundred students in grades seven~~  
26    ~~through twelve.~~

27    ~~— 2. Beginning with the 2022-23 school year, each school district must have available one~~  
28    ~~full-time equivalent school counselor for every three hundred students in grades~~  
29    ~~kindergarten through six.~~

30    ~~— 3. The duties of a school counselor under this section must include the academic~~  
31    ~~advisement and appraisal of students, career preparation and advisement of students.~~

~~assisting in the orientation of new students, interpreting aptitude and achievement tests, providing short-term individual and group counseling sessions to students, presentation of age-appropriate school counseling lessons to students, interpreting student records, collaborating with teachers on building classroom connections, collaborating with school administration to identify student issues and needs, advocating for students, and analyzing disaggregated schoolwide data. The duties may not include assessment administration, clerical responsibilities, or other administrative duties.~~

~~2.4. Up to one-third of the full-time equivalency requirement established in subsection 1- may be met by career advisors.~~

~~3.5. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 15-20.1-24 or an individual who is provisionally approved by the department of career and technical education under section 15-20.1-25 to serve as a career advisor.~~

**SECTION 22. AMENDMENT.** Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating districts and special education units.**

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable

1 property located in the same city as the other school district under the cooperative  
2 plan, may not be required as part of the cooperative plan to:

- 3 a. Provide unduplicated grade level services; or  
4 b. Share administrative personnel.

5 3. If any school district receiving payments under this chapter or any special education  
6 unit cooperates with another school district or special education unit to jointly employ  
7 both a superintendent and a business manager or to jointly employ both a special  
8 education unit director and a business manager, the superintendent of public  
9 instruction shall provide partial reimbursement of the combined salaries of the  
10 superintendent and the business manager or partial reimbursement of the combined  
11 salaries of the special education unit director and the business manager as follows:

- 12 a. If the combined salaries exceed three hundred thousand dollars, the amount of  
13 the reimbursement must be calculated based upon three hundred thousand  
14 dollars. Each cooperating school district or special education unit shall receive a  
15 prorated share of the reimbursement percentages listed below based on the  
16 percentage of full-time equivalency that the superintendent and business  
17 manager or the special education unit director and business manager are  
18 employed by each district or special education unit. The percentage of  
19 reimbursement for the combined salaries of the jointly hired superintendent and  
20 business manager or of the jointly hired special education unit director and  
21 business manager must be as follows:

- 22 (1) If two schools or special education units are cooperating, ten percent of the  
23 combined salaries;  
24 (2) If three schools or special education units are cooperating, fifteen percent of  
25 the combined salaries;  
26 (3) If four schools or special education units are cooperating, twenty percent of  
27 the combined salaries; and  
28 (4) If five or more schools or special education units are cooperating,  
29 twenty-five percent of the combined salaries.

- 30 b. To be eligible for reimbursement under this subsection, the cooperating school  
31 districts or special education units must:



- 1                   (1) Have been approved by the superintendent of public instruction and have  
2                   implemented their administrative cost-sharing program after June 30, 2022;  
3                   and  
4                   (2) Submit the salaries of the superintendent and business manager or the  
5                   salaries of the special education unit director and business manager to the  
6                   superintendent of public instruction by June first of each year.

7                   **SECTION 23. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CONSTRUCTION**

8                   **FUNDING.** During the 2021-22 interim, the legislative management shall consider studying the  
9                   feasibility and desirability of using up to 1 percent of common schools trust fund assets annually  
10                  for school construction grants. The legislative management shall report its findings and  
11                  recommendations, together with any legislation necessary to implement the recommendations,  
12                  to the sixty-eighth legislative assembly.

13                  **SECTION 24. LEARNING LOSS, ACCELERATED LEARNING RECOVERY, AND**  
14                  **ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND - REPORT TO**

15                  **LEGISLATIVE MANAGEMENT.** School districts receiving funds from the elementary and  
16                  secondary school emergency relief fund shall provide two narrative summary reports to the  
17                  superintendent of public instruction, including information regarding learning losses of students  
18                  identified within the district, including subgroup gaps; school district plans to accelerate learning  
19                  recovery for all students, including closing subgroup gaps; uses of elementary and secondary  
20                  school emergency relief funds, including the percentage of those funds expended in categories  
21                  determined by the superintendent of public instruction; and the impact elementary and  
22                  secondary school emergency relief fund expenditures had on accelerating the learning recovery  
23                  for the districts' students. The first school district report must be submitted to the superintendent  
24                  of public instruction by December 1, 2021. An aggregated report must be presented by the  
25                  superintendent of public instruction to the legislative management by June 1, 2022. The second  
26                  school district report must be submitted to the superintendent of public instruction by  
27                  December 1, 2022. An aggregated report must be presented by the superintendent of public  
28                  instruction to the sixty-eighth legislative assembly.

29                  **SECTION 25. EXPIRATION DATE.** Section ~~19~~22 of this Act is effective through June 30,  
30                  2024, and after that date is ineffective.



1 | **SECTION 26. EMERGENCY.** Federal funding provided through the American Rescue Plan  
2 | Act of 2021, totaling \$305,266,879 appropriated in subdivision 1 of section 1 of this Act is  
3 | declared to be an emergency measure.