

2013 HOUSE EDUCATION

HB 1291

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1291
February 6, 2013
18421

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on HB 1291.

Rep. Kim Koppelman: Sponsor, support. This bill results from a citizen who had a concern because her child had gone to NDSU, had been homeschooled and these ND Career and Technical Education scholarships, apparently, originally only allowed for public school graduates. Then we included private school last session I believe, and the only group remaining is homeschooled students. She was very concerned because her student did not qualify for the scholarship, he was told, because he had been homeschooled rather than attending a public or private school. I just don't believe we should be discriminating against any type of K-12 education, when it comes to the scholarships offered to our ND college students. This bill simply will include homeschooled student graduates in the scholarship eligibility.

Rep. Mock: In the beginning, the program is any resident student that graduated from a high school. Is it my understanding that homeschooled students normally or work with the high school and receive a diploma from the high school in which they reside.

Rep. K. Koppelman: My understanding is that there are several ways that homeschool students can receive diplomas. I worked on a bill regarding that issue many years ago, and not all use the same approach. It's become kind of a difficult issue in ND because years ago, the law was that the local superintendents, local schools could offer the diplomas. The pushback was that some were willing and some that weren't, because they said that since they don't educate the kids and so it's pretty tough for us to certify that they have received and met all the qualifications for graduation, even though there is a monitoring system in place for homeschool students. We talked to the DPI at the time, and they didn't really want the responsibility either. We ended up putting it in the Division of Independent Study and they were able to grant the diplomas. I think there are different ways that it is being done today. I believe the most common way now for homeschool students to just procure their high school degree through passing their GED just because it has become a catch 22 to get the diploma.

Ch. Nathe: On line 9, it says in accordance with chapter 15.1-23, can you explain what that is.

Rep. K. Koppelman: I believe that's the chapter that deals with homeschool education. I'm told that when this provision originally made its way to law, it said a public high school. Then we took the word public out and it became possible for private students to be eligible and this now will open it up to any high school graduate from ND.

Rep. J. Kelsh: I think one of the reasons that DPI didn't want to do the degrees, is because they no longer were able to supervise a lot of the kids. Some homeschool kids have no supervision other than some tests. They said as long as they have no idea what has happened in that home education system, how can we give a high school diploma. How much supervision do they have, or can they refuse to have any.

Rep. K. Koppelman: When this issue came before us previously many years ago, DPI had no interest in being involved in this at all. It really had nothing to do with testing supervision or monitoring or anything else. I kind of understand it because they don't give diplomas to anybody; that's not their job. It has always been a difficult issue. I know that some type of supervision or testing verification is required, but I can't tell you exactly what it is right now. I think there was a bill discussed this session to remove that requirement for testing. MN has always had a much more lenient permissive homeschool laws than ND. We are one of the more restrictive states in the nation. I know that there was testing involved right now, and some of the families grant their own diploma, some do the GED and I do know from homeschool parents is that they have no problem getting into college. They do very well on the ACTs, if they take those. They have no problem with the college recognizing their academic achievement, it's just a matter of this particular scholarship, and we've kind of fenced them out, whether that was intentional or not. This bill will fix that.

Ch. Nathe: This would be for a career in technical education scholarship. Are there any other scholarships that homeschoolers can get right now?

Rep. K. Koppelman: I don't know for sure but I don't know of any others that they are fenced out of other than this one.

Rep. Heller: This also includes the academic scholarships.

Rep. K. Koppelman: I believe that is in the later part of the bill, so yes those two.

Rep. Wall: Do you see any problem if we lowered the grade point average that students need for the scholarship along with the ACT. Do you see a problem with the parents figuring out the grade point average?

Rep. K. Koppelman: I don't know how parents currently do that and how it works. I think that over time some policy makers have had some concerns and I think we're responsible to provide for public education. I think that's appropriate for us to have some concerns. At the same time, I've seen case after case where homeschoolers

have performed very well. I think the purpose of this bill is simply to say, that there is reason why we would want to exclude them out of a scholarship that we would otherwise offer students who have come through any other course of study, particularly when those families save the taxpayer quite a bit by educating the kids at home and not sending them to a public school and the cost that entails.

Ch. Nathe: What is the process for homeschoolers who want to apply for this scholarship if this bill were to pass?

Rep. K. Koppelman: I don't really know the process. I think it's something that each school may handle it differently or if there is a standard form, I think there are others that may be able to answer that. We just want to fix the law so that they can be eligible.

Rep. Hunskor: I think homeschoolers, for the most part, do a really good job, but there are cases where some fall through the cracks. One of the things you have to lay on the table, in many cases, where the parents are the ones putting the grade on the report grade, that 98% will do it the way it should be done. It is possible that you could have some that want the scholarship, but the kids really aren't entitled to it. Grades can be put down that shouldn't be put down.

Rep. K. Koppelman: I think that a fair point and again, I think that's why we still do have testing. That's why ACT is normally required for most colleges for the students to get in, which would be a good way to capture that kind of information. Are they really performing up to whatever level they seem to? I would hope that the parents would have the same integrity that teachers would have. There's no guarantee on any front. Again, all this does is open up the scholarship to homeschool students.

Rep. Hunskor: You qualify for a scholarship by either the ACT or the GPA.

Rep. K. Koppelman: I don't know the answer to that.

Rep. Hunskor: That is correct. Do homeschool students have to take the ACT.

Rep. K. Koppelman: I don't know. I assume most schools would expect some demonstration of proficiency before they would accept that student for enrollment or application for scholarship and if they didn't have a verifiable GPA, I assume that they would go to the ACT score, but I don't know for sure.

Rep. Hunskor: It is possible then for a homeschool student to qualify based on his GPA from one of his parents grading him.

Rep. K. Koppelman: I don't know. The importance of this bill, we're not talking about college entrance here or high school diplomas here, we're talking about a scholarship that we offer in ND and the fact that the only students who are educated in ND, who are entering college, that we disallow their ability to apply for the scholarships. I don't think that is reasonable.

Rep. Mock: I was going to clarify HB 1287 is on the calendar today, which would change the requirements to be 3.0 and a C in all the required courses and an ACT score of 24 to make it an "or". So either you have a 24 on your ACT or you have a 3.0 in the courses. That's the bill that passed out of this committee and scheduled on the floor today. I think that if it is the intention of this committee to add the proposed language that we would need to amend the rest of the language to reflect the changes in 1287, provided that the bill passes on the floor.

Rep. K. Koppelman: I leave those details up to the committee.

Rep. Hunsakor: I'm just laying the facts on the table so we know where we're at.

Rep. Heller: Just a comment on the GPA discussion. Just as homeschoolers probably wouldn't have a uniform method of recording or coming up with their child's GPA. At breakfast with the principals I sat at a table with a large diverse group from large to small schools, at my table and we were talking about the bill that would change the "and" to an "or". They all commented and raised their eyebrows and said that they don't have a uniform method of recording or what our GPA is in each school, it's not uniform. So even among public schools, in one school an A might be 94-100, and in another one it's 90-100, so there is diversity out there.

Rep. K. Koppelman: I think you bring up an excellent point. When I look at the education I received in high school, I think I got probably a better education than some college graduates get today. Resources for smaller school districts are not what they used to be and I do know that if you talked with people in higher education, NDSU, UND, I know the higher education system is discussing and I think they want to enhance, but the whole question of readiness of students coming in is a big issue and a lot of what they call, the catch-up courses, are a big deal on many of our campuses. Many of the students admitted need to take those and I think there is a question of readiness for students coming in across the state.

Rep. Rust: One thing you have to realize about this scholarship is let's suppose it gets to somebody that it should not get to; whether it is homeschool, private or public school. The real key to this is that there is a one year time period where you've got to perform in college and if you don't, then the scholarship gets lifted from you. So the worst possible scenario in those cases is you probably granted a scholarship for the first year in college. It's not like you are losing that whole entire amount. They have to perform at a level or they lose it.

Ch. Nathe: It has a way of weeding it out the people who may have slipped through the cracks. Thank you. Further testimony in support. Testimony in opposition. Neutral.

Bev Nielsen, NDCEL: I have a concern because I think there has gotten to be quite a bit of confusion about what type of supervision and monitoring goes on with homeschools. There are those that have more information behind me.

Rep. Mock: If a homeschool student does receive a diploma from the public or non-public school, are they eligible for the scholarship under current law.

Ben Nielsen: If the high school grants them a diploma.

Rep. Mock: Would you happen to know how many homeschool students receive a high school diploma from their school districts, or a percentage.

Bev Nielsen: My suggestion was there are people from the department that can answer that.

Ch. Nathe: Thank you. Further testimony in opposition. Can DPI give us some information on this?

Gwen Marvat, Asst. Dir. Teacher School Effectiveness, DPI: We do not know at this time how many home educated students get a diploma from a high school. I can tell you that most do not grant a diploma. They have policies indicating that they will not grant a home educated student a diploma. There are some high schools that will say that we will grant you a diploma, if you attend our school during your senior year, or even some the last two years, junior and senior grades. We have no statistics on how many home educated students right now get a high school diploma from their district.

Rep. J. Kelsh: How much supervision is done? Is there any monitoring and what is the testing that is done?

Gwen Marvat: State law indicates that if you have a high school diploma or a GED, you can supervise home education without monitoring. If you do not have a high school diploma or GED, then you must be monitored for a two year period. Once the child does signify that they have met the testing requirements in grades 4, 6, 8, and 10, if a child falls below the 30th percentile, then they must be tested by that district's special education team to assess if that child has disabilities. If they do, then that goes into a different realm of a service plan. If they need to be monitored until they are tested and are above the 30th percentile, then they are okay. Right now, if you have a high school diploma/GED, there is no monitoring.

Rep. J. Kelsh: I was wondering what the testing would be for getting the scholarship. Do you know how many home educated students are out there? I know there is quite a discrepancy between what you report and they report. If that's the case, are any of those ones you don't know about.

Gwen Marvat: No, we do not. If I am not contacted by a principal or a superintendent in regards to an individual home educated student, we don't know.

Ch. Nathe: Is this the only scholarship to omit homeschoolers, or are there other scholarships that homeschoolers are eligible for.

Gwen Marvat: Through the DPI there isn't any other scholarship out there.

Ch. Nathe: Are there other scholarship programs that they are eligible for.

Gwen Marvat: Not that I know of. No.

Rep. Wall: Do you have any idea how many graduating seniors we have per year from home schools. I ask because there isn't a fiscal note on the bill.

Gwen Marvat: We do not have statistics on that. Most of them do not get a diploma through a district, so we don't have numbers on that.

Rep. Rohr: The accountability to ensure that the person applying for the application of the scholarship fulfills all of the eligibility requirements rests with and who is accountable for that, correct. So even if a home school student has all of these requirements that need to fulfill, the bill says that the DPI is responsible, held accountable for that information.

Gwen Marvat: You are correct.

Rep. Heller: Where do you think the disconnect is as far as getting these numbers of how many kids are home educated. As far as I understand, if a parent wants to home educate, in law it says that they have to notify their district with this form they fill out, so the schools are supposed to have the forms. Is it the schools that are not reporting it to DPI, or aren't the parents giving the forms to the schools. Where is the break in the communication?

Gwen Marvat: The numbers that DPI receives comes from our MIS forms. Those numbers come from the district and when they have a home education intent filed, they put those numbers in a report. I can tell you, that when districts do their report, the home schooler might not have filed the intent yet. School districts get home education intents all year long. That may be one part of that. Another part may be, we have numbers from the National Home Education Association that indicates how many students are being home educated in our state. Then we look at that number and then we look at what the districts have supplied to us and then there is a large discrepancy. There may be some parents that don't file the intent; I'm not sure about that. But again, a number of home educated students and parents file all during the year, so that may one reason why we don't have up-to-date numbers.

Ch. Nathe: Thank you. We will close the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1291
February 13, 2013
18857

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: Let's take a look at HB 1291. What are the committee's wishes?

Rep. Wall: I prepared my amendment and it really becomes the bill now. Anita Thomas, LC prepared the amendment to replace the bill. This proposed bill would give the academic and career scholarships to home school seniors who performed a 24 on the ACT, performed well on the work keys and had a grade point average of 2.75 as a graduating senior. The major changes in this amendment are under section 1, page 1 the underlying material. Everything stays the same as HB 1291 except deleted is the GPA as a qualifier for the academic scholarship. On the bottom of the page, section 2, the same continues, just excluding GPA. On page 2, section 3(5)b, it talks about completion of the home education program supervised in accordance with chapter 15.1-23 and on page 3, the scholarship under this section is available to any student who completes the requirements of section 1 or 2. Basically, it is the same bill we had before. It excludes the GPA as a way to get a career or academic scholarship from the state of ND. I move the 13.0109.01001 amendment.

Rep. Meier: Second the motion.

Rep. B. Koppelman: Did you talk to the bill sponsor of this and is he satisfied with the change.

Rep. Wall: I talked to the sponsor, K Koppelman and explained to him what I was proposing last week. He was okay with it.

Rep. Rust: How does this make the bill better.

Rep. Wall: I have a problem where one or both parents are the deciding factor in a grade point average. I didn't think it was very objective. I think the ACT score, work keys and if they qualify under that, they should be able to apply for the scholarship. Over the course of high school, a student will probably have over 24 teachers so there is less chance of a teacher inflating a student's grades and GPA to receive a scholarship; but where parents are the deciding factor in the GPA, I had a problem with that.

Rep. J. Kelsh: On page 2, subsection b, where it says completion of a program of home education supervised in accordance. There are home educators that really don't allow any supervision. Would this apply to those who don't want supervision or don't need supervision.

Rep. Wall: I believe this language would still be inclusive, because some do choose it, and some do not and if they don't choose to be supervised in material. If they get 24 on the ACT, score well on the work keys they are going to qualify for the scholarship, regardless.

Rep. Hunsakor: Your amendment, as far as the testing for the ACT, work keys, does this make home school student's measure up in these two categories at the same level as it would public schools. According to your judgment would they have to have the same qualifications as a public school student or would it be easier for them to qualify for the scholarships.

Rep. Wall: The rigorous requirements are identical for both public school seniors and home schooled seniors under this bill. The only difference, the non-qualifier, would be the GPA, that is taken out for home schooled seniors seeking an academic or career scholarship.

Ch. Nathe: Voice vote on the amendment. Motion carried. We now have the bill before us as amended.

Rep. Meier: I move a Do Pass as amended.

Rep. B. Koppelman: Second the motion.

12 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. D. Johnson

VK
2/13/13
108-3

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1291

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

North Dakota career and technical education scholarship - Home-educated students.

Any resident student who completes a program of home education supervised in accordance with chapter 15.1-23, during or after the 2013-14 school year, is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed all units required by subsections 1 through 7 of section 15.1-21-02.4; and
2. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

North Dakota academic scholarship - Home-educated students.

Any resident student who completes a program of home education supervised in accordance with chapter 15.1-23, during or after the 2013-14 school year, is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed all units required by subsections 1 through 7 of section 15.1-21-02.5;
2. Received a composite score of at least twenty-four on an ACT; and
3. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 of section 15.1-21-02.5 by means of an advanced placement course and examination; or

- b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 of section 15.1-21-02.5 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
- (2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school or completion of a program of home education supervised in accordance with chapter 15.1-23 and may not be applied to graduate programs.
6. a. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and who graduates from:
 - ~~a.~~ (1) A high school in this state;
 - ~~b.~~ (2) A high school in a bordering state under chapter 15.1-29; or
 - ~~c.~~ (3) A nonpublic high school in a bordering state while residing with a custodial parent in this state.

b. A scholarship under this section is available to any eligible student who completes the requirements of section 1 or 2 of this Act through a program of home education supervised in accordance with chapter 15.1-23.

7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system."

Renumber accordingly

Date: 2/13/13

Roll Call Vote #: —

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1291

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0109.01001

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Wall Seconded By Rep. Meier

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-------------------|-----|----|
| Chairman Mike Nathe | | | Rep. Bob Hunsakor | | |
| Rep. Mike Schatz | | | Rep. Jerry Kelsh | | |
| Rep. Joe Heilman | | | Rep. Corey Mock | | |
| Rep. Brenda Heller | | | | | |
| Rep. Dennis Johnson | | | | | |
| Rep. Ben Koppelman | | | | | |
| Rep. Lisa Meier | | | | | |
| Rep. Karen Rohr | | | | | |
| Rep. David Rust | | | | | |
| Rep. John Wall | | | | | |
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| | | | | | |
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TOTAL (YES) _____ (NO) _____ (ABSENT) _____

FLOOR ASSIGNMENT _____

If the vote is on an amendment, briefly indicate intent:

Voice vote - motion carried.

Date: 2/13/2013

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1291

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Meier Seconded By Rep. Koppelman

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-------------------|-----|----|
| Chairman Mike Nathe | ✓ | | Rep. Bob Hunsakor | ✓ | |
| Rep. Mike Schatz | ✓ | | Rep. Jerry Kelsh | ✓ | |
| Rep. Joe Heilman | | | Rep. Corey Mock | ✓ | |
| Rep. Brenda Heller | ✓ | | | | |
| Rep. Dennis Johnson | ✓ | | | | |
| Rep. Ben Koppelman | ✓ | | | | |
| Rep. Lisa Meier | ✓ | | | | |
| Rep. Karen Rohr | ✓ | | | | |
| Rep. David Rust | ✓ | | | | |
| Rep. John Wall | ✓ | | | | |
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TOTAL (YES) 12 (NO) 0 (ABSENT) 1

FLOOR ASSIGNMENT Rep. Johnson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1291: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

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- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
(2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school or completion of a program of home education supervised in accordance with chapter 15.1-23 and may not be applied to graduate programs.
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 - b. (2) A high school in a bordering state under chapter 15.1-29; or
 - c. (3) A nonpublic high school in a bordering state while residing with a custodial parent in this state.
- b. A scholarship under this section is available to any eligible student who completes the requirements of section 1 or 2 of this Act through a program of home education supervised in accordance with chapter 15.1-23.
7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each

semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system."

Renumber accordingly

2013 SENATE EDUCATION

HB 1291

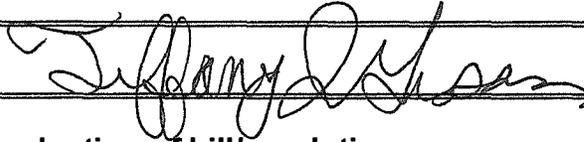
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1291
3-19-13
20172

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: Opened the hearing on HB 1291

Rep Kim. Koppelman, District 13: HB 1291 was introduced as a vehicle to ensure that our scholarships in North Dakota were available to all North Dakota students graduating high school. A family from Fargo contacted me and explained they have a homeschool student and was not able to access the scholarship at NDSU available to all public high schools in North Dakota. The criteria for the scholarship had to do with testing. I think the house attached good amendments with the ACT.

Chairman Flakoll: What is the process? That goes through the DPI so how will that work?

Rep Kim. Koppelman, District 13: I am not sure I can totally answer that. I don't know the involvement of DPI. I assume the diploma is there and my understanding was the grade point average and or testing were criteria that could be used. I don't see anything in the bill involving DPI so I assume it is whoever administers the test and issues the results.

Senator Tony Grindberg: I have an amendment to offer (Attachment #1) It provides that homeschool children are eligible this year. I had conversations with a longtime friend who is a homeschool mom. She is here today to testify with some of her homeschool children.

Senator Heckaman: Do you know the final application date for applying for the scholarship?

Senator Tony Grindberg: June 7th

Chairman Flakoll: How many homeschool students are there? 750 about? There was no fiscal note. If 15-16% qualified at 63 students per class, that would be about 75,000. Ideally I would guess twice that would qualify. Should that \$150,000 be absorbed? Should we have an appropriation on this?

Senator Tony Grindberg: I think we could absorb this and it is the right thing to do.

Sheri Ugelstad, Homeschooling mom from Fargo: I saw this law years ago and thought it was awesome. I have five children. Two are seniors at NDSU. This scholarship started the year after they graduated. I assumed as homeschoolers we would be part of it. I geared our curriculum and made sure we had all the sciences. A year ago I realized when I called the DPI that homeschoolers don't qualify. I would really like to ask you to include homeschoolers. This is a selfish personal thing but I have a high school student and I would love for him to partake in it. They are not given the \$6,000 in one chunk. You have to prove yourself once you are in your program. They really have to earn it.

Senator Heckaman: One of the qualifiers is that the senior has fulfilled an Advanced Placement Course and exam or a dual credit. How are you handling that?

Sheri Ugelstad: In Fargo we have done college courses through NDSCS. They have a program called SEEC which is subsidized so we get 75% off college courses. Each of my kids has taken at least 12 college credits before they go into college through that program. We enroll with Fargo South for that.

Chairman Flakoll: There is a proposal for an emergency clause that would allow current school year graduates to participate. Are we able to pull that off?

Gwyn Marback from the DPI: Yes we can.

Chairman Flakoll: Can you remind the committee of the application and verification process?

Gwyn Marback: We opened up the application. Districts can send in the high school transcript. I am assuming the scholarship applications Michelle is getting are from students who graduated early. I know we will be getting a lot more when graduation is complete in May. We have to have the official transcript. The window to apply for the scholarship is March 1st to June 7th. We have a short window and we try to get them done by July 1st to be sure everything is in place and GPA is correct including ACT scores and courses.

Chairman Flakoll: In the case of the homeschool student where it is limited to the transcript, that still all goes through the DPI.

Gwyn Marback: Yes it will.

Chairman Flakoll: In the past DPI has partnered with schools. Is there anyway to get the word out besides their homeschool email system?

Gwyn Marback: I would recommend sending it to, principals, counselors, superintendents, and schools to get the word out. I would also send it to the Homeschool Association.

Chairman Flakoll: How many Homeschool K-12 students are there?

Gwyn Marback: K-12 has close to 2,000 homeschoolers. About a month ago I asked Jerry Coleman to get the numbers to me.

Chairman Flakoll: About 2%. I was way off. I was thinking 750-800. We want to make sure if we do this we don't short them. That is 180 per class.

Senator Luick: How many each year? Could you proportionate it out and come close?

Gwyn Marback: I have those numbers upstairs for last year. You could proportionately split it up.

Chairman Flakoll: Do you have ACT data from the homeschoolers?

Chairman Flakoll: If we pass this you would have it by class and how many fit into each of the categories.

Gwyn Marback: If you want.

Chairman Flakoll: closed the hearing on HB 1291

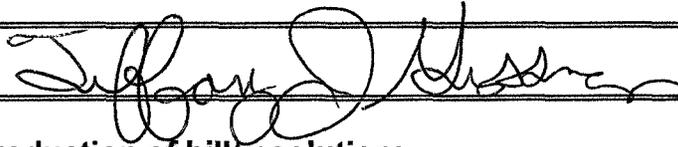
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1291
3-25-13
20383

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1291.

Vice Chairman Schaible: Passed out the 2003 amendments and explained (Attachment #1) We have no way of solving the residency issue. It is unreasonable to put a limitation on homeschool kids that we don't put on regular students.

Senator Heckaman: DPI was concerned that section 1 subsection 8 was left out. The rest of the students qualifying for academic or career scholarships have to meet subsection 8. Homeschools use a different grading system. As a result, they won't correlate. This section needs to be in there. They do have a way to analyze that.

Chairman Flakoll: If they have it where a 6 is an A, they would visit with the DPI who determines equivalency.

Senator Heckaman: Correct. DPI said this needed to be in here and was left out of the original bill. Vice Chairman Schaible and I are concerned about someone moving here for one month and getting the ND scholarship.

Chairman Flakoll: One suggestion was being here one year prior to eligibility.

Senator Heckaman: My understanding is that is not in there. We have no way to make that certain for homeschoolers.

Chairman Flakoll: Don't they have to register within their public school district?

Senator Heckaman: Yes. If a family moves from out of state and wants to homeschool and come in February, they still have that opportunity to apply.

Chairman Flakoll: When your parent grades you versus teachers grading you, that is totally different.

Senator Heckaman: Legislative council and the DPI are concerned about legal issues.

Senator Luick: My concern is if we put a regulation on homeschooling we need to address the regulations on the time spent by public school and private school attendance.

Senator Heckaman: The emergency clause would allow this to take effect for the June 7th. Senator Grindberg's amendments are rolled in to this too.

Chairman Flakoll: Molly, look up a bill in 2007 on the promise grants. It was \$40 million. That bill had residency requirements. The payments were based on the number of years your family was a resident.

Chairman Flakoll: closed the hearing on HB 1291

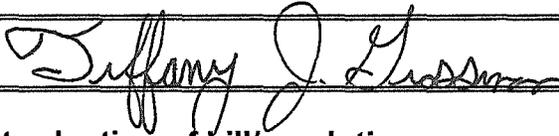
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1291
3-26-13
20453

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1291

Senator Heckaman: Either we leave the requirements all in or take them all out.

Vice Chairman Schaible: I would rather see the GPA left in. That is local control.

Senator Heckaman: That is probably a minor part of the bill. The ACT is the big part. If you have an ACT score of 24 I don't think there will be a GPA issue.

Senator Heckaman: Move amendments 13.0109.02003 to engrossed HB 1291

Vice Chairman Schaible: Second

Senator Luick: What does the amendment change?

Senator Heckaman: The effective date and also an emergency clause. The Grindberg amendment is in this. Vice Chairman Schaible and I added subsection 8 to section 1 for the GPA and section 2 for the academic scholarship. DPI can rescale the homeschool grade point to get an equivalent. They have done it before. The emergency clause will allow this year's students to access the scholarship.

Chairman Flakoll: There is no money in the bill. It seems like we might be short money.

Senator Poolman: It says the fiscal note would be minimal compared to total program recipients. If that is not accurate, it should be redone.

Senate Education Committee
HB 1291
3-26-13
Page 2

Chairman Flakoll: We can take up the amendment and not act on the bill in its entirety. We don't want them to get payments of less because we weren't vigilant. Passed out chart of 3.0 and GPA statistics from DPI. (Attachment #1)

**A roll call vote was taken to adopt amendment 13.0109.02003 to engrossed HB 1291
5 yeas, 0 neas, 1 absent**

Senator Heckaman: I think about 35 students per class would access that.

Chairman Flakoll: That is about 100 per biennium.

Chairman Flakoll: Closed the hearing on HB 1291

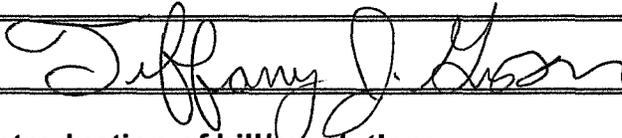
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1291
4-01-13
20709

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll: Opened the hearing on HB 1291

Chairman Flakoll: The dollars would come out of the ending fund balance. Passed out amendment 2004 (Attachment #1)

Senator Luick: Are we ready to move the amendments? I would **move amendment .2004 to engrossed HB 1291.**

Senator Poolman: Second

Senator Heckaman: I am not sure why we are doing this if we are going to pass the original bill that states they can have scholarships because there may not be any money in this amendment.

Chairman Flakoll: The projections are there will be \$4.1 million from this.

Senator Heckaman: What section does that refer to?

Molly Maurer, Legal Intern: Read section 54-44.1-11 of the Century Code (Attachment #2)

Senator Luick: It sounds like those are all either repair or capital project funding.

A roll call vote was taken to adopt the 2004 amendments: 4 yeas, 2 neas, 0 absent

Senator Luick: Is this going to change the fiscal note?

Chairman Flakoll: It provides an appropriation so it may not be a fiscal note but it does have to go to appropriations.

Senator Poolman: I Move a Do Pass to HB 1291 as amended and re referred to appropriations

Senator Luick: Second

A roll call vote was taken for a Do Pass as amended and re referred to appropriations for HB 1291: 6 yeas, 0 neas, 0 absent

Vice Chairman Schaible will carry

FISCAL NOTE
Requested by Legislative Council
03/07/2013

Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home schooled students who graduate after 2013-14.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Would expand the number of eligible scholarship participants; however, it is expected that the additional number would be minimal compared to the number of total program participants.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Engrossed SB2003, the appropriation bill for the NDUS includes \$13.7 million in state general fund in support of this program. No additional funding is anticipated as a result of HB1291.



Name: Laura Glatt

Agency: ND University System

Telephone: 701-328-4116

Date Prepared: 03/08/2013



April 1, 2013

JS
4-1-13
1 of 5

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; to provide for a transfer; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and

2015

- c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8.
 - a.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home

education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed:
 - (1) Two units of the same foreign or native American language; or
 - (2) Two units of American sign language; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;

- 7. Completed any five additional units, one of which must be in the area of fine arts or career and technical education;
- 8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit;
- 9. Received a composite score of at least twenty-four on an ACT; and
- 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination; or
 - b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

- 1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
 - b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- 2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
- 3. A student is not entitled to receive more than six thousand dollars under this section.
- 4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

- 5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
- (2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.
- 6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and ~~who graduates from:~~
 - a. ~~A~~Graduates from a high school in this state;
 - b. ~~A~~Graduates from a high school in a bordering state under chapter 15.1-29;~~-or~~
 - c. ~~A~~Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
- 7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.

SECTION 4. TRANSFER. Notwithstanding section 15.1-27-22.1, if any moneys remain in the grants - state school aid line item after superintendent of public instruction complies with all statutory payment obligations imposed for the 2011-13 biennium, the superintendent shall transfer the first \$250,000 to the home education scholarship fund in the state treasury. Moneys in the home education scholarship fund are not subject to section 54-44.1-11.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the home education scholarship fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing scholarships to home-educated students in accordance with sections 1 through 3 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 4-1-13

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1291

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 2084

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Luick Seconded By Poolman

| Senators | Yes | No | Senator | Yes | No |
|-------------------------------|-----|----|----------------------------|-----|----|
| Chairman Tim Flakoll | ✓ | ✓ | Senator Joan Heckaman | | ✓ |
| Vice Chairman Donald Schaible | ✓ | ✓ | Senator Richard Marcellais | | ✓ |
| Senator Larry Luick | ✓ | | | | |
| Senator Nicole Poolman | ✓ | | | | |
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Total (Yes) 4 No 2

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

home education scholarship

Date: 11-01-13

Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 12a1

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 13-0109.02005

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Poolman Seconded By Luick

| Senators | Yes | No | Senator | Yes | No |
|-------------------------------|-----|----|----------------------------|-----|----|
| Chairman Tim Flakoll | ✓ | ✓ | Senator Joan Heckaman | ✓ | |
| Vice Chairman Donald Schaible | ✓ | ✓ | Senator Richard Marcellais | ✓ | |
| Senator Larry Luick | ✓ | | | | |
| Senator Nicole Poolman | ✓ | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1291, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; to provide for a transfer; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

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2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or

- b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8.
 - a.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b.
 - (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:

- a. One unit of algebra II, as defined by the superintendent of public instruction; and
- b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed:
 - (1) Two units of the same foreign or native American language; or
 - (2) Two units of American sign language; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
7. Completed any five additional units, one of which must be in the area of fine arts or career and technical education;
8.
 - a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; or

- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit;
- 9. Received a composite score of at least twenty-four on an ACT; and
- 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination; or
- b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

- 1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- 2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
- 3. A student is not entitled to receive more than six thousand dollars under this section.
- 4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
- 5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
- (2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.
- 6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and who ~~graduates from:~~

- a. AGraduates from a high school in this state;
 - b. AGraduates from a high school in a bordering state under chapter 15.1-29;~~or~~
 - c. AGraduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state;or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.

SECTION 4. TRANSFER. Notwithstanding section 15.1-27-22.1, if any moneys remain in the grants - state school aid line item after superintendent of public instruction complies with all statutory payment obligations imposed for the 2011-13 biennium, the superintendent shall transfer the first \$250,000 to the home education scholarship fund in the state treasury. Moneys in the home education scholarship fund are not subject to section 54-44.1-11.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the home education scholarship fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing scholarships to home-educated students in accordance with sections 1 through 3 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2013 SENATE APPROPRIATIONS

HB 1291

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1291
04-08-2013
JOB # 20956

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for ND scholarships to students who receive home education and to declare an emergency. (DO PASS)

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee to order on Monday, April 08, 2013 at 9:00 am in regards to HB 1291. All committee members were present.

Becky J. Keller - Legislative Council
Joe Morrissette - OMB

Chairman Holmberg: In Section 4 and 5 of the Bill we have a more recent fiscal note. In Section 4 they transferred \$250,000 and that's a contingency. Is there anyone here going to testify on 1291? No one responded. It's all contingent money, isn't it?

Senator Robinson : This fiscal note is \$180,000?

Chairman Holmberg: No, the fiscal note would be \$250,000 of anticipated money left over. (Joe explained)

Joe Morrissette: Mr. Chairman, it looks like you are correct. The availability of funds would be contingent on monies being unspent at the end of the other distributions in the state school aid line at the end of this current biennium. That would be the funding that would be available that would be appropriated in Section 5.

Chairman Holmberg: So if the money wasn't there, it wouldn't be appropriated, and if the money was there it would not go back to the general fund. It would be sprinkled out to the school districts.

Senator Robinson: It says on the fiscal note \$250,000 in other funds but \$180,000 in expenditures from the general fund. It's a little confusing.

Joe Morrissette: I think the language in Section 4 that says not withstanding Section 15.1.27.22.1, I am assuming that is the language that would currently have this money paid

out to school districts at the end of the biennium because there is statutory language that provides for that, if it's money left over it would go out on a per student basis to the school districts. So this would take that money, it would reduce what would go out to school districts on the per student basis to pay that out and it would appropriate it here, so either way it would go out. It wouldn't go back to general fund. (3.10)

Senator Robinson: Do we know what happened in the Education Committee?

Chairman Holmberg: They changed it. From the first engrossment had in it, this would have taken money out of the SB 2003 university system budget for support of the program. There was no money in 1291, it was just taking it out of the NDUS budget or making them responsible for it. That's what I am reading on the fiscal note. He was asked if we were duplicating, and the answer was no.

Senator Carlisle: It appears the bill is ok as it is unless I'm missing something.

Senator Wanzek: If I understand it's contingent upon there being monies in the home education fund, and that's contingent upon whether there's after all statutory obligations are met, according to 2011-13 biennium. Would that be after all general fund obligations are met and there would be the first \$250,000 that would still be there could be transferred into the home scholarship fund.

Joe Morrissette: It relates to monies that would be unspent out of the school aid line after the final school aid payment would be made for the biennium. DPI anticipates that there would be monies available in that, so this would transfer that money into the home education scholarship fund and that is why it shows up as a special funded appropriation on the fiscal note because it's an appropriation, a transfer from the general fund appropriation for school aid to that special fund and then an appropriation from that special fund.

Senator Wanzek But originally it comes from the general fund.

Chairman Holmberg: but it has already been spent and it will never come back. The question is this bill would focus \$250,000 of that, because we know it's \$4M in change that will be left over would be sprinkled out to all school districts. This would take the 1st \$250,000 and say we're going to allow those folks who meet the criteria who are home schooled to receive that scholarship.

Senator Erbele; A question for clarification, it says they have to complete the home education supervised according to the chapter 15,1.23, what does that say, supervised, according to that part of the chapter? Can you be home-schooled do they have to prove that they've done it according to the chapter and if they haven't , would they not be eligible? Is there a record of it.

Chairman Holmberg: Right now, as I understand it, they are not eligible if you are home schooled. This would allow them, if they have, and I don't know 15.1.23, it's being looked up, they can receive that scholarship now if they have had a program under 15.1.23. It's the

rules for home education. You have to comply with them. I have a conflict of interest, my granddaughter was home schooled, not in ND.

Senator Erbele: But they have to prove that they complied with the chapter, so there has to be a paper trail or record or something that they have to submit to someone.

Chairman Holmberg: Presumably.

Joe Morrissette: just confirm that is the statutory chapter that deals with home education.

Chairman Holmberg: Right now, if you are homeschooled you are not eligible for this scholarship, but if you follow the rules the state has passed regarding home education and you meet the criteria than you can qualify for this scholarship. Is that what this bill does?

Senator Gary Lee: I would agree. There is items in Section 15.1, the home school chapters, that they have to comply with now in order to say their student graduated and it's just saying we're putting that Section in there that if they're in compliance, they become eligible for the scholarship, whereas, now they're not

Chairman Holmberg: Then they provide money in the home schooled fund in order to pay for that. That was confirmed by Senator Gary Lee .

Senator Gary Lee moved A Do Pass on HB 1291. 2nd by Senator Wanzek.

A Roll Call vote was taken on a Do Pass on HB 1291. Yea: 13; Nay: 0; Absent: 0.

Chairman Holmberg: This goes back to Education. **Senator Schaible will carry the bill.**

The hearing was closed on HB 1291.

FISCAL NOTE
Requested by Legislative Council
04/02/2013

Revised
 Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$180,000 | | | |
| Appropriations | | | | \$250,000 | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home educated students who graduate beyond the 2012-13 school year.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This would expand the number of eligible scholarship participants for the scholarship. According to reported data from filed intents to home educate, it is estimated that there are roughly 160 home educated students per grade level. Based on this information and current scholarship requirements, it is projected that 40 of the 160 students would qualify each year at a cost of \$60,000 per cohort, per year.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Money is appropriated to cover these additional expenses in sections 4 and 5 of the bill.

Name: Matthew Strinden
Agency: NDDPI
Telephone: 701-328-2755
Date Prepared: 04/04/2013

FISCAL NOTE
Requested by Legislative Council
03/07/2013

Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home schooled students who graduate after 2013-14.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Would expand the number of eligible scholarship participants; however, it is expected that the additional number would be minimal compared to the number of total program participants.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Engrossed SB2003, the appropriation bill for the NDUS includes \$13.7 million in state general fund in support of this program. No additional funding is anticipated as a result of HB1291.

Name: Laura Glatt
Agency: ND University System
Telephone: 701-328-4116
Date Prepared: 03/08/2013

Date: 4-8-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1291

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment Do Pass
 Do Pass as Amended Do Not Pass

Motion Made By Lee Seconded By Wanzek

| Senators | Yes | No | Senator | Yes | No |
|------------------------------|-----|----|-------------------------|-----|----|
| Chairman Ray Holmberg | ✓ | | Senator Tim Mathern | ✓ | |
| Co-Vice Chairman Bill Bowman | ✓ | | Senator David O'Connell | ✓ | |
| Co-Vice Chair Tony Grindberg | ✓ | | Senator Larry Robinson | ✓ | |
| Senator Ralph Kilzer | ✓ | | Senator John Warner | ✓ | |
| Senator Karen Krebsbach | ✓ | | | | |
| Senator Robert Erbele | ✓ | | | | |
| Senator Terry Wanzek | ✓ | | | | |
| Senator Ron Carlisle | ✓ | | | | |
| Senator Gary Lee | ✓ | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 0

Floor Assignment Education Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1291, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1291, as amended, was placed on the Fourteenth order on the calendar.

2013 CONFERENCE COMMITTEE

HB 1291

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1291
April 17, 2013
21209

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Heller: We will open the conference committee on HB 1291. All members are present and we have a quorum. We will start with the Senate explaining their amendments.

Sen. Schaible: Just to give you an idea of where we came from, when we were discussing the homeschool scholarships or merit based scholarships, we came to the understanding that we were in favor of offering homeschooled graduated children scholarships. The only thing was we wanted to make sure that they were very consistent and exactly the same criteria as every other student in the state. We actually had a subcommittee and research that idea a little bit. That was the basis for the changes. The biggest question we had about all of this was what constituted a "graduation of a student". We looked up the section of the Code that relates to a homeschooled child and that was the criteria we used for the language. First of all, there was a correction made on page 6 of the mocked up version, line 18, "two units of" that was an additional correction, just to offer some clarity to say that what we meant was two units of the same foreign language, or two units of the same American Sign Language; that was just a clarification of that. The main quest for what we were thinking about was making sure that we had a graduated student; since we allow homeschooled students in the state of ND, they are under the chapter of 15.1-23 is the homeschool chapter. We figured as long as that criterion regulates them and classifies them as graduated, that's what we wanted. The other thing is basing the scholarships on merit. So we set some standards for the other one, but the ones that we can regulate, as far as homeschooled, is with the ACT test score of 24. The other section on page 8 is to make sure that we were talking about graduates of each of these programs, and I'm on the .02005 mocked up version. The Senate has taken a position on our merit based scholarships that they are merit based, they have to meet a minimum requirement and I guess there are several of these bills that talk about grade point average. The Senate's view on this is that we have a 3.0 GPA (C average), completing a list of required classes and also to be in the work keys program or the ACT 24 score. As far as homeschooled children and the standards they have to pass, it is really subjective to how they grade, etc. As a school district or state, with the section that is covered by homeschooled, we really don't control their grade points and their grading. The only thing that we can really do is to make sure that they meet the requirements of homeschooled that they graduate, and then we were looking at a minimum standard of either the work keys

requirement or the ACT requirement. There is a section for academic and then there is a section for career and tech., so we basically matched the language between both of them. Those are the substantive changes that we made.

Ch. Heller: To start on the marked up copy in the gray area on page 3, you were specifying there that they would be eligible this year, that's the change there.

Sen. Schaible: Yes. We did check with DPI, who would be monitoring the scholarships. They were comfortable with the idea, with these changes, if every other requirement was made, they would be able to handle the number in this year.

Ch. Heller: So nothing else changed on page 4. On page 5, line 23, you're just clarifying that the home educated student is eligible.

Sen. Schaible: Yes, if you meet the requirements. There are some requirements as to what constitutes a home school and what constitutes graduation. It is based on that requirement, which is beyond our control.

Ch. Heller: The key word there is "completes" then.

Sen. Heckaman: I wanted to say that we made sure that this mirrored the current criteria, because section 8 wasn't included on the top there with the grade point averages. There was discussion in our committee on that section 8, because I don't think that was included in the House version. We put that in so that it is consistent with the career and technical education scholarships and ND academic scholarships. That portion wasn't found in the House version. We were basically told by LC that that needed to be there. They needed to be consistent in requirements and that DPI also told us that they have a way of correlating the homeschooled classes. They have a way of adjusting that to determine if they can meet those criteria. We put that back in, otherwise there is going to be a discrepancy between the homeschooled scholarships and the ND state academic and career scholarships. I don't section 8 was in the version we got.

Ch. Heller: I remember having that discussion in the House that it would be very difficult for a homeschool supervisor to come up with a grade point average. We specifically talked about that. It wasn't missing, we didn't lose it, we took it out.

Sen. Heckaman: That's what I mean. It's not in there. We were told by DPI that they can do that. They can correlate the grades that they get in relationship to what our 4-3-2-1-0 is. We were told by LC that that really needs to be in there; otherwise you're not keeping things consistent between the three scholarship programs. The Career and Technical Ed, the Academic - which are public and non-public and then the homeschool scholarships. We were told that it needed to go back in there.

Sen. Schaible: It's not the idea of being burdensome. It's the idea of making scholarships consistent regardless of where you graduate from. That was the intent of what we were looking at, was regardless of whether it was public, private or homeschool, that if you're going to qualify for this scholarship, you need to meet the

exact same requirements as all the other students. That was our goal to have an equal playing field among all the students.

Rep. J. Kelsh: I think the amendments that the Senate put on are pretty reasonable amendments. When you mentioned monitoring, there are a lot of home educated students that are no longer monitored at all. That has to be a real problem of coming up with what their real grades are. Maybe DPI has a way of doing it. I agree that they need to be on the same basis that any other student in the state is, as far as receiving these scholarships.

Ch. Heller: We will close for now and reschedule.

2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1291
April 18, 2013
21247

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Heller: We will open the conference committee on HB 1291. All members are present and we have a quorum. The first issue on the changes was the adding in of the GPA and I had a conversation with DPI on that also, so that I had a better understanding of why that was added back in. We don't see a problem with putting that back in, I guess it is for the betterment of the whole situation, so on the marked up copy .02005, page 5, line 6 we will agree with the Senate change. Then on page 6, line 18, although that looks like a change that you made, that was for clarification. On page 8, line 14, that was rewritten to clarify who would qualify for the scholarship, that's okay. On page 9, line 1, the emergency clause was added by the Senate and that is fine also. That brings us to page 8 of the marked up copy, .02005, starting on line 21 where it deals with the money that goes with this scholarship. When the bill left the House, it had a fiscal note prepared by the NDUS and on the fiscal note it stated, no additional funding is anticipated as a result of this bill. When the Senate received the bill, a fiscal note was drawn up by DPI and they came up with numbers as far as how many kids this would affect in the homeschool world and the fiscal note then is reflected on page 8 of this bill, which would be \$250,000, if there are any monies remaining in the grant's state school Aid line. That is where we have questions, because when the bill was heard in our committee (Ch. Ch. Heller referred to House Minutes dated 2/6/13, page 6, Rep. Wall's question and DPI's (Gwen Marvat) responses). I'm not quite sure how this fiscal note was created by DPI. We will have Laura Glatt give her explanation on the NDUS's fiscal note.

Laura Glatt, NDUS: At the time we prepared the fiscal note, as you indicated there wasn't a good estimate of how many students might be impacted by this. That's something that DPI tracks and as you indicated, at that time they didn't have an estimate. We believed it not to be a very large population. We always have attrition in our overall program, so the estimates that we prepared, of course, for biennial budget purpose is just that, an estimate at best based upon how many students we believe will get the scholarship, how many of them will retain it, and our assumption was that through that attrition there would be some available money left in the appropriation where we could absorb a reasonable number of students. If the population got too large, that would change so it depends on what the estimate is of the number of students.

Ch. Heller: This money that is appropriated for this scholarship program, for this year, it is in SB 2003, the Higher Education budget, is that correct.

Laura Glatt: Correct.

Ch. Heller: As I understand that, Appropriation has to be increased because we lowered the ACT test qualification and we also increased the scholarship amount, so they are working on appropriating more dollars right now for this scholarship program and that number hasn't been put in yet, or if it is still being formulated.

Laura Glatt: I believe you are speaking to some work that Rep. Dosch is doing to reduce the ACT score from 24 to 23 and then increase the amount of scholarship from \$1500.00 to \$2,000.00 for a prospective student. We have provided him an estimate of the additional funding that would be required above and beyond what was in the executive budget. My understanding is that didn't get added in the House Appropriations but there was some discussion apparently to take that up in conference committee. As of now, the money is not in SB 2003 to do that, but there may be intent to do that, but I'm not sure.

Ch. Heller: Just to be clear, the money that is appropriated for this scholarship program that we're dealing with right here is always in the University System budget, it doesn't have anything to do with the Dept. of Public Instruction's budget.

Laura Glatt: That's correct. DPI is in charge of making the initial award to the student, determining their eligibility. Then they notify us of the awardees, we distribute the funds and then our office in legislation is charged with monitoring the renewal criteria for the ongoing award of the scholarship, but all of the funding for this program is in our budget, not in DPI's. In the current biennium, we have \$10 million in the budget for this program. The Governor's budget recommended \$13.7 million and we will have to wait to see where the legislative body ends up.

Ch. Heller: Thank you. We will ask someone from DPI to come and explain the DPI fiscal note.

Gwen Marvat, DPI: First of all, we were a little perplexed as to why we received a fiscal note in the first place. It was kind of difficult to get the numbers. We took 2012's intent to home educate, what was reported on the MIS of reports. We divided that by 12. We came up with 160 seniors this year. Then we took, from our public and non-public schools about what % get the scholarship. We estimated about 25. We took 25% of 160, we got 40. That was the end of the fiscal note. I can't remember how much it was in the end.

Ch. Heller: In testimony, it was revealed that you receive numbers all year long, so you just took them from the fall, September of 2012 to December of 2012, is that the numbers that you had.

Gwen Marvat: Yes, it is an estimate, a guess.

Ch. Heller: Thank you. So that is what we are down to right now, is the fiscal note and I guess I would like an explanation from the Senate side on why that got put in the bill and when we passed this out, we had the understanding that it would just be absorbed into the appropriation for this scholarship. The adjustments would be made in the University System's budget for it, just like it was adjusted when we added the private school students. We didn't see why the homeschool students would have to have a separate grant line stating that it was for homeschools and they would have monies only if there are monies remaining. Please explain that point.

Sen. Schaible: I cannot explain why it was done. It just said that we received it after we submitted the bill as we did. We also received the fiscal note. I wasn't sure if this was a line item for homeschool child. I don't know if it was placed in there by appropriations or not. But it was a figuring for the amount wise, it's the same thing as the 40 students out of 160 for the first year, and then 80 for the next year (2nd year of the biennium is where the amount comes out). I guess it isn't an additional appropriation needed or additional amount, that I can't answer.

Rep. Heilman: I get confused when I read section 4 of the Senate version; it says transfer the first \$250,000 to the Home Education Scholarship Fund. It's like we are setting up a whole new fund for this. My understanding, when it went through the House, is that this would be eligibility for the current ND scholarship and this just broadens the eligibility to homeschool students. I'm wondering if any of that even necessary and then we just deal with the appropriation in the Higher Ed. budget.

Sen. Schaible: I am assuming the reason is to make the appropriation, it has to be allocated. The thing is to allocate it for a specific need; the need had to be listed. It probably was not listed before to do a homeschool, and then I am assuming that, I'm not positive of that. We can check that out. I think it is more of a designation than creating a fund. To actually appropriate money in certain places, you have to have it designated, otherwise you can't do it. I am assuming that is the point. I can check that out to confirm that. It wasn't our intent to create another fund and have a special account. Our intent was to make it the same requirements for all grants that we make to students.

Ch. Heller: That would be useful. Also, when we included the private schools in this, we didn't create a separate private school scholarship fund. That seemed odd to us.

Rep. J. Kelsh: This could be construed as new money, but that's not your intention, correct. It's not another \$250,000, it is just out of that fund transferred to homeschooled students and then appropriated out of that fund. Is that correct.

Sen. Schaible: It was never our intent to add more appropriations to the total fund. I'm a little fuzzy on the language of what happens if we run out of money currently. I think it is divvied down. You're exactly right, it's just that they said to make sure that homeschool students should be entitled to the scholarship just like everybody else, including graduation should be just like everybody else.

Sen. Heckaman: I guess I have a little concern about the way this section is written because to me, as you read the whole thing together, with section 4 and 5, if there isn't any money remaining, it may look like homeschool students would not get a scholarship. That was not our intent. We need to look at these two sections to see if they just need to be taken out of there.

Ch. Heller: What happens right now if you estimated wrong with how many students would qualify for this and you ran out of money. What happens to those students that are left?

Laura Glatt: We haven't run into that situation yet, but that is always a possibility when you're making projections. Our only option at that point would be to come back to the Legislature, some interim legislature body, probably the Budget section and ask for an emergency appropriation. I believe when you leave town, you usually set aside a certain amount of funds for emergencies in the interim and if there were funds there we could certainly access those with legislative approval, but as far as I know that would be the only fund source available to us.

Ch. Heller: From the beginning of this program, you've never run out of the fund money.

Laura Glatt: No, but it is a fairly new program, so we don't have much experience. Though we try to track attrition and factor that into our projections, as the rules change each session with the program, it is difficult to really project that attrition because you really can't always rely on the past history as the rules change. We try to be conservative, but not so conservative that we would find ourselves short. If there is any money left in the program at the end of the biennium it stays in that program. It's not used for other purposes. It just reduces the financial burden from the general fund for the next biennium if additional funding is required.

Sen. Heckaman: Do you have any data right now, as to what percentages of students are carrying on with the scholarship in their sophomore, junior, and senior years.

Laura Glatt: We do, but I don't have it with me, but I can certainly send it to you. On section 4, someone raised the question about the reference to a special fund in the state treasury on line 24. The way it is currently written, and I know you are going to look at changing it, it would require a special new fund to be created in the treasury with that amount monitoring separately, and so what it also implies is that the fund would only be available for home scholarship students, not other students. Certainly we would like it to be in one fund if it is going to be administered by our office. It's just easier to manage and track that way.

Ch. Heller: That helps us understand that better. We would just like to see section 4 go away and if need be increase the appropriation in SB 2003 version of the Higher Education budget so the University system would have access to ample amount of money to cover these students.

Sen. Schaible: I agree, we will do some checking and research on this matter.

Ch. Heller: We will close the meeting and meet again.

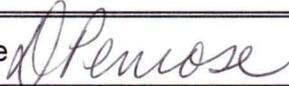
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1291
April 19, 2013
21312

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Heller: We will open the conference committee on HB 1291. All members are present and we have a quorum.

Sen. Schaible: You asked me to do some checking and I did check with some language on section 4 and 5, the language of the transfer and appropriations. The idea was that the money they were looking at right now would come out of this biennium. They are guessing that there is going to be around \$4 million leftover to use for contingencies. Their idea with this was, for the reason to take that, so that it wouldn't be a new appropriation. It would be taken out of that fund and designated for the homeschool type of account. So you were right, it is a line account for that. I asked the question, what happens if the appropriation is not enough what would happen for homeschooled scholarships or the regular scholarships. Basically the answer is the same. If either one of those would run out, and the payments are made by the semester, the remainder would be sent before the end of the second semester. The second year, last semester, the only thing that would probably happen with that, was if there was a shortfall in the funds that were allotted, was that it would probably be late. They would come to the Budget section, make a request and it would probably get covered. The worst thing that could happen without this, or regardless, that it would be a late payment the second semester, which is probably the completion of the semester anyway. Either way, the funds appear to be there; with sections 4 and 5 or without section 4 and 5, it seems the money will be there. It would basically be handled the same. The sections were there for clarity; is it necessary, not really.

Rep. Heller: I did a little checking myself and found out the same information. They would have enough money to absorb the potential additional 40 students. In essence, sections 4 and 5 are not really necessary and we would actually like to see it taken off the bill and amended out.

Sen. Heckaman: I guess I don't see the need for it, other than the fact that when we did this bill and put the emergency clause in there, there needed to be some kind of form of funding for the rest of this biennium for those students. We're looking at still doing this before the end of the biennium. I don't have a problem getting rid of those sections as long as we know that there is money to go ahead and do this.

Rep. Heller: I am ready to entertain a motion.

Sen. Schaible: I move that the Senate recede from its amendments and amend as follows: to keep all of the Senate amendments except to delete section 4 and 5.

Sen. Poolman: Second the motion.

Rep. Heller: We will take a roll call vote. The conference committee is adjourned and closed.

6 YES 0 NO 0 ABSENT

CARRIERS: Rep. Heller and Sen. Schaible

SENATE RECEDE FROM ITS AMENDMENTS AND AMEND AS FOLLOWS: with the Senate Amendments except delete sections 4 and 5.

FISCAL NOTE
Requested by Legislative Council
04/22/2013

Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$180,000 | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home educated students who graduate beyond the 2012-13 school year.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This would expand the number of eligible scholarship participants for the scholarship. According to reported data from filed intents to home educate, it is estimated that there are roughly 160 home educated students per grade level. Based on this information and current scholarship requirements, it is projected that 40 of the 160 students would qualify each year at a cost of \$60,000 per cohort, per year.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: Matthew Strinden

Agency: NDDPI

Telephone: 701-328-2755

Date Prepared: 04/24/2013

FISCAL NOTE
Requested by Legislative Council
04/02/2013

Revised
 Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$180,000 | | | |
| Appropriations | | | | \$250,000 | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home educated students who graduate beyond the 2012-13 school year.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This would expand the number of eligible scholarship participants for the scholarship. According to reported data from filed intents to home educate, it is estimated that there are roughly 160 home educated students per grade level. Based on this information and current scholarship requirements, it is projected that 40 of the 160 students would qualify each year at a cost of \$60,000 per cohort, per year.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Money is appropriated to cover these additional expenses in sections 4 and 5 of the bill.

Name: Matthew Strinden
Agency: NDDPI
Telephone: 701-328-2755
Date Prepared: 04/04/2013

FISCAL NOTE
Requested by Legislative Council
03/07/2013

Amendment to: HB 1291

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2011-2013 Biennium | | 2013-2015 Biennium | | 2015-2017 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2011-2013 Biennium | 2013-2015 Biennium | 2015-2017 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, would expand eligibility for the state academic/career technical education scholarship to include eligible home schooled students who graduate after 2013-14.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Would expand the number of eligible scholarship participants; however, it is expected that the additional number would be minimal compared to the number of total program participants.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Engrossed SB2003, the appropriation bill for the NDUS includes \$13.7 million in state general fund in support of this program. No additional funding is anticipated as a result of HB1291.

Name: Laura Glatt
Agency: ND University System
Telephone: 701-328-4116
Date Prepared: 03/08/2013

April 1, 2013

1-10-13
JSE

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

That the Senate recede from its amendments as printed on pages 1457-1461 of the House Journal and pages 1016-1020 of the Senate Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and

2/8/5

- c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or
- b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home

education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed:
 - (1) Two units of the same foreign or native American language; or
 - (2) Two units of American sign language; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;

1/85

7. Completed any five additional units, one of which must be in the area of fine arts or career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; or
b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
(2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT; and
10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination; or
b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.

8/5

5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
(2) This section does not require a student to be enrolled in consecutive quarters.
b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and ~~who graduates from:~~
 - a. A Graduates from a high school in this state;
 - b. A Graduates from a high school in a bordering state under chapter 15.1-29; ~~or~~
 - c. A Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2013 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: House Education

Bill/Resolution No. 1291 as (re) engrossed

Date: 4/18/13

Roll Call Vote #: -

- Action Taken**
- HOUSE accede to Senate amendments
 - HOUSE accede to Senate amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) --

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: _____ Seconded by: _____

| Representatives | | | | Yes | No | | Senators | | | | Yes | No |
|-----------------|---|--|--|-----|----|--|---------------|---|--|--|-----|----|
| Rep. Heller | ✓ | | | | | | Sen. Schaible | ✓ | | | | |
| Rep. Heilman | ✓ | | | | | | Sen. Poolman | ✓ | | | | |
| Rep. J. Kelsh | ✓ | | | | | | Sen. Heckaman | ✓ | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

Vote Count Yes: _____ No: _____ Absent: _____

House Carrier _____ Senate Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

no action taken.

2013 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: House Education

Bill/Resolution No. 1291 as (re) engrossed

Date: 4/19/13

Roll Call Vote #: 1

- Action Taken**
- HOUSE accede to Senate amendments
 - HOUSE accede to Senate amendments and further amend
 - SENATE recede from Senate amendments
 - SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) --

- Unable to agree, recommends that the committee be discharged and a new committee be appointed

((Re) Engrossed) _____ was placed on the Seventh order of business on the calendar

Motion Made by: Sen. Schaible Seconded by: Sen. Poolman

| Representatives | | | | Yes | No | Senators | | | | Yes | No |
|-----------------|--|--|--|-----|----|---------------|--|--|--|-----|----|
| Rep. Heller | | | | ✓ | | Sen. Schaible | | | | ✓ | |
| Rep. Heilman | | | | ✓ | | Sen. Poolman | | | | ✓ | |
| Rep. J. Kelsh | | | | ✓ | | Sen. Heckaman | | | | ✓ | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep. Heller Senate Carrier Sen. Schaible

LC Number 13.0109.02006 . 04000 of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1291, as engrossed: Your conference committee (Sens. Schaible, Poolman, Heckaman and Reps. Heller, Heilman, J. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1457-1461, adopt amendments as follows, and place HB 1291 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1457-1461 of the House Journal and pages 1016-1020 of the Senate Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. Completed one unit of physical education; or
- b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;

2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed:
 - (1) Two units of the same foreign or native American language; or
 - (2) Two units of American sign language; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
7. Completed any five additional units, one of which must be in the area of fine arts or career and technical education;
8.
 - a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and

- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit;
- 9. Received a composite score of at least twenty-four on an ACT; and
- 10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination; or
- b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

- 1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- 2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
- 3. A student is not entitled to receive more than six thousand dollars under this section.
- 4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
- 5. a. (1) This section does not require a student to be enrolled in consecutive semesters.
- (2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.

6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and who ~~graduates from~~:
 - a. A Graduates from a high school in this state;
 - b. A Graduates from a high school in a bordering state under chapter 15.1-29; ~~or~~
 - c. A Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1291 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

HB 1291

13.0109.02001
Title.

Prepared by the Legislative Council staff for
Senator Grindberg
March 13, 2013

#1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 3, remove the first "and"

Page 1, line 5, after "education" insert "; and to declare an emergency"

Page 1, line 11, replace "2013-14" with "2012-13"

Page 1, line 23, replace "2013-14" with "2012-13"

Page 3, after line 21, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

March 22, 2013

HZ

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.4. North Dakota career and technical education scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. Two units of any other mathematics;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

5. a. Completed one unit of physical education; or
b. One-half unit of physical education and one-half unit of health;
6. Completed:
 - a. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education courses; and
 - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
7. Completed any five additional units, two of which must be in the area of career and technical education;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; or
b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
(2) Obtained a grade of at least "C" in each unit or one-half unit; and
9. Received:
 - a. A composite score of at least twenty-four on an ACT; or
 - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.5. North Dakota academic scholarship.

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
 - a. One unit of algebra II, as defined by the superintendent of public instruction; and
 - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite;
3. Completed three units of science, including:
 - a. One unit of physical science;
 - b. One unit of biology; and
 - c. (1) One unit of any other science; or
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
 - a. One unit of United States history;
 - b. (1) One-half unit of United States government and one-half unit of economics; or
(2) One unit of problems of democracy; and
 - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5.
 - a. Completed one unit of physical education; or
 - b. One-half unit of physical education and one-half unit of health;
6.
 - a. Completed:
 - (1) Two units of the same foreign or native American language; or
 - (2) Two units of American sign language; and
 - b. One unit selected from:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) American sign language;
 - (4) Fine arts; or
 - (5) Career and technical education;
7. Completed any five additional units, one of which must be in the area of fine arts or career and technical education;
8.
 - a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public

instruction, based on all high school units in which the student was enrolled; and

- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
 - b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
 - (2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT; and
10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination; or
- b. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

SECTION 3. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability.

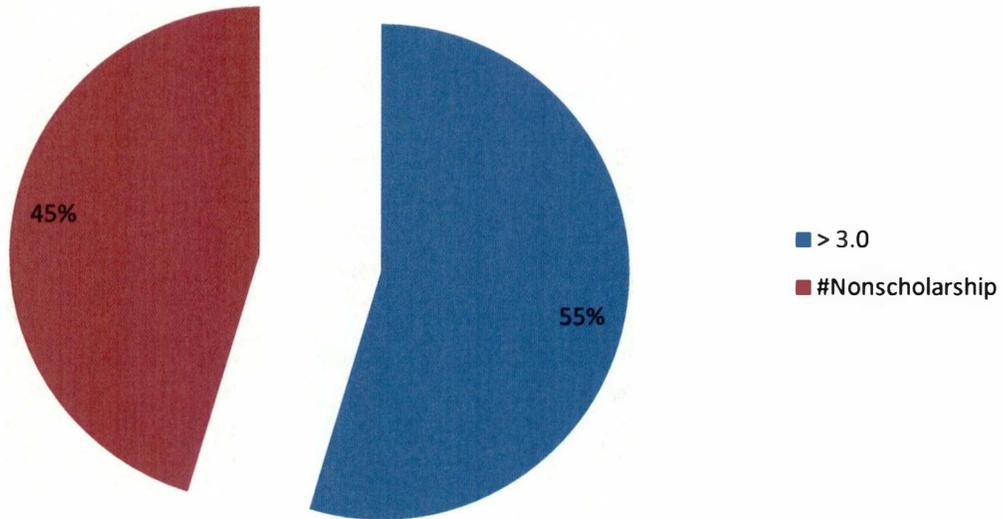
- 1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
 - b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters.

- (2) This section does not require a student to be enrolled in consecutive quarters.
- b. However, a scholarship under this section is valid only for six academic years after the student's graduation from high school and may not be applied to graduate programs.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and ~~who graduates from:~~
 - a. A Graduates from a high school in this state;
 - b. A Graduates from a high school in a bordering state under chapter 15.1-29; or
 - c. A Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.

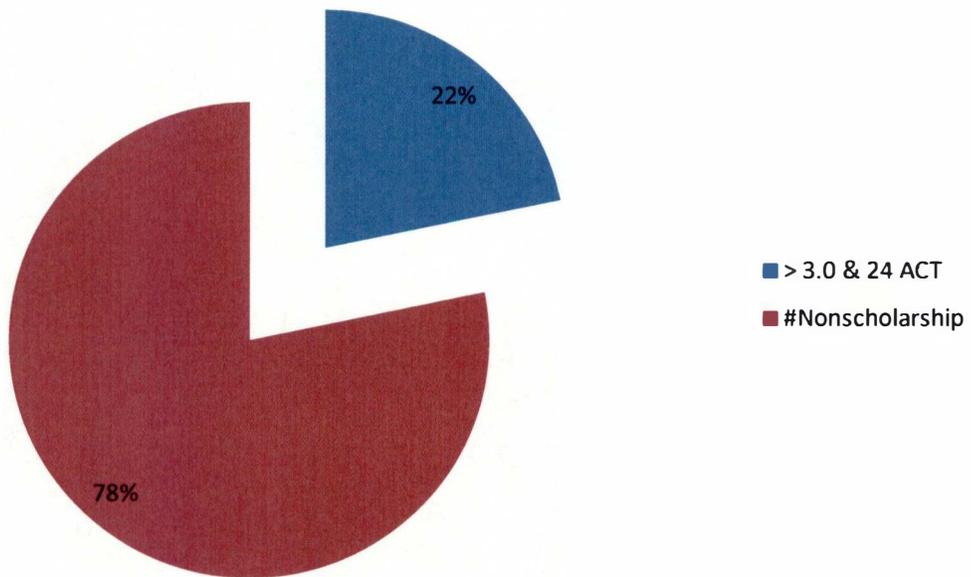
SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

>3.0 Requirement



>3.0 and 24 ACT Requirement



| # | Total | 3.0 or higher. | % 3.0 or higher | # | Total | 3.0 or higher. | % 3.0 or higher |
|----|----------------|-----------------|------------------------|-------------------|-------|----------------|-----------------|
| 1 | 5 | 4 | 80% | 41 | 25 | 10 | 40% |
| 2 | 25 | 8 | 32% | 42 | 14 | 6 | 43% |
| 3 | 13 | 9 | 69% | 43 | 135 | 55 | 41% |
| 4 | 27 | 21 | 78% | 44 | 98 | 62 | 63% |
| 5 | 7 | 7 | 100% | 45 | 20 | 9 | 45% |
| 6 | 9 | 3 | 33% | 46 | 52 | 24 | 46% |
| 7 | 15 | 5 | 33% | 47 | 3 | 1 | 33% |
| 8 | 11 | 7 | 64% | 48 | 15 | 9 | 60% |
| 9 | 13 | 6 | 46% | 49 | 24 | 10 | 42% |
| 10 | 11 | 4 | 36% | 50 | 7 | 4 | 57% |
| 11 | 16 | 7 | 44% | 51 | 401 | 239 | 60% |
| 12 | 14 | 5 | 36% | 52 | 18 | 12 | 67% |
| 13 | 15 | 8 | 53% | 53 | 424 | 218 | 51% |
| 14 | 13 | 10 | 77% | 54 | 20 | 12 | 60% |
| 15 | 32 | 10 | 31% | 55 | 20 | 6 | 30% |
| 16 | 21 | 11 | 52% | 56 | 28 | 13 | 46% |
| 17 | 59 | 33 | 56% | 57 | 12 | 5 | 42% |
| 18 | 17 | 11 | 65% | 58 | 12 | 6 | 50% |
| 19 | 20 | 13 | 65% | 59 | 376 | 252 | 67% |
| 20 | 70 | 44 | 63% | 60 | 24 | 13 | 54% |
| 21 | 83 | 45 | 54% | 61 | 23 | 5 | 22% |
| 22 | 7 | 4 | 57% | 62 | 4 | 0 | 0% |
| 23 | 16 | 10 | 63% | 63 | 6 | 1 | 17% |
| 24 | 13 | 8 | 62% | 64 | 14 | 6 | 43% |
| 25 | 19 | 14 | 74% | 65 | 15 | 10 | 67% |
| 26 | 28 | 18 | 64% | 66 | 26 | 8 | 31% |
| 27 | 7 | 4 | 57% | 67 | 24 | 17 | 71% |
| 28 | 3 | 3 | 100% | 68 | 21 | 6 | 29% |
| 29 | 462 | 201 | 44% | 69 | 36 | 16 | 44% |
| 30 | 12 | 7 | 58% | 70 | 15 | 5 | 33% |
| 31 | 28 | 11 | 39% | 71 | 51 | 25 | 49% |
| 32 | 5 | 4 | 80% | 72 | 11 | 7 | 64% |
| 33 | 29 | 21 | 72% | 73 | 23 | 14 | 61% |
| 34 | 228 | 162 | 71% | 74 | 31 | 21 | 68% |
| 35 | 262 | 146 | 56% | 75 | 11 | 9 | 82% |
| 36 | 233 | 126 | 54% | 76 | 7 | 2 | 29% |
| 37 | 31 | 21 | 68% | 77 | 13 | 6 | 46% |
| 38 | 11 | 9 | 82% | 78 | 5 | 3 | 60% |
| 39 | 13 | 6 | 46% | 79 | | | |
| 40 | 23 | 9 | 39% | 80 | | | |
| | Total # | > 3.0 | #Nonscholarship | % > 3.0 | | | |
| | 3990 | 2182 | 1808 | 55% | | | |

11-12

| Total # | > 3.0 & 24 ACT | #Nonscholarship | % Scholarships |
|---------|----------------|-----------------|----------------|
| 6727 | 1465 | 5262 | 22% |

March 28, 2013

#1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 3, remove the first "and"

Page 1, line 5, after "education" insert "; to provide for a transfer; and to provide an appropriation"

Page 3, after line 21, insert:

"SECTION 4. TRANSFER. Notwithstanding section 15.1-27-22.1, if any moneys remain in the grants - state school aid line item after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2011-13 biennium, the superintendent shall transfer the first \$250,000 to the home education scholarship fund in the state treasury. Moneys in the home education scholarship fund are not subject to section 54-44.1-11.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the home education scholarship fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing scholarships to home-educated students in accordance with sections 1 through 3 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

director shall provide for the duplication or other satisfactory reproduction or printing of the official budget report, so as to ensure delivery of same as provided in this section. Such reports must contain the budget and revenue proposals recommended by the governor and the information required in subsections 1, 2, 3, 5, and 6 of section 54-44.1-06 and all other data and information as the governor shall decide. The budget director shall make available any and all information regarding budget data to the governor, the legislative assembly and its designees, legislators, and to the governor-elect as may be requested. The governor may present any additional budget information in any manner to the legislative assembly as the governor may desire.

54-44.1-09. All expenditures must be appropriated.

All expenditures of the state and of its budget units of moneys drawn from the state treasury must be made under authority of biennial appropriations acts, which must be based upon a budget as provided by law, and no money may be drawn from the treasury, except by appropriation made by law as required by section 12 of article X of the Constitution of North Dakota.

54-44.1-09.1. Insurance recoveries appropriated.

Any payment to a state budget unit for a loss under chapter 26.1-22 or for any loss covered by any property and casualty insurance is hereby appropriated to that budget unit to be used solely for the repair, rebuilding, or replacement of the destroyed or damaged building, property, or equipment. Insurance proceeds may be used for purposes other than the repair, rebuilding, or replacement of the destroyed property with the approval of the emergency commission or as appropriated by the legislative assembly.

54-44.1-10. Payments made pursuant to law only.

No payment may be made and no obligation may be incurred against any appropriation unless such payment or obligation has been authorized as provided by law. Every official authorizing payments in violation of this chapter is subject to the penalties and provisions of chapter 12.1-23.

54-44.1-11. (Effective through July 31, 2013) Office of management and budget to cancel unexpended appropriations - When they may continue.

Except as otherwise provided by law, the office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society are not subject to this section and the state historical society shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. Unexpended appropriations for the North Dakota university system are not subject to this section and the North Dakota university system shall report on the amounts and uses of funds carried over from one biennium to the next to subsequent appropriations committees of the legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.

5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.

(Effective after July 31, 2013) Office of management and budget to cancel unexpended appropriations - When they may continue. The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society are not subject to this section and the state historical society shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.
5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.

54-44.1-12. Control over rate of expenditures.

The director of the budget shall exercise continual control over the execution of the budget affecting the departments and agencies of state government, with the exception of the legislative and judicial branches. Execution means the analysis and approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and on the basis of these analyses and comparisons control the rate of expenditures through a system of allotments. The allotment must be made by specific fund and all departments and agencies that receive moneys from that fund must be allotted on a uniform percentage basis, except that appropriations to the department of public instruction for foundation aid, transportation aid, and special education aid may only be allotted to the extent that the allotment can be offset by transfers from the foundation aid stabilization fund. Before an allotment is made which will reduce the amount of funds which can be disbursed pursuant to an appropriation or before an allotment disallowing a specific expenditure is made, the director shall find one or more of the following circumstances to exist:

1. The moneys and estimated revenues in a specific fund from which the appropriation is made are insufficient to meet all legislative appropriations from the fund.
2. The payment or the obligation incurred is not authorized by law.
3. The expenditure or obligation is contrary to legislative intent as recorded in any reliable legislative records, including:
 - a. Statements of legislative intent expressed in enacted appropriation measures or other measures enacted by the legislative assembly; and
 - b. Statements of purpose of amendment explaining amendments to enacted appropriation measures, as recorded in the journals of the legislative assembly.
4. Circumstances or availability of facts not previously known or foreseen by the legislative assembly which make possible the accomplishment of the purpose of the appropriation at a lesser amount than that appropriated.