

Department 250 - State Library
Senate Bill No. 2013

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$7,033,588	\$2,152,915	\$9,186,503
2023-25 Base Level	5,831,721	2,364,417	8,196,138
Increase (Decrease)	\$1,201,867	(\$211,502)	\$990,365

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$257,581 is for salary increases and \$138,888 is for health insurance increases	\$340,174	\$56,295	\$396,469
2. Increases funding for operating expenses	\$54,559	\$0	\$54,559
3. Adds funding for operating expenses related to a new Capitol space rent model	\$264,635	\$0	\$264,635
4. Adds funding for library vision grants to tribal libraries	\$50,000	\$0	\$50,000
5. Adds one-time funding for salaries and wages for retirement payouts	\$40,000	\$0	\$40,000
6. Adds one-time funding for operating expenses to meet maintenance of effort requirements	\$228,635	\$0	\$228,635
7. Adds one-time funding for operating expenses for information technology equipment	\$43,000	\$0	\$43,000
8. Adds one-time funding for operating expenses for building renovations	\$150,000	\$0	\$150,000

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

State aid to public libraries - Section 7 would provide that of the \$1,737,582 provided for aid to public libraries, no more than one-half may be spent during the 1st year of the biennium.

Continuing Appropriations

There are no continuing appropriations for this agency.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

The performance audit of the State Library performed by the State Auditor for the biennium ended June 30, 2021, included a review of financial transactions and determining that expenses are correct. The audit did not identify any areas of concern and prior audit recommendations have been implemented.

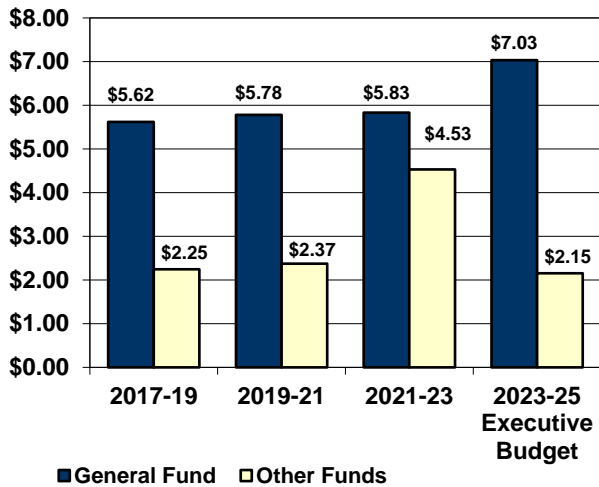
Major Related Legislation

Senate Bill No. 2050 - Allows the State Librarian to recalculate grant payments to public libraries upon successful appeal, repeals the requirement of maintenance of local effort, and clarifies processes for public libraries and state agencies and the role of the Library Coordinating Council.

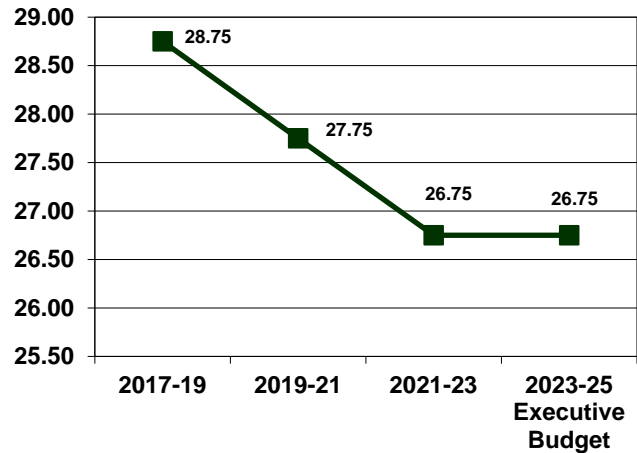
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$6,079,981	\$5,618,301	\$5,781,419	\$5,831,721	\$6,571,953
Increase (decrease) from previous biennium	N/A	(\$461,680)	\$163,118	\$50,302	\$740,232
Percentage increase (decrease) from previous biennium	N/A	(7.6%)	2.9%	0.9%	12.7%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(7.6%)	(4.9%)	(4.1%)	8.1%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Restored salaries and wages funding reductions during the 2015-17 biennium \$61,341
2. Removed 1 FTE education program administrator II position (\$142,296)
3. Reduced funding for online library resources (\$182,239)
4. Reduced funding for state aid to libraries to provide a total of \$1,737,582 from the general fund (\$295,472)

2019-21 Biennium

1. Removed 2 FTE library associate I positions (\$280,915)
2. Added 1 FTE librarian III position \$181,278
3. Adjusted funding for operating expenses (\$29,959)

2021-23 Biennium

1. Removed 2 FTE unidentified positions (\$308,462)
2. Added 1 FTE educational program administrator II position \$151,000

2023-25 Biennium (Executive Budget Recommendation)

1. Increases funding for operating expenses \$54,559
2. Adds funding for operating expenses related to a new Capitol space rent model \$264,635
3. Adds funding for library vision grants to tribal libraries \$50,000

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$250,000	\$0	\$0	\$0	\$461,635

Major One-Time General Fund Appropriations

2017-19 Biennium

None

2019-21 Biennium

None

2021-23 Biennium

None

2023-25 Biennium (Executive Budget Recommendation)

- | | |
|--|-----------|
| 1. Adds one-time funding for salaries and wages for retirement payouts | \$40,000 |
| 2. Adds one-time funding for operating expenses to meet maintenance of effort requirements | \$228,635 |
| 3. Adds one-time funding for operating expenses for information technology equipment | \$43,000 |
| 4. Adds one-time funding for operating expenses for building renovations | \$150,000 |

State Library - Budget No. 250
Senate Bill No. 2013
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	26.75	\$5,831,721	\$2,364,417	\$8,196,138
2023-25 Ongoing Funding Changes				
Cost to continue salary increase		\$23,424	\$4,809	\$28,233
Adjustments to base level funding			(272,606)	(272,606)
Salary increase		216,718	40,863	257,581
Health insurance increase		123,456	15,432	138,888
Increases funding for operating expenses related to Information Technology Department rate increases		7,440		7,440
Increases funding for operating expenses		54,559		54,559
Adds funding for operating expenses related to a new Capitol space rent model		264,635		264,635
Adds funding for library vision grants to tribal libraries		50,000		50,000
Total ongoing funding changes	0.00	\$740,232	(\$211,502)	\$528,730
One-time funding items				
Adds one-time funding for salaries and wages for retirement payouts		\$40,000		\$40,000
Adds one-time funding for operating expenses to meet maintenance of effort requirements		228,635		228,635
Adds one-time funding for operating expenses for information technology equipment		43,000		43,000
Adds one-time funding for operating expenses for building renovations		150,000		150,000
Total one-time funding changes	0.00	\$461,635	\$0	\$461,635
Total Changes to Base Level Funding	0.00	\$1,201,867	(\$211,502)	\$990,365
2023-25 Total Funding	26.75	\$7,033,588	\$2,152,915	\$9,186,503
<i>Federal funds included in other funds</i>			<i>\$2,086,095</i>	
<i>Total ongoing changes as a percentage of base level</i>	<i>0.0%</i>	<i>12.7%</i>	<i>(8.9%)</i>	<i>6.5%</i>
<i>Total changes as a percentage of base level</i>	<i>0.0%</i>	<i>20.6%</i>	<i>(8.9%)</i>	<i>12.1%</i>

Other Sections in State Library - Budget No. 250

	Executive Budget Recommendation			
State aid to public libraries	Section 7 would provide that of the \$1,737,582 provided for aid to public libraries, no more than one-half may be spent during the 1 st year of the biennium.			

**SENATE BILL NO. 2013
(Governor's Recommendation)**

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to provide for a transfer; to amend and reenact sections 15.1-27-03.1 and 15.1-27-04.1 of the North Dakota Century Code.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$ 17,854,747	\$1,755,654	\$ 19,610,401
Operating Expenses	33,098,149	195,171	33,293,320
Integrated Formula Payments	2,131,825,000	123,447,765	2,270,040,156
Grants-Special Education	27,000,000	0	27,000,000
Grants-Transportation	58,100,000	0	58,100,000
Grants-Other Grants	312,738,893	70,000,000	382,738,893
Grants-Program Grants	0	9,500,000	9,500,000
Grants-Passthrough Grants	10,387,064	2,125,764	12,512,828
PowerSchool	5,250,000	525,000	5,775,000
National Board Certification	<u>176,290</u>	<u>0</u>	<u>176,290</u>
Total All Funds	\$2,596,430,143	\$ 207,549,354	\$2,818,746,888
Less Estimated Income	<u>938,233,270</u>	<u>284,387,464</u>	<u>1,237,388,125</u>
Total General Fund	\$1,658,196,873	(\$76,838,110)	\$1,581,358,763
Full-Time Equivalent Positions	86.25	0.00	86.25

Subdivision 2.

STATE LIBRARY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$4,139,907	\$406,960	\$4,546,867
Operating Expenses	1,822,703	533,405	2,356,108
Grants	<u>2,233,528</u>	<u>50,000</u>	<u>2,283,528</u>
Total All Funds	\$8,196,138	\$990,365	\$9,186,503
Less Estimated Income	<u>2,364,417</u>	<u>(211,502)</u>	<u>2,152,915</u>
Total General Fund	\$5,831,721	\$1,201,867	\$7,033,588
Full-Time Equivalent Positions	26.75	0.00	26.75

Subdivision 3.

SCHOOL FOR THE DEAF

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$8,332,820	\$933,617	\$ 9,266,437
Operating Expenses	1,727,086	98,671	1,825,757
Capital Assets	<u>137,178</u>	<u>865,000</u>	<u>1,002,178</u>
Total All Funds	\$10,197,084	\$1,897,288	\$12,094,372
Less Estimated Income	<u>2,790,528</u>	<u>890,022</u>	<u>3,680,550</u>
Total General Fund	\$7,406,556	\$1,007,266	\$ 8,413,822
Full-Time Equivalent Positions	44.61	0.75	45.36

Subdivision 4.

NORTH DAKOTA VISION SERVICES – SCHOOL FOR THE BLIND

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$4,992,194	\$486,306	\$5,478,500
Operating Expenses	792,671	103,015	895,686
Capital Assets	<u>39,192</u>	<u>439,000</u>	<u>478,192</u>
Total All Funds	\$5,824,057	\$1,028,231	\$6,852,378
Less Estimated Income	<u>918,315</u>	<u>750,161</u>	<u>1,668,476</u>
Total General Fund	\$4,905,742	\$278,160	\$5,183,902
Full-Time Equivalent Positions	27.75	0.00	27.75

Subdivision 5.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand Total General Fund	\$1,676,340,892	(\$74,350,817)	\$1,601,990,075
Grant Total Special Funds	<u>944,306,530</u>	<u>285,816,145</u>	<u>1,230,122,675</u>
Grand Total All Funds	\$2,620,647,422	\$ 211,465,328	\$2,832,112,750

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation in section 1 of this Act:

DEPARTMENT OF PUBLIC INSTRUCTION

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
STARS Maintenance	\$200,000	\$ 0
Gateway To Science Grant	13,500,000	0
Regional Education Association Grants	250,000	0
Be Legendary School Board Training	0	3,000,000
Cyber Security Credential Incentive	0	2,000,000
Grow Your Own Teacher Program	<u>0</u>	<u>4,000,000</u>
Total Department of Public Instruction - All Fund	\$13,950,000	\$9,000,000
Total Department of Public Instruction - Special Funds	<u>13,750,000</u>	<u>9,000,000</u>
Total Department of Public Instruction - General Fund	\$ 200,000	\$ 0

STATE LIBRARY

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Funding For Maintenance Of Effort	\$0	\$228,635
Retirement Leave Payout	0	40,000
IT Equipment	0	43,000
Office Renovation	<u>0</u>	<u>150,000</u>
Total School For The Deaf - Special Funds	\$0	\$461,635

SCHOOL FOR THE DEAF

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Boiler Replacement	\$650,000	\$650,000
Operating Expenses	21,500	0
Replace Campus Server	7,500	0
Inflationary Increase	0	120,171
Replace Pneumatic Controls And Fire Alarm Equipment	0	150,000
	<u>40,000</u>	<u>43,000</u>
Total School for The Deaf – All Funds	\$719,000	\$963,671
Total School for The Deaf - Special Funds	<u>719,000</u>	<u>\$873,586</u>
Total School for The Deaf – General Fund	\$ 0	\$90,085

NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Miscellaneous Repairs	\$414,500	\$439,000
Equipment	<u>0</u>	<u>26,000</u>
Total School for the Blind Special Funds	\$ 414,500	\$ 465,000
Grand Total - All Funds	\$15,083,500	\$10,890,306
Grand Total - Estimated Income	\$14,883,500	\$10,338,586
Grand Total - General Fund	\$ 200,000	\$ 551,720

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The department of public instruction, state library, school for the deaf, and North Dakota vision services - school for the blind shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023 and ending June 30, 2025.

SECTION 3. AMENDMENT. Section 15.1-02-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-02. Salary.

The annual salary of the superintendent of public instruction is ~~one hundred twenty-seven thousand seven hundred sixty-eight dollars through June 30, 2022~~ one hundred thirty-eight thousand one hundred forty-two dollars through June 30, 2024 and ~~one hundred thirty thousand three hundred twenty-three dollars~~ one hundred forty-three thousand six hundred sixty-eight dollars thereafter.

SECTION 4. APPROPRIATION - TUITION APPORTIONMENT. The sum of \$513,832,000, 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, 2023 and ending June 30, 2025.

SECTION 5. 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. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the medicaid program. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.

SECTION 6. INDIRECT COST ALLOCATION. Notwithstanding section 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its operating account.

SECTION 7. STATE AID TO PUBLIC LIBRARIES. The line item entitled grants in subdivision 2 of section 1 of this Act includes \$1,737,582 for aid to public libraries, of which no more than one-half is to be expended during the fiscal year ending June 30, 2024.

SECTION 8. GRANTS – OTHER GRANTS. The line item entitled grants-other grants in subdivision 1 of section 1 of this Act contains pass-through grants, of which no more than one-half of the funding is to be expended during the fiscal year ending June 30, 2024.

SECTION 9. TRANSFER. The office of management and budget shall transfer, on a quarterly basis, a total of \$283,755,019 from the foundation aid stabilization fund to the operating fund of the department of public instruction for the purpose of covering expenses in the integrated formula payment line in subdivision 1 of section 1 of this Act, for the period beginning with the effective date of this Act and ending June 30, 2025.

SECTION 10. TRANSFER – FOUNDATION AID STABILIZATION FUND – ONE-TIME FUNDING. The office of management and budget shall transfer \$9,000,000 from the foundation aid stabilization fund to the department of public instruction, of which, \$3,000,000 is for school board training, \$2,000,000 is for a cyber security credential incentive and \$4,000,000 is for the grow your own teacher program, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 11. USE OF NEW MONEY – NONADMINISTRATIVE PERSONNEL COMPENSATION INCREASES.

1. During the 2023-25 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district, resulting from increases in the base integrated formula payment rate, to increase the compensation paid to nonadministrative personnel.
2. For purposes of this section, the superintendent of public instruction shall provide guidance to school districts regarding the calculation of the amount of new money resulting from increases in the base integrated formula payment rate during the 2023-25 biennium.

SECTION 12. 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 38 of the 2021 Session Laws, the lesser of \$10,387,064 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 providing program and passthrough grants as appropriated in subdivision 1 of section 1 of this Act.

SECTION 13. EXEMPTION – GENERAL EDUCATOINAL DEVELOPMENT FEES AND DISPLACED HOMEMAKER DEPOSITS. Notwithstanding section 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its operating account. In addition, any moneys collected by the department of public instruction for general educational development fees and displaced homemakers deposits must be deposited in the public instruction fund in the state treasury. Any funds deposited in the public instruction fund may only be spent subject to appropriation by the legislative assembly.

SECTION 14. EXEMPTION – ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUNDS. The amount appropriated to the department of public instruction from federal funds in section 2 subdivision 2 of chapter 28 of the 2021 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the department of public instruction during the biennium beginning July 1, 2023 and ending June 30, 2025.

SECTION 15. AMENDMENT. Subsection 1 of Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;

- c. 0.40 the number of full-time equivalent students who:
- (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
- d. 0.28 the number of full-time equivalent students who:
- (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
- e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
- f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
- g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
- h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
- i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
- j. 0.82 the number of students enrolled in average daily membership, in order to support the provision of special education services;
- k. 0.07 the number of full-time equivalent students who:
- (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
 - (2) Are enrolled in a program of instruction for English language learners; and
 - (3) Have not been in the third of six categories of proficiency for more than three years;
- l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; and
- n. ~~0.50~~ 1.00 the number of students by which the district's September tenth enrollment report ~~exceeds~~ changes from the number of students in the prior year's average daily membership.
- o. For districts paid based on September tenth enrollment in the prior year, 0.70 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership.

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

Weighted average daily membership - Determination. (Effective after June 30, ~~2024~~ 2023)

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
 - c. 0.40 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - d. 0.28 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
 - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
 - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
 - h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
 - i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
 - j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
 - k. 0.07 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
 - (2) Are enrolled in a program of instruction for English language learners; and

(3) Have not been in the third of six categories of proficiency for more than three years;

l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];

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

n. ~~0.60~~ 1.00 the number of students by which the district's September tenth enrollment report ~~exceeds changes from~~ the number of students in the prior year's average daily membership ~~increasing the factor annually by 0.10, not to exceed 1.00~~; and

o. ~~For districts paid based on September tenth enrollment in the prior year, 0.50~~ 1.00 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership, ~~increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.~~

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

SECTION 16. AMENDMENT. Subsection 3 of Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

3. a. For the ~~2021-22~~ 2023-24 school year, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand ~~one hundred thirty-six dollars~~ six hundred forty-six dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand ~~one hundred thirty-six~~ six hundred forty-six dollars; or

(3) The district's baseline funding as established in subsection 1. (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~ forty-five percent for the 2021-22 school year and fifteen percent each school year thereafter, and then the difference added to the amount determined in paragraph 1.

b. For the ~~2022-23~~ 2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand ~~two hundred thirty-seven~~ nine hundred sixty-five dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand ~~two hundred thirty-seven~~ nine hundred sixty-five dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~ sixty percent for the 2021-22 school year and fifteen percent each school year thereafter, and then the difference added to the amount determined in paragraph 1.

~~c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:~~

~~(1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~

~~(2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~

~~(3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~

~~(4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~

~~(5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~

~~(6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~

SECTION 17. AMENDMENT. Subsection 4 of Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:

a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and

b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

(1) Tuition revenue shall be adjusted as follows:

(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of

subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2020~~ 2022 by the school district for sinking and interest relative to the total mills levied in ~~2020~~ 2022 by the school district for all purposes.