

February 17, 2009

Bill Summary
HB 1400

Section 1: Provides a program of certification by the Department of Career and Technical Education for the new “career advisor” positions created in Section 4 of the bill. Career advisors are considered a sub-category of the school counselors required by state law. A career advisor must hold a baccalaureate degree, have a five-year employment history, and successfully complete the program requirements of the Department of Career and Technical Education.

Section 2: Allows the Department of CTE to grant a provisional certification for a “career advisor” in order to phase in this new position in the first two years. Provisional certification may be granted if the individual holds a baccalaureate degree, has a five-year employment history, completes an orientation program and provides the Department of CTE with a plan for completing the departments’ programmatic requirements within a two-year period.

Section 3: Changes the requirements of the school calendar in the second year of the biennium from 180 days to 181 days and from 173 days of instruction to 174 days of instruction. All other requirements remain the same. This change offsets the provisions of subsection 5b page 4, which allows 4 days of early dismissal during the school year for the purpose of professional development activities such as teacher collaboration. These 4 days are considered full instruction days and are counted toward the 174 day requirement. Under normal circumstances, students would be dismissed at 1:30 pm and professional development activities would take place until 4:00 pm.

Section 4: The requirement for counselor staffing is increased from one counselor for every 400 students in grades 7-12 to one counselor for every 300 students in grades 7-12. At the same time authority is granted for up to one-third of all required counselor positions to be filled by the new “career advisors”. A “career advisor” is defined as an individual who holds a permanent or provisional certification from the Department of CTE.

Section 5: Outlines the duties of the new “career advisor” position on the school district staff.

Section 6: Requires the presence of a “student performance strategist” in the ratio of one individual for every 400 students in grades K-3. A “student performance strategist” is

defined as either a tutor of K-3 students or an instructional coach of other teachers, and the individual must be certified as an elementary school teacher.

Section 7: Provides that the state funds allocated in the Funding Formula to a school district due to its participation in a Regional Education Association are payable directly to the appropriate REA.

Section 8: Requires that each school district adopt a professional development plan and submit a copy of the plan to the Superintendent. The Superintendent is required to review the plan for completeness, effectiveness in improving quality of instruction, and implementation. The Superintendent must employ the services of an advisory committee in reviewing professional development plans, determining overall best practices to recommend, and recommending measures to improve the quality of professional development.

Section 9: Provides that Native American languages may be included in the required language offerings in high schools.

Section 10: The number of required units for graduation is set at 22 units and includes 3 units of mathematics, 3 units of science, and 3 units of focused electives in languages, fine arts, or career and technical education.

Section 11: A merit scholarship with technical honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; in lieu of the units of focused electives required in subsection 6 of section 10, completes 2 units of a coordinated plan of study recommended by the department of CTE and approved by DPI, and completes 3 additional units with 2 units in the area of career and technical education; obtains a grade of “C” or better in each course required for the scholarship; obtains a cumulative grade point of at least “B”; and receives a composite score of 24 on the ACT or 1100 on the reading and math portions of SAT or a score of 20 on the Work Keys.

Section 12: A merit scholarship with academic honors is available to any student who: completes one unit of algebra II as part of the mathematics requirement; completes one additional unit of mathematics for which algebra II is a prerequisite; in lieu of the units of focused electives required in subsection 6 of section 10, completes two units of the same foreign or native American language, one unit of fine arts or career and technical education, and one additional unit of language, fine arts, or cte; obtains a grade of at least “C” in each course required for the scholarship; obtains a cumulative grade point of at least “B”; received a composite score of 24 on the ACT or 1100 on the reading and math portions of the SAT; and completes one unit of an advanced placement course with examination or a dual-credit course.

Section 13: Qualifying students receive a “merit scholarship” of \$750 for each semester they are enrolled full time at an accredited college in the state, up to a maximum of \$6000 per student. A student is not required to be enrolled in consecutive semesters, but is eligible only for six academic years after high school graduation. The student must be a North Dakota high school graduate or reciprocity student.

Section 14: If after completing at least two years of high school a student has failed to pass at least three semester courses or has a grade point average in the bottom one-fourth of the class, the student may request a meeting with their guidance counselor and their parent to determine if the student should be permitted to pursue an optional high school curriculum. If a student’s parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing 21 units with the following requirements: 4 units of English language arts; 2 units of mathematics; 2 units of science; 3 units of social studies; 1 unit of physical education or phy ed/health; 2 units of languages, fine arts, or cte courses; and any 7 additional units.

Section 15: Adds requirements for social studies and health education curriculum and requires that every high school offer a personal Finance course (House Education Amendment).

Section 16: Clarifies that summer school courses eligible for reimbursement are: 1) remedial mathematics and remedial reading for students in grades K-8; 2) mathematics, reading, science, and social studies for students in grades 5-9; 3) any other high school courses required for graduation that are considered equivalent to regular courses and comply with rules adopted by the Superintendent.

Section 17: Requires each school district to administer annually to students in grades 2-10 the Measures of Academic Progress, or MAP, test or any other interim assessment approved by the Superintendent.

Section 18: Requires school districts to administer to students, at least once during their enrollment in grades 7-10, a career interest inventory recommended by the department of CTE and approved by DPI.

Section 19: Requires each student in grade eleven to take the ACT, the SAT, or WorkKeys. The student may decide which assessment to take, and the student’s school district is responsible for the cost. The student’s advisor is required to meet with the student to review

the results. A school district superintendent may exempt a student under certain circumstances. Funds are provided in the state aid line item to cover the entire cost.

Section 20: Each student pursuing a GED diploma may take the ACT, SAT, or WorkKeys assessment at state expense (House Education amendment).

Section 21: Certain factors in the school funding formula are changed as follows:

- 1) .20 times the number of students who test least proficient on the approved ELL assessment;
- 2) .05 times the number of students who test not proficient on the approved ELL assessment;
- 3) .02 times the number of students who test somewhat proficient on the approved ELL assessment;
- 4) .20 times the number of students enrolled, beginning in 2010-11, in an approved early childhood education program that provides at least two half days of instruction during each week;
- 5) .07 times the number of students enrolled in ADM to support the provision of special education services;
- 6) .05 times the number of students representing the percentage of students eligible for free and reduced lunch in the district, determined by the three year average percentage of students in grades 3-8;
- 7) .004 times the number of students enrolled in ADM in a district that is participating in an REA.

Section 22: The per student payment rate for the first year of the biennium is \$3420. The per student payment rate for the second year of the biennium is \$3779.

Section 23: Provides that the state aid payable to a district per weighted student unit for the 2009-10 school year must be no less than 108% of the baseline funding per weighted unit established in the last year prior to the reforms of the funding formula. Also provides that the state aid per wsu for the 2010-11 school year must be no less than 112.5% of the baseline funding per wsu. Furthermore, this section provides that the state aid payable per wsu for the 2009-10 school year, less any equity payments, must not exceed 120% of the baseline funding per wsu. Also provides that the state aid payable per wsu for the 2010-11 school year, less any equity payments, must not exceed 134% of the baseline funding per wsu.

Section 24: Removes the obsolete language regarding the equity payment. Also classifies that the equity payment in the future is computed as the district's valuation deficiency times the

lesser of 185 mills or the district's general funding levy for the taxable year 2008. This change is necessitated by the proposed mill levy reduction program which will have variable effects on general fund levies.

Section 25: Provides a hold harmless clause to any reorganized school district ensuring that their equity payment will not decrease for a period of two years because of the reorganization.

Section 26: Provides a similar hold harmless clause for school districts undergoing dissolution.

Section 27: Makes current statutes regarding summer school compatible with the language of Section 15.

Section 28: Clarifies that the calculation of average daily membership is based on 180 days in 2009-10 and 181 days in 2010-11, or the school district's calendar, whichever is greater. Also removes obsolete language regarding Kindergarten ADM.

Section 29: Authorizes the continuation of the Commission on Education Improvement. The membership is expanded to include the chancellor of higher education and a representative of the state's employers. Each member that is not a public official is entitled to receive per diem plus reimbursement for expenses. The duties of the commission are revised to examine the elements necessary to move students seamlessly and without remediation from high schools to institutions of higher education and to employment in the state. Further, the commission will follow the initiatives proposed in HB 1400 to improve student performance, and will develop new recommendations to ensure continued improvement. The Commission will also pursue new initiatives to improve the quality of instruction in North Dakota.

Section 30: Revises the definition of special education "excess costs", which are paid by the state, to those costs that exceed 4 times the state average cost of education, rather than the current 4 1/2 times.

Section 31: Creates a North Dakota early childhood learning council, which is now required by federal regulations for any state that administers a Head Start program. It provides for staggered three-year terms and a remedy for vacancies.

Section 32: Outlines the duties of the ND early learning council including a review of opportunities for public and private sector collaboration in the delivery of early childhood

education, development of a comprehensive plan for the state, and a biennial report to the governor and legislature.

Section 33: Provides for reimbursement for expenses of council members. Funds for council member expenses are provided in the DPI budget bill.

Section 34: Eliminates the prohibition against provision of per student funding for Pre-Kindergarten programs.

Section 35: Establishes three requirements for operation of an early childhood education program:

- 1) Students in the program are not enrolled in Kindergarten;
- 2) Students have reached the age of four before September 1st; and
- 3) Enrollment of a student in the program is voluntary.

Section 36: A school district may operate an early childhood education program in a public school building or any other setting meeting regulations.

Section 37: A school district may receive any state or Federal Funds specifically appropriated for early childhood education and gifts or grants. A school district may not use any state Funds appropriated for Special Ed Pre-K or K-12 for Pre-K programs (House Education amendment).

Section 38: To be eligible for state Pre-K grants a school district must establish an advisory council, use an application process, give admission priority to free and reduced lunch eligible students, limit class sizes to 20 students, provide a program equal to at least 90 days of instruction, and meet other requirements (House education amendment).

Section 39: Establishes the membership and duties of a school district's early childhood advisory council.

Section 40: Appropriates \$1,500,000 for grants to school districts operating an early childhood education program.

Section 41: Appropriates \$2,300,000 to the education standards and practices board for a mentorship grant program to select and train experienced teachers to serve as mentors for first-year teachers.

Section 42: Appropriates \$500,000 to provide 3 grants for instructional coaching programs to be matched by the school district.

Section 43: Appropriates \$2,000,000 for additional transportation payments to school districts.

Section 44: Re-enacts the language adopted by the 60th legislative assembly that all new funds distributed to a school district by the state each year, not including equity payments, transportation payments, mill levy reduction payments, rural education participation payments, or contingency distributions, must dedicate no less than 70% of the total funds to increased teacher compensation.

Section 45: Increases reimbursement rates for transportation, at an increased cost of \$5,000,000 over the amount distributed in 2007- 2009, as follows:

- 1) Increases the per mile rate for school buses with a capacity of ten or more operating within city limits from 51½¢ to 81¢;
- 2) Increases the per mile rate for school buses with a capacity of ten or more operating in rural areas from 73½¢ to 81¢;
- 3) Increases the per mile rate for school buses with a capacity of nine or less from 40¢ to 42¢;
- 4) Increases the per student payment for a one-way trip from 20¢ per student to 22¢ per student.

Section 46: Re-enacts the language adopted by the 60th legislative assembly regarding reorganization planning grants.

Section 47: Provides a base level grant of \$25,000 to each rural education association in addition to the formula factor, funded from the state school aid line of the DPI budget.

Section 48: Provides a special recalculation of the baseline funding amount for a school district that received an unusually large amount of federal aid in 2006-07, the baseline year, and as a result lost state aid during the 2007-09 biennium. This special provision allows the district to use the average amount of federal impact aid received during the 2005-06 and 2006-07 school years. It also provides a distribution of funds to the district equal to the difference in state aid for 2007-09 resulting from the recalculation.

Section 49: Outlines requirements for the deferred maintenance grants that are funded in the DPI budget bill.

Section 50: Provides that any surplus funds appropriated to the special education grants line for 2007-09 be added to the state school aid line item for 2007-09. All prior provisions regarding the contingent use of funds remaining in the state school aid line remain the same.

Section 51: Provides that any surplus funds appropriated to the special education grants line for 2009-11 be added to the state school aid line item for 2009-11.

Section 52: If there are insufficient funds to cover the excess costs of special education students statewide, the industrial commission shall transfer from the Bank of North Dakota the amount necessary to cover the required costs, and the Superintendent shall introduce legislation to return the deficient amount to the Bank of North Dakota.

Section 53: Repeals 15.1-2-02.2 regarding current high school graduation requirements; repeals 15.1-27-20.1 regarding the minimum mill levy offset; and repeals 15.1-38-01.2 regarding the definition of a new immigrant English language learner.

Section 54: Provides that Section 10 regarding new high school graduation requirements becomes effective July 1, 2010.

Section 55: Provides that Section 50 regarding the transfer of 2007-09 surplus funds for special education contracts to the state aid line item be considered an emergency measure.