

**HOUSE BILL NO. 1013**

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; and to provide an exemption.

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

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

## 12 Subdivision 1.

## 13 DEPARTMENT OF PUBLIC INSTRUCTION

14		Governor's		
15		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
16	Salaries and wages	\$18,027,035	\$18,575,649	\$18,027,035
17	Operating expenses	33,770,947	35,503,599	33,770,947
18	Integrated formula payments	2,098,202,429	2,112,224,733	2,098,202,429
19	Grants - special education	24,000,000	27,000,000	24,000,000
20	Grants - transportation	56,500,000	56,500,000	56,500,000
21	Grants - other grants	287,062,705	312,062,705	287,062,705
22	Grants - program grants	7,680,000	10,080,000	7,680,000
23	Grants - passthrough grants	2,863,764	2,434,199	2,863,764
24	PowerSchool	5,500,000	5,250,000	5,500,000

Sixty-seventh  
Legislative Assembly

1	National board certification	<u>108,000</u>	<u>108,000</u>	<u>108,000</u>
2	Total all funds	\$2,533,714,880	\$2,579,738,885	\$2,533,714,880
3	Less estimated income	<u>812,553,743</u>	<u>981,683,478</u>	<u>812,553,743</u>
4	Total general fund	\$1,721,161,137	\$1,598,055,407	\$1,721,161,137
5	Full-time equivalent positions	89.25	89.25	89.25

6 Subdivision 2.

7 STATE LIBRARY

8			Governor's	
9		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
10	Salaries and wages	\$4,300,335	\$4,142,089	\$4,300,335
11	Operating expenses	1,621,917	2,103,396	1,621,917
12	Grants	<u>2,233,528</u>	<u>2,146,649</u>	<u>2,233,528</u>
13	Total all funds	\$8,155,780	\$8,392,134	\$8,155,780
14	Less estimated income	<u>2,374,361</u>	<u>2,368,225</u>	<u>2,374,361</u>
15	Total general fund	\$5,781,419	\$6,023,909	\$5,781,419
16	Full-time equivalent positions	27.75	26.75	27.75

17 Subdivision 3.

18 SCHOOL FOR THE DEAF

19			Governor's	
20		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
21	Salaries and wages	\$8,054,944	\$8,342,967	\$8,054,944
22	Operating expenses	1,705,586	1,705,586	1,705,586
23	Capital assets	158,678	856,178	158,678
24	Grants	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>
25	Total all funds	\$9,959,208	\$10,944,731	\$9,959,208
26	Less estimated income	<u>2,430,358</u>	<u>3,487,434</u>	<u>2,430,358</u>
27	Total general fund	\$7,528,850	\$7,457,297	\$7,528,850
28	Full-time equivalent positions	44.61	44.61	44.61

29 Subdivision 4.

30 NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

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		Governor's	
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
1			
2			
3	Salaries and wages	\$4,935,291	\$4,935,291
4	Operating expenses	795,821	795,821
5	Capital assets	<u>39,192</u>	<u>39,192</u>
6	Total all funds	\$5,770,304	\$5,770,304
7	Less estimated income	<u>1,052,315</u>	<u>1,052,315</u>
8	Total general fund	\$4,717,989	\$4,717,989
9	Full-time equivalent positions	27.90	27.90

10 Subdivision 5.

11 TOTAL - SECTION 1

		Governor's	
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12			
13			
14	Grand total general fund	\$1,739,189,395	\$1,739,189,395
15	Grand total special funds	<u>818,410,777</u>	<u>818,410,777</u>
16	Grand total all funds	\$2,557,600,172	\$2,557,600,172

17 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding  
18 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium:

	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
19			
20	Department of public instruction		
21	Rapid enrollment grants	\$3,000,000	\$0
22	State automated reporting system rewrite	1,200,000	0
23	Music education grants	800,000	0
24	State school aid formula rewrite	<u>200,000</u>	<u>0</u>
25	Total department of public instruction -	\$5,200,000	\$0
26	all funds		
27	Total department of public instruction -	<u>5,000,000</u>	<u>0</u>
28	estimated income		
29	Total department of public instruction -	\$200,000	\$0
30	general fund		
31	School for the deaf		

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1	Extraordinary repairs	\$250,000	\$0
2	Equipment	<u>20,000</u>	<u>0</u>
3	Total school for the deaf - estimated income	\$270,000	\$0
4	North Dakota vision services - school for the blind		
5	South wing restroom remodel	\$120,000	\$0
6	Gymnasium floor replacement	42,000	0
7	West wing roof repair	39,000	0
8	Daily living skills area remodel	25,000	0
9	Adaptive technology equipment	20,000	0
10	Other repairs	18,500	0
11	Garage door replacement	<u>16,000</u>	<u>0</u>
12	Total school for the blind - estimated income	\$280,500	\$0
13	Grand total - all funds	\$5,750,500	\$0
14	Grand total - estimated income	<u>5,550,500</u>	<u>0</u>
15	Grand total - general fund	\$200,000	\$0

16       **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of \$377,764,000,  
17 included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is  
18 from the state tuition fund in the state treasury. Any additional amount in the state tuition fund  
19 that becomes available for distribution to public schools is appropriated to the department of  
20 public instruction for that purpose for the biennium beginning July 1, 2021, and ending June 30,  
21 2023.

22       **SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The  
23 estimated income line item in subdivision 1 of section 1 of this Act includes the sum of  
24 \$110,000,000 from the foundation aid stabilization fund for integrated formula payments.

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

1 section, claims must be properly supported and filed with the superintendent of public  
2 instruction by June 30, 2022.

3 **SECTION 6. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING -**  
4 **DISTRIBUTION.**

- 5 1. The sum of \$800,000, included in the integrated formula payments line item in  
6 subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts  
7 or special education units for gifted and talented programs upon the submission of an  
8 application that is approved in accordance with guidelines adopted by the  
9 superintendent of public instruction. The superintendent of public instruction shall  
10 encourage cooperative efforts for gifted and talented programs among school districts  
11 and special education units.
- 12 2. State school aid payments for special education must be reduced by the amount of  
13 matching funds required to be paid by school districts or special education units for  
14 students participating in the Medicaid program. Special education funds equal to the  
15 amount of the matching funds required to be paid by the school district or special  
16 education unit must be paid by the superintendent of public instruction to the  
17 department of human services on behalf of the school district or unit.

18 **SECTION 7. TRANSPORTATION GRANTS - DISTRIBUTION.**

- 19 1. During each year of the 2021-23 biennium, the superintendent of public instruction  
20 shall calculate the payment to which each school district is entitled based on the state  
21 transportation formula as it existed on June 30, 2001, except that the superintendent  
22 shall provide reimbursement at the rate of:
- 23 a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or  
24 more passengers;
- 25 b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer  
26 passengers;
- 27 c. Fifty cents per mile, provided:
- 28 (1) The student being transported is a student with a disability, as defined in  
29 chapter 15.1-32;

- 1 (2) The student's individualized education program plan requires that the  
2 student attend a public or a nonpublic school located outside the student's  
3 school district of residence;
- 4 (3) The student is transported by an adult member of the student's family;
- 5 (4) The student is transported in a vehicle furnished by the student's parents;
- 6 (5) The student's transportation is paid for by the student's parents; and
- 7 (6) The reimbursement does not exceed two round trips daily between the  
8 student's home and school.
- 9 d. Fifty cents per mile, one way, provided:
  - 10 (1) The student being transported resides more than two miles from the public  
11 school that the student attends;
  - 12 (2) The student is transported by an adult member of the student's family;
  - 13 (3) The student is transported in a vehicle furnished by the student's parents;  
14 and
  - 15 (4) The student's transportation is paid for by the student's parents.
- 16 e. Thirty cents per student for each one-way trip.
- 17 2. The superintendent of public instruction shall use the latest available student  
18 enrollment count in each school district in applying the provisions of subsection 1.
- 19 3. This section does not authorize the reimbursement of any costs incurred in providing  
20 transportation for student attendance at extracurricular activities or events.

21 **SECTION 8. PROGRAM GRANT POOL - CONTINUING EDUCATION GRANTS -**

22 **FUNDING - DISTRIBUTION.** The grants - program grants line item in subdivision 1 of section 1  
23 of this Act includes \$1,500,000 for a program grant pool. The superintendent of public  
24 instruction shall use the funding provided for various grant programs, including up to \$125,000,  
25 or so much of the sum as may be necessary, for continuing education grants, for the biennium  
26 beginning July 1, 2021, and ending June 30, 2023.

- 27 1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to  
28 eligible recipients in chronological order, based on the date of an individual's  
29 application. An eligible recipient must:
  - 30 a. (1) Be licensed to teach by the education standards and practices board;
  - 31 (2) Have taught in this state during each of the last three school years; and

- 1                   (3) Be enrolled at an institution of higher education in this state in either a  
2                   master of education program in educational leadership or a program leading  
3                   to a specialist diploma in educational leadership;  
4            b. Be pursuing the requirements for a certificate in career development facilitation;  
5                   or  
6            c. Be pursuing a school counselor credential.
- 7            2. If any of the amount appropriated for this purpose remains after the superintendent of  
8            public instruction has awarded grants to all eligible recipients, the superintendent shall  
9            distribute that amount as an additional per student payment on a prorated basis,  
10           according to the latest available average daily membership of each school district.

11           **SECTION 9. PASSTHROUGH GRANTS - APPLICATION - DISTRIBUTION -**

12   **REPORTING.** The grants - passthrough grants line item in subdivision 1 of section 1 of this Act  
13 includes \$2,863,764 for passthrough grants. The superintendent of public instruction shall  
14 determine the manner in which each passthrough grant is distributed, but no more than one-half  
15 of the funding may be provided each year of the biennium. Annually grantees, as a condition of  
16 receiving the grant, must establish performance measures to be reviewed by the superintendent  
17 of public instruction. Grantees shall report annually to the superintendent of public instruction  
18 regarding performance based on the measures. The superintendent may not distribute the grant  
19 payment for the second year of the biennium until the grantee submits the annual report for the  
20 first year of the biennium. The superintendent of public instruction shall report to the  
21 appropriations committees of the sixty-eighth legislative assembly regarding funds granted,  
22 performance measures established for each grantee, and whether grantees met performance  
23 expectations.

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

25 The integrated formula payments line item in subdivision 1 of section 1 of this Act includes  
26 \$500,000 from the general fund for the purpose of providing annual grants to regional education  
27 associations for the biennium beginning July 1, 2021, and ending June 30, 2023. An annual  
28 grant of \$35,714 is provided to each regional education association that exists as of July 1,  
29 2021. Regional education associations that merge during the 2021-23 biennium are entitled to  
30 the annual grants that would have been paid to each of the member associations.

1       **SECTION 11. EXEMPTION - INDIRECT COST ALLOCATION.** Notwithstanding section  
2 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its  
3 operating account.

4       **SECTION 12. STATE AID TO PUBLIC LIBRARIES.** The grants line item in subdivision 2 of  
5 section 1 of this Act includes \$1,737,528 for aid to public libraries, of which no more than  
6 one-half may be expended during the fiscal year ending June 30, 2022.

7       **SECTION 13. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**  
8 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The grants line item in subdivision 3 of  
9 section 1 of this Act is for the purpose of providing grants to assist institutions under the control  
10 of the state board of higher education with the cost of interpreters and real-time captioning for  
11 students who are deaf or hard of hearing, for the biennium beginning July 1, 2021, and ending  
12 June 30, 2023. Moneys appropriated for this program are not subject to section 54-44.1-11.  
13 Funds must be distributed pursuant to the provisions of this section:

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