

**CHAPTER 15.1-27  
STATE AID**

**15.1-27-01. Payments to school districts - Distribution.**

1. The superintendent of public instruction shall estimate the total state payments to which a school district is entitled each year.
2. The superintendent of public instruction shall pay each district ten percent of the amount determined under subsection 1, within the limits of legislative appropriation, on or before August first and September first of each year. The superintendent shall pay each school district twenty percent of that amount, within the limits of legislative appropriation, on or before October first of each year.
3. The superintendent of public instruction shall estimate the amount that, in addition to the payments already made, is necessary to constitute the remainder of the amount due each district for the current school year.
4. On or before November first, the superintendent of public instruction shall pay to each district, within the limits of legislative appropriation, an amount that, in addition to the above payments, constitutes sixty percent of the sum due under this chapter.
5. On or before the first day of December, January, February, March, and April, payments equal to twenty percent of the total remaining payments must be made to each district.
6. If funds appropriated for distribution to districts as state aid become available after April first, the superintendent of public instruction shall distribute the newly available payments on or before June thirtieth.

**15.1-27-02. Per student payments - Required reports.**

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:
  - a. The June thirtieth student membership and attendance report;
  - b. An annual school district financial report;
  - c. The September tenth fall enrollment report; and
  - d. The personnel report forms for licensed and nonlicensed employees.
2. On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and mill levy certifications. If a district fails to file the taxable valuation and mill levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and mill levy certifications are filed.

**15.1-27-03. Cost of education - Determination.**

1. The superintendent of public instruction shall determine the educational cost per student.
2. In determining the educational cost per student, the superintendent may not use:
  - a. Capital outlay for buildings;
  - b. Capital outlay for sites;
  - c. Capital outlay for debt service;
  - d. Expenditures for school activities;
  - e. Expenditures for school lunch programs;
  - f. Expenditures for transportation costs, including schoolbuses; or
  - g. Expenditures for early childhood education.

**15.1-27-03.1. (Effective through June 30, 2017) Weighted average daily membership - Determination.**

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. 0.33 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. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
  - e. 0.22 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;
  - 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.];
- and
- 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.
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.

**(Effective after June 30, 2017) Weighted average daily membership - Determination.**

- 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.]; and
  - 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.
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.

**15.1-27-03.2. School district size weighting factor - Weighted student units.**

- 1. For each high school district in the state, the superintendent of public instruction shall assign a school district size weighting factor of:
  - a. 1.36 if the students in average daily membership number fewer than 110;

- b. 1.35 if the students in average daily membership number at least 110 but fewer than 125;
- c. 1.34 if the students in average daily membership number at least 125 but fewer than 130;
- d. 1.33 if the students in average daily membership number at least 130 but fewer than 135;
- e. 1.32 if the students in average daily membership number at least 135 but fewer than 140;
- f. 1.31 if the students in average daily membership number at least 140 but fewer than 145;
- g. 1.30 if the students in average daily membership number at least 145 but fewer than 150;
- h. 1.29 if the students in average daily membership number at least 150 but fewer than 155;
- i. 1.28 if the students in average daily membership number at least 155 but fewer than 160;
- j. 1.27 if the students in average daily membership number at least 160 but fewer than 165;
- k. 1.26 if the students in average daily membership number at least 165 but fewer than 175;
- l. 1.25 if the students in average daily membership number at least 175 but fewer than 185;
- m. 1.24 if the students in average daily membership number at least 185 but fewer than 200;
- n. 1.23 if the students in average daily membership number at least 200 but fewer than 215;
- o. 1.22 if the students in average daily membership number at least 215 but fewer than 230;
- p. 1.21 if the students in average daily membership number at least 230 but fewer than 245;
- q. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
- r. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
- s. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
- t. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
- u. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
- v. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
- w. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
- x. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
- y. 1.12 if the students in average daily membership number at least 300 but fewer than 305;
- z. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
- aa. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
- bb. 1.09 if the students in average daily membership number at least 320 but fewer than 335;
- cc. 1.08 if the students in average daily membership number at least 335 but fewer than 350;

- dd. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
  - ee. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
  - ff. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
  - gg. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
  - hh. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
  - ii. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
  - jj. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
  - kk. 1.00 if the students in average daily membership number at least 900.
2. For each elementary district in the state, the superintendent of public instruction shall assign a weighting factor of:
    - a. 1.25 if the students in average daily membership number fewer than 125;
    - b. 1.17 if the students in average daily membership number at least 125 but fewer than 200; and
    - c. 1.00 if the students in average daily membership number at least 200.
  3. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units.
  4. Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.

**15.1-27-04. Per student payment rate.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-04.1. Baseline funding - Establishment - Determination of state aid.**

1. In order to determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
  - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2012-13 school year;
  - b. The district's 2012-13 mill levy reduction grant, as determined in accordance with chapter 57-64, as it existed on June 30, 2013;
  - c. An amount equal to that raised by the district's 2012 general fund levy or that raised by one hundred ten mills of the district's 2012 general fund levy, whichever is less;
  - d. An amount equal to that raised by the district's 2012 long-distance learning and educational technology levy;
  - e. An amount equal to that raised by the district's 2012 alternative education program levy; and
  - f. An amount equal to:
    - (1) Seventy-five percent of all revenue received by the school district and reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
    - (2) Seventy-five percent of all mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and

- reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
- (3) Seventy-five percent of all tuition received by the school district and reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
  - (4) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on the distribution and transmission of electric power;
  - (5) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on electricity generated from sources other than coal;
  - (6) All revenue received by the school district from mobile home taxes;
  - (7) Seventy-five percent of all revenue received by the school district from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);
  - (8) All telecommunications tax revenue received by the school district; and
  - (9) All revenue received by the school district from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
2. The superintendent shall divide the district's total baseline funding by the district's 2012-13 weighted student units in order to determine the district's baseline funding per weighted student unit.
  3.
    - a. In 2015-16, the superintendent shall multiply the district's weighted student units by nine thousand three hundred sixty-five dollars.
      - (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:
        - (a) One hundred six percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2013-14 weighted student units; or
        - (b) One hundred percent of the district's baseline funding as established in subsection 1.
      - (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred thirty percent of the district's baseline funding per weighted student unit multiplied by the district's 2013-14 weighted student units, as established in subsection 2.
    - b. In 2016-17, the superintendent shall multiply the district's weighted student units by nine thousand six hundred forty-six dollars.
      - (1) The superintendent shall adjust the product to ensure that the product is at least equal to the greater of:
        - (a) One hundred eight percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units; or
        - (b) One hundred percent of the district's baseline funding as established in subsection 1.
      - (2) The superintendent shall also adjust the product to ensure that the product does not exceed one hundred forty percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's 2014-15 weighted student units.
  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, provided that after 2013, 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; and

- b. Subtract an amount equal to seventy-five percent of all revenues listed in paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of subsection 1.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

**15.1-27-04.2. State aid - Minimum local effort - Determination.**

If a district's taxable valuation per student is less than twenty percent of the state average valuation per student, the superintendent of public instruction, for purposes of determining state aid in accordance with section 15.1-27-04.1, shall utilize an amount equal to sixty mills times twenty percent of the state average valuation per student multiplied by the number of weighted student units in the district.

**15.1-27-05. School district equalization factor.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-06. Per student payments - Weighting factors - High school students.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-07. Per student payments - Weighting factors - Elementary school students.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-07.1. Kindergarten payments - Determination.**

Repealed by S.L. 2013, ch. 13, § 64.

**15.1-27-07.2. Baseline funding - Determination - Minimum and maximum allowable increases.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-08. Per student payments - Unaccredited high schools.**

Repealed by S.L. 2011, ch. 131, § 9.

**15.1-27-09. Per student payments - Unaccredited elementary schools.**

Repealed by S.L. 2011, ch. 131, § 9.

**15.1-27-10. Per student payments - Special education.**

1. Upon the written request of a school district, the superintendent of public instruction may forward all or a portion of any per student special education payments to which a school district is entitled directly to the special education unit of which the school district is a member.
2. The superintendent of public instruction may withhold state special education funds due a school district if, in response to a complaint, the superintendent finds that the district is not providing a free appropriate public education to a student as required by law. Any withholding under this subsection may not exceed an amount equal to the cost of meeting the affected student's needs.

**15.1-27-11. Equity payments.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-12. Per student payments - English language learners.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-13. Per student payments - Students on active duty.**

A school district is entitled to receive payments under this chapter for a student who is absent up to one semester because the student is a member of the North Dakota national guard and is engaged in active duty or training within or outside the state.

**15.1-27-14. Per student payments - Students attending school out of state.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-15. Isolated schools.**

Repealed by S.L. 2011, ch. 147, § 44.

**15.1-27-15.1. Isolated school districts - Transition payments.**

If during the 2010-11 school year, a school district received payments as a result of section 15.1-27-15, as the section existed on June 30, 2011, and if that district is not eligible for the factor established under subdivision j of subsection 1 of section 15.1-27-03.1, the district is entitled to the following transition payments:

1. For the 2013-14 school year, an amount equal to that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;
2. For the 2014-15 school year, an amount equal to seventy-five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011;
3. For the 2015-16 school year, an amount equal to fifty percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011; and
4. For the 2016-17 school year, an amount equal to twenty-five percent of that which the district would have received under section 15.1-27-15, as the section existed on June 30, 2011.

**15.1-27-16. Per student payments - Cooperating districts.**

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.

**15.1-27-17. Per student payments - Reorganization of school districts - Separate weighting factor.**

1. Notwithstanding section 15.1-27-03.2, the superintendent of public instruction shall create and assign a separate weighting factor to any school district that reorganizes on or after July 1, 2007.
2.
  - a. The separate weighting factor must allow the reorganized school district to receive a payment rate equivalent to that which each separate school district would have received had the reorganization not taken place.
  - b. The separate weighting factor must be computed to four decimal places.
  - c. The provisions of this subsection are effective for a period of four years from the date of the reorganization.
3. At the beginning of the fifth and at the beginning of the sixth years after the date of the reorganization, the superintendent of public instruction shall make proportionate adjustments in the assigned weighting factor so that beginning with the seventh year



after the date of the reorganization, the weighting factor that will be applied to the reorganized district is that provided in section 15.1-27-03.2.

**15.1-27-18. Per student payments - Eligibility.**

1. In order to be counted for the purpose of calculating per student payments, as provided for by this chapter, a high school student must be enrolled in at least four high school units. The units may include career and technical education courses offered in accordance with chapter 15-20.1 and courses that are approved by the superintendent of public instruction and offered by another high school district.
2. If a student is enrolled for graduation in a nonpublic school or if a student is taking fewer than four high school units and is enrolled in an approved alternative high school education program, the school district in which the student is enrolled is entitled to receive proportionate payments.

**15.1-27-19. Summer school courses and programs - Payments to school districts.**

1. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course meets the requirements of section 15.1-21-16.
2. Before a weight may be assigned under section 15.1-27-03.1 for a student enrolled in an elementary summer program, the superintendent of public instruction shall verify that the program meets the requirements of section 15.1-21-16 and complies with rules adopted by the superintendent of public instruction.

**15.1-27-20. State aid payments - Claim by school district - Appeal.**

1. Any school district claiming state aid payments under this chapter shall provide to the superintendent of public instruction, at the time and in the manner requested by the superintendent, all information necessary for the processing of the claim.
2. If the superintendent of public instruction denies a district's claim for state aid payments, in whole or in part, the district may appeal the determination of the superintendent by filing a written notice with the superintendent, within thirty days from the date on which the district received the original determination. The superintendent of public instruction may modify the original determination if the evidence submitted by the district justifies a modification. Upon appeal, or if a timely appeal is not made, the determination of the superintendent is final.

**15.1-27-20.1. General fund levy - Impact on state aid.**

Repealed by S.L. 2009, ch. 535, § 8 and ch. 175, § 64.

**15.1-27-20.2. Taxable valuation - Impact on state aid.**

1. If a school district's imputed taxable valuation per student is greater than one hundred fifty percent of the state average imputed taxable valuation per student, the superintendent of public instruction shall:
  - a. Determine the difference between the district's imputed taxable valuation per student and one hundred fifty percent of the state average imputed taxable valuation per student;
  - b. Multiply the dollar amount determined under subdivision a by the district's average daily membership;
  - c. Multiply the dollar amount determined under subdivision b by one hundred eighty-five mills;
  - d. Multiply the dollar amount determined under subdivision c by a factor of 0.75; and
  - e. Subtract the dollar amount determined under subdivision d from the total amount of state aid to which the district is otherwise entitled.
2. For purposes of this section, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing the district's mineral and tuition revenue by sixty percent of the district's general fund mill levy.

Beginning July 1, 2008, "imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing seventy percent of the district's mineral and tuition revenue by the district's general fund mill levy.

**15.1-27-21. Payment to school district - Property valuation changes.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-22. Insufficient moneys - Fractional payments.**

If moneys in the state general fund are insufficient to make all payments to school districts, the superintendent of public instruction shall prorate the payments on a fractional basis. As additional moneys come into the fund, payments may be made until the school districts receive all moneys to which they are entitled. If an appropriation made by the legislative assembly is inadequate to meet all claims against the appropriation and is therefore the cause of the insufficiency, the prorated fractional payments made under this section constitute payment in full.

**15.1-27-22.1. Distribution of remaining moneys.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.**

1. The board of each school district shall include in the school calendar days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions.
2.
  - a. The number of days required under subsection 1 must equal the average number of days per school year, as calculated using the previous five school years, during which the school district remained closed or provided less than a full day of instruction because of severe weather or other emergency conditions.
  - b. The number of days determined under subdivision a may be included within the calendar no earlier than the month of January.
3. If the number of days during which a public school or school district is closed or provides less than a full day of instruction exceeds the number of days determined under subdivision a of subsection 2, the public school or school district shall make every effort to reschedule the remaining classes, so that students receive at least the number of full instructional days required by section 15.1-06-04 or an equivalent period of instructional time, as determined by the superintendent of public instruction.
4. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.
5. The governor may not grant a waiver for less than a full day of instruction. However, if a public school or school district closes for only a portion of its regular schoolday, the hours during which the school or school district is closed may be added together to determine the number of additional full days of instruction that may be waived under this section.

**15.1-27-24. Taylor Grazing Act funds - Disposition.**

The state treasurer shall apportion payments from the federal government to this state under the provisions of 43 United States Code 315i (the Taylor Grazing Act) among the counties in the state in the proportion that the number of acres [hectares] of Taylor Grazing Act land in each county bears to the total amount of Taylor Grazing Act land in the state. The state treasurer shall provide the payment to the county treasurer of each county receiving payments as directed by the United States bureau of land management. Each county treasurer receiving payments shall distribute the funds to school districts in that county on the basis of average daily membership of all students residing within the county.

**15.1-27-25. Royalties available under federal law - Distribution to counties and school districts - Continuing appropriation.**

1. Any money paid to the state by the secretary of the treasury of the United States under the provisions of an Act of Congress entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" [Pub. L. 66-146; 41 Stat. 437; 30 U.S.C. 181 et seq.] must be credited to the state general fund and the federal mineral royalties distribution fund and must be distributed only pursuant to the terms of this section.
2. Within three months following the calendar quarters ending in March, June, September, and December, the state auditor shall certify to the state treasurer the amount of money the state received during the preceding calendar quarter for royalties under the Act of Congress cited in subsection 1.
3. The state treasurer shall allocate the percentage of the total moneys received as required by this section among the counties in which the minerals were produced based on the proportion each county's mineral royalty revenue bears to the total mineral royalty revenue received by the state for that calendar quarter. The state treasurer shall pay the amount calculated to each county.
4. The counties may use any money received under this section only for the planning, construction, and maintenance of public facilities and the provision of public services. As used in this section, public facilities include any facility used primarily for public use as determined by the board of county commissioners whether located on public or private property.
5. The percentage of money received by the state under the Act of Congress cited in subsection 1 which must be allocated and paid to the counties under this section is fifty percent.
6. Any remaining money received by the state under the Act of Congress cited in subsection 1 must be distributed to school districts as provided for in this chapter. Any moneys distributed under this subsection are deemed the first moneys withdrawn or expended from the general fund for the purpose of state aid to school districts.
7. A reserve for distributions to counties pursuant to this section is created as a special fund in the state treasury known as the federal mineral royalties distribution fund. The state treasurer shall deposit in the fund fifty percent of amounts received pursuant to this section.
8. The funds needed to make the distribution to counties, as provided for in this section, are hereby appropriated on a continuing basis.

**15.1-27-26. School district transportation of students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-27. School district transportation of special education students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-28. School district transportation of career and technical education students - Payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-29. Transportation payments - Certification of information.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-30. School district closure - Distribution of transportation payments.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-31. State transportation payments to school districts.**

Repealed by S.L. 2003, ch. 667, § 41.

**15.1-27-32. School district closure - Distribution of per student special education payments.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-33. Nonoperating school districts - Education of students - State payments.**

Repealed by S.L. 2005, ch. 172, § 1.

**15.1-27-34. Transfer of funds prohibited - Youth correctional center.**

The superintendent of public instruction may not transfer any portion of the funds appropriated for state aid payments to the youth correctional center to support the provision of educational services by the youth correctional center.

**15.1-27-35. Average daily membership - Calculation.**

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
  - a. The school district's calendar; or
  - b. One hundred eighty-two.
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
  - a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
  - b. The two days set aside for professional development activities under section 15.1-06-04; and
  - c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.
3. For purposes of calculating average daily membership:
  - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

**15.1-27-35.1. Average daily membership - Reduction in grade levels.**

If a school district offers fewer grade levels than the district offered the previous school year, the superintendent of public instruction shall determine the district's average daily membership using only those grade levels that the district offers during the current school year.

**15.1-27-35.2. Average daily membership - Dissolved school districts.**

For purposes of determining state aid, the superintendent of public instruction shall amend the average daily membership of any school district that enrolls students who attended a dissolved school district during the school year prior to the dissolution.

**15.1-27-35.3. Payments to school districts - Unobligated general fund balance.**

1. a. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the

- unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty percent of its actual expenditures, plus twenty thousand dollars.
- b Beginning July 1, 2017, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus twenty thousand dollars.
2. For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2.

**15.1-27-36. Definitions.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-37. Compensation of teachers - Claim for reimbursement - Rules.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-38. Compensation of teachers - Distribution of reimbursements.**

Repealed by S.L. 2007, ch. 163, § 58.

**15.1-27-39. Annual salary - Minimum amount.**

Beginning with the 2014-15 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a minimum salary level for the contract period equal to at least twenty-seven thousand five hundred dollars.

**15.1-27-40. Approved joint powers agreement - Report of expenses.**

Repealed by S.L. 2007, ch. 162, § 18.

**15.1-27-41. North Dakota commission on education improvement - Membership - Duties - Report to legislative council - Reimbursement for expenses.**

Repealed by S.L. 2009, ch. 175, § 65.

**15.1-27-42. Military installation school districts - Eligibility for state aid and equity payments.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-43. Reorganized district - Continuation of equity payment.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-44. Dissolved district - Continuation of equity payment.**

Repealed by S.L. 2015, ch. 137, § 38.

**15.1-27-45. Property tax relief fund.**

Repealed by S.L. 2015, ch. 467, § 7.

**15.1-27-46. Uses of the foundation aid stabilization fund.**

Any accessible funds that remain in the foundation aid stabilization fund, after completion of the required transfers to other funds, must be used for educationally-related purposes, including state aid to school districts and educationally-related property tax relief to school district patrons.