

**CHAPTER 15.1-27  
STATE AID**

**15.1-27-01. Payments to school districts - Distribution.**

1. The superintendent of public instruction shall estimate the total state payments to which a school district is entitled each year.
2. The superintendent of public instruction shall pay each district ten percent of the amount determined under subsection 1, within the limits of legislative appropriation, on or before August first and September first of each year. The superintendent shall pay each school district twenty percent of that amount, within the limits of legislative appropriation, on or before October first of each year.
3. The superintendent of public instruction shall estimate the amount that, in addition to the payments already made, is necessary to constitute the remainder of the amount due each district for the current school year.
4. On or before November first, the superintendent of public instruction shall pay to each district, within the limits of legislative appropriation, an amount that, in addition to the above payments, constitutes sixty percent of the sum due under this chapter.
5. On or before the first day of December, January, February, March, and April, payments equal to twenty percent of the total remaining payments must be made to each district.
6. If funds appropriated for distribution to districts as state aid become available after April first, the superintendent of public instruction shall distribute the newly available payments on or before June thirtieth.

**15.1-27-02. Per student payments - Required reports.**

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the September payment unless the district has filed the September tenth fall enrollment report with the superintendent.
2. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:
  - a. The June thirtieth student membership and attendance report;
  - b. An annual school district financial report; and
  - c. The personnel report forms for licensed and nonlicensed employees.
3. On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and mill levy certifications. If a district fails to file the taxable valuation and mill levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and mill levy certifications are filed.

**15.1-27-03. Cost of education - Determination.**

1. The superintendent of public instruction shall determine the educational cost per student.
2. In determining the educational cost per student, the superintendent may not use:
  - a. Capital outlay for buildings;
  - b. Capital outlay for sites;
  - c. Capital outlay for debt service;
  - d. Expenditures for school activities;
  - e. Expenditures for school lunch programs;
  - f. Expenditures for transportation costs, including schoolbuses; or
  - g. Expenditures for early childhood education.

**15.1-27-03.1. Weighted average daily membership - Determination. (Effective through June 30, 2021)**

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

- a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
  - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
  - c. 0.40 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - d. 0.28 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
  - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
  - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
  - h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
  - i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
  - j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
  - k. 0.07 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
    - (2) Are enrolled in a program of instruction for English language learners; and
    - (3) Have not been in the third of six categories of proficiency for more than three years;
  - l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
  - m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and
  - n. 0.50 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

**Weighted average daily membership - Determination. (Effective after June 30, 2021)**

1. For each school district, the superintendent of public instruction shall multiply by:
  - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
  - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
  - c. 0.40 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - d. 0.28 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
  - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
  - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
  - h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
  - i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
  - j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
  - k. 0.07 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
    - (2) Are enrolled in a program of instruction for English language learners; and
    - (3) Have not been in the third of six categories of proficiency for more than three years;
  - l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
  - m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1;
  - n. 0.60 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership increasing the factor annually by 0.10, not to exceed 1.00; and
  - o. For districts paid based on September tenth enrollment in the prior year, 0.50 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily

membership, increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.

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

**15.1-27-03.2. School district size weighting factor - Weighted student units.**

1. For each school district in the state, the superintendent of public instruction shall assign a baseline school district size weighting factor of:
  - a. 1.36 if the students in average daily membership number fewer than 110;
  - b. 1.35 if the students in average daily membership number at least 110 but fewer than 125;
  - c. 1.34 if the students in average daily membership number at least 125 but fewer than 130;
  - d. 1.33 if the students in average daily membership number at least 130 but fewer than 135;
  - e. 1.32 if the students in average daily membership number at least 135 but fewer than 140;
  - f. 1.31 if the students in average daily membership number at least 140 but fewer than 145;
  - g. 1.30 if the students in average daily membership number at least 145 but fewer than 150;
  - h. 1.29 if the students in average daily membership number at least 150 but fewer than 155;
  - i. 1.28 if the students in average daily membership number at least 155 but fewer than 160;
  - j. 1.27 if the students in average daily membership number at least 160 but fewer than 165;
  - k. 1.26 if the students in average daily membership number at least 165 but fewer than 175;
  - l. 1.25 if the students in average daily membership number at least 175 but fewer than 185;
  - m. 1.24 if the students in average daily membership number at least 185 but fewer than 200;
  - n. 1.23 if the students in average daily membership number at least 200 but fewer than 215;
  - o. 1.22 if the students in average daily membership number at least 215 but fewer than 230;
  - p. 1.21 if the students in average daily membership number at least 230 but fewer than 245;
  - q. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
  - r. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
  - s. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
  - t. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
  - u. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
  - v. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
  - w. 1.14 if the students in average daily membership number at least 290 but fewer than 295;

- x. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
  - y. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
  - z. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
  - aa. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
  - bb. 1.09 if the students in average daily membership number at least 320 but fewer than 335;
  - cc. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
  - dd. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
  - ee. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
  - ff. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
  - gg. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
  - hh. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
  - ii. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
  - jj. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
  - kk. 1.00 if the students in average daily membership number at least 900.
2. Beginning with the 2021-22 school year and each school year thereafter until the 2027-28 school year, the superintendent of public instruction shall assign a school district size weighting factor determined by increasing the baseline weighting factor under subsection 1 each year by fourteen and twenty-nine hundredths percent of the difference between the weighting factor under this subsection and the baseline weighting factor under subsection 1 for the same school district size. For the 2027-28 school year and each school year thereafter, the superintendent of public instruction shall assign a school district size weighting factor of:
- a. 1.72 if the students in average daily membership number fewer than 110;
  - b. 1.68 if the students in average daily membership number at least 110 but fewer than 125;
  - c. 1.64 if the students in average daily membership number at least 125 but fewer than 130;
  - d. 1.60 if the students in average daily membership number at least 130 but fewer than 135;
  - e. 1.56 if the students in average daily membership number at least 135 but fewer than 140;
  - f. 1.52 if the students in average daily membership number at least 140 but fewer than 145;
  - g. 1.49 if the students in average daily membership number at least 145 but fewer than 150;
  - h. 1.45 if the students in average daily membership number at least 150 but fewer than 155;
  - i. 1.42 if the students in average daily membership number at least 155 but fewer than 160;
  - j. 1.39 if the students in average daily membership number at least 160 but fewer than 165;
  - k. 1.36 if the students in average daily membership number at least 165 but fewer than 175;

- l. 1.33 if the students in average daily membership number at least 175 but fewer than 185;
  - m. 1.30 if the students in average daily membership number at least 185 but fewer than 200;
  - n. 1.27 if the students in average daily membership number at least 200 but fewer than 215;
  - o. 1.25 if the students in average daily membership number at least 215 but fewer than 230;
  - p. 1.22 if the students in average daily membership number at least 230 but fewer than 245;
  - q. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
  - r. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
  - s. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
  - t. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
  - u. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
  - v. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
  - w. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
  - x. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
  - y. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
  - z. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
  - aa. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
  - bb. 1.09 if the students in average daily membership number at least 320 but fewer than 335;
  - cc. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
  - dd. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
  - ee. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
  - ff. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
  - gg. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
  - hh. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
  - ii. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
  - jj. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
  - kk. 1.00 if the students in average daily membership number at least 900.
3. The superintendent of public instruction shall impute an average daily membership for each school district that does not include a high school and use the imputed average daily membership to determine the school district size weighting factor under this section. To determine the imputed average daily membership, the superintendent of public instruction shall divide the school district's average daily membership by 0.60.

4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For the 2022-23 school year, for school districts that operate multiple kindergarten through grade twelve buildings at least nineteen miles [30.58 kilometers] apart, or multiple buildings at least nineteen miles [30.58 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units.
5. Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.

**15.1-27-04. Per student payment rate.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025)**

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
  - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
  - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
  - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
    - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;

- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
- (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
- (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
  - (1) Mobile home tax revenue;
  - (2) Telecommunications tax revenue; and
  - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
- 2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
- 3. a. For the 2021-22 school year, the superintendent shall calculate state aid as the greater of:
  - (1) The district's weighted student units multiplied by ten thousand one hundred thirty-six dollars;
  - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline



- weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand one hundred thirty-six dollars; or
- (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.
- b. For the 2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ten thousand two hundred thirty-seven dollars;
  - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand two hundred thirty-seven dollars; or
  - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by thirty percent for the 2022-23 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.
- c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:
- (1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
  - (2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
  - (3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
  - (4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
  - (5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of

this subsection, by the district's weighted student units from the previous school year.

- (6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
    - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and
    - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
      - (1) Tuition revenue shall be adjusted as follows:
        - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
        - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
      - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2020 by the school district for sinking and interest relative to the total mills levied in 2020 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
  6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
  7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
- b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
- c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

**Baseline funding - Establishment - Determination of state aid. (Effective after June 30, 2025)**

- 1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
  - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
  - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
  - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
    - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;
    - (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
    - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
    - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3); and
  - d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
    - (1) Mobile home tax revenue;
    - (2) Telecommunications tax revenue; and
    - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
  - e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted

student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.

2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
  - b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
  - c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the 2021-22 school year, the superintendent shall calculate state aid as the greater of:
    - (1) The district's weighted student units multiplied by ten thousand one hundred thirty-six dollars;
    - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand one hundred thirty-six dollars; or
    - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.
  - b. For the 2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
    - (1) The district's weighted student units multiplied by ten thousand two hundred thirty-seven dollars;
    - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand two hundred thirty-seven dollars; or

- (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by thirty percent for the 2022-23 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.
  - c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:
    - (1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
    - (2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.
    - (3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
    - (4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
    - (5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
    - (6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
  - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and

- b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
  - (1) Tuition revenue shall be adjusted as follows:
    - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
    - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
  - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2020 by the school district for sinking and interest relative to the total mills levied in 2020 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
  - a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
  - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
  - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

**15.1-27-04.2. State aid - Minimum local effort - Determination.**

If a district's taxable valuation per student is less than twenty percent of the state average valuation per student, the superintendent of public instruction, for purposes of determining state aid in accordance with section 15.1-27-04.1, shall utilize an amount equal to sixty mills times twenty percent of the state average valuation per student multiplied by the number of weighted student units in the district.

**15.1-27-04.3. Adjustment to state aid - Local property tax effort. (Effective through June 30, 2025)**

If the amount subtracted from a school district's state aid payment under subdivision a of subsection 4 of section 15.1-27-04.1 is less than the amount generated by sixty mills, the superintendent of public instruction shall adjust the amount subtracted as follows:

1. For the 2020-21 school year, increase the amount subtracted by an amount equal to ten percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
2. For the 2021-22 school year, increase the amount subtracted by an amount equal to twenty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
3. For the 2022-23 school year, increase the amount subtracted by an amount equal to forty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
4. For the 2023-24 school year, increase the amount subtracted by an amount equal to sixty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section; and
5. For the 2024-25 school year, increase the amount subtracted by an amount equal to eighty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section.

**15.1-27-05. School district equalization factor.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-06. Per student payments - Weighting factors - High school students.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-07. Per student payments - Weighting factors - Elementary school students.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-07.1. Kindergarten payments - Determination.**

Repealed by S.L. 2013, ch. 13, § 64.

**15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-08. Per student payments - Unaccredited high schools.**

Repealed by S.L. 2011, ch. 131, § 9.

**15.1-27-09. Per student payments - Unaccredited elementary schools.**

Repealed by S.L. 2011, ch. 131, § 9.

**15.1-27-10. Per student payments - Special education.**

1. Upon the written request of a school district, the superintendent of public instruction may forward all or a portion of any per student special education payments to which a school district is entitled directly to the special education unit of which the school district is a member.
2. The superintendent of public instruction may withhold state special education funds due a school district if, in response to a complaint, the superintendent finds that the district is not providing a free appropriate public education to a student as required by law. Any withholding under this subsection may not exceed an amount equal to the cost of meeting the affected student's needs.

**15.1-27-11. Equity payments.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-12. Per student payments - English language learners.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-13. Per student payments - Students on active duty.**

A school district is entitled to receive payments under this chapter for a student who is absent up to one semester because the student is a member of the North Dakota national guard and is engaged in active duty or training within or outside the state.

**15.1-27-14. Per student payments - Students attending school out of state.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-15. Isolated schools.**

Repealed by S.L. 2011, ch. 147, § 44.

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

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

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

**15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating districts and special education units. (Effective through June 30, 2024)**

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 property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
  - a. Provide unduplicated grade level services; or
  - b. Share administrative personnel.
3. If any school district receiving payments under this chapter or any special education unit cooperates with another school district or special education unit to jointly employ both a superintendent and a business manager or to jointly employ both a special education unit director and a business manager, the superintendent of public



instruction shall provide partial reimbursement of the combined salaries of the superintendent and the business manager or partial reimbursement of the combined salaries of the special education unit director and the business manager as follows:

- a. If the combined salaries exceed three hundred thousand dollars, the amount of the reimbursement must be calculated based upon three hundred thousand dollars. Each cooperating school district or special education unit shall receive a prorated share of the reimbursement percentages listed below based on the percentage of full-time equivalency that the superintendent and business manager or the special education unit director and business manager are employed by each district or special education unit. The percentage of reimbursement for the combined salaries of the jointly hired superintendent and business manager or of the jointly hired special education unit director and business manager must be as follows:
  - (1) If two schools or special education units are cooperating, ten percent of the combined salaries;
  - (2) If three schools or special education units are cooperating, fifteen percent of the combined salaries;
  - (3) If four schools or special education units are cooperating, twenty percent of the combined salaries; and
  - (4) If five or more schools or special education units are cooperating, twenty-five percent of the combined salaries.
- b. To be eligible for reimbursement under this subsection, the cooperating school districts or special education units must:
  - (1) Have been approved by the superintendent of public instruction and have implemented their administrative cost-sharing program after June 30, 2022; and
  - (2) Submit the salaries of the superintendent and business manager or the salaries of the special education unit director and business manager to the superintendent of public instruction by June first of each year.

**Per student payments - Cooperating districts. (Effective after June 30, 2024)**

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 property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
  - a. Provide unduplicated grade level services; or
  - b. Share administrative personnel.

**15.1-27-17. Per student payments - Reorganization of school districts - Separate weighting factor.**

1. Notwithstanding section 15.1-27-03.2, the superintendent of public instruction shall create and assign a separate weighting factor to any school district that reorganizes on or after July 1, 2007.
2.
  - a. The separate weighting factor must allow the reorganized school district to receive a payment rate equivalent to that which each separate school district would have received had the reorganization not taken place.
  - b. The separate weighting factor must be computed to four decimal places.

- c. The provisions of this subsection are effective for a period of four years from the date of the reorganization.
3. At the beginning of the fifth and at the beginning of the sixth years after the date of the reorganization, the superintendent of public instruction shall make proportionate adjustments in the assigned weighting factor so that beginning with the seventh year after the date of the reorganization, the weighting factor that will be applied to the reorganized district is that provided in section 15.1-27-03.2.

**15.1-27-18. Per student payments - Eligibility.**

1. In order to be counted for the purpose of calculating per student payments, as provided for by this chapter, a high school student must be enrolled in at least four high school units. The units may include career and technical education courses offered in accordance with chapter 15-20.1 and courses that are approved by the superintendent of public instruction and offered by another high school district.
2. If a student is enrolled for graduation in a nonpublic school or if a student is taking fewer than four high school units and is enrolled in an approved alternative high school education program, the school district in which the student is enrolled is entitled to receive proportionate payments.

**15.1-27-19. Summer school courses and programs - Payments to school districts.**

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course meets the requirements of section 15.1-21-16.
2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 15.1-21-16 and complies with rules adopted by the superintendent of public instruction.

**15.1-27-20. State aid payments - Claim by school district - Appeal.**

1. Any school district claiming state aid payments under this chapter shall provide to the superintendent of public instruction, at the time and in the manner requested by the superintendent, all information necessary for the processing of the claim.
2. If the superintendent of public instruction denies a district's claim for state aid payments, in whole or in part, the district may appeal the determination of the superintendent by filing a written notice with the superintendent, within thirty days from the date on which the district received the original determination. The superintendent of public instruction may modify the original determination if the evidence submitted by the district justifies a modification. Upon appeal, or if a timely appeal is not made, the determination of the superintendent is final.

**15.1-27-20.1. General fund levy - Impact on state aid.**

Repealed by S.L. 2009, ch. 535, § 8 and ch. 175, § 64.

**15.1-27-20.2. Taxable valuation - Impact on state aid.**

1. If a school district's imputed taxable valuation per student is greater than one hundred fifty percent of the state average imputed taxable valuation per student, the superintendent of public instruction shall:
  - a. Determine the difference between the district's imputed taxable valuation per student and one hundred fifty percent of the state average imputed taxable valuation per student;
  - b. Multiply the dollar amount determined under subdivision a by the district's average daily membership;
  - c. Multiply the dollar amount determined under subdivision b by one hundred eighty-five mills;
  - d. Multiply the dollar amount determined under subdivision c by a factor of 0.75; and

- e. Subtract the dollar amount determined under subdivision d from the total amount of state aid to which the district is otherwise entitled.
2. For purposes of this section, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing the district's mineral and tuition revenue by sixty percent of the district's general fund mill levy. Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund mill levy.

**15.1-27-21. Payment to school district - Property valuation changes.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-22. Insufficient moneys - Fractional payments.**

If moneys in the state general fund are insufficient to make all payments to school districts, the superintendent of public instruction shall prorate the payments on a fractional basis. As additional moneys come into the fund, payments may be made until the school districts receive all moneys to which they are entitled. If an appropriation made by the legislative assembly is inadequate to meet all claims against the appropriation and is therefore the cause of the insufficiency, the prorated fractional payments made under this section constitute payment in full.

**15.1-27-22.1. Distribution of remaining moneys.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-23. Weather or other conditions - Closure of schools - State aid payments to school districts.**

1. The board of each school district shall establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04. A school or school district may satisfy the requirements of this section by providing virtual instruction under section 15.1-06-04.
2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.

**15.1-27-24. Taylor Grazing Act funds - Disposition.**

The state treasurer shall apportion payments from the federal government to this state under the provisions of 43 United States Code 315i (the Taylor Grazing Act) among the counties in the state in the proportion that the number of acres [hectares] of Taylor Grazing Act land in each county bears to the total amount of Taylor Grazing Act land in the state. The state treasurer shall provide the payment to the county treasurer of each county receiving payments as directed by the United States bureau of land management. Each county treasurer receiving payments shall distribute the funds to school districts in that county on the basis of average daily membership of all students residing within the county.

**15.1-27-25. Royalties available under federal law - Distribution to counties and school districts - Continuing appropriation.**

1. Any money paid to the state by the secretary of the treasury of the United States under the provisions of an Act of Congress entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" [Pub. L. 66-146; 41 Stat. 437; 30 U.S.C. 181 et seq.] must be credited to the state general fund and the federal mineral royalties distribution fund and must be distributed only pursuant to the terms of this section.

2. Within three months following the calendar quarters ending in March, June, September, and December, the state auditor shall certify to the state treasurer the amount of money the state received during the preceding calendar quarter for royalties under the Act of Congress cited in subsection 1.
3. The state treasurer shall allocate the percentage of the total moneys received as required by this section among the counties in which the minerals were produced based on the proportion each county's mineral royalty revenue bears to the total mineral royalty revenue received by the state for that calendar quarter. The state treasurer shall pay the amount calculated to each county.
4. The counties may use any money received under this section only for the planning, construction, and maintenance of public facilities and the provision of public services. As used in this section, public facilities include any facility used primarily for public use as determined by the board of county commissioners whether located on public or private property.
5. The percentage of money received by the state under the Act of Congress cited in subsection 1 which must be allocated and paid to the counties under this section is fifty percent.
6. Any remaining money received by the state under the Act of Congress cited in subsection 1 must be distributed to school districts as provided for in this chapter. Any moneys distributed under this subsection are deemed the first moneys withdrawn or expended from the general fund for the purpose of state aid to school districts.
7. A reserve for distributions to counties pursuant to this section is created as a special fund in the state treasury known as the federal mineral royalties distribution fund. The state treasurer shall deposit in the fund fifty percent of amounts received pursuant to this section.
8. The funds needed to make the distribution to counties, as provided for in this section, are hereby appropriated on a continuing basis.

**15.1-27-26. School district transportation of students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-26.1. School district transportation of students - Payments.**

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts from state funds:
  - a. For schoolbuses and school vehicles transporting students:
    - (1) Fifty-two cents per mile [1.61 kilometers] for vehicles that have a capacity of fewer than ten students; and
    - (2) One dollar and eleven cents per mile [1.61 kilometers] for schoolbuses that have a capacity of ten or more students; and
  - b. Thirty cents per one-way trip for each student transported.
2. The superintendent of public instruction shall provide per mileage payments if:
  - a. A school district qualifies to receive payment pursuant to subsection 1; and
  - b. The school district operates schoolbuses in accordance with state law relating to schoolbus standards and school vehicle driver requirements. A school district shall certify compliance with state law relating to schoolbus standards and school vehicle driver requirements when applying for payment under this section. The superintendent of public instruction may adopt rules governing certification of compliance under this subdivision.
3. Subject to legislative appropriation, the superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] one-way for each mile over two miles [3.22 kilometers] for students transported by family transportation in accordance with section 15.1-30-02, according to the distance between the home of the student and the school. The distance must be measured by

- the route from the front door of the school attended to the front door of the residence of the family of the student according to the most convenient public course traveled.
4. The superintendent of public instruction shall use the latest available student enrollment count in each school district in applying the provisions of this section, with the exception of the 2021-22 and 2022-23 school years, for which the superintendent of public instruction shall calculate each school district's payment based on the district's miles and ridership data from the 2018-19 school year or the previous school year, whichever is greater.
  5. This section does not authorize the reimbursement of any costs incurred in providing transportation for students to attend extracurricular activities or events.

**15.1-27-27. School district transportation of special education students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-27.1. School district transportation of special education students - Payments.**

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district transporting students enrolled in special education programs approved by the superintendent of public instruction:
  - a. The amount provided in section 15.1-27-26.1 for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;
  - b. The amount provided in section 15.1-27-26.1 for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and
  - c. The additional amount provided in section 15.1-27-26.1, per one-way trip, for each student transported.
2. Subject to legislative appropriation, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
3. Subject to legislative appropriation, the superintendent of public instruction shall reimburse school districts fifty cents per day per mile [1.61 kilometers] if:
  - a. The student being transported has a disability, as defined in chapter 15.1-32;
  - b. The student has an individualized education plan that requires the student attend a public or nonpublic school located outside the student's school district of residence;
  - c. The student is transported by an adult family member in family provided transportation; and
  - d. The reimbursement does not exceed two round trips per day between the home of the student and the school.
4. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to a multidistrict special education unit.

**15.1-27-28. School district transportation of career and technical education students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-28.1. School district transportation of career and technical education students - Payments.**

1. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district transporting students to and from schools in other school districts, to and from area career and technology centers, and to and from schools within the district for career and technical education courses offered through cooperative arrangements approved by the state board for career and technical education:

- a. The amount provided in section 15.1-27-26.1 for vehicles that have a capacity of fewer than ten students if the school district is transporting fewer than ten students per vehicle;
  - b. The amount provided in section 15.1-27-26.1 for vehicles that have a capacity of ten or more students if the school district is transporting ten or more students per vehicle; and
  - c. The additional amount provided in section 15.1-27-26.1, per one-way trip, for each student transported.
2. Subject to legislative appropriation, a school district entitled to payments under this section is entitled to receive transportation aid for all miles [kilometers] traveled and for all students transported, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
  3. Notwithstanding any other provision of law, the superintendent of public instruction, upon request from the school district, shall make the payments due to a school district under this section directly to an area career and technology center.

**15.1-27-29. Transportation payments - Certification of information.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-30. School district closure - Distribution of transportation payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-30.1. School district closure - Distribution of transportation payments.**

1. If a school district ceases to exist, the superintendent of public instruction shall calculate the amount of transportation payments to which the former school district would have been entitled for providing transportation services during the school district's final year of operation and shall pay a percentage of the amount certified to each school district in the state which enrolls students who attended the former school district during the prior school year. Each school district eligible for payment under this section is entitled to receive the percentage of the total amount certified which is the same as the percentage of the number of the district's students who attended the former school district during the prior school year bears to the total number of students who attended the former school district during the prior school year.
2. Subject to legislative appropriation, the superintendent of public instruction shall pay the amount to which a school district is entitled under this section in the manner and at the time provided for other state payments in section 15.1-27-01.

**15.1-27-31. State transportation payments to school districts.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-31.1. State transportation payments to school districts.**

1. Subject to legislative appropriation, the superintendent of public instruction shall determine the total amount of payments to be made to the school districts for the transportation of students and shall pay the amount certified to each school district. Payments must be made in the same manner and at the time provided for other state payments in section 15.1-27-01. The superintendent of public instruction may not distribute more than one-half of the amount appropriated for transportation grants for any biennium in the first year of the biennium. If total transportation reimbursement claims exceed the amount appropriated by the legislative assembly, the superintendent of public instruction shall reduce transportation reimbursements on a prorated basis for all school districts requesting reimbursements.
2. A school district may not receive more than ninety percent of the actual costs incurred for the transportation of students.
3. For purposes of this section, actual costs include the transportation operating expenditures reported to the superintendent of public instruction for the most recent

year plus the eight-year average cost of transportation equipment determined by the superintendent of public instruction. Any district having contracted for transportation services may determine the actual costs for the first year the district provides its own transportation services by using the statewide average cost of transportation during the first year.

**15.1-27-32. School district closure - Distribution of per student special education payments.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-33. Nonoperating school districts - Education of students - State payments.**

Repealed by S.L. 2005, ch. 172, § 1.

**15.1-27-34. Transfer of funds prohibited - Youth correctional center.**

The superintendent of public instruction may not transfer any portion of the funds appropriated for state aid payments to the youth correctional center to support the provision of educational services by the youth correctional center.

**15.1-27-35. Average daily membership - Calculation.**

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance at the school's physical plant during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
  - a. Nine hundred sixty-two and one-half hours for elementary school students; or
  - b. One thousand fifty hours for middle and high school students.
2. For purposes of calculating average daily membership:
  - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - d. A student enrolled full time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

**15.1-27-35.1. Average daily membership - Reduction in grade levels.**

If a school district offers fewer grade levels than the district offered the previous school year, the superintendent of public instruction shall determine the district's average daily membership using only those grade levels that the district offers during the current school year.

**15.1-27-35.2. Average daily membership - Dissolved school districts.**

For purposes of determining state aid, the superintendent of public instruction shall amend the average daily membership of any school district that enrolls students who attended a dissolved school district during the school year prior to the dissolution.

**15.1-27-35.3. Payments to school districts - Unobligated general fund balance.**

1. a. Except as provided in subdivision b, beginning July 1, 2023, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund

balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus fifty thousand dollars.

- b. The superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus one hundred thousand dollars if the school district is in a cooperative agreement with another school district to share academic resources, and the school districts are considering reorganization under chapter 15.1-12. An eligible school district may receive payments under this provision for a maximum of two years.
2. For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2, but does not include federal impact aid funding.

**15.1-27-36. Definitions.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-37. Compensation of teachers - Claim for reimbursement - Rules.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-38. Compensation of teachers - Distribution of reimbursements.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-39. Annual salary - Minimum amount.**

Beginning with the 2014-15 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a minimum salary level for the contract period equal to at least twenty-seven thousand five hundred dollars.

**15.1-27-40. Approved joint powers agreement - Report of expenses.**

Repealed by S.L. 2007, ch. 162, § 18.

**15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.**

Repealed by S.L. 2009, ch. 175, § 65.

**15.1-27-42. Military installation school districts - Eligibility for state aid and equity payments.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-43. Reorganized district - Continuation of equity payment.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-44. Dissolved district - Continuation of equity payment.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-45. Property tax relief fund.**

Repealed by S.L. 2015, ch. 467, § 7.

**15.1-27-46. Uses of the foundation aid stabilization fund.**

Repealed by S.L. 2017, ch. 368, § 9.