

Introduced by

Senator Poolman

Representative Martinson

1 A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota
2 Century Code, relating to school district payments to postsecondary transitional programs for
3 students on individualized education programs; and to amend and reenact section 15.1-27-03.1
4 of the North Dakota Century Code, relating to the addition of students on individualized
5 education programs enrolled in postsecondary transitional programs to the weighted average
6 daily membership calculation.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-27-03.1. Weighted average daily membership - Determination. (Effective through**
11 **June 30, 2021)**

- 12 1. For each school district, the superintendent of public instruction shall multiply by:
- 13 a. 1.00 the number of full-time equivalent students enrolled in an extended
14 educational program in accordance with section 15.1-32-17;
- 15 b. 0.60 the number of full-time equivalent students enrolled in a summer education
16 program, including a migrant summer education program;
- 17 c. 0.40 the number of full-time equivalent students who:
- 18 (1) On a test of English language proficiency approved by the superintendent of
19 public instruction are determined to be least proficient and placed in the first
20 of six categories of proficiency; and
- 21 (2) Are enrolled in a program of instruction for English language learners;
- 22 d. 0.28 the number of full-time equivalent students who:
- 23 (1) On a test of English language proficiency approved by the superintendent of
24 public instruction are determined to be more proficient than students placed

- 1 in the first of six categories of proficiency and therefore placed in the second
2 of six categories of proficiency; and
- 3 (2) Are enrolled in a program of instruction for English language learners;
- 4 e. 0.25 the number of full-time equivalent students under the age of twenty-one
5 enrolled in grades nine through twelve in an alternative high school;
- 6 f. 0.20 the number of full-time equivalent students enrolled in a home-based
7 education program and monitored by the school district under chapter 15.1-23;
- 8 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
9 special education program;
- 10 h. 0.15 the number of full-time equivalent students in grades six through eight
11 enrolled in an alternative education program for at least an average of fifteen
12 hours per week;
- 13 i. 0.10 the number of students enrolled in average daily membership, if the district
14 has fewer than one hundred students enrolled in average daily membership and
15 the district consists of an area greater than two hundred seventy-five square
16 miles [19424.9 hectares], provided that any school district consisting of an area
17 greater than six hundred square miles [155399 hectares] and enrolling fewer than
18 fifty students in average daily membership must be deemed to have an
19 enrollment equal to fifty students in average daily membership;
- 20 j. 0.082 the number of students enrolled in average daily membership, in order to
21 support the provision of special education services;
- 22 k. 0.07 the number of full-time equivalent students who:
- 23 (1) On a test of English language proficiency approved by the superintendent of
24 public instruction are determined to be more proficient than students placed
25 in the second of six categories of proficiency and therefore placed in the
26 third of six categories of proficiency;
- 27 (2) Are enrolled in a program of instruction for English language learners; and
- 28 (3) Have not been in the third of six categories of proficiency for more than
29 three years;
- 30 l. 0.025 the number of students representing that percentage of the total number of
31 students in average daily membership which is equivalent to the three-year

1 average percentage of students in grades three through eight who are eligible for
2 free or reduced lunches under the Richard B. Russell National School Lunch Act
3 [42 U.S.C. 1751 et seq.];

4 m. 0.002 the number of students enrolled in average daily membership in a school
5 district that is a participating member of a regional education association meeting
6 the requirements of chapter 15.1-09.1; and

7 n. 0.50 the number of students by which the district's September tenth enrollment
8 report exceeds the number of students in the prior year's average daily
9 membership.

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

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

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

15 a. 1.00 the number of full-time equivalent students enrolled in an extended
16 educational program in accordance with section 15.1-32-17;

17 b. 0.60 the number of full-time equivalent students enrolled in a summer education
18 program, including a migrant summer education program;

19 c. 0.40 the number of full-time equivalent students who:

20 (1) On a test of English language proficiency approved by the superintendent of
21 public instruction are determined to be least proficient and placed in the first
22 of six categories of proficiency; and

23 (2) Are enrolled in a program of instruction for English language learners;

24 d. 0.28 the number of full-time equivalent students who:

25 (1) On a test of English language proficiency approved by the superintendent of
26 public instruction are determined to be more proficient than students placed
27 in the first of six categories of proficiency and therefore placed in the second
28 of six categories of proficiency; and

29 (2) Are enrolled in a program of instruction for English language learners;

30 e. 0.25 the number of full-time equivalent students under the age of twenty-one
31 enrolled in grades nine through twelve in an alternative high school;

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- 1 f. 0.20 the number of full-time equivalent students enrolled in a home-based
2 education program and monitored by the school district under chapter 15.1-23;
- 3 g. 0.17 the number of full-time equivalent students enrolled in an early childhood
4 special education program;
- 5 h. 0.15 the number of full-time equivalent students in grades six through eight
6 enrolled in an alternative education program for at least an average of fifteen
7 hours per week;
- 8 i. 0.10 the number of students enrolled in average daily membership, if the district
9 has fewer than one hundred students enrolled in average daily membership and
10 the district consists of an area greater than two hundred seventy-five square
11 miles [19424.9 hectares], provided that any school district consisting of an area
12 greater than six hundred square miles [155399 hectares] and enrolling fewer than
13 fifty students in average daily membership must be deemed to have an
14 enrollment equal to fifty students in average daily membership;
- 15 j. 0.082 the number of students enrolled in average daily membership, in order to
16 support the provision of special education services;
- 17 k. 0.07 the number of full-time equivalent students who:
- 18 (1) On a test of English language proficiency approved by the superintendent of
19 public instruction are determined to be more proficient than students placed
20 in the second of six categories of proficiency and therefore placed in the
21 third of six categories of proficiency;
- 22 (2) Are enrolled in a program of instruction for English language learners; and
- 23 (3) Have not been in the third of six categories of proficiency for more than
24 three years;
- 25 l. 0.025 the number of students representing that percentage of the total number of
26 students in average daily membership which is equivalent to the three-year
27 average percentage of students in grades three through eight who are eligible for
28 free or reduced lunches under the Richard B. Russell National School Lunch Act
29 [42 U.S.C. 1751 et seq.];

- 1 m. 0.002 the number of students enrolled in average daily membership in a school
2 district that is a participating member of a regional education association meeting
3 the requirements of chapter 15.1-09.1;
- 4 n. 0.60 the number of students by which the district's September tenth enrollment
5 report exceeds the number of students in the prior year's average daily
6 membership increasing the factor annually by 0.10, not to exceed 1.00; and
- 7 o. For districts paid based on September tenth enrollment in the prior year, 0.50 the
8 number of students determined by deducting the number of students in the prior
9 year's September tenth enrollment from the prior year's average daily
10 membership, increasing the factor annually by 0.10, not to exceed 1.00. If the
11 prior year's September tenth enrollment exceeds the prior year's average daily
12 membership, then a deduction of 0.50 the number of excess students, increasing
13 the factor annually by 0.10, not to exceed 1.00.
- 14 p. 1.00 the number of students ages eighteen to twenty-one with a documented
15 intellectual or developmental disability, on an individualized education program,
16 enrolled in a postsecondary transitional program in a district outside the student's
17 district of residence.
- 18 2. The superintendent of public instruction shall determine each school district's weighted
19 average daily membership by adding the products derived under subsection 1 to the
20 district's average daily membership.

21 **SECTION 2.** A new section to chapter 15.1-27 of the North Dakota Century Code is created
22 and enacted as follows:

23 **Transitional program payments - Students - Individualized education program.**

24 Any school district of residence receiving payments under this chapter shall provide
25 payments to postsecondary transitional programs for eligible students enrolled in a
26 postsecondary transitional program within the state. For purposes of this section, "eligible
27 student" means a student between the ages of eighteen and twenty-one with a documented
28 intellectual or developmental disability, who is on an individualized education program, and who
29 enrolls in a postsecondary transitional program in a district outside the student's district of
30 residence. Payments made by a school district of residence to a postsecondary transitional
31 program under this section may not exceed the per student rate under section 15.1-27-04.1.