21.0272.02000

FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED HOUSE BILL NO. 1013

Introduced by

Appropriations Committee

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

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

16

17

DEPARTMENT OF PUBLIC INSTRUCTION

		Adjustments or	
	Base Level	Enhancements	<u>Appropriation</u>
Salaries and wages	\$18,027,035	(\$188,572)	\$17,838,463
Operating expenses	33,770,947	(672,798)	33,098,149
Integrated formula payments	2,098,202,429	168,071	2,098,370,500
Grants - special education	24,000,000	3,000,000	27,000,000
Grants - transportation	56,500,000	0	56,500,000
	Operating expenses Integrated formula payments Grants - special education	Salaries and wages \$18,027,035 Operating expenses 33,770,947 Integrated formula payments 2,098,202,429 Grants - special education 24,000,000	Base Level Enhancements Salaries and wages \$18,027,035 (\$188,572) Operating expenses 33,770,947 (672,798) Integrated formula payments 2,098,202,429 168,071 Grants - special education 24,000,000 3,000,000

Page No. 1 21.0272.02000

Sixty-seventh Legislative Assembly

1	Grants - other grants	287,062,705	25,676,188	312,738,893	
2	Grants - program grants	7,680,000	(7,680,000)	0	
3	Grants - passthrough grants	2,863,764	(2,863,764)	0	
4	Grants - program and passthrough	0	23,733,064	23,733,064	
5	PowerSchool	5,500,000	(250,000)	5,250,000	
6	National board certification	<u>108,000</u>	<u>68,290</u>	<u>176,290</u>	
7	Total all funds	\$2,533,714,880	\$40,990,479	\$2,574,705,359	
8	Less estimated income	812,553,743	105,661,414	918,215,157	
9	Total general fund	\$1,721,161,137	(\$64,670,935)	\$1,656,490,202	
10	Full-time equivalent positions	89.25	(3.00)	86.25	
11	Subdivision 2.				
12		STATE LIBRARY	,		
13			Adjustments or		
14		Base Level	Enhancements	<u>Appropriation</u>	
15	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066	
16	Operating expenses	1,621,917	200,786	1,822,703	
17	Grants	2,233,528	<u>0</u>	<u>2,233,528</u>	
18	Total all funds	\$8,155,780	\$48,517	\$8,204,297	
19	Less estimated income	<u>2,374,361</u>	(10,438)	<u>2,363,923</u>	
20	Total general fund	\$5,781,419	\$58,955	\$5,840,374	
21	Full-time equivalent positions 27.75 (1.00) 26.				
22	Subdivision 3.				
23		SCHOOL FOR THE	DEAF		
24			Adjustments or		
25		Base Level	<u>Enhancements</u>	<u>Appropriation</u>	
26	Salaries and wages	\$8,054,944	\$282,522	\$8,337,466	
27	Operating expenses	1,705,586	0	1,705,586	
28	Capital assets	158,678	697,500	856,178	
29	Grants	<u>40,000</u>	(40,000)	<u>0</u>	
30	Total all funds	\$940,022	\$10,899,230		
31	1 Less estimated income <u>2,430,358</u> <u>1,058,622</u> <u>3,488</u>				

1	Total general fund	\$7,528,850	(\$118,600)	\$7,410,250
2	Full-time equivalent positions	44.61	0.00	44.61
3	Subdivision 4.			
4	NORTH DAKOTA	VISION SERVICES - S	CHOOL FOR THE BI	IND
5			Adjustments or	
6		Base Level	Enhancements	<u>Appropriation</u>
7	Salaries and wages	\$4,935,291	\$60,053	\$4,995,344
8	Operating expenses	795,821	29,850	825,671
9	Capital assets	<u>39,192</u>	284,000	<u>323,192</u>
10	Total all funds	\$5,770,304	\$373,903	\$6,144,207
11	Less estimated income	<u>1,052,315</u>	473,796	<u>1,526,111</u>
12	Total general fund	\$4,717,989	(\$99,893)	\$4,618,096
13	Full-time equivalent positions	27.90	(0.15)	27.75
14	Subdivision 5.			
15		TOTAL - SECTION	N 1	
16			Adjustments or	
17		Base Level	Enhancements	<u>Appropriation</u>
18	Grand total general fund	\$1,739,189,395	(\$64,830,473)	\$1,674,358,922
19	Grand total special funds	818,410,777	107,183,394	925,594,171
20	Grand total all funds \$2,557,600,172 \$42,352,921 \$2,599,9			
21	SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-			
22	EIGHTH LEGISLATIVE ASSEME	BLY. The following amo	ounts reflect the one-ti	me funding items
23	approved by the sixty-sixth legisla	ative assembly for the 2	2019-21 biennium and	the 2021-23 one-
24	time funding items included in the	e appropriation in section	on 1 of this Act:	
25	One-Time Funding Description 2019-21 2021-			2021-23
26	Department of public instruction			
27	Science experiments grant \$0			\$13,500,000
28	Rapid enrollment grants 3,0			0
29	State automated reporting system rewrite 1,200,000			0
30	Music education grants 800,000			0
31	State school aid formula rewrite 200,000			

1	Total department of public instruction -	\$5,200,000	\$13,500,000	
2	all funds			
3	Total department of public instruction -	5,000,000	13,500,000	
4	estimated income			
5	Total department of public instruction -	\$200,000	\$0	
6	general fund			
7	School for the deaf			
8	Extraordinary repairs	\$250,000	\$0	
9	Campus server upgrade	0	7,500	
10	Equipment	20,000	40,000	
11	Boiler and resource center projects	<u>0</u>	650,000	
12	Total school for the deaf - estimated income	\$270,000	\$697,500	
13	North Dakota vision services - school for the blind			
14	South wing restroom remodel	\$120,000	\$0	
15	Gymnasium floor replacement	42,000	0	
16	West wing roof repair	39,000	0	
17	Daily living skills area remodel	25,000	0	
18	8 Adaptive technology equipment 20,000			
19	Other repairs	18,500	0	
20	Garage door replacement	16,000	0	
21	Replace flooring	0	10,000	
22	Replace south wing air conditioning	0	40,000	
23	Repair sidewalk, roof, and parking lot	0	24,000	
24	Replace doors and key system	0	45,000	
25	Install LED lighting	0	33,000	
26	South wing electrical service	<u>0</u>	<u>165,000</u>	
27	Total school for the blind - estimated income	\$280,500	\$317,000	
28	Grand total - all funds	\$5,750,500	\$14,514,500	
29	Grand total - estimated income	5,550,500	<u>14,514,500</u>	
30	Grand total - general fund	\$200,000	\$0	

- The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for the 2023-25 biennium. The department of public instruction, school for the deaf, and North Dakota vision services school for the blind shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.
 - **SECTION 3. APPROPRIATION TUITION APPORTIONMENT.** The sum of \$433,020,000, included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is from the state tuition fund in the state treasury. Any additional amount in the state tuition fund that becomes available for distribution to public schools is appropriated to the department of public instruction for that purpose for the biennium beginning July 1, 2021, and ending June 30, 2023.
 - **SECTION 4. ESTIMATED INCOME FOUNDATION AID STABILIZATION FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum of \$110,000,000 from the foundation aid stabilization fund for integrated formula payments.
 - SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION

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

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

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

(2)

1 State school aid payments for special education must be reduced by the amount of 2 matching funds required to be paid by school districts or special education units for 3 students participating in the Medicaid program. Special education funds equal to the 4 amount of the matching funds required to be paid by the school district or special 5 education unit must be paid by the superintendent of public instruction to the 6 department of human services on behalf of the school district or unit. 7 **SECTION 7. TRANSPORTATION GRANTS - DISTRIBUTION.** 8 During each year of the 2021-23 biennium, the superintendent of public instruction 9 shall calculate the payment to which each school district is entitled based on the state 10 transportation formula as it existed on June 30, 2001, except that the superintendent 11 shall provide reimbursement at the rate of: 12 One dollar and eleven cents per mile for schoolbuses having a capacity of ten or 13 more passengers; 14 Fifty-two cents per mile for vehicles having a capacity of nine or fewer b. 15 passengers; 16 Fifty cents per mile, provided: C. 17 The student being transported is a student with a disability, as defined in 18 chapter 15.1-32; 19 (2) The student's individualized education program plan requires that the 20 student attend a public or a nonpublic school located outside the student's 21 school district of residence; 22 The student is transported by an adult member of the student's family; (3) 23 (4) The student is transported in a vehicle furnished by the student's parents; 24 (5) The student's transportation is paid for by the student's parents; and 25 (6) The reimbursement does not exceed two round trips daily between the 26 student's home and school. 27 d. Fifty cents per mile, one way, provided: 28 The student being transported resides more than two miles from the public (1) 29 school that the student attends:

The student is transported by an adult member of the student's family;

1		(3)	The student is transported in a vehicle furnished by the student's parents;
2			and
3		(4)	The student's transportation is paid for by the student's parents.
4		e. Thirty	cents per student for each one-way trip.
5	2.	The super	intendent of public instruction shall use the latest available student
6		enrollment	count in each school district in applying the provisions of subsection 1.
7	3.	This section	on does not authorize the reimbursement of any costs incurred in providing
8		transporta	tion for student attendance at extracurricular activities or events.
9	SEC	CTION 8. CO	ONDITION ON APPROPRIATION FOR GRANTS - PROGRAM AND
10	PASSTI	HROUGH L	INE ITEM. The appropriation in the grants - program and passthrough line
11	item in s	subdivision '	1 of section 1 of this Act is conditioned on the superintendent of public
12	instructi	on not using	federal funds to defray the expenses of the following programs for which
13	state fui	nding is prov	vided in this line item for the biennium beginning July 1, 2021, and ending
14	June 30	, 2023:	
15	1.	Adult educ	cation matching grants;
16	2.	School foo	od services matching grants;
17	3.	Program g	rant pool; and
18	4.	Mentoring	program.
19	SEC	CTION 9. RE	EGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION. The
20	integrate	ed formula p	payments line item in subdivision 1 of section 1 of this Act includes \$500,000
21	from the	general fur	nd for the purpose of providing annual grants to regional education
22	associa	tions for the	biennium beginning July 1, 2021, and ending June 30, 2023. An annual
23	grant of	\$35,714 is	provided to each regional education association that exists as of July 1,
24	2021. R	egional edu	cation associations that merge during the 2021-23 biennium are entitled to
25	the ann	ual grants th	at would have been paid to each of the member associations.
26	SEC	CTION 10. E	EXEMPTION - INDIRECT COST ALLOCATION. Notwithstanding section
27	54-44.1	-15, the dep	artment of public instruction may deposit indirect cost recoveries in its
28	operatir	g account.	
29	SEC	CTION 11. E	XEMPTION - GENERAL EDUCATIONAL DEVELOPMENT FEES AND
30	DISPLA	CED HOME	EMAKER DEPOSITS. Notwithstanding section 54-44.1-15, any moneys
31	collecte	d by the dep	partment of public instruction for general educational development fees and

- 1 displaced homemakers deposits, must be deposited in the public instruction fund in the state
- 2 treasury and may be spent subject to appropriation by the legislative assembly.
- 3 SECTION 12. EXEMPTION TRANSFER PUBLIC INSTRUCTION FUND.
- 4 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
- 5 with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in
- 6 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019
- 7 Session Laws, the lesser of \$23,733,064 or the remaining amount must be continued into the
- 8 2021-23 biennium and the office of management and budget shall transfer this amount into the
- 9 public instruction fund for the purpose of providing program and passthrough grants as
- appropriated in subdivision 1 of section 1 of this Act.
- 11 SECTION 13. EXEMPTION DYSLEXIA SCREENING PILOT PROGRAM.
- 12 Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies
- with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in
- 14 the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019
- 15 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of
- defraying the expenses of the dyslexia screening pilot program.
- 17 SECTION 14. STATE AID TO PUBLIC LIBRARIES. The grants line item in subdivision 2 of
- 18 section 1 of this Act includes \$1,737,582 for aid to public libraries, of which no more than
- one-half may be expended during the fiscal year ending June 30, 2022.
- 20 SECTION 15. EXEMPTION SCHOOL FOR THE DEAF HIGHER EDUCATION
- 21 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The \$40,000 appropriated for the
- 22 purpose of providing grants to assist institutions under the control of the state board of higher
- 23 education with the cost of interpreters and real-time captioning for students who are deaf or
- 24 hard of hearing in subdivision 3 of section 1 of chapter 38 of the 2019 Session Laws and any
- funding continued for this purpose from prior bienniums is not subject to section 54-44.1-11. Any
- 26 funds remaining must be distributed pursuant to the provisions of this section:
- 1. The school for the deaf shall develop a formula to determine the grant amount for
- which an institution is eligible. The formula must be based on a uniform hourly
- 29 reimbursement.
- 2. To obtain a grant under this section, an institution shall submit to the school for the
- 31 deaf, at the time and in the manner directed by the school, invoices showing the

- amount expended for interpreters and real-time captioning for students who are deaf or hard of hearing.
- 3 3. The school for the deaf may not distribute more than fifty percent of the amount4 appropriated during the first year of the biennium.
- If any grant moneys remain undistributed at the end of the biennium, the school for the
 deaf shall provide additional prorated grants to institutions that incurred, during the
 biennium, hourly expenses in excess of the formula reimbursement level.
 - 5. At the request of an institution under the control of the state board of higher education, the school for the deaf shall consult with the institution and provide advice regarding the provision of services most appropriate to meet a student's needs.
- 11 **SECTION 16. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is amended and reenacted as follows:
- 13 **15.1-02-02**. **Salary**.

9

10

- The annual salary of the superintendent of public instruction is one hundred
- 15 twenty-twotwenty-seven thousand eightseven hundred tensixty-eight dollars through June 30,
- 16 20202022, and one hundred twenty-five twenty-nine thousand eightsix hundred eighty-eighty-five
- 17 dollars thereafter.
- SECTION 17. AMENDMENT. Section 15.1-02-16 of the North Dakota Century Code is amended and reenacted as follows:
- 20 **15.1-02-16.** Superintendent of public instruction Issuance of credentials to teachers 21 and administrators.
- The superintendent of public instruction may adopt rules governing the issuance of:
- 23 1. Credentials for teachers of driver's education;
- 24 2. Credentials for teachers of early childhood special education;
- 25 3. Credentials for elementary school principals;
- 4. Credentials for teachers of students who are emotionally disturbed;
- 5. Credentials for teachers of students who are gifted and talented;
- 28 6. Credentials for secondary school principals;
- 29 7. Credentials for library media:
- 30 8. Credentials for teachers of title I;
- 31 9. Credentials for teachers of students who have intellectual disabilities;

Sixty-seventh Legislative Assembly

16

17

18

- 1 10. Credentials for teachers of students who are physically disabled;
- 2 11. Credentials for coordinators of programs for students with limited English proficiency;
- 3 12. Credentials for school counselors;
- 4 13. Credentials for special education directors;
- 5 14. Credentials for special education strategists;
- 6 15. Credentials for teachers of students who have specific learning disabilities;
- 7 16. Credentials for superintendents;
- 8 17. Credentials for teachers of students who have vision impairments;
- 9 18. Credentials for teachers of students who are deaf or hard of hearing;
- 10 19. Credentials for teachers of computer and cyber science; and
- 11 20. Certificate of completion for paraprofessionals; and
- 12 <u>21.</u> <u>Certificate of completion for school health technicians</u>.
- 13 **SECTION 18. AMENDMENT.** Section 15.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:
- 15 **15.1-06-19. Counselor positions Requirement.**
 - Beginning with the 2010-11 school year, each school district must have available one full-time equivalent <u>school</u> counselor for every three hundred students in grades seven through twelve.
- 2. Beginning with the 2022-23 school year, each school district must have available one
 full-time equivalent school counselor for every three hundred students in grades
 kindergarten through six.
- 22 The duties of a school counselor under this section must include the academic 3. 23 advisement and appraisal of students, career preparation and advisement of students, 24 assisting in the orientation of new students, interpreting aptitude and achievement 25 tests, providing short-term individual and group counseling sessions to students, 26 presentation of age-appropriate school counseling lessons to students, interpreting 27 student records, collaborating with teachers on building classroom connections, 28 collaborating with school administration to identify student issues and needs, 29 advocating for students, and analyzing disaggregated schoolwide data. The duties 30 may not include assessment administration, clerical responsibilities, or other 31 administrative duties.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

- 1 2.4. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.
- 3 3.5. For purposes of this section, a "career advisor" means an individual who holds a
 4 certificate in career development facilitation issued by the department of career and
 5 technical education under section 15-20.1-24 or an individual who is provisionally
 6 approved by the department of career and technical education under section
 7 15-20.1-25 to serve as a career advisor.

8 **SECTION 19. AMENDMENT.** Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-16. Per student payments <u>- Administrative cost-sharing</u> - Cooperating districts.

- 1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
- 2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
 - a. Provide unduplicated grade level services; or
 - b. Share administrative personnel.
- 3. If any school district receiving payments under this chapter cooperates with another school district to jointly employ both a superintendent and a business manager, the superintendent of public instruction shall provide partial reimbursement of the combined salaries of the superintendent and the business manager as follows:

1	<u>a.</u>	<u>lf th</u>	e combined salaries exceed three hundred thousand dollars, the amount of		
2		the reimbursement must be calculated based upon three hundred thousand			
3	dollars. Each cooperating school district shall receive a prorated share of the				
4		reim	bursement percentages listed below based on the percentage of full-time		
5		<u>equ</u>	ivalency that the superintendent and business manager are employed by		
6		eac	h district. The percentage of reimbursement for the combined salaries of the		
7		<u>join</u> 1	tly hired superintendent and business manager must be as follows:		
8		<u>(1)</u>	If two schools are cooperating, ten percent of the combined salaries;		
9		<u>(2)</u>	If three schools are cooperating, fifteen percent of the combined salaries;		
0		<u>(3)</u>	If four schools are cooperating, twenty percent of the combined salaries;		
11			<u>and</u>		
2		<u>(4)</u>	If five or more schools are cooperating, twenty-five percent of the combined		
3			salaries.		
4	<u>b.</u>	<u>To b</u>	be eligible for reimbursement under this subsection, the cooperating school		
5		<u>dist</u>	ricts must:		
6		<u>(1)</u>	Have been approved by the superintendent of public instruction and have		
7			implemented their administrative cost-sharing program after June 30, 2022;		
8			<u>and</u>		
9		<u>(2)</u>	Submit the salaries of the superintendent and business manager to the		
20			superintendent of public instruction by June first of each year.		
21	SECTION	N 20.	LEGISLATIVE MANAGEMENT STUDY - SCHOOL CONSTRUCTION		
22	FUNDING. D	uring	the 2021-22 interim, the legislative management shall consider studying the		
23	feasibility and	l desi	irability of using up to 1 percent of common schools trust fund assets annually		
24	for school construction grants. The legislative management shall report its findings and				
25	recommenda	tions	, together with any legislation necessary to implement the recommendations,		
26	to the sixty-ei	ghth	legislative assembly.		
27	SECTION	N 21.	LEARNING LOSS, ACCELERATED LEARNING RECOVERY, AND		
28	ELEMENTAR	RY AN	ND SECONDARY SCHOOL EMERGENCY RELIEF FUND - REPORT TO		
29	LEGISLATIV	E MA	ANAGEMENT. School districts receiving funds from the elementary and		
30	secondary sc	hool	emergency relief fund shall provide two narrative summary reports to the		
31	superintende	nt of	public instruction, including information regarding learning losses of students		

Sixty-seventh Legislative Assembly

- 1 identified within the district, including subgroup gaps; school district plans to accelerate learning 2 recovery for all students, including closing subgroup gaps; uses of elementary and secondary 3 school emergency relief funds, including the percentage of those funds expended in categories 4 determined by the superintendent of public instruction; and the impact elementary and 5 secondary school emergency relief fund expenditures had on accelerating the learning recovery 6 for the districts' students. The first school district report must be submitted to the superintendent 7 of public instruction by December 1, 2021. An aggregated report must be presented by the 8 superintendent of public instruction to the legislative management by June 1, 2022. The second 9 school district report must be submitted to the superintendent of public instruction by 10 December 1, 2022. An aggregated report must be presented by the superintendent of public 11 instruction to the sixty-eighth legislative assembly.
- 12 **SECTION 22. EXPIRATION DATE.** Section 19 of this Act is effective through June 30,
- 13 2024, and after that date is ineffective.