

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-06 and a new section to chapter 15.1-32 of the North Dakota Century Code, relating to school purchases of gifts or gratuities and permitting private tutors on public school premises; to"

Page 1, line 1, replace "section 15.1-01-01" with "sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26"

Page 1, line 2, replace the first "subsection" with "subsections 2 and"

Page 1, line 3, replace the first "section" with "sections"

Page 1, line 3, after "15.1-27-04.1" insert ", 15.1-36-02, and 15.1-36-04"

Page 1, line 4, after "members" insert ", virtual learning, a policy to revert a reorganized school district back to separate districts, school district enrollment"

Page 1, line 5, after "teacher"" insert ", a school district's policy governing possession of a weapon"

Page 1, line 5, after the third quotation mark insert "dangerous"

Page 1, line 6, after "maximums" insert ", loans from the coal development trust fund, evidences of indebtedness"

Page 1, line 7, after "a" insert "legislative management"

Page 1, line 7, after "report" insert "; to provide for a teacher shortage and military families task force"

Page 1, line 8, remove "and"

Page 1, line 8, after "date" insert "; and to declare an emergency"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 5 with:

"SECTION 1. AMENDMENT. Section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-01-03. State board of public school education - Powers and duties.

1. The state board of public school education shall:
 - a. Assist county committees in carrying out their duties.
 - b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.

- c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
 - d. Provide oversight for regional education associations as required by chapter 15.1-09.1.
 - e. Establish and certify a North Dakota learning continuum to allow a district-approved, mastery framework policy to award units required under sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time requirements under section 15.1-21-03, upon the recommendation of the kindergarten through grade twelve education coordination council.
 - f. Develop a policy and procedures for a school district formed by the reorganization process under chapter 15.1-12 to revert to individual school districts. For a reorganized school district to be eligible for the reversion process, the reorganized school district must have been formed by school districts located in two or more communities, including a rural community, and may not have been formed by school districts that were located in the same city. The board shall develop the policy and procedures on or before January 1, 2024.
2. The state board of public school education may adopt rules in accordance with chapter 28-32.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Purchase of gifts or gratuities - Gift fund.

- 1. A public school or school district may create a gift fund. The gift fund may not include state funds.
- 2. A public school or school district may use funds from the gift fund to purchase an item as a gift or gratuity for an individual, including a school district employee, an individual who speaks or performs at a school function, or a guest on the school premises.
- 3. For purposes of this section, "gift" includes:
 - a. A beverage, food item, or refreshment;
 - b. For parent-teacher conferences, beverages, food items, or refreshments, costing no more than twenty-five dollars per teacher;
 - c. A catered meal costing no more than fifty dollars per meal;
 - d. Pens, notepads, or other promotional materials;
 - e. An item of cultural significance, including a quilt, basket, beadwork, sage, or quillwork;
 - f. An award or incentive, as approved by the superintendent of public instruction or the superintendent's designee; and
 - g. Any other item of de minimis value.

SECTION 3. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide ~~biennial reports~~an annual report to the legislative management ~~regarding~~in even-numbered years and the legislative assembly in odd-numbered years comparing the academic performance ~~metrics~~ of students participating in virtual instruction with students not participating in virtual instruction under this section using the statewide prekindergarten through grade twelve strategic vision framework goals. If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of low group size, the district shall provide the annual report required under this section for the district's comparison data.

SECTION 4. AMENDMENT. Section 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district ~~demographics~~enrollment - Long-term planning process ~~Review~~ - Report.

1. Between January first and June thirtieth of every even-numbered year, the board of each school district shall invite the public to participate in a ~~planning process~~review addressing the effects that ~~demographics might~~decreasing or increasing enrollment will have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on:
 - a. ~~Academic and extracurricular programs~~achievement including progress toward state academic goals adopted by the statewide prekindergarten through grade twelve education strategic vision steering committee;
 - b. ~~Instructional and~~, administrative, and ancillary staffing;
 - c. Co-curricular or extracurricular programs;
 - d. Facility needs and utilization; and
 - ~~d.e.~~ District property tax levies.
2. At the conclusion of the ~~planning process~~review, the board shall prepare a report, ~~publish a notice in the official newspaper of the district indicating that the report is available~~submit the report to the superintendent of public instruction by August first of each even-numbered year, make the report available on the district website, and make the report available upon request.

3. The superintendent of public instruction shall provide an aggregate report on these plans to the legislative assembly."

Page 3, after line 9, insert:

"SECTION 6. AMENDMENT. Subsection 2 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must ~~prohibit~~:
 - a. Prohibit the possession of a dangerous weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. ~~Punishment must include immediate suspension from school and expulsion. A~~
 - b. Require a student who possesses a firearm in violation of this section ~~must~~ be expelled for at least one year. ~~The school district firearms policy must authorize~~
 - c. Authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
 - d. Include a referral mechanism to the criminal justice or juvenile delinquency system for a student who possesses a firearm in violation of this subsection."

Page 3, line 13, after "a." insert "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

b."

Page 3, line 15, overstrike "b." and insert immediately thereafter "c."

Page 3, remove lines 18 through 31

Page 4, remove lines 1 through 3

Page 5, line 8, overstrike "0.082" and insert immediately thereafter "0.088"

Page 5, line 27, after "report" insert ", adjusted for students that will generate average daily membership."

Page 5, line 31, after "enrollment" insert ", adjusted for students that will generate average daily membership."

Page 6, line 12, after "enrollment" insert ", adjusted for students that will generate average daily membership."

Page 9, line 29, replace "forty-four" with "ninety-five"

Page 10, line 4, replace "forty-four" with "ninety-five"

Page 10, line 11, replace "eight hundred sixty" with "nine hundred thirteen"

Page 10, line 17, replace "eight hundred sixty" with "nine hundred thirteen"

Page 16, line 18, replace "forty-four" with "ninety-five"

Page 16, line 24, replace "forty-four" with "ninety-five"

Page 16, line 31, replace "eight hundred sixty" with "nine hundred thirteen"

Page 17, line 6, replace "eight hundred sixty" with "nine hundred thirteen"

Page 20, after line 13, insert:

"**SECTION 12.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Private tutors.

A school district shall permit private tutors to provide tutoring services on school premises.

SECTION 13. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, or an emergency repair or situation, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order ~~the~~ the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.
 - a. For a loan made under this section:

- a. (1) The minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is ~~two~~five million dollars;
 - b. (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - e. (3) The interest rate of the loan may not exceed two percent per year.
- b. For a loan made under this section which includes additional expenses due to unanticipated construction inflation:
- (1) The unanticipated construction inflation must have occurred for a construction project bid after January 1, 2021, and before June 30, 2024;
 - (2) The maximum loan amount for which a school district may qualify is five million dollars;
 - (3) The interest rate on the loan may not exceed two percent per year;
 - (4) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - (5) The school district may pledge revenues derived from its general fund levy authority or other sources of revenue authorized by law.
5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating that the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require that the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.

6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

SECTION 14. AMENDMENT. Section 15.1-36-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-04. Evidences of indebtedness.

The board of a school district may issue and sell evidences of indebtedness under ~~chapter~~chapters 21-02 and 21-03 to finance the construction or improvement of a project approved under this chapter. The principal amount of the loan and the evidences of indebtedness to repay the loan may not exceed the loan amount for which the district is eligible under this chapter 21-03. Evidences of indebtedness issued under this chapter constitute a general obligation of the school district."

Page 21, after line 3, insert:

- "e. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.
- f. A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between fifty million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"SECTION 16. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE BOARD OF PUBLIC SCHOOL EDUCATION.

1. During the 2023-24 interim, the legislative management shall consider studying the composition of the state board of public school education. The study must include:
 - a. An analysis of the state board of public school education boundaries, including a comparison of methodologies for creating the boundaries;
 - b. An analysis of the inclusion of representatives from small, large, urban, and rural schools on the board;
 - c. An evaluation of term limits for board members, including staggering terms to ensure continuity of knowledge;
 - d. An evaluation of the benefits and consequences of requiring the composition of the board to include two school district superintendents, two members of a board of a school district, and two citizens at large;
 - e. An evaluation of the benefits and consequences of requiring a minimum or maximum number of candidates to be submitted to the governor and permitting the governor to request a new list of potential candidates once; and

- f. An analysis of the role and practices of the county superintendent of schools.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 17. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE - REPORT TO LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the superintendent of public instruction shall establish a teacher shortage and military families task force to examine employer recruitment needs, applicable state regulations, and benefit options for kindergarten through grade twelve educators within the state, including potential barriers to military personnel and spouses teaching in the classroom. The task force shall identify immediate and long-term public policy strategies to address teacher shortage and support for military families and spouses. The task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 18. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS FOR FREE MEALS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public school at or below two hundred percent of the federal poverty guideline, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall develop guidelines and reporting requirements for the grants.

Page 21, after line 23, insert:

SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$279,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in identification of dyslexia characteristics to one educator in every school that instructs students in kindergarten through third grade for one year, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 21. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in a reading learning platform approved by the superintendent of public instruction to one educator in every school that instructs students in kindergarten through third grade for two years, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 22, line 1, replace "10" with "19"

Page 22, after line 2, insert:

"SECTION 23. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND.

Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$837,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding training in identification of dyslexia characteristics and reading training for kindergarten through grade three teachers as appropriated in sections 20 and 21 of this Act."

Page 22, line 8, replace "5" with "9"

Page 22, after line 8 insert:

"SECTION 26. EXPIRATION DATE. Section 13 of this Act is effective through June 30, 2025, and after that date is ineffective.

SECTION 27. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly