

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1034

Introduced by

Legislative Council

(Education Services Committee)

1 A BILL for an Act to create and enact title 15.1 of the North Dakota Century Code, relating to
2 elementary and secondary education; to repeal chapter 15-21, sections 15-21.1-01, 15-21.1-02,
3 15-21.1-03, 15-21.1-04, 15-21.1-05, 15-21.1-06, 15-21.1-07, 15-21.1-09, chapters 15-21.2,
4 15-22, 15-27.1, 15-27.2, 15-27.3, 15-27.4, 15-27.5, 15-27.6, 15-27.7, 15-28, sections 15-29-01,
5 15-29-01.1, 15-29-02, 15-29-03, 15-29-03.1, 15-29-04, 15-29-05, 15-29-06, 15-29-07,
6 15-29-08, 15-29-08.4, 15-29-09, 15-29-10, 15-29-11, 15-29-13, 15-29-14, 15-34.2-12,
7 15-34.2-13, 15-34.2-14, 15-34.2-17, 15-34.2-18, 15-35-01.2, 15-35-09, 15-35-11, 15-35-12,
8 15-35-14, 15-38-04.1, 15-38-06, 15-38-13, 15-38-13.1, 15-38-13.2, 15-41-01, 15-41-02,
9 15-41-03, 15-41-04, 15-41-05, 15-41-07, 15-41-08, 15-41-27, chapter 15-41.1, sections
10 15-43-11.1, 15-43-11.2, 15-43-11.3, 15-43-11.4, 15-44-06, 15-44-09, 15-44-10, 15-44-11,
11 chapter 15-46, sections 15-47-01, 15-47-01.1, 15-47-02.1, 15-47-04, 15-47-05, 15-47-06,
12 15-47-07, 15-47-08, 15-47-09, 15-47-10, 15-47-11, 15-47-12, 15-47-13, 15-47-14, 15-47-15,
13 15-47-16, 15-47-21, 15-47-22, 15-47-24, 15-47-25, 15-47-29, 15-47-30, 15-47-30.1, 15-47-31,
14 15-47-32, 15-47-33, 15-47-33.1, 15-47-36, 15-47-37, 15-47-39, 15-47-40, 15-47-40.1,
15 15-47-41, 15-47-43, 15-47-44.1, 15-47-44.2, 15-47-47, 15-47-48, 15-47-49, 15-47-50,
16 15-47-51, chapters 15-48, 15-49, 15-51, 15-64, and 15-65 of the North Dakota Century Code,
17 relating to elementary and secondary education provisions addressed in the creation of North
18 Dakota Century Code title 15.1; to provide penalties; and to provide a continuing appropriation.

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

20 **SECTION 1.** Chapter 15.1-01 of the North Dakota Century Code is created and
21 enacted as follows:

22 **15.1-01-01. State board of public school education - Composition.**

23 1. The state board of public school education consists of the superintendent of public
24 instruction and:

- 1 a. An individual representing Barnes, Cass, Grand Forks, Griggs, Nelson,
2 Steele, and Traill counties;
- 3 b. An individual representing Benson, Bottineau, Cavalier, McHenry, Pembina,
4 Pierce, Ramsey, Renville, Rolette, Towner, and Walsh counties;
- 5 c. An individual representing Dickey, Emmons, LaMoure, Logan, McIntosh,
6 Ransom, Richland, and Sargent counties;
- 7 d. An individual representing Burleigh, Eddy, Foster, Kidder, McLean, Sheridan,
8 Stutsman, and Wells counties;
- 9 e. An individual representing Burke, Divide, McKenzie, Mountrail, Ward, and
10 Williams counties; and
- 11 f. An individual representing Adams, Billings, Bowman, Dunn, Golden Valley,
12 Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark counties.
- 13 2. All board members other than the superintendent of public instruction must be
14 qualified electors and must reside in one of the counties they represent.
- 15 3. The governor shall appoint new board members from a list of three names
16 submitted by a committee consisting of the president of the North Dakota
17 education association, the president of the North Dakota council of educational
18 leaders, and the president of the North Dakota school boards association. Two of
19 the state board members must be members of the North Dakota school boards
20 association. Appointees serve for six-year terms, staggered so that the terms of
21 two members expire on June thirtieth of each even-numbered year. If a vacancy
22 occurs, the governor shall appoint an individual to serve for the duration of the
23 unexpired term.
- 24 4. Board members are entitled to receive compensation at the rate of sixty-two dollars
25 and fifty cents per day and reimbursement for expenses, from the biennial
26 appropriation for the superintendent of public instruction, as provided by law for
27 state officers, if they are attending board meetings or performing duties directed by
28 the board. No compensation may be paid under this section to any member who
29 receives compensation or a salary as a state employee or official.
- 30 5. The superintendent of public instruction shall serve as the executive director and
31 secretary of the board. The superintendent shall call meetings as necessary, carry

out the policies of the board, and employ personnel necessary to perform the board's duties. The board shall annually elect one member to serve as the chairman.

15.1-01-02. Joint meetings - State board of public school education - State board of higher education - State board for vocational and technical education. The state board of public school education, the state board of higher education, and the state board for vocational and technical education shall meet together at least once each year at the call of the superintendent of public instruction, the commissioner of higher education, and the director of vocational and technical education for the purposes of:

1. Coordinating elementary and secondary education programs, vocational and technical education programs, and higher education programs.
2. Cooperating in the provision of professional growth and development opportunities for elementary and secondary teachers and administrators.
3. Ensuring cooperation in any other jointly beneficial project or program.

15.1-01-03. State board of public school education - Powers and duties. The state board of public school education shall:

1. Assist county committees in carrying out their duties.
2. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.
3. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
4. Adopt rules regarding school district reorganizations, annexations, and dissolutions.

SECTION 2. Chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

15.1-02-01. Superintendent of public instruction - Qualifications. The qualified electors of this state shall elect a superintendent of public instruction at the appropriate general election. The superintendent must be at least twenty-five years of age on the day of the election, have the qualifications of an elector for that office, and hold a valid North Dakota teaching certificate on the day of the election and at all times during the superintendent's term of office.

1 **15.1-02-02. Salary and traveling expenses.** The annual salary of the superintendent
2 of public instruction is fifty-eight thousand two hundred seventy-two dollars.

3 **15.1-02-03. Appointment of deputy - Employment of personnel.** The
4 superintendent of public instruction may appoint a deputy superintendent and an assistant. The
5 superintendent may also hire personnel or contract with other persons to perform the work of
6 the department of public instruction.

7 **15.1-02-04. Superintendent of public instruction - Duties.** The superintendent of
8 public instruction:

- 9 1. Shall supervise the provision of elementary and secondary education to the
10 students of this state.
- 11 2. Shall supervise the establishment and maintenance of schools and provide advice
12 and counsel regarding the welfare of the schools.
- 13 3. Shall supervise the development of course content standards.
- 14 4. Shall supervise the assessment of students.
- 15 5. Shall serve as an ex officio member of the board of university and school lands.
- 16 6. Shall keep a complete record of all official acts and appeals.
- 17 7. As appropriate, shall determine the outcome of appeals regarding education
18 matters.
- 19 8. Shall direct school district annexation, reorganization, and dissolution and employ
20 and compensate personnel necessary to enable the state board of public school
21 education to carry out its powers and duties regarding school district annexation,
22 reorganization, and dissolution.

23 **15.1-02-05. Federal government - Contracts.** The superintendent of public
24 instruction may contract with an agency of the federal government:

- 25 1. For and on behalf of the department of public instruction.
- 26 2. For and on behalf of a school district, with the consent of the school district board.

27 **15.1-02-06. Preservation of property.** The superintendent of public instruction shall
28 provide for the preservation of all property that the superintendent acquires in an official
29 capacity and which has educational interest and value or which records official acts by the
30 superintendent. At the conclusion of the superintendent's term of office, the superintendent
31 shall deliver the property to the superintendent's successor.

15.1-02-07. Superintendent of public instruction - Lease of unused real property.

1. The superintendent of public instruction may lease surplus portions of real property, including buildings and improvements, owned by the state and administered by the superintendent of public instruction at the school for the blind, the school for the deaf, and the division of independent study.
2. The superintendent may lease the unused portion of a building only after consultation with and adherence to conditions set by the administrator of the state fire and tornado fund.
3. A lease agreement under this section may not exceed five years.
4. A lease agreement under this section must provide that:
 - a. It is cancelable by the state without liability at the end of any state fiscal biennium; or
 - b. It is renewable at the sole discretion of the superintendent of public instruction at the beginning of each fiscal biennium.
5. The superintendent may set additional terms and conditions for leases under this section.
6. The attorney general shall review any lease under this section and approve its legal adequacy before its execution.
7. The superintendent may expend revenues from leases under this section only with legislative approval.

15.1-02-08. Accounting and reporting system - Uniformity. The superintendent of public instruction shall implement a uniform system for the accounting, budgeting, and reporting of data for all school districts in the state. The superintendent of public instruction shall designate the software standards to be used by school districts in their accounting, budgeting, and reporting functions.

15.1-02-09. Biennial report - Contents. The superintendent of public instruction shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The superintendent shall include in the report:

1. The number of school districts in the state.
2. The financial condition of each school district, including its receipts and expenditures.

3. The value of all property owned or controlled by each school district.
4. The cost of education in each school district.
5. The number of teachers employed by each school district and their salaries.
6. The number of students in average daily membership and average daily attendance in each school district, the grades in which they are enrolled, and where applicable the courses in which they are enrolled.
7. Information regarding the state's approved private schools.

15.1-02-10. Biennial report - Distribution. The superintendent of public instruction shall make the biennial report available to each member of the legislative assembly upon request. The superintendent shall provide a copy of the report to each state officer and to the legislative council library. The superintendent shall provide eight copies of the report to the state library.

15.1-02-11. Superintendent of public instruction - Accreditation of schools - Rules. The superintendent of public instruction may adopt rules governing the accreditation of public and nonpublic schools.

15.1-02-12. Expiration of existing rules. Any rule adopted by the superintendent of public instruction in a manner other than that set forth in chapter 28-32 is ineffective after October 31, 1999. For purposes of this section, "rule" includes any regulation, standard, guideline, statement, or policy that has the effect of law or which has either direct or indirect financial consequences for noncompliance.

SECTION 3. Chapter 15.1-03 of the North Dakota Century Code is created and enacted as follows:

15.1-03-01. Department of public instruction - Establishment. There is established a department of public instruction. The superintendent of public instruction is the chief administrative officer of the department of public instruction.

15.1-03-02. Revolving school district equipment and software fund - Continuing appropriation. There is established in the department of public instruction a revolving school district equipment and software fund for the cooperative purchase by school districts of equipment and software. The superintendent shall place a service charge on any purchases to cover costs incurred in compiling purchase orders, preparing invoices, recording payments from school districts, and shipping the purchased goods. Clerical and related costs associated with

the operation of the revolving fund must be paid from the fund. The superintendent shall use any moneys remaining in the fund at the end of a fiscal year to support conferences regarding computers and related technology. Moneys received by the fund are appropriated for the purposes provided in this section.

15.1-03-03. Revolving printing fund - Instructional materials - Continuing

appropriation. A school district may purchase at cost instructional materials developed and printed by the superintendent of public instruction. The superintendent shall deposit all moneys collected from schools as payment for the instructional materials into a special fund in the state treasury known as the revolving printing fund. All moneys deposited into the revolving printing fund are hereby appropriated to the superintendent on a continuing basis for the development and printing of instructional materials. If on July first of any year the balance in the revolving printing fund exceeds fifty thousand dollars, the state treasurer shall transfer the amount in excess of fifty thousand dollars to the state general fund.

SECTION 4. Chapter 15.1-04 of the North Dakota Century Code is created and enacted as follows:

15.1-04-01. Compact for education. The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

COMPACT FOR EDUCATION

Article I - Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational, and lay leadership on a nationwide basis at the state and local levels.
2. Provide a forum for the discussion, development, crystalization, and recommendation of public policy alternatives in the field of education.
3. Provide a clearinghouse for information on matters relating to education problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of

education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local education systems so that all of them will be able to meet adequate and desirable goals in a society that requires continuous qualitative and quantitative advances in educational opportunities, methods, and facilities.

- B. It is the policy of this compact to encourage and promote local and state initiatives in the development, maintenance, improvement, and administration of education systems and institutions in a manner that will accord with the needs and advantages of diversity among localities and states.

- C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own education system and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare, and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II - State Defined

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III - The Commission

- A. The education commission of the states, hereinafter called "the commission", is hereby established. The commission consists of seven members representing each party state. One of the members must be the governor and two must be members of the state legislative assembly selected by its respective houses. The governor shall appoint the remaining four members, all of whom serve at the pleasure of the governor. If the laws of a state prevent legislators from serving on the commission, the governor shall appoint six members, all of whom shall serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements that a state may establish for the appointment and service of its members on the commission, the guiding principle for the composition of the membership on the commission from each party state is

1 that the members representing the state must, by virtue of their training,
2 experience, knowledge, or affiliations, be in a position collectively to reflect broadly
3 the interests of the state government, higher education, the state education
4 system, local education, and lay and professional, as well as public and nonpublic
5 educational leadership. Of those appointees, one must be the head of a state
6 agency or institution, designated by the governor, having responsibility for one or
7 more programs of public education. In addition to the members of the commission
8 representing the party states, there may not be more than ten nonvoting
9 commissioners selected by the steering committee for terms of one year. The
10 nonvoting commissioners shall represent leading national organizations of
11 professional educators or individuals concerned with educational administration.

12 B. The members of the commission are entitled to one vote each on the commission.
13 No action of the commission is binding unless taken at a meeting at which a
14 majority of the total number of votes on the commission are cast in favor of the
15 action. Action of the commission may be only at a meeting at which a majority of
16 the commissioners are present. The commission shall meet at least once a year.
17 In its bylaws, and subject to any directions and limitations contained in the bylaws,
18 the commission may delegate the exercise of its powers to the steering committee
19 or the executive director, except for the power to approve budgets or requests for
20 appropriations, the power to make policy recommendations pursuant to Article IV,
21 and the adoption of the annual report pursuant to this article.

22 C. The commission shall have a seal.

23 D. The commission shall elect annually, from among its members, a chairman, who
24 must be a governor, a vice chairman, and a treasurer. The commission shall
25 provide for the appointment of an executive director. The executive director shall
26 serve at the pleasure of the commission and, together with the treasurer and other
27 personnel deemed appropriate by the commission, shall be bonded in an amount
28 determined by the commission. The executive director shall be secretary.

29 E. Notwithstanding the civil service, personnel, or other merit system laws of a party
30 state, the executive director, subject to the approval of the steering committee,
31 shall appoint, remove, or discharge personnel as necessary for the performance of

the functions of the commission, and shall fix the duties and compensation of the personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept, or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize, and dispose of the same. Any donation or grant accepted by the commission or services borrowed pursuant to this article must be reported in the annual report of the commission. The report must include the nature, amount, and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain facilities for transacting its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind the bylaws. The commission shall publish its bylaws in convenient form and shall file a copy of the bylaws and any amendment to the bylaws, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislative assembly of each party state a report covering the activities of the commission for the preceding year. The commission may make additional reports, as it deems desirable.

Article IV - Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission has the authority to:

A. Collect, correlate, analyze, and interpret information and data concerning educational needs and resources.

- 1 B. Encourage and foster research in all aspects of education, but with special
2 reference to the desirable scope of instruction, organization, administration, and
3 instructional methods and standards employed or suitable for employment in public
4 education systems.
- 5 C. Develop proposals for adequate financing of education as a whole and at each of
6 its many levels.
- 7 D. Conduct or participate in research if the commission finds that such research is
8 necessary for the advancement of the purposes and policies of this compact,
9 utilizing fully the resources of national associations, regional compact organizations
10 for higher education, and other agencies and institutions, both public and private.
- 11 E. Formulate suggested policies and plans for the improvement of public education as
12 a whole, or for any segment of public education, and make the recommendations
13 available to appropriate governmental units, agencies, and public officials.
- 14 F. Do any other thing necessary or incidental to the administration of its authority or
15 functions pursuant to this compact.

16 Article V - Cooperation With Federal Government

- 17 A. If the laws of the United States specifically so provide, or if administrative provision
18 is made within the federal government, the United States may be represented on
19 the commission by not more than ten representatives. Representatives of the
20 United States must be appointed and serve in the manner provided by or pursuant
21 to federal law, and may be drawn from any branch of the federal government. No
22 representative may have a vote on the commission.
- 23 B. The commission may provide information and make recommendations to any
24 executive or legislative agency or officer of the federal government concerning the
25 common education policies of the states, and may advise the agency or officer
26 concerning any matter of mutual interest.

27 Article VI - Committees

- 28 A. To assist in the expeditious conduct of its business when the full commission is not
29 meeting, the commission shall elect a steering committee of thirty-two members
30 which, subject to the provisions of this compact and consistent with the policies of
31 the commission, shall be constituted and function as provided in the bylaws of the

commission. One-fourth of the voting membership of the steering committee must consist of governors, one-fourth must consist of legislators, and the remainder must consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission must be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee do not affect its authority to act, but the commission at the next regular meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person may serve more than two terms as a member of the steering committee; provided, that service for a partial term of one year or less does not count toward the two-term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Article VII - Finance

A. The commission shall advise the governor or designated officer of each party state regarding its budget and estimated expenditures for the period required by the laws of that party state. Each of the commission's budgets of estimated expenditures must contain specific recommendations regarding the amount to be appropriated by each party state.

B. The total amount of appropriation requests under any budget must be apportioned among the party states. In making the apportionment, the commission shall devise and employ a formula that takes equitable account of the populations and per capita income levels of the party states.

1 C. The commission may not pledge the credit of any party state. The commission
2 may meet its obligations in whole or in part with funds available to it pursuant to
3 paragraph G of Article III of this compact; provided, that the commission takes
4 specific action setting aside such funds prior to incurring an obligation to be met in
5 whole or in part in this manner. Except when the commission makes use of funds
6 available to it pursuant to paragraph G of Article III, the commission may not incur
7 any obligation prior to the allotment of funds by the party states adequate to meet
8 the obligation.

9 D. The commission shall keep accurate accounts of all receipts and disbursements.
10 The receipts and disbursements of the commission must be subject to the audit
11 and accounting procedures established by its bylaws. However, all receipts and
12 disbursements of funds handled by the commission must be audited annually by a
13 qualified public accountant, and the report of the audit must be included in and
14 become part of the annual report of the commission.

15 E. The accounts of the commission must be open at any reasonable time for
16 inspection by duly constituted officers of the party states and by any person
17 authorized by the commission.

18 F. Nothing contained herein may be construed to prevent commission compliance
19 with laws relating to the audit or inspection of accounts by or on behalf of any
20 government contributing to the support of the commission.

21 Article VIII - Eligible Parties; Entry Into and Withdrawal

22 A. This compact has as eligible parties all states, territories, and possessions of the
23 United States, the District of Columbia, and the Commonwealth of Puerto Rico.
24 With respect to any jurisdiction not having a governor, the term "governor", as used
25 in this compact, shall mean the closest equivalent official and the jurisdiction.

26 B. A state or eligible jurisdiction may enter into this compact and it becomes binding
27 on the state or jurisdiction when adopted; provided, that in order to enter into initial
28 effect, adoption by at least ten eligible party jurisdictions is required.

29 C. Adoption of the compact may be either by enactment of the compact or by
30 adherence to the compact by the governor; provided, that in the absence of
31 enactment, adherence by the governor is sufficient to make a state a party only

1 until December 31, 1967. Any party state may withdraw from this compact by
2 enacting a statute repealing the compact. A withdrawal may not take effect until
3 one year after the governor of the withdrawing state has given notice in writing of
4 the withdrawal to the governors of all other party states. No withdrawal shall affect
5 any liability already incurred by or chargeable to a party state prior to the time of
6 withdrawal.

7 Article IX - Construction and Severability

8 This compact must be liberally construed to effectuate its purposes. The provisions of this
9 compact are severable and if any phrase, clause, sentence, or provision of this compact is
10 declared to be contrary to the constitution of any state or of the United States, or the application
11 of the compact to any government, agency, person, or circumstance is held invalid, the validity
12 of the remainder of this compact and the applicability of the compact to any government,
13 agency, person, or circumstance is not affected. If this compact is held contrary to the
14 constitution of any participating state, the compact must remain in full force and effect as to the
15 state affected and as to all several matters.

16 **15.1-04-02. Education commission of the states - Bylaws.** Pursuant to paragraph I
17 of Article III of the Compact for Education, the education commission of the states shall file a
18 copy of its bylaws and any amendment to its bylaws with the secretary of state.

19 **SECTION 5.** Chapter 15.1-05 of the North Dakota Century Code is created and
20 enacted as follows:

21 **15.1-05-01. North Dakota educational telecommunications council - Membership.**
22 The North Dakota educational telecommunications council consists of:

- 23 1. The commissioner of higher education or the commissioner's designee.
- 24 2. The superintendent of public instruction or the superintendent's designee.
- 25 3. The director of the information services division of the office of management and
26 budget.
- 27 4. A representative of the telephone industry, appointed by the governor.
- 28 5. A school board member, appointed by the governor.
- 29 6. A school district superintendent, appointed by the governor.
- 30 7. A schoolteacher, appointed by the governor.

15.1-05-02. North Dakota educational telecommunications council -

Representation. The governor shall ensure that at all times the North Dakota educational telecommunications council has a school board member who represents a school district having an enrollment of fewer than five hundred students or a school district superintendent employed by the board of a school district having an enrollment of fewer than five hundred students.

15.1-05-03. North Dakota educational telecommunications council - Term of office. The term of office for each appointed member of the North Dakota educational telecommunications council is three years.

15.1-05-04. North Dakota educational telecommunications council -

Compensation. The members of the North Dakota educational telecommunications council appointed by the governor must be reimbursed for actual necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the members of the council for their actual necessary expenses must be paid by the superintendent of public instruction. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties.

15.1-05-05. North Dakota educational telecommunications council - Powers and duties. The North Dakota educational telecommunications council shall:

1. Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.
2. Cooperate with state agencies and other organizations to develop statewide educational technology systems.
3. Adopt bylaws for the conduct of its affairs.
4. Publish the informational material it deems necessary.
5. Conduct a continuing study to assess the needs, resources, and facilities that are available or which may be required to establish educational technology systems throughout the state.
6. Solicit and receive moneys from public and private sources and expend the moneys for educational technology projects; provided that the council may also require that a school district provide up to fifty percent in matching funds.

1 **15.1-05-06. Educational telecommunications programs - Contract.** The
2 superintendent of public instruction may contract for the provision of educational
3 telecommunications programs and systems in the areas of elementary, secondary, higher
4 education, adult education, and any other areas that promote cultural development. The
5 duration of a contract under this section may not exceed two years in length.

6 **SECTION 6.** Chapter 15.1-06 of the North Dakota Century Code is created and
7 enacted as follows:

8 **15.1-06-01. Schools free and accessible - School ages.**

- 9 1. Each public school must be free, open, and accessible at all times to any child
10 provided:
- 11 a. The child may not enroll in grade one unless the child reaches the age of six
12 before September first of the year of enrollment;
- 13 b. The child may not enroll in kindergarten unless the child reaches the age of
14 five before September first of the year of enrollment; and
- 15 c. The child has not reached the age of twenty-one before September first of the
16 year of enrollment.
- 17 2. Notwithstanding the provisions of subsection 1, a school district may not enroll in
18 grade one a child who is not six years old before September first, unless the child
19 will be six years old before January first and:
- 20 a. The child, by means of developmental and readiness screening instruments
21 approved by the superintendent of public instruction and administered by the
22 school district can demonstrate special talents or abilities; or
- 23 b. The child has completed an approved kindergarten program.

24 **15.1-06-02. School holidays.**

- 25 1. Schools may not be in session on the following holidays:
- 26 a. Any Sunday.
- 27 b. New Year's Day, the first day of January.
- 28 c. Good Friday, the Friday preceding Easter Sunday.
- 29 d. Memorial Day, the last Monday in May.
- 30 e. The anniversary of the Declaration of Independence, the fourth day of July.
- 31 f. Labor Day, the first Monday in September.

- g. Veteran's Day, the eleventh day of November.
- h. Thanksgiving Day, the fourth Thursday in November.
- i. Christmas Day, the twenty-fifth day of December.
- j. Any day declared to be a public holiday by the President of the United States or the governor.

2. Notwithstanding the provisions of subsection 1, if the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December is a Sunday, the school district shall observe the holiday on the following Monday.

3. Notwithstanding the provisions of subsection 1, if the eleventh day of November is a Saturday, the school district shall observe the holiday on the preceding Friday.

4. The board of a school district may direct that classes not be held on the day of a statewide election if the school is used as a polling place on that day.

15.1-06-03. School year - Definition. The school year begins on July first and ends on June thirtieth the following year.

15.1-06-04. School calendar - Length.

1. During each school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:

- a. One hundred seventy-three full days of instruction;
- b. 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;
- c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
- d. Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours.

2. A full day of instruction consists of:

- a. At least five and one-half hours of instruction time for elementary students; and
- b. At least six hours of instruction time for high school students.

1 **15.1-06-05. School calendar - Modification.** A school district may apply to the
2 superintendent of public instruction for approval of a pilot program in which the district's school
3 calendar is reduced below one hundred eighty days.

- 4 1. The superintendent may approve an application for a pilot program if:
 - 5 a. It allows the district to evaluate the modifications in the traditional school
 - 6 calendar from the perspective of increased school facility use; and
 - 7 b. In the opinion of the superintendent, the program offers educational
 - 8 opportunities equivalent to those available in a one-hundred-eighty-day school
 - 9 calendar.
- 10 2. A district submitting an application under this section shall specify:
 - 11 a. The minimum number of days students will attend school; and
 - 12 b. The comparable instructional time.
- 13 3. If the superintendent approves a district's application under this section, the district
- 14 is eligible to receive the per student payments provided under chapter 15.1-28.
- 15 4. A district that operates an approved pilot program under this section for a period of
- 16 three years may apply to the superintendent for permanent approval of the
- 17 program.
- 18 5. The superintendent shall adopt rules governing the submission of applications, the
- 19 evaluation of proposals, and any other matters necessary for the administration of
- 20 pilot programs under this section.
- 21 6. A pilot program approved by the superintendent under this section satisfies the
- 22 requirements for school operation and instructional time required by law.
- 23 7. A pilot program approved by the superintendent under this section does not affect
- 24 the accrual of teachers' benefits provided by law.

25 **15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic
26 school in this state offering elementary or secondary education to students must be approved
27 by the superintendent of public instruction. Except as otherwise provided by law, the
28 superintendent may not approve a school unless:

- 29 1. Each classroom teacher holds a valid teaching certificate issued by the education
- 30 standards and practices board;
- 31 2. The students are offered all subjects required by law; and

3. The school is in compliance with all local and state health, fire, and safety laws.

15.1-06-07. Nonpublic high schools - Approval criteria. The superintendent of public instruction shall approve any nonpublic high school having an enrollment of fifty students or fewer, provided:

1. The school meets all statutory requirements regarding the subjects to be taught, the length of the school year, and health, fire, and safety standards;
2. If the school uses telecommunications or other electronic means to deliver curricular programs, the programs are prepared by individuals holding at least baccalaureate degrees and delivered in the presence of an individual who holds a North Dakota secondary teaching certificate or who meets or exceeds the average cutoff scores of states that have normed the national teacher's examination;
3. The school employs at least one state certificated high school teacher to serve in a supervisory capacity for each twenty-five students;
4. The average composite scholastic achievement test scores of students enrolled in the school or the students' scores achieved on comparable standardized tests meet or exceed the national average test scores; and
5. The school and its employees are governed by a board of directors that includes parental representation.

15.1-06-08. Conditions for accreditation and approval - Waiver. The superintendent of public instruction may waive any condition for accreditation and approval for a reasonable period of time, provided the waiver encourages innovation, permits experimentation, and has the potential to result in an improved program. The superintendent may waive the conditions only with the concurrence of a majority of a waiver committee composed of one member appointed by the North Dakota education association, one member appointed by the North Dakota council of educational leaders, and one member appointed by the North Dakota school boards association.

15.1-06-09. Inspection of public schools - Submission of inspection report - Correction of deficiencies.

1. The state fire marshal or the state fire marshal's designee shall inspect each public school in this state at least once every three years, prepare an inspection report,

and provide copies of the report to the superintendent of the school district and the superintendent of public instruction.

2. a. If a deficiency is noted, the superintendent of the school district shall submit a plan of correction to the state fire marshal or the state fire marshal's designee and shall remedy the deficiency within a time period acceptable to the state fire marshal or the state fire marshal's designee and the school board affected by the deficiency, but not later than the next budget period.
- b. If the report discloses an imminent fire hazard, the state fire marshal or the state fire marshal's designee shall immediately notify the school board, the school district superintendent, and the superintendent of public instruction. Upon a recommendation of immediate closure by the superintendent of public instruction, the school board and the school district superintendent may immediately close some or all of the school until the fire hazard is eliminated. In the case of a closure, the school district superintendent shall cooperate with the superintendent of public instruction to make adequate arrangements for the interim education of all affected students.

15.1-06-10. Inspection of nonpublic schools - Submission of inspection report - Correction of deficiencies.

1. The state fire marshal or the state fire marshal's designee shall inspect each nonpublic school in this state at least once every three years, prepare an inspection report, and provide copies of the report to the administrator of the school and the superintendent of public instruction.
2. a. If a deficiency is noted, the administrator of the school shall submit a plan of correction to the state fire marshal or the state fire marshal's designee and shall remedy the deficiency within a time period acceptable to the state fire marshal or the state fire marshal's designee.
- b. If the report discloses an imminent fire hazard, the state fire marshal or the state fire marshal's designee shall immediately notify the administrator of the school and the superintendent of public instruction. Upon a recommendation of immediate closure by the superintendent of public instruction, the administrator may immediately close some or all of the school until the fire

hazard is eliminated. In the case of a closure, the administrator shall cooperate with the superintendent of public instruction to make adequate arrangements for the interim education of all affected students.

15.1-06-11. Exit doors - Free of obstructions. A school principal shall ensure that, during all hours students are in school, any door or doorway that could be used as an exit in case of fire or other emergency remains free of all obstruction and free of any device or mechanism which may impede immediate egress through the door or doorway. This section does not include doors that provide access solely to private offices, supply rooms, or storage rooms.

15.1-06-12. Emergency and disaster drills - Implementation. Each school district superintendent shall implement fire, tornado, and other emergency or disaster drills.

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements. The superintendent of each school district shall ensure that the schools in the district comply with all health, safety, and sanitation requirements.

15.1-06-14. Use of schools for purposes other than education. The board of a school district may permit the district's schools and facilities to be used for purposes other than the education of students, provided the usage does not interfere with the education of students. The board may impose restrictions on the usage provided the restrictions are nondiscriminatory and may impose a charge for the usage.

15.1-06-15. Solicitations and sales in schools - Permission required - Accounting for proceeds - Penalty.

1. No person may sell, solicit for sale, or advertise the sale of any merchandise, product, or service on school premises, or organize students for any such purpose, without first obtaining the permission of the school board, the school district superintendent, or the school principal. This section does not apply to a student or school district employee who sells or attempts to sell a single item of personal property or a limited number of personal property items.
2. The proceeds of any sale, by students or student groups, made for school activities must be accounted for to the school board not more than thirty days after the sale.
3. Any person who violates any provision of this section is guilty of an infraction.

1 **15.1-06-16. Disturbance of a public school - Penalty.** It is a class B misdemeanor
2 for any person to:

- 3 1. Willfully disturb a public school that is in session;
- 4 2. Willfully interfere with or interrupt the proper order or management of a public
5 school by an act of violence, boisterous conduct, or threatening language; or
- 6 3. Rebuke, insult, or threaten a teacher in the presence of a student.

7 **15.1-06-17. United States flag - Display.** The board of a school district shall display a
8 United States flag on the grounds of each school in the district during each schoolday in
9 seasonable weather.

10 **15.1-06-18. School report - Review.**

- 11 1. Annually, each public school principal shall complete a school report on forms
12 provided by the superintendent of public instruction and submit the report to the
13 school district superintendent.
- 14 2. The school district superintendent shall collect the completed reports and forward
15 them to the superintendent of public instruction, who shall submit the reports to the
16 governor.
- 17 3. Upon receiving the completed reports, the governor shall convene an ad hoc
18 committee to review the information and to make any necessary changes in the
19 information-gathering format.
- 20 4. The governor or a designee of the governor shall serve as the chairman of the
21 ad hoc committee.
- 22 5. The membership of the ad hoc committee must include:
 - 23 a. Two individuals selected by the governor from a list of five nominees
24 proposed by the North Dakota council of educational leaders.
 - 25 b. Two individuals selected by the governor from a list of five nominees
26 proposed by the North Dakota education association.
 - 27 c. Two individuals selected by the governor from a list of five nominees
28 proposed by the North Dakota school boards association.
 - 29 d. Two individuals selected by the governor from a list of five nominees
30 proposed by the North Dakota parent-teachers association.
 - 31 e. Two parents of school-age children selected by the governor.

f. Two high school students selected by the governor.

g. The superintendent of public instruction or a designee of the superintendent.

SECTION 7. Chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

15.1-07-01. School district - Corporate powers.

1. Each school district in this state is a public school district governed by the provisions of this title. Each school district is a body corporate. Each school district may sue and be sued, contract, and convey any real and personal property that comes into its possession.
2. The board of education of the city of Fargo is a body corporate. It has the power to sue and be sued and to contract with others. It possesses all the powers usual and incidental to a body corporate.

15.1-07-02. School district - Name change. In order for the name of a school district to be changed, the question must be placed before and approved by a majority of the district's qualified voters at a district election. The school board may place the question on the ballot by resolution and shall place the question on the ballot if it receives a petition signed by one-third of the qualified electors of the district. If a majority of the district's qualified voters approve the name change, the district must be renamed accordingly. The business manager of the district shall provide notification of the new name to the county auditor, the county superintendent of schools, and the superintendent of public instruction.

15.1-07-03. District's limit of indebtedness - Resolution.

1. The board of a school district may by resolution place on the ballot of any regular or special election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district.
2. The board of a school district shall place on the ballot of the next regular or special election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district, if the board receives a petition requesting the increase and signed by at least one-third of the district's qualified electors.

1 **15.1-07-04. District's limit of indebtedness - Election - Notice.** If an election is to
2 include a question regarding an increase in the school district's limit of indebtedness, the board
3 of the school district shall ensure that the question is clearly stated in the notice of election. If
4 the board calls a special election to vote on the question of increasing the district's limit of
5 indebtedness, the board shall publish notice of the election in the official newspaper of the
6 district, at least fourteen days before the date of the election.

7 **15.1-07-05. District's limit of indebtedness - Ballot.** In an election to increase a
8 school district's limit of indebtedness, the ballots must state the question in clear and concise
9 language.

10 **15.1-07-06. District's limit of indebtedness - Increase.** If a majority of the votes cast
11 are in favor of increasing the school district's limit of indebtedness, the limit is raised to ten
12 percent of the assessed valuation of all taxable property in the district.

13 **15.1-07-07. District's limit of indebtedness - Increase - Notification of county**
14 **auditor.** If a majority of the votes cast are in favor of increasing the school district's limit of
15 indebtedness, the president of the school board and the school district business manager shall
16 inform the county auditor, in writing, of the election results and of the fact that the district's limit
17 of indebtedness has been increased to ten percent of the assessed valuation of all taxable
18 property in the district.

19 **15.1-07-08. School district funds - Transfers.** At the time of preparing the annual
20 budget, a school board, by resolution, may transfer from the general fund of the district the
21 amount of money, in whole or in part, by which the balance in the general fund exceeds the
22 amount that would be required for the general reserve fund in the ensuing fiscal year, into any
23 sinking funds of the district established and held for the payment of outstanding bonds.

24 **15.1-07-09. Sinking fund - Transfers - Increases.** If a school board transfers money
25 into a sinking fund, the board may not consider the money to be cash on hand when computing
26 the budget for the ensuing fiscal year. A school board may not through transfers increase a
27 sinking fund to the extent that the sinking fund is greater than the amount needed to pay the
28 bond issue in full.

29 **15.1-07-10. Activities fund.** The board of a school district shall establish an activities
30 fund for the support of school-related extracurricular activities. The school district business
31 manager shall deposit all receipts from extracurricular activities in the activities fund. The

business manager shall submit to the school board a monthly report of receipts, expenditures, and balances in the activities fund.

15.1-07-11. Incidental revolving fund. The board of a school district may establish a revolving fund from which to pay incidental expenses. The board shall establish the amount to be retained in the incidental fund and must draw the amount from the general fund of the district. The school district superintendent or another school administrator designated to draw checks on the fund shall submit a monthly report to the school board listing the checks drawn, the payee, and the purpose for which each check was drawn.

15.1-07-12. Negotiable instruments - Payment by business manager. The business manager shall pay out moneys only upon the presentation of a negotiable instrument authorized by the president of the school board and only if there is sufficient money available for the payment. Upon issuing a negotiable instrument, the business manager shall make a record of the instrument.

15.1-07-13. Warrants - Cancellation - Description in minutes. The board of a school district, at a regular meeting, may cancel all negotiable instruments that have remained unpaid for one year or more. Before canceling a negotiable instrument, the board shall enter in its minutes a brief description of the instrument, including the name of the payee, and the number, date, and amount of each instrument to be canceled. If any party entitled to payment appears and shows cause for the delay in presenting the instrument for payment, the board may issue a new instrument in the amount to which the party is entitled, unless the board is barred from so doing by the statute of limitations.

15.1-07-14. Qualified elector.

1. An individual who is a qualified elector of this state may:
 - a. Vote to elect board members for the school district in which the individual resides.
 - b. Serve as a board member for the school district in which the individual resides.
 - c. Serve as a judge or clerk of election for the school district in which the individual resides.
 - d. Serve as the business manager of a school district.

2. For the purposes of elections held under this chapter, an individual residing on a military installation is deemed to be a resident of a school district if the school district admits students from the military installation pursuant to a contract and receives impact aid pursuant to Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.], as amended.

15.1-07-15. School district election - Violation - Penalty. An individual who willfully violates the provisions of this title in relation to elections is guilty of a class A misdemeanor.

15.1-07-16. New district - Enumeration. The board of a school district organized after the annual enumeration has been taken shall proceed immediately to take the enumeration, as provided by law, and after receipt of the enumeration by the superintendent of public instruction through the county superintendent of schools, the newly organized district shall receive its share of apportioned funds.

15.1-07-17. School district contracts - Conflict of interest - Penalty.

1. No school board member or other school officer may have a conflict of interest in any contract requiring the expenditure of school funds unless the individual has disclosed the conflict to the board and the board has unanimously approved the contract.
2. For purposes of this section, a conflict of interest means the personal, professional, or pecuniary interest of an individual, the individual's spouse or relative, or the individual's business or professional associate.
3. After the disclosure required by subsection 1 has been made, a board may engage in future contracts with the individual for the purchase of goods and services, provided that the amount of a contract does not exceed eight thousand dollars.
4. Any person who violates this section is guilty of a class A misdemeanor.

15.1-07-18. Offer of reward - Purchase of school supplies - Penalty. It is a class A misdemeanor for any person to give or offer to a county superintendent of schools, a school board member, or a school district employee a commission, fee, or other reward for the purchase by the district of any textbooks, furniture, or school supplies.

15.1-07-19. Reward for purchase of school supplies - Penalty. It is a class B misdemeanor for a county superintendent of schools, a school board member, or a school

district employee to accept a commission, fee, or other reward for the purchase by the district of any textbooks, furniture, or school supplies.

15.1-07-20. Schoolbus driver - Requirements.

1. To be eligible to drive a schoolbus or other school vehicle, an individual must:
 - a. Hold a valid North Dakota driver's license;
 - b. Be free from communicable diseases;
 - c. Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
 - d. Be of sound mental health;
 - e. Pass any drug and alcohol screening tests required by the school board; and
 - f. Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
2. Each year, the board of a school district shall designate licensed health care professionals, as defined by department of transportation standards, to examine schoolbus and school vehicle drivers.
3. Prior to commencing duties as the driver of a schoolbus or other school vehicle, whether employed by the school district or by another entity with whom the school board has contracted, and every two years thereafter, an individual shall present to the school board verification by a designated health care professional that the individual has been examined and meets the health requirements of this section.
4. This section does not prohibit teachers or administrators employed by the district from operating vehicles for the purpose of transporting students to regular or special events related to educational programs in which the students are enrolled.

15.1-07-21. School district business manager - Duties. The business manager of a school district shall:

1. Keep a true and accurate record of all school board proceedings.
2. Hold all books and records of the district and deliver them to the business manager's successor in office.
3. Prepare and submit an annual report to the board and to the county superintendent of schools.

4. Authorize the preparation of all negotiable instruments as directed by the board.
5. Perform all duties required by law.
6. Perform duties required by the board.
7. Keep true and accurate district financial records.
8. Prepare and submit a school district financial report to the board quarterly or in the case of a business manager for a district having only one-room or two-room schools, to submit the report at the request of the board.
9. Produce all district financial records when directed to do so by the board.
10. Maintain custody of all district moneys coming into the business manager's hands.
11. Pay out district moneys under the business manager's control as directed by the board.
12. Receive and maintain custody of all moneys to which the district or the board is entitled.

15.1-07-22. School district business manager - Affirmation or oath of office. An individual appointed as a school district business manager shall take and file an affirmation or oath of office before commencing duties.

15.1-07-23. School district business manager - Bond. A school district business manager shall furnish to the school board a bond in an amount to be fixed by the school board and equal to at least twenty-five percent of the maximum amount of money subject to the business manager's control at any one time. The bond must be conditioned for the faithful discharge of the business manager's duties, including the maintenance of accurate financial records and the safekeeping and deliverance of all school district property and funds that come into the business manager's control.

15.1-07-24. School district business manager - Funds - Accounting. Unless otherwise provided by law, the business manager of a school district is responsible for the safekeeping of all school district funds. The business manager shall keep a general account of the district's receipts and expenditures and itemized accounts for each class of receipts and expenditures, unless otherwise directed by the superintendent of public instruction.

15.1-07-25. School district records - Open - Exception.

1. Except as otherwise provided by law, all records and documents of a school district are open to examination by any person. These records and documents, or copies

certified by the business manager, are prima facie evidence of the facts set forth in the records and documents.

2. If a complaint is filed concerning a school district employee and an administrative investigation is conducted, any record or document generated as part of the administrative investigation is confidential and not subject to the requirements of this section or section 44-04-18, until the investigation is completed. The investigation and any determination of disciplinary action may not exceed sixty days from the date the complaint is filed.

SECTION 8. Chapter 15.1-08 of the North Dakota Century Code is created and enacted as follows:

15.1-08-01. Military installation - School district formation. The state board of public school education may form a school district on a military installation provided:

1. The state board is requested to do so by the base commander of the installation;
2. The state board schedules and holds a public hearing after publishing notice of the hearing in the official newspaper of the county in which the proposed school district is to be located, at least fourteen days before the date of the hearing; and
3. The boundaries of the district are coterminous with all lands over which the installation has exclusive concurrent or proprietary jurisdiction.

15.1-08-02. Military installation - School board members - Terms of office - Qualifications - Vacancies. The board of a school district formed under this chapter consists of five members. The superintendent of public instruction shall adopt rules providing appointment procedures. The superintendent, after consultation with the base commander and with the approval of the state board of public school education, shall appoint board members in April of each year. The board members must reside on the military installation. The school board members shall serve three-year terms except that the superintendent of public instruction shall designate two of the members initially appointed to serve two-year terms and two of the members initially appointed to serve one-year terms. If a vacancy occurs, the school board shall appoint an individual to serve for the remainder of the unexpired term.

15.1-08-03. Military installation - Organization of school board - Meetings. A majority of the military installation school board constitutes a quorum. The assent of a majority of the members present is necessary for the transaction of any business. The annual meeting

1 of the school board must be held during the month of July following the appointment to the
2 board, on a date called by the president and convenient to the rest of the members. At the
3 annual meeting in July, the board members shall elect one member to serve as president for a
4 one-year term. Notice of any regular or special meeting must be given, in writing, to each
5 member of the board; provided that the attendance at any meeting, without objection, by any
6 board member constitutes a waiver of the notice required to be given to the member. The
7 board must hold regular meetings for transacting business. Special meetings may be called by
8 the president or by any two members of the board.

9 **15.1-08-04. Military installation - School board - Duties.** A school board established
10 under this chapter shall:

- 11 1. Give primary consideration to the education and social well-being of the students
12 residing in the school district.
- 13 2. Respect the wishes of the students' parents regarding the provision of education to
14 the students.
- 15 3. Contract for the provision of education to the students residing in the district.
- 16 4. Conduct all board meetings as required by section 44-04-19.

17 **15.1-08-05. Military installation - School board - Business manager.** A school
18 board established under this chapter may employ and compensate a business manager. The
19 individual employed as a business manager may not be a member of the school board. The
20 school board may dismiss or suspend the business manager without notice for serious cause.
21 In other instances, the board may dismiss the business manager upon thirty days' written
22 notice.

23 **15.1-08-06. Military installation - School districts - Application of other laws.**

- 24 1. The duties set forth in section 15.1-09-28 are applicable to the president of a
25 school board governing a military installation district established under this chapter.
- 26 2. The duties set forth in sections 15.1-09-33, 15.1-09-35, and 15.1-09-38 are
27 applicable to a school board governing a military installation district established
28 under this chapter unless other agreements have been reached.
- 29 3. The duties set forth in section 15.1-07-22 are applicable to a business manager of
30 a military installation school district established under this chapter.

4. The compensation and expense reimbursement levels set forth in section 15.1-09-06 are applicable to members of a school board governing a military installation district established under this chapter.

5. Sections 15.1-07-10 through 15.1-07-13, 15.1-07-24, and 15.1-07-26 are applicable to military installation school districts established under this chapter.

15.1-08-07. School district agreements.

1. This chapter does not affect any agreement entered before March 28, 1989, between the Emerado elementary public school district and the Grand Forks public school district. Any agreement entered between those school districts continues under the terms provided in the agreement or for as long as both school districts continue to operate and the Grand Forks air force base contracts for full educational services from the Grand Forks public school district.

2. Before the state board of public school education requests that a school district be established pursuant to this chapter on the Minot air force base, the Glenburn public school district and the Minot public school district must enter into an agreement regarding the provision of education to the students residing on the air force base. The agreement must be approved by the state board of public school education. The Minot public school district and the Glenburn public school district, in entering into an agreement, must take into consideration current and potential revenues, including current and potential revenues from property taxes, in lieu of property taxes, and federal and state funds that are distributed to school districts based on census, and losses that may occur as a result of the agreement. The state board of public school education must receive approval from the United States secretary of education prior to the formation of the proposed school district.

3. Before the state board of public school education requests that a school district be established on a military installation other than the Grand Forks air force base and the Minot air force base pursuant to this chapter:

a. The school districts providing education to students residing on a military installation must enter into an agreement regarding the provision of education to those students. The agreement must be approved by the state board of public school education. School districts entering into the agreement must

1 take into consideration current and potential revenues and losses that may
2 occur as the result of the agreement; and

- 3 b. The state board of public school education must receive approval from the
4 United States secretary of education regarding the formation of the proposed
5 school district.

6 **SECTION 9.** Chapter 15.1-09 of the North Dakota Century Code is created and
7 enacted as follows:

8 **15.1-09-01. School board membership - Size and term adjustments.**

- 9 1. The board of a school district is composed of five members, unless:
10 a. The electors of the district increase the size of the board under this section;
11 b. The size of the board was increased under a prior law; or
12 c. The board, on July 1, 1971, was composed of more or fewer than five
13 members, in which case the number of members must remain unchanged
14 unless increased under this section.
- 15 2. The size of any school district board may be increased to either five, seven, or nine
16 members or decreased to seven or five members if a petition is signed by at least
17 one-third of the qualified electors of the district and the change is approved by a
18 majority of the qualified electors of the district voting on the question at a special
19 election called for that purpose.
- 20 3. If a majority of the qualified voters in a district elect to increase the size of the
21 school board, the additional members must be elected to the board at the next
22 annual district election in the same manner as other board members.
- 23 a. If the total number of board members after approval of the increase is five, the
24 terms of two members extend until the first annual election, the terms of two
25 members extend until the second annual election, and the term of the
26 remaining member extends until the third annual election.
- 27 b. If the total number of board members after approval of the increase is seven,
28 the terms of three members extend until the first annual election, the terms of
29 two members extend until the second annual election, and the terms of the
30 remaining two members extend until the third annual election.

- 1 c. If the total number of board members after approval of the increase is nine,
2 the terms of three members extend until the first annual election, the terms of
3 three members extend until the second annual election, and the terms of the
4 remaining three members extend until the third annual election.
- 5 d. The length of the terms specified in this section must be determined by lot.
- 6 e. All board members shall serve for the terms specified in this section and until
7 their successors are elected and qualified.
- 8 f. The length of any term in existence before the increase in board membership
9 and held by a board member who is duly qualified may not be modified.
- 10 g. Terms subsequent to the first term are for the normal period of three years
11 and extend until a successor is elected and qualified.
- 12 4. The voters of a school district shall elect school board members at large. If,
13 however, the district has been reorganized, board members may be elected at
14 large, by geographical area, or at large by geographical area.
- 15 5. An election on a reorganization proposal takes the place of the petition and
16 election requirements of this section. Approval of the reorganization proposal has
17 the same effect as if the approval were by the election provided for in this section.
- 18 6. If the qualified electors of a district approve a reduction in the size of the school
19 board, the excess number of members will serve out existing terms until the
20 number approved by the electors has been reached.
- 21 7. If the board of a school district has elected to convert its members' terms to four
22 years and has also increased the number of its board members, the board by lot or
23 by some other random selection method shall provide for a combination of initial
24 terms of office not to exceed four years for the new members. The combination
25 must equalize to the greatest extent possible the number and length of terms for
26 old board members and for new members to be elected during the next three
27 election years. The members' terms must be staggered and must expire in
28 even-numbered years.
- 29 8. Notwithstanding the provisions of this section, the board of education of the city of
30 Fargo consists of nine members.

1 **15.1-09-02. School boards - Terms of office.** The term of each elected member of a
2 school board is three years, except when the member is completing the unexpired term of
3 another. The term of office for a school board member begins at the annual meeting in July
4 following the member's election and continues until a successor is elected and qualified. The
5 term of office for a member of the board of education of the city of Fargo begins at the first
6 regular monthly meeting after the annual school district election held on the third Tuesday of
7 April.

8 **15.1-09-03. School boards - Changes in terms of office.**

- 9 1. A school board by resolution may change the terms of office for its members from
10 three to four years. The resolution must provide that upon the expiration of each
11 member's current three-year term, the term of office for that position on the board
12 will become four years. The resolution may provide for the conversion of one
13 position to a two-year term and, thereafter, to a four-year term. If the resolution so
14 provides, the term must be chosen by lot. If as a result of an extension to four
15 years a term would conclude in an odd-numbered year, the resolution must provide
16 for one transitional three-year term before the four-year term commences.
- 17 2. If a school board changes its terms of office as provided for in this section:
- 18 a. References in this title to annual elections mean biennial elections when
19 applied to the board; and
- 20 b. The election held pursuant to section 15.1-09-31 must be held in
21 even-numbered years.
- 22 3. A school board that has converted the terms of its members to four years may
23 revert to three-year terms by passing a resolution providing for the reversion.
24 When the four-year term of each board member holding office on the date of the
25 resolution's passage expires, the term of office for that position becomes three
26 years.

27 **15.1-09-04. Rural members of school board - Definitions.**

- 28 1. a. At least two members of a school board must be rural members if a district
29 contains six or more sections of land, has a city within its boundaries, and a
30 district population of two thousand or fewer.

- 1 b. At least one member of a school board must be a rural member if a district
2 contains six or more sections of land, has within its boundaries a city of more
3 than two thousand but fewer than fifteen thousand, and has at least
4 twenty-five families residing on farms outside the corporate limits of the city
5 but within the district and sending children to school in the district.
- 6 c. If the taxable valuation of agricultural property in the rural area of a district
7 containing a city is greater than the taxable valuation of the urban area, the
8 majority of the members of the school board must be rural members.
- 9 d. If the variance in population between the geographic voting areas of a school
10 district is greater than ten percent, all qualified voters in the district may vote
11 for each school board candidate.

- 12 2. For purposes of this section, a rural school board member is one who resides on a
13 farm outside the corporate limits of a city or one who resides within a city that
14 according to the latest federal census has a population of two hundred or fewer
15 and is located within a district that has four or more incorporated cities.

- 16 3. For purposes of this section:

- 17 a. "Agricultural property" means property located outside the limits of an
18 incorporated city and zoned agricultural.
- 19 b. "Rural" means outside the limits of an incorporated city.

20 **15.1-09-05. School board - Vacancies - Appointments.**

- 21 1. The business manager of a school district shall notify the county superintendent
22 that a vacancy exists on the school board.
- 23 2. The board of a school district shall fill by appointment or special election any
24 vacant seat on the board. The term of an individual selected by appointment or
25 special election to fill a vacancy extends until a successor is elected and qualified
26 at the next annual election. If a school board fails to fill a vacancy by appointment
27 or fails to call a special election to fill a vacancy within sixty days from the time the
28 vacancy occurred, the county superintendent shall call a special election to fill the
29 vacancy. The election must be conducted in the same manner as the annual
30 school district election.

2. If a vacancy reduces the membership of a school board to less than a quorum, the state board of public school education shall appoint to the school board as many individuals as necessary to achieve a quorum. The school board then shall fill the remaining vacancies. After the vacancies have been filled, any individual appointed by the state board shall resign and the school board shall fill the vacancy in accordance with this section. After resigning, the individual who had been appointed by the state board may be reappointed by the school board to fill the vacancy.

3. The causes for which a vacancy may be declared include a member's death, resignation, removal from office by a court of competent jurisdiction, and relocation to a residence outside the school district.

4. The business manager shall certify any appointment made under this section to the county superintendent of schools.

15.1-09-06. School board members - Compensation. Each school board shall set a level of compensation for services payable to its members, provided that no member may receive more than one thousand dollars annually for this purpose. In addition to compensation for services, each member may be reimbursed for all necessary meals and lodging and travel expenses actually incurred while engaged in official business of the board, at the same rate as provided for state officers and employees. Any mileage claimed may not exceed the number of miles [kilometers] between the points traveled as measured by the most usual route.

15.1-09-07. School district election - Conduct. Unless otherwise provided by law, a school district election must be conducted and the votes must be canvassed in the same manner as in the election of county officers.

15.1-09-08. School district elections - Candidate filings - Ballots - Stickers. An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. If the election is held in conjunction with a statewide election, the document must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixtieth day before the election. If the election is not held in conjunction with a statewide election, the document must be filed with the school district business manager, or

1 mailed to and in the possession of the business manager, by four p.m. of the thirty-third day
2 before the election.

3 **15.1-09-09. School district elections - Notice.** At least fourteen days before the date
4 of an annual or special school district election, the school board shall publish a notice in the
5 official newspaper of the district stating the time and place of the election and the purpose of
6 the vote. If a school board agrees to hold the election in conjunction with a primary election, the
7 deadline for giving notice of the school district election and the purpose of the vote must meet
8 the publishing requirements of the county. The governing body of the city of Fargo shall publish
9 notice with respect to Fargo school district elections.

10 **15.1-09-10. School district elections - Form of notice.** A notice for the election of
11 school board members must state the purpose for the election, the date of the election, and the
12 time at which the polls will open and close.

13 **15.1-09-11. School district elections - Preparation of ballots.**

- 14 1. At least twenty days before the election, the business manager shall prepare and
15 cause to be printed, or otherwise uniformly reproduced, an official ballot containing
16 the names of all individuals who have indicated their intent to be candidates by
17 meeting the provisions of section 15.1-09-08. The business manager shall
18 determine by lot, in the presence of the candidates or their representatives, the
19 arrangement of the candidates' names upon the ballot.
- 20 2. The ballot must be nonpartisan in form and include:
 - 21 a. The words "official ballot" at the top;
 - 22 b. The name of the school district;
 - 23 c. The date of the election;
 - 24 d. The number of persons to be elected to each office; and
 - 25 e. Below the list of candidates for each office, blank spaces in which names not
26 printed on the ballot may be written.
- 27 3. An individual who wishes to be a candidate for election, is qualified to hold office,
28 and has failed to meet the filing requirements of section 15.1-09-08 may provide
29 stickers to be attached to the official ballot by the electors. A sticker must have the
30 name and address of the individual printed on it. The sticker may not be more than
31 one-half inch [12.7 millimeters] in height.

1 **15.1-09-12. School district elections - Poll hours.** The school board shall determine
2 the time at which polls must open and close for school district elections. Polls may open at any
3 time after seven a.m. and must be open by eleven a.m. Polls must remain open until
4 seven p.m. and may remain open until eight p.m. In Fargo school district elections, polls must
5 open and close at the times required for city elections.

6 **15.1-09-13. Election precincts - Polling places - Election officials.**

- 7 1. At least thirty-five days prior to the annual election, the board of each school district
8 shall designate one or more precincts for the election. The board shall arrange the
9 precincts in a way that divides the electors of the district as equally as possible.
10 No precinct may have a population in excess of six thousand residents, as shown
11 by the last federal decennial census.
- 12 2. At least thirty-five days prior to the annual election, the board of each school district
13 shall designate one or more polling places for the election. The board shall locate
14 the polling places as conveniently as possible for the voters in the precinct. Once
15 established by the board, a polling place must remain the polling place for a
16 precinct until it is changed by subsequent action of the board.
- 17 3. The board shall appoint two election judges and two election clerks for each
18 precinct. Before opening the polls, the judges and clerks shall take an affirmation
19 or oath to perform their duties according to law and to the best of their ability. The
20 affirmation or oath may be administered by any officer authorized to administer
21 oaths or by any of the judges or clerks.

22 **15.1-09-14. School district election - Vote tally.** Upon the closing of the polls, the
23 judges shall count and canvass the votes for each office. Within forty-eight hours after the
24 closing of the polls, the judges and clerks of the election shall sign the returns and file them with
25 the business manager of the school district.

26 **15.1-09-15. School district election - Declaration of winner.** The school board shall
27 canvass all election returns and shall declare the result of an election within three days of the
28 election and, in the case of a tie, within three days from the determination of a winner. The
29 individual receiving the highest number of votes for an office must be declared elected. The
30 board shall record the result of the election.

1 **15.1-09-16. School district election - Tie breaker.** If the election results in a tie, the
2 business manager of the district shall notify, in writing, the candidates between whom the tie
3 exists. Within three days after the election, at a time agreed upon by the candidates, the
4 election must be decided in the presence of the judges and clerks of the election, in a manner
5 agreed upon by the candidates. The school district business manager shall make and keep a
6 record of the proceedings.

7 **15.1-09-17. Notification of elected individuals - Notice to county superintendent**
8 **of schools.** Within five days after a school district election, the business manager of the school
9 district shall provide to each elected individual written notice of the individual's election and of
10 the duty to take an affirmation or oath of office. Within ten days after the election, the business
11 manager shall certify the individuals elected and their terms to the county superintendent of
12 schools.

13 **15.1-09-18. School district election - Absentee ballots - Recounts.** Absentee
14 ballots must be available in any school district election in accordance with chapter 16.1-07.
15 Section 16.1-16-01 applies to school district elections, except:

- 16 1. The members of the school board not subject to a recount and not disqualified
17 under subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties
18 of the recount board;
- 19 2. The school district business manager shall perform the duties of the county auditor
20 when the election is not combined with the county;
- 21 3. The school board takes the place of the county canvassing board; and
- 22 4. All expenses of the recount must be paid as provided in section 15.1-09-21.

23 **15.1-09-19. Duties of election officials - Other applicable statutes.** Sections
24 16.1-08.1-03.3, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22,
25 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under
26 sections 15.1-09-09 and 15.1-09-11.

27 **15.1-09-20. Election officials - Compensation.** Election officials at school district
28 elections are entitled to receive compensation as provided for election officials in section
29 16.1-05-05. The board of a school district holding the election shall provide for the
30 compensation from school district funds.

1 **15.1-09-21. School district elections - Expenses.** A school district is responsible for
2 the payment of all expenses incurred as a result of a school district election.

3 **15.1-09-22. School boards - Annual elections - Poll books.**

4 1. The board of a school district shall hold an election each year between April first
5 and June thirtieth to fill all vacancies, including those caused by the expiration of
6 terms of office.

7 2. Upon resolution of the school board, the annual election may be held in
8 conjunction with the regular election of a city, as required by state law or by the
9 home rule powers of the city, provided the city is located wholly or partially within
10 the school district. The school board may agree with the governing body of the city
11 to share election costs and responsibilities, including those associated with election
12 personnel, the printing of election materials, the publishing of legal notices, and the
13 use of poll books.

14 3. If a school board holds its election in conjunction with a city, references in this
15 chapter to the date of a school board election mean the date of the applicable city
16 election.

17 4. If a school board holds its election in conjunction with a city and only one set of poll
18 books is used, the set must reference the voter's eligibility to vote in the city
19 election, in the school district election, or both.

20 **15.1-09-23. School boards - Special elections.** In addition to the annual election, a
21 special election may be held at any time and for any lawful purpose, if approved by the school
22 board.

23 **15.1-09-24. School boards - Sharing of election expenses - Poll books.** If a school
24 district election is held in conjunction with a primary election, the board of the school district
25 may agree with the governing body of the county or counties in which the district is located to
26 share election costs and responsibilities, including those associated with a canvassing board,
27 election personnel, the printing of election materials, the publishing of legal notices, and the use
28 of poll books.

29 **15.1-09-25. School board members - Affirmation or oath of office.** An individual
30 elected as a member of or appointed to a school board shall take and file with the school district
31 business manager an affirmation or oath of office before commencing duties.

1 **15.1-09-26. Affirmation or oath of office - Administration.** An elected member of a
2 school board may administer any affirmation or oath of office required of school board members
3 or school district personnel.

4 **15.1-09-27. Organization of school board - Election of president.** At the annual
5 meeting, school board members shall elect from among themselves a president to serve for
6 one year. Members of the Fargo board of education shall elect their president and a vice
7 president at the first regular monthly meeting following the election of new board members.

8 **15.1-09-28. School board president - Duties.** The president shall preside at all
9 meetings of the school board, appoint all committees subject to approval by the board, provide
10 authorization for the issuance of negotiable instruments, and perform other acts required by
11 law. A vice president may be elected by the board to serve in the absence of the president at
12 any meeting.

13 **15.1-09-29. School board - Quorum - Majority vote.** The board of a school district
14 consists of the members elected according to the provisions of this chapter. A majority of the
15 board constitutes a quorum. The agreement of a majority of those members present is
16 necessary for the transaction of any business.

17 **15.1-09-30. School boards - Meetings.**

- 18 1. Each school board shall hold an initial meeting during the month of July following
19 the annual election, except that the initial meeting for the board of education of the
20 city of Fargo must take place at the time of the first regular monthly meeting after
21 its annual election. The president of the school board shall select a meeting date
22 that is convenient to the other board members and shall provide board members
23 with written notice of the meeting.
- 24 2. Once during each month thereafter, a board shall hold a regular meeting for the
25 transaction of business. The board of any school district having only one-room and
26 two-room schools may meet as often as the board deems necessary, but not less
27 than four times in each year.
- 28 3. Special meetings may be called by the president or by any two members of a
29 board. Written notice of a special meeting must be given to each member of a
30 board.

4. The attendance of a board member at any meeting, without objection, constitutes a waiver of the notice requirement for that member.

5. A board of a school district operating under an academic cooperative agreement approved by the superintendent of public instruction may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by this section. Multiboard meetings must be for the purpose of pursuing joint academic or cooperative activities and must be held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that notice of each multiboard meeting in which the school board will participate is published in the local newspapers of general circulation at least one week before the meeting date.

15.1-09-31. School board proceedings - Publication. Every two years, at the time of a school district's annual election of board members, the electors of the district shall determine whether a record of the board proceedings must be published in the official newspaper of the district. If a majority of the electors voting on the question approve the publication, the school district business manager shall provide for publication of the school board records, including an itemized list of obligations approved for payment. If applicable, the business manager shall request that the proceedings be identified as being published subject to review and revision by the board. The business manager shall ensure that the proceedings are published within a reasonable time after each board meeting. A vote to approve the publication is effective for a period of two years or until disapproved at a succeeding school district election.

15.1-09-32. School board members - Attendance at workshop. Within one year of assuming office, each newly elected school board member shall attend an inservice training workshop hosted by the North Dakota school boards association or its designee. The workshop must include presentations on the role of a school board member, the duties of a school board, and education finance.

15.1-09-33. School board - Powers. The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.
2. Organize, establish, operate, and maintain elementary, middle, and high schools.

- 1 3. Have custody and control of all school district property and, in the case of the
- 2 board of education of the city of Fargo, to have custody and control of all public
- 3 school property in the city and to manage and control all school matters.
- 4 4. Acquire real property and construct school buildings and other facilities.
- 5 5. Relocate or discontinue schools and liquidate the assets of the district as required
- 6 by law; provided no site may be acquired or building constructed, or no school may
- 7 be organized, established, operated, maintained, discontinued, or changed in
- 8 location without the approval of the state board of public school education if outside
- 9 the boundary of the district.
- 10 6. Purchase, sell, exchange, and improve real property.
- 11 7. Lease real property for a maximum of one year except in the case of a vocational
- 12 education facility constructed in whole or in part with financing acquired under
- 13 chapter 40-57, which may be leased for up to twenty years.
- 14 8. Exercise the power of eminent domain to acquire real property for school
- 15 purposes.
- 16 9. Purchase, sell, exchange, and if appropriate, improve school equipment, furniture,
- 17 supplies, and textbooks.
- 18 10. Recruit or contract with others to recruit homes and facilities which provide
- 19 boarding care for special education students.
- 20 11. Provide dormitories for the boarding care of special education students.
- 21 12. Insure school district property.
- 22 13. Independently or jointly with other school districts, purchase telecommunications
- 23 equipment or lease a telecommunications system or network.
- 24 14. Provide for the education of students by another school district.
- 25 15. Contract with federal officials for the education of students in a federal school.
- 26 16. Prescribe courses of study in addition to those prescribed by the superintendent of
- 27 public instruction or by law.
- 28 17. Adopt rules regarding the instruction of students, including their admission,
- 29 transfer, organization, grading, and government.
- 30 18. Join the North Dakota high school activities association and pay membership fees.

19. Adopt alternative curricula for high school seniors who require fewer than four academic units.
20. Contract with, employ, and compensate school district personnel.
21. Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.
22. Suspend school district personnel.
23. Dismiss school district personnel for cause.
24. Participate in group insurance plans and pay all or part of the insurance premiums.
25. Contract for the services of a district superintendent, provided that the contract, which may be renewed, does not exceed a period of three years.
26. Appoint a principal, certified under rules adopted by the superintendent of public instruction, to perform duties as directed by the school district superintendent.
27. Employ a school district business manager.
28. Suspend or dismiss a school district business manager for cause without prior notice.
29. Suspend or dismiss a school district business manager without cause with thirty days' written notice.
30. Defray the necessary and contingent expenses of the board.
31. Levy a tax upon property in the district for school purposes.
32. Amend and certify budgets and tax levies, as provided in title 57.
33. Pay membership dues to county and state associations.
34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.

15.1-09-34. Contracts by school boards - Bids - Penalty.

1. Except as provided in this section, the board of a school district may not enter a contract involving the expenditure of an aggregate amount greater than eight thousand dollars unless the board has given ten days' notice by publication in the official newspaper of the district, received sealed bids, and accepted the bid of the lowest responsible bidder. This section does not apply to contracts for:
 - a. The personal services of district employees.

- 1 b. Textbooks and reference books.
- 2 c. Articles not sold on the open market.
- 3 d. Patented, copyrighted, or exclusively sold devices or features required to
- 4 match articles already in use.
- 5 e. Patented, copyrighted, or exclusively sold articles so distinctive that only one
- 6 brand can be purchased.
- 7 f. Building contracts under chapters 48-01.1 and 48-02.
- 8 g. School transportation services.
- 9 h. Vehicle fuel.
- 10 i. Heating fuel.
- 11 2. A board member who participates in a violation of this section is guilty of a class B
- 12 misdemeanor.

13 **15.1-09-35. Reports by school boards on conditions of schools.** Upon the
14 conclusion of each school year, the board of a school district shall:

- 15 1. Prepare a report regarding the condition of all schools in the district, including their
- 16 financial condition and the educational progress of students enrolled in each
- 17 school;
- 18 2. Forward a copy of the report to the county superintendent of schools; and
- 19 3. Publish in the official newspaper of the school district that portion of the report
- 20 which deals with the financial condition of each school.

21 **15.1-09-36. School board - Authority over student fees.**

- 22 1. A school board may:
 - 23 a. Require that a student pay a security deposit for the return of textbooks,
 - 24 materials, supplies, or equipment.
 - 25 b. Assess a student a use charge if a textbook or other item covered under
 - 26 subsection 1 has received undue wear.
 - 27 c. Require that a student furnish personal or consumable items.
 - 28 d. Require that a student pay an admission fee or other charges for
 - 29 extracurricular or noncurricular activities if the student's attendance is
 - 30 optional.

- 1 e. Require that a student pay a fee or a premium for any authorized student
2 health and accident benefit plan.
- 3 f. Require that a student pay a fee for personal athletic equipment and apparel;
4 provided the board shall allow a student to use the student's own equipment
5 and apparel if it meets reasonable health and safety standards established by
6 the board.
- 7 g. Require that a student pay a fee in any program which generates a product
8 that becomes the personal property of the student.
- 9 h. Require that a student pay a fee for behind-the-wheel driver's education
10 instruction.
- 11 i. Require that a student pay a fee for goods, including textbooks, and services
12 provided in connection with any postsecondary level program or any program
13 established outside regular elementary, middle school, or secondary school
14 programs, including vocational and technical programs, and adult or
15 continuing education programs.
- 16 j. Require that a student pay any other fees and charges permitted by statute.
- 17 2. A board may waive any fee if a student or the student's parent or guardian is
18 unable to pay the fee.
- 19 3. A board may not deny or abridge a student's rights or privileges, including the
20 receipt of grades and diplomas, because of the nonpayment of fees. A board,
21 however, may withhold a student's diploma for failure to pay for costs incurred by
22 the student's own negligence or choice, including fines for damaged textbooks and
23 school equipment, library fines, and materials purchased from the school at the
24 option of the student.
- 25 4. This section does not preclude the operation of a school store where students may
26 purchase school supplies and materials.
- 27 5. If a board charges fees not authorized by law and refuses to discontinue the
28 charges when directed to do so by the superintendent of public instruction, the
29 superintendent shall withhold the per student and transportation aid payments to
30 which the district is entitled for each student charged an unauthorized fee.

15.1-09-37. Duties of school board - Postsecondary instructional programs -

Fees. A school board may charge reasonable fees for goods, including textbooks, and services provided in connection with any postsecondary instructional program, including vocational and technical programs, adult or continuing education programs, and similar education programs beyond grade twelve or outside of established elementary, middle school, and secondary education programs.

15.1-09-38. Duties of school board - Employment of relatives. The board of a school district may not employ as a teacher an individual who is related to a member of the board by blood or marriage, unless a majority of the board members, plus one, vote their concurrence with the employment.

15.1-09-39. Districts in bordering states - Contract.

1. Notwithstanding any other provision of law, the board of a school district in this state may contract with the board of a school district in another state for the joint operation and maintenance of school facilities and for joint activities, if the districts are contiguous. To be valid, the contract must be approved by the superintendent of public instruction and by a majority of the qualified electors residing in the district.
2. In assessing the contract, the superintendent shall consider the district's enrollment, its valuation, and its longevity.
3. If the superintendent approves the contract, the board shall submit the contract to the electorate of the district, for approval, at an annual or a special election.
4. The board shall publish notice of the election in the official newspaper of the district at least fourteen days before the election. The notice must include a statement regarding the purpose of the election and the terms of the contract.
5. On the ballot, the board shall seek the voters' permission to execute the proposed contract, as approved by the superintendent of public instruction.
6. If the voters approve the execution of the contract, the board may levy and collect taxes to carry out the contract pursuant to law.
7. If a district that is a party to a contract under this section dissolves, any district to which the land of the dissolved district is attached shall assume the contractual responsibilities.

1 **15.1-09-40. Sharing of levied taxes - Contract.** The boards of two or more school
2 districts may contract to share levied taxes in all or a portion of their respective districts. The
3 rate of taxes to be levied on any property in the joint taxing area or district is the rate of tax
4 provided for in the contract, not exceeding any levy limitations applicable to the property. The
5 auditor of each county in which all or a portion of a contracting district is located shall fix and
6 levy taxes on that portion of the property which is described in the contract and is located in the
7 county at the rate set by the contract.

8 **15.1-09-41. School board authority - Reward for destruction of school property.**
9 The board of a school district may offer and pay a reward to any person who furnishes
10 information leading to the apprehension and conviction of one appropriating or destroying
11 property or equipment belonging to the district.

12 **15.1-09-42. Educational meetings - Attendance by school district personnel.** The
13 board of a school district shall allow each district superintendent, principal, and teacher to
14 attend the North Dakota education association's annual instructional conference or the North
15 Dakota council of educational leaders' annual conference without loss of pay.

16 **15.1-09-43. Purchase of schoolbus - Payment period.** The board of a school district
17 may purchase a bus body, a chassis, or a complete bus, provided the body, chassis, or
18 complete bus meets standards provided by section 39-21-27.1. A board may use money in its
19 general fund to purchase a bus body, a chassis, or a complete bus on an installment plan,
20 provided the plan does not extend beyond six years.

21 **15.1-09-44. Schoolbuses - Use of nonprofit organizations.** The board of a school
22 district may make a schoolbus available to a nonprofit organization for use in conjunction with
23 the organization's activities. The board shall negotiate the terms of usage with the organization.
24 The terms must address rental charges and insurance coverage. The driver of a schoolbus
25 used by a nonprofit organization under this section must satisfy the requirements for a
26 schoolbus driver set forth in section 15.1-07-21.

27 **15.1-09-45. Storage facilities for schoolbuses.** The board of a school district may
28 lease for purchase, purchase, or construct a storage facility for schoolbuses upon advertised
29 bids as provided in section 15.1-09-34. For these purposes, the board may use money in the
30 district's general fund or building fund provided the money is not otherwise obligated.

1 **15.1-09-46. School district census.** The board of a school district shall conduct a
2 census during the month of May in each odd-numbered year. The census must enumerate all
3 district residents under age eighteen as of August thirty-first and include their names and the
4 names and addresses of their parents. The board shall approve the census and forward a copy
5 of the census to the county superintendent prior to July fifteenth of the year in which the census
6 is taken. The county superintendent shall submit a summary of the census to the
7 superintendent of public instruction.

8 **15.1-09-47. Board of education of city of Fargo - Taxing authority.**

- 9 1. The board of education of the city of Fargo may levy taxes, as necessary for any of
10 the following purposes:
- 11 a. To purchase, exchange, lease, or improve sites for schools.
 - 12 b. To build, purchase, lease, enlarge, alter, improve, and repair schools and their
13 appurtenances.
 - 14 c. To procure, exchange, improve, and repair school apparatus, books, furniture,
15 and appendages, but not the furnishing of textbooks to any student whose
16 parent is unable to furnish the same.
 - 17 d. To provide fuel.
 - 18 e. To defray the contingent expenses of the board, including the compensation
19 of employees.
 - 20 f. To pay teacher salaries after the application of public moneys, which may by
21 law be appropriated and provided for that purpose.
- 22 2. The question of authorizing or discontinuing the unlimited taxing authority of the
23 board of education of the city of Fargo must be submitted to the qualified electors
24 of the Fargo school district at the next regular election upon resolution of the board
25 of education or upon filing with the board a petition containing the signatures of
26 qualified electors of the district equal in number to twenty percent of the individuals
27 enumerated in the most recent school district census. However, if the electors
28 approve a discontinuation of the unlimited taxing authority, their approval of the
29 discontinuation may not affect the tax levy effective for the calendar year in which
30 the election is held. In addition, the minimum levy may not be less than the levy
31 that was in force at the time of the election. The board may increase its levy in

1 accordance with section 57-15-01. If the district experiences growing enrollment,
2 the board may increase the levy by an amount equal to the amount levied the
3 preceding year per student times the number of additional students enrolled during
4 the new year.

5 **15.1-09-48. Board of education of city of Fargo - Tax collection.** The board of
6 education of the city of Fargo has the power to levy taxes and to cause such taxes to be
7 collected in the same manner as other city taxes. The board of education shall cause the rate
8 for each purpose to be certified by the business manager to the city auditor in time to be added
9 to the annual tax list of the city. It is the duty of the city auditor to calculate and extend upon the
10 annual assessment roll and tax list any tax levied by the board of education. The tax must be
11 collected as other city taxes are collected. If the city council fails to levy any tax for city
12 purposes or fails to cause an assessment roll or tax list to be made, the board of education may
13 cause an assessment roll and tax list to be made and submit the roll to the city auditor with a
14 warrant for the collection of the tax. The board of education may cause the tax to be collected
15 in the same manner as other city taxes are collected or as otherwise provided by resolution of
16 the board.

17 **15.1-09-49. Board of education of city of Fargo - Taxes for buildings.** The amount
18 to be raised for teacher salaries and contingent expenses must be such only as together with
19 the public money coming to the city from any source is sufficient to establish and maintain
20 efficient and proper schools for students in the city. The tax for purchasing, leasing, or
21 improving sites and the building, purchasing, leasing, enlarging, altering, and repairing of
22 schools may not exceed in any one year fifteen mills on the dollar valuation of the taxable
23 property of the city. The board of education may borrow, and when necessary shall borrow, in
24 anticipation of the amount of the taxes to be raised, levied, and collected.

25 **15.1-09-50. Board of education of city of Fargo - Powers.** In addition to the powers
26 granted to all school boards by section 15.1-09-32, the board of education of the city of Fargo
27 has the power and duty:

- 28 1. To organize, establish, and maintain schools in the city and to change and
29 discontinue the schools; and to liquidate the assets of discontinued schools outside
30 the district boundaries, as authorized by the state board of public school education.

2. To lease houses or rooms for school purposes, lease lots or sites for schools, and fence real property.
3. To build, enlarge, alter, improve, and repair schools and appurtenances upon lots or sites now owned or leased for school purposes.
4. To provide, sell, exchange, improve, and repair school apparatus, books for indigent students, and appendages.
5. To provide fuel and other supplies for the schools.
6. To have the custody and safekeeping of the schools, books, furniture, and appurtenances and to see that local ordinances regarding schools are observed.
7. To compensate teachers out of the money appropriated and provided by law for the support of the public schools in the city so far as the same is sufficient, and to pay any remainder due from the money raised as authorized by this chapter.
8. To have the control and management of the public schools of the city and from time to time adopt rules for their good order, prosperity, and utility.
9. To prepare and report to the mayor and the city council ordinances and regulations necessary for the protection, safekeeping, and care of the schools, lots, sites, and appurtenances and all the property belonging to the city, connected with and appertaining to the schools, and to suggest proper penalties for the violation of ordinances and regulations.

15.1-09-51. Board of education of city of Fargo - School property.

1. The title to all schools, sites, lots, furniture, books, apparatus, and appurtenances, belonging to the city, and used for school purposes, under the control of the board of education are vested in the city of Fargo for the use of the schools. While used for or appropriated to school purposes, the same may not be:
 - a. Levied upon or sold by virtue of any warrant, execution, or other process;
 - b. Subject to any judgment or lien; or
 - c. Subject to taxation for any purpose.
2. The city in its corporate capacity is competent to accept and dispose of any real or personal estate transferred to it by gift, grant, bequest, or devise, for the use of the public schools of the city, whether the property is transferred to the city or to any person for the use of the schools.

15.1-09-52. Board of education of city of Fargo - Ownership of real property.

Whenever any real property is purchased by the board, the transfer or grant and conveyance of the property must be taken to the "city of Fargo for the use of the schools" and whenever any sale is made by the board, it must be so resolved and placed upon the records of the board.

The conveyance must be executed, in the name of the city of Fargo, by the president of the board and attested to by the business manager. The president and the business manager may execute conveyances upon a sale or exchange, with or without full covenants or warranty, on behalf of the city.

SECTION 10. Chapter 15.1-10 of the North Dakota Century Code is created and enacted as follows:

15.1-10-01. County committee - Appointment - Compensation.

1. The county superintendent of schools, with the approval of the board of county commissioners, shall appoint residents, equal in number to the board of county commissioners, to serve as a county committee for purposes of school district annexations, dissolutions, and reorganizations.
2. The term of office for county committee members is three years, staggered so that one term expires each year.
3. If a vacancy occurs, the county superintendent, with the approval of the board of county commissioners, shall appoint an individual to serve for the unexpired portion of the term. If a county committee member fails, refuses, or is unable to perform the required duties, the county superintendent, upon being petitioned by a majority of the school board presidents representing districts having territory wholly or partially within the county, shall declare the position of the member vacant and shall appoint a new member to the committee.
4. Each member is entitled to compensation at the rate of sixty-two dollars and fifty cents per day and to reimbursement for expenses from the biennial appropriation for the superintendent of public instruction, as provided by law for state officers, if they are attending committee meetings or performing duties directed by the committee.

15.1-10-02. County committee - Chairman - Meetings. The members of the county committee shall elect one member to serve as chairman for one year and until a successor is

chosen. Meetings of the committee must be held upon the call of the chairman or a majority of the committee members.

15.1-10-03. County committee - Secretary. The county superintendent of schools is the secretary of the committee but may not vote. The county superintendent is entitled to compensation from the employing county for actual and necessary expenses incurred while in the performance of required duties.

15.1-10-04. State's attorney to represent committee. Each county's state's attorney shall serve as legal counsel to the county committee. The state's attorney shall defend the committee and any of its officers in legal proceedings relating to the conduct or business of the committee. If providing this defense would cause a conflict with the other duties of the state's attorney, the board of county commissioners, at county expense, shall employ a special counsel to represent the committee in the proceedings.

SECTION 11. Chapter 15.1-11 of the North Dakota Century Code is created and enacted as follows:

15.1-11-01. County superintendent of schools - Employment - Qualifications.

1. Except as provided in section 15.1-11-02, each board of county commissioners shall employ a county superintendent of schools on a full-time or a part-time basis.

An individual hired under this section:

- a. Must hold a baccalaureate degree from a regional or nationally accredited institution of higher education approved for teacher education.
- b. Must hold a valid North Dakota teacher's certificate.
- c. Must have experience teaching at an approved elementary, middle, or secondary school.
- d. Must be approved by a majority of the school board presidents representing school districts having their administrative headquarters in the county.
- e. Serves until the individual resigns or is discharged by the board of county commissioners at the direction of a majority of the school board presidents referenced in subdivision d.

2. The presidents of the school boards referenced in subsection 1 shall perform the duties of school boards with respect to the evaluation, renewal, and discharge of an individual hired under this section.

15.1-11-02. County superintendent of schools - Assignment of duties - Waiver.

1. Notwithstanding any other provision of law, a board of county commissioners, by majority vote may choose not to employ a county superintendent of schools, provided the board of county commissioners:
 - a. Obtains from the superintendent of public instruction a form that lists all statutory duties to be otherwise performed by a county superintendent and provides for the assignment of all such statutory duties to, and the performance of such statutory duties by, one or more individuals;
 - b. Obtains the consent of a majority of the school board presidents representing school districts having their administrative headquarters in the county; and
 - c. Submits the completed form to the superintendent of public instruction and obtains written approval of the assignments from the superintendent.
2. a. The superintendent of public instruction may waive the requirements of subsection 1 with respect to any board of county commissioners which, on or before June 30, 1999, assigned to qualified persons the duties of the county superintendent of schools, provided:
 - (1) The assignment of duties was set forth in a written plan;
 - (2) The written plan was filed with the legislative council; and
 - (3) The superintendent of public instruction determines that the written plan substantially complies with the requirements of subsection 1.
- b. The determination of the superintendent regarding the waiver is final.

15.1-11-03. County superintendent of schools - Salary. The county superintendent of schools is entitled to receive a salary, as determined under section 11-10-10.

15.1-11-04. County superintendent of schools - Duties. A county superintendent of schools shall:

1. Serve as the superintendent of all schools in a county except those schools in districts that employ a district superintendent of schools.
2. Receive copies of and review, in a timely manner, all reports submitted to the superintendent of public instruction by school districts having their administrative headquarters in the county.

3. Compile reports containing statistics and any other information requested by the superintendent of public instruction and forward the reports at the time and in the manner directed by the superintendent of public instruction.
4. If requested by a school district, assist in planning, coordinating, and providing education and related services.
5. Promote coordination and cooperation among the school districts and the multidistrict special education units within the county.
6. Assist school districts in taking advantage of incentive programs administered by the superintendent of public instruction.
7. As secretary of the county committee:
 - a. Provide to the public information regarding the annexation of property to another school district;
 - b. Provide to the public all forms necessary for the annexation of property to another school district;
 - c. Compile information regarding school district annexations and dissolutions and provide such information to the appropriate county committees, at the time and in the manner directed by the state board of public school education; and
 - d. Compile information regarding school district annexations, reorganizations, and dissolutions, and provide such information to the state board of public school education, at the time and in the manner directed by the state board.
8. Perform any other duties required by law.

15.1-11-05. Preservation of records. The county superintendent of schools shall provide for the preservation of all property that is acquired in an official capacity and which has educational value and interest or which records official acts by the county superintendent. At the conclusion of the county superintendent's employment, the county superintendent shall deliver the property to the superintendent's successor.

15.1-11-06. Clerks - Office and supplies. The board of county commissioners shall determine the number and salaries of administrative assistants for the county superintendent of schools and shall furnish a suitable office for the county superintendent, together with all necessary equipment, furniture, and supplies. If the board of county commissioners fails to do

so, the county superintendent may provide the same and the board of county commissioners shall audit and pay the reasonable expenses so incurred.

SECTION 12. Chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

15.1-12-01. Definitions. In this chapter, unless the context otherwise requires:

1. "Annexation" means the alteration of a school district's boundaries through the removal of real property from one school district and its attachment to another contiguous school district.
2. "Contiguous" means two or more tracts of real property which share a common point or which would share a common point but for an intervening road or right of way.
3. "Dissolution" means the process through which a school district ceases to function and the subsequent attachment of its real property to other school districts.
4. "Reorganization" means the formation of a new school district through the combination, in whole or in part, of two or more school districts.
5. "State board" means the state board of public school education.

15.1-12-02. Annexation of property to school district - Exchange - Petition - Requirements. An individual may petition to have property in one school district annexed to another school district by an exchange of property with property in a contiguous school district. In order to be approved:

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange may not exceed one thousand dollars;
5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and

6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

15.1-12-03. Annexation of property to school district - Eligibility. Real property may be annexed to a school district provided:

1. The property to be annexed constitutes a single area that is contiguous to the school district;
2. The property to be annexed does not constitute an entire school district;
3. The annexation petition is signed by two-thirds of the qualified electors residing on the property to be annexed;
4. The annexation petition is filed with the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district;
5. A public hearing is held by the county committee or the county committees, as required in section 15.1-12-05; and
6. The annexation petition is approved by the state board.

15.1-12-04. Annexation of property to school district - Petition requirements.

1. A petition to request the annexation of property must:
 - a. Be obtained from the county superintendent of schools;
 - b. Identify all property to be annexed, before circulation;
 - c. Identify one child whose place of residence is on the property to be annexed and whose parent has stated an intention to send the child to a public school in the district receiving the property during the school year following the effective date of the annexation;
 - d. Be signed in the presence of the petition carrier; and
 - e. Be submitted to the county superintendent whose jurisdiction includes the administrative headquarters of the district.
2. Any person who wishes to add or remove that person's name from the annexation petition may do so until five p.m. on the last business day before the public hearing by the county committee; provided the person appears before the county superintendent to request the action.
3. This section does not apply to annexations involving an exchange of property.

15.1-12-05. Annexation of property to school district - Hearing.

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.
2. The county superintendent shall publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that two-thirds of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all bonded and other indebtedness incurred by each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the projected valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students in each affected district;
 - g. The general population of each affected district;
 - h. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;

- 1 i. The location and condition of roads, highways, and natural barriers in each
- 2 affected district;
- 3 j. Conditions affecting the welfare of students residing on the property to be
- 4 annexed;
- 5 k. The boundaries of other governmental entities;
- 6 l. The educational needs of communities in each affected district;
- 7 m. Potential savings in school district transportation and administrative services;
- 8 n. The potential for a reduction in per student valuation disparities between the
- 9 affected districts;
- 10 o. The potential to equalize or increase the educational opportunities for
- 11 students in each affected district; and
- 12 p. All other relevant factors.
- 13 5. Following consideration of the testimony and documentary evidence presented at
- 14 the hearing, the committee shall make specific findings of fact and approve or deny
- 15 the annexation. If the annexation is approved, the county superintendent shall
- 16 forward all minutes, records, documentary evidence, and other information
- 17 regarding the proceeding and the county committee's decision to the state board
- 18 for final approval of the annexation.
- 19 6. a. Except as provided in this subsection, the state board shall conduct a hearing,
- 20 accept and consider testimony and documentary evidence regarding the
- 21 proposed annexation, make specific findings, and approve or deny the
- 22 annexation.
- 23 b. If no opposition is presented to the county committee at the hearing and the
- 24 county committee approves the annexation, the state board may review the
- 25 record of the county committee and give final approval to the annexation
- 26 without holding its own hearing.
- 27 7. If the school districts involved in a proposed annexation include property in more
- 28 than one county, but the major portion of each district's property is in the same
- 29 county, the county committee of that county shall consider the annexation petition.
- 30 8. If the school districts involved in a proposed annexation are situated in more than
- 31 one county and the major portion of each district's property is not in the same

county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition.

9. If a county committee denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months from the date on which the original petition was filed with the county superintendent. A petition involving any of the same property cited in the original petition may not be considered by a county committee more than twice in a twelve-month period.

10. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.

11. a. If an annexation petition is considered by a single county committee, the decision of the county committee may be appealed to the state board.
b. If an annexation petition is considered by more than one county committee and at least one county committee approves the annexation, the decision may be appealed to the state board.
c. If an annexation petition is considered by more than one county committee and denied by each county committee, the decision may not be appealed to the state board.

12. Each annexation must receive final approval from the state board.

13. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.

14. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located.

15.1-12-06. Annexation of property to school district - Effective date. Annexations under this chapter become effective on July first following final approval by the state board.

15.1-12-07. Transfer of real property upon annexation, reorganization, or

dissolution. The legal title to all real property owned by a school district and annexed to another school district, included in a reorganized district, or subjected to dissolution, vests in the board of the reorganized school district or of the district to which the property is annexed or attached on the effective date of the reorganization, annexation, or dissolution. If the reorganized district or district to which the property is annexed or attached includes less than the whole of the former district, legal title to the real property of the former district vests in the board of the school district in which the property is situated on the effective date of the reorganization, annexation, or dissolution. A certificate prepared by a licensed attorney, citing the legal description of the property and stating that the property has become annexed, attached, or reorganized with another school district, must be recorded in the office of the register of deeds of the county in which the property is located.

15.1-12-08. Payment of school district levies after annexation or dissolution.

1. Property annexed or attached to the receiving school district is subject to all of the receiving school district's levies, except those to retire bonded debt existing before the effective date of the annexation or dissolution. The county committee and the state board in approving the annexation or dissolution, however, may require that the property be subject to the levies to retire bonded debt.
2. Property annexed to a receiving school district is not subject to any levies of the school district from which it was detached, except those to retire bonded debt existing before the effective date of the annexation. The county committee and the state board in approving the annexation, however, may exempt the property from the levies required to retire bonded debt existing before the effective date of the annexation.

15.1-12-09. Tax levies for equalization between school districts limited -

Remittance tax. When the amount to be levied on each of several districts or parts of districts affected by a change in school district boundaries has been determined, a list of the amounts must be made, and the respective amounts must be set forth opposite the name of the district to which it is chargeable. The entire levy must be stated substantially in the form provided for certifying school taxes, must be addressed to the county auditor, and must be signed by a majority of the members of the county committee or committees. The names of the school

districts within which the property is situated must be entered opposite the several descriptions of property on the tax list. The levy is a valid levy on the taxable property of each district. Not more than fifteen mills of the levy may be extended against the taxable property in any one year, and the levy, not exceeding fifteen mills on the dollar, must be extended from year to year until the whole amount has been levied. The county auditor shall preserve the levies and shall extend the several rates from year to year as required by law for school district taxes. The tax must be collected at the same time and in the same manner as other taxes are collected, and paid over to the proper school district within which the property upon which the tax is paid is situated. The proceeds of taxes upon parts of districts lying outside of the district with which they are equalized must be paid to the business manager of the school district within which the property is situated. The taxes levied for equalization purposes must be in addition to all other taxes for school purposes. This section does not apply to school district reorganizations, except where specifically referenced.

15.1-12-10. School district reorganization - Initiation of a reorganization plan. In order for two or more school districts or contiguous portions of two or more school districts to initiate a reorganization process, the board of each participating school district must:

1. Vote to pursue the reorganization;
2. Prepare a reorganization plan;
3. Approve the reorganization plan; and
4. Submit the plan to the county superintendent having jurisdiction over the major portion of property in each participating school district.

15.1-12-11. School district reorganization - Contents of plan - Public hearing - Testimony and evidence.

1. The reorganization plan required by section 15.1-12-10 must:
 - a. Include a map showing the boundaries of each participating district and of the proposed new district;
 - b. Include the demographic characteristics of each participating district, including the population per age group;
 - c. Include the number of students enrolled in each participating district during the current school year and during the ten preceding school years;
 - d. Include projected student enrollments for the ensuing ten years;

- 1 e. Include the location and condition of all school buildings and facilities in each
- 2 participating district and intended uses for the buildings and facilities;
- 3 f. Address proposals for the construction, modification, or improvement of
- 4 school buildings and facilities located within the boundaries of the new district;
- 5 g. Address proposals for course offerings by the new district;
- 6 h. Include proposals regarding the administrative structure of the new district
- 7 and the number of full-time equivalent personnel to be employed by the new
- 8 district;
- 9 i. Include proposals regarding the number of members who will constitute the
- 10 board of the new district and the manner in which the members are to be
- 11 elected;
- 12 j. Address proposals regarding the provision of transportation to students
- 13 attending the new district;
- 14 k. Identify other governmental entities, including multidistrict special education
- 15 units and area vocational and technology centers, which may provide services
- 16 to the new district;
- 17 l. Include the taxable valuation and per student valuation of each participating
- 18 district and the taxable valuation and per student valuation of the new district;
- 19 m. Include the amount of all bonded and other indebtedness incurred by each
- 20 participating district;
- 21 n. Address property, assets, debts, and liabilities of each participating district, as
- 22 provided for in section 15.1-12-19;
- 23 o. Include a proposed budget for the new district and a proposed general fund
- 24 levy, provided that tax levies submitted to and approved by the state board as
- 25 part of a reorganization plan are not subject to mill levy limitations otherwise
- 26 provided by law; and
- 27 p. Include any other information that the participating school districts wish to
- 28 have considered by the county committee or the state board.
- 29 2. Upon receiving a reorganization plan, the county superintendent shall schedule
- 30 and give notice of a public hearing regarding the plan.

3. The county superintendent shall publish the notice in the official newspaper of the county at least fourteen days before the date of the hearing.
4. If no newspaper is published in the county, the county superintendent shall publish the notice in the official newspaper of an adjoining county in this state.
5. Before the hearing, the county committee shall review the reorganization plan and ensure that all statutory requirements have been met.
6. At the hearing, the county committee shall accept testimony and documentary evidence regarding the reorganization plan.
7. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall approve or deny the reorganization plan.
8. If the plan is approved by at least one county committee, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding, and the county committee's decision, to the state board for final approval.
9. To become effective, a reorganization plan must meet all statutory requirements and must receive approval by both the state board and a majority of electors residing within the boundaries of the proposed new district.

15.1-12-12. School district reorganization - Approved plan - Special election - Formation of new district.

1. If the state board approves a reorganization plan, the state board shall notify each county superintendent of schools having jurisdiction over real property in the proposed new district. A county superintendent receiving notice under this section shall call a special election in order that the electors residing within the boundaries of the proposed new district may approve or reject the reorganization plan. The election must be held between July first and December thirty-first of the year in which the plan is approved by the state board. If there are insufficient days left in the year to meet the notice requirements of this section, the election must be held the following year.
2. The county superintendent shall give notice of the election by publishing the time, date, and place of the election in the official newspaper of the county, at least fourteen days before the date of the election.

3. The election notice must:

- a. State that the election has been called for the purpose of approving or rejecting a plan to form a new school district;
- b. Describe the boundaries of the proposed new district; and
- c. Include a statement describing the adjustment of property, debts, and liabilities proposed in the plan, together with the proposed tax levy.

4. The county superintendent shall appoint judges and clerks of the election. The election must be conducted in the same manner and the polls must open and close at the same time as specified for school district elections.

5. The result of the elections must be certified by the participating school boards and delivered to the county superintendent within three days after the closing of the polls.

6. If a majority of electors residing within each school district vote to approve the reorganization plan, the county superintendent shall make the necessary adjustments of property, debts, and liabilities and perform all duties required by law in order to establish and organize the new school district.

15.1-12-13. School district reorganization - Vote on issuance of bonds.

1. If the reorganization plan proposes the issuance of bonds under chapter 21-03, the question of the bond issuance may be voted on at the same election as that for which approval of the reorganization plan is sought; provided:

- a. Each of the school boards involved in the reorganization adopts, by a majority vote, an identical initial resolution required by chapter 21-03; and
- b. All of the terms of chapter 21-03 are complied with, except that if there is a conflict with section 15.1-12-15 regarding how the election will proceed, the terms of section 15.1-12-15 prevail.

2. If the reorganization is not approved, the result of the vote on the bond issuance is void.

15.1-12-14. School district reorganization - Proposal rejection - Revision - New election.

1. If the electors reject the reorganization plan, the county committee, after a period of three months from the date of the special election, may hold a public hearing as

provided for in section 15.1-12-11 to consider a revised reorganization plan proposed by the participating school districts. If the county committee approves a revised plan, the county superintendent shall submit the revised plan to the state board for approval.

2. If the state board approves the revised plan, it shall notify the county superintendent of schools. A county superintendent receiving notice under this section shall follow the procedures set forth in this chapter for calling a special election to approve or reject the revised plan. If a majority of the electors residing within each school district vote to approve the revised reorganization plan, the county superintendent shall make the necessary adjustments of property, debts, and liabilities and perform all duties required by law in order to establish and organize the new school district.

15.1-12-15. School district reorganization - School boards - Assumption of duties.

1. Upon approval of a reorganization plan by the electors, in accordance with section 15.1-12-12, a school board for the reorganized district must be elected at the next regular school district election or at a special election called by the county superintendent of schools for that purpose. The first school board election in a newly reorganized district is governed by chapter 15.1-09.
2. Members of newly formed school boards representing reorganized districts may not enter upon the duties of office until the time specified in section 15.1-12-19, except as provided in sections 15.1-12-16 and 15.1-12-17. Before the completion of a reorganization, the board of an existing district may not contract or obligate the district, except with the approval of the county committee.

15.1-12-16. School district reorganization - School board - Duties.

1. The board of a reorganized school district established under this chapter shall negotiate with the district's teachers, as provided by chapter 15.1-16, and may contract with the teachers' representative organization prior to the effective date of the reorganization. If by five p.m. on July first of the year the reorganized district begins operations, a negotiated agreement has not been entered between the board and the teachers pursuant to statute, no teacher employed by the board may

1 receive less in salary and benefits than that teacher received for the preceding
2 school year. For purposes of this section, "salary and benefits" means salary,
3 insurance benefits, teachers' fund for retirement contributions, personal leave, sick
4 leave, accumulated sick leave, extracurricular salary, reduction-in-force policy,
5 grievance procedures, and recall procedures.

6 2. On or before February first of the year in which the reorganization becomes
7 effective, the board of the reorganized school district shall hold a public hearing to
8 present the curriculum, course offerings, and staff positions to be available during
9 the coming school year. The board shall publish notice of the hearing in the official
10 newspaper of each county having land in the reorganized district, at least fourteen
11 days before the date of the hearing.

12 3. By five p.m. on April fifteenth of the year in which the reorganization becomes
13 effective, the board of the reorganized school district shall notify in writing each
14 teacher employed by the districts being reorganized, whether or not the teacher will
15 be offered a contract of employment with the reorganized district.

16 **15.1-12-17. School district reorganization - Issuance of bonds - Procedure.**

17 Before a reorganization is effective, the board of a reorganized school district established under
18 this chapter may proceed in accordance with chapter 21-03 to issue bonds for purposes
19 specified in that chapter if the bond issuance is provided for by the approved reorganization
20 plan.

21 **15.1-12-18. School district reorganization - Elementary schools.** An elementary
22 school in existence at the time a reorganization becomes effective may be closed upon
23 approval of the board. Unless otherwise directed by the superintendent of public instruction, a
24 school closed under this section may be reopened only upon resolution of the school board and
25 only at the beginning of a school year that follows by at least ninety days the date of the school
26 board's closure vote.

27 **15.1-12-19. School district reorganization - Approval of plan - Effective date -**
28 **Transfer of all property.** A reorganization plan takes effect on the first day of July following its
29 approval by the voters. Within thirty days from the effective date of the reorganization,
30 personnel from school districts incorporated in whole or in part into a reorganized district shall
31 turn over to the board of the reorganized district all property and assets as required by the

approved reorganization plan. Unless otherwise provided, debts, obligations, and liabilities of the districts or parts of districts incorporated into the reorganized district become the debts, obligations, and liabilities of the reorganized district.

15.1-12-20. School district reorganization - Sale or removal of school buildings.

The board of a reorganized district may sell or move a school building located in the district. If a petition calling for the sale of a school building is signed by a majority of the qualified electors residing within the boundaries of a former school district now wholly located within the boundaries of the reorganized district, and is submitted to the board, the board shall sell the building. If the petition calls for the board to move the building, the board shall move the building to the location designated in the petition. The board shall deposit proceeds of the sale in either the district's general fund or the building fund. If the purchaser or recipient of the building is a political subdivision of this state, the board, upon a unanimous vote, may sell the building for less than its fair market value.

15.1-12-21. School district reorganization - Cost of elections. If the electors reject a reorganization plan, the cost of the election must be borne by each school district that had real property included in the proposed district. The percentage of the total cost for which each district is obligated is the same as the percentage that the district's real property included in the proposed reorganized district bears to the total amount of real property in the proposed reorganized district. If the electors approve a reorganization plan, the cost of the election is borne by the newly reorganized district.

15.1-12-22. School district reorganization - Changes in plan.

1. All provisions of a reorganization plan, except those relating to boundaries and geographic voting areas, may be changed upon the concurrence of a majority of the qualified electors voting on the question. The question may be placed before the voters at a regular or special election upon a motion of the school board and shall be placed before the voters upon receipt by the board of a petition signed by at least:

- a. Twenty-five percent of the qualified electors residing in the district, if the population of the district, as determined by the county superintendent, is less than twenty-five qualified electors;

- 1 b. Twenty percent of the qualified electors residing in the district, if the
2 population of the district is at least twenty-five but not more than four
3 thousand; or
4 c. Fifteen percent of the qualified electors residing in the district, if the population
5 of the district is greater than four thousand.

6 2. Notwithstanding the provisions of subsection 1, if a school district has been
7 reorganized for at least ten years, the boundaries of geographic voting areas may
8 be changed upon the concurrence of a majority of qualified electors voting on the
9 question.

10 3. By resolution, the board in a reorganized district may change to at large voting for
11 school board members if there is a variance of more than ten percent in the
12 population between any of the district's established geographic areas with resident
13 candidates.

14 **15.1-12-23. School district reorganization - Board - Powers after five years -**
15 **Exceptions.**

- 16 1. Beginning five years after the effective date of the reorganization, the board of a
17 reorganized district may exercise all powers granted to a school board by law,
18 regardless of limitations contained in the district's reorganization proposal.
19 2. Notwithstanding subsection 1, the board of a reorganized district may change
20 geographic voting areas only in accordance with section 15.1-12-24.

21 **15.1-12-24. School district reorganization - Proportionate tax rate on agricultural**
22 **property.** A school district that for school purposes imposed on agricultural property a
23 proportionate tax rate different from the school district levy on other taxable property, as
24 permitted by repealed sections 15-53.1-37 and 15-53.1-38 on December 31, 1984, shall
25 continue to levy the proportionate tax rate unless the school board is directed, by a majority of
26 the district's qualified electors voting on the question, to discontinue the proportionate tax rate.
27 No other school board may impose a proportionate tax rate on different classes of property
28 within the district.

29 **15.1-12-25. Nonoperating school district - Reorganization or dissolution.** A school
30 district that ceases to provide educational services within the district must become, within one
31 year, through a process of reorganization or dissolution, part of a district operating an approved

1 school. If a school district affected by this section has not become part of a district operating an
2 approved school within the prescribed time limit, the school district must be dissolved. This
3 section does not apply to military installation school districts.

4 **15.1-12-26. Nonoperating school district - Transportation.** The school board of the
5 district to which a nonoperating district is attached shall provide transportation to students
6 residing within the boundaries of the attached land in the same manner that transportation is
7 provided to all other students in the district.

8 **15.1-12-27. Dissolution of school district - Grounds.**

9 1. A county committee shall initiate proceedings to dissolve a school district and
10 attach the property to other operating school districts when it is notified in writing by
11 the county superintendent of schools whose jurisdiction includes the administrative
12 headquarters of the district that:

- 13 a. The district is financially unable to effectively and efficiently educate its
14 students;
15 b. The district has not operated a school as required by section 15.1-12-25; or
16 c. A school board has determined that dissolution is in the best interest of its
17 students.

18 2. Except as provided in subsection 3, a county committee shall initiate proceedings
19 under section 15.1-12-28 to attach real property to an operating school district
20 when it is notified in writing by the county superintendent that:

- 21 a. Real property has been severed from its school district by the expansion of a
22 city and the severed portion is not contiguous with its district; or
23 b. There exists real property that does not belong to a school district.

24 3. If a school district reorganization plan which does not include all real property in a
25 district is approved by the electors, the county committee shall, within forty-five
26 days after the election, hold a hearing under section 15.1-12-30 to attach the
27 remaining property to one or more operating districts.

28 4. Receipt of notice by a county committee under this section:

- 29 a. Renders an annexation petition involving any real property in the district void,
30 unless the annexation has already been approved by the state board; and

b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.

5. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

15.1-12-28. Dissolution of school district - Notice - Hearing - Order of attachment.

1. The county superintendent shall schedule and give notice of a public hearing regarding the dissolution of the district and the subsequent attachment of the property to other districts. The county superintendent shall publish the notice in the official newspaper of each county that encompasses property in the dissolving district and in the official newspaper of each county that encompasses property in a district adjacent to the dissolving district, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each school district adjacent to the dissolving district.

2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution.

3. The county committee shall consider testimony and documentary evidence regarding:

a. The value and amount of property held by the dissolving school district;

b. The amount of all indebtedness, including the amount of all outstanding bonds;

c. The distribution of property and assets among the districts to which the dissolved district is attached;

d. The taxable valuation of the dissolving district and the projected valuation of adjacent districts;

e. The size, geographical features, and boundaries of the dissolving district and of adjacent districts;

f. The number of students in the dissolving district and in adjacent districts;

g. The general population of the dissolving district and adjacent districts;

h. Each school in the dissolving district and in adjacent districts, including its name, location, condition, accessibility, and the grade levels it offers;

- 1 i. The location and condition of roads, highways, and natural barriers in the
- 2 dissolving district and in adjacent districts;
- 3 j. Conditions affecting the welfare of students in the dissolving district and in
- 4 adjacent districts;
- 5 k. The boundaries of other governmental entities;
- 6 l. The educational needs of communities in the dissolving district and in
- 7 adjacent districts;
- 8 m. Potential savings in school district transportation and administrative services;
- 9 n. The anticipated future use of the dissolving districts' buildings, sites, and
- 10 playfields;
- 11 o. The potential for a reduction in per student valuation disparities;
- 12 p. The potential to equalize or increase the educational opportunities for
- 13 students from the dissolving district and for students in adjacent districts; and
- 14 q. All other relevant factors.
- 15 4. After the hearing, the county committee shall make findings of fact. Subject to final
- 16 approval by the state board, the county committee may order the district dissolved
- 17 and its real property attached to one or more contiguous, operating school districts.
- 18 5. Any property ordered attached under this section must have at least one minor
- 19 residing within its boundaries.
- 20 6. The county superintendent shall forward all minutes, records, documentary
- 21 evidence, and other information regarding the dissolution proceeding together with
- 22 a copy of the county committee's order to the state board for final approval of the
- 23 dissolution.
- 24 7. The order of dissolution becomes effective July first following approval by the state
- 25 board, unless the county committee provides for a different effective date.
- 26 8. If the boundaries of the dissolving school district cross county lines, the proceeding
- 27 to dissolve the district must be conducted jointly by the county committees
- 28 representing counties containing twenty-five percent or more of the dissolving
- 29 district's taxable valuation. If, after the hearing, a majority of the county
- 30 committees are unable to agree upon an order of dissolution and attachment, the
- 31 county superintendent of the county in which the administrative headquarters of the

dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent districts in the manner it deems appropriate.

9. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.

15.1-12-29. Dissolution of school district - Unobligated cash balance -

Distribution. Any unobligated cash balance not exceeding ten thousand dollars must be held in a separate fund by the auditor of the county having the greatest share of the dissolved school district's land. The county auditor shall hold the fund for one year after the effective date of the dissolution. During that year, the county auditor shall accept assets and pay unresolved debts attributable to the dissolved school district. After one year the county auditor shall distribute the remaining cash balance among the school districts to which the real property of the dissolved district was attached. Unless otherwise directed by the order of dissolution, the distribution to each shall be the same percentage as the taxable valuation at the time of the attachment order.

15.1-12-30. Dissolution of school district - Unobligated cash balance - Tax credits or refunds.

1. Any unobligated cash balance in excess of ten thousand dollars is a credit for real property owners within the boundaries of the dissolved school district against taxes levied by the district in which their property is now situated. The county auditor shall base the credit on the five-year average of the total mills levied for education by the dissolved district. If property from the dissolved district is attached to more than one school district, the credit that eligible real property owners receive must be the same percentage of the unobligated cash balance as the taxable valuation of the individual's property bears to the total taxable valuation of the dissolved district's property at the time of the attachment order.
2. Upon approval of the board of county commissioners, any school district required to provide a tax credit under subsection 1 may provide a cash refund in lieu of the tax credit. At the request of the county auditor, the school district holding the unobligated cash balance shall pay to the county treasurer the amount to be paid to those who own real property within the dissolved district. The treasurer shall

1 issue the refund to the owner of the property as shown on the county's assessment
2 list at the time of payment. If there is a lien for unpaid taxes against the property,
3 the treasurer shall first apply the property owner's tax credit toward any
4 outstanding balance. Any amount remaining may then be paid to the property
5 owner. The cash refunds must be calculated proportionately to the total taxable
6 value of the dissolved district during the last year taxes were levied.

7 **SECTION 13.** Chapter 15.1-19 of the North Dakota Century Code is created and
8 enacted as follows:

9 **15.1-19-01. Legal surname - Use.** Personnel in a public school district, a nonpublic
10 school, a preschool program, and a child care facility shall use a student's legal surname for
11 registration, for the maintenance of all records regarding the student, and in all communications
12 requiring the use of a surname.

13 **15.1-19-02. Corporal punishment - Prohibition.**

- 14 1. A school district employee may not inflict, cause to be inflicted, or threaten to inflict
15 corporal punishment on a student.
- 16 2. This section does not prohibit a school district employee from using the degree of
17 force necessary:
- 18 a. To quell a physical disturbance that threatens physical injury to an individual
19 or damage to property;
- 20 b. To quell a verbal disturbance;
- 21 c. For self-defense;
- 22 d. For the preservation of order; or
- 23 e. To obtain possession of a weapon or other dangerous object within the
24 control of a student.
- 25 3. For purposes of this section, corporal punishment means the willful infliction of
26 physical pain on a student; willfully causing the infliction of physical pain on a
27 student; or willfully allowing the infliction of physical pain on a student. Physical
28 pain or discomfort caused by athletic competition or other recreational activities
29 voluntarily engaged in by a student is not corporal punishment.
- 30 4. The board of each school district shall develop policies setting forth standards for
31 student behavior and procedures to be followed if the standards are not met.

1 **15.1-19-03. Period of silence.** A classroom teacher may require that the students
2 observe a period of silence for meditation or prayer for up to one minute at the beginning of
3 each schoolday. A school board may require that students observe a period of silence for up to
4 one minute at the beginning of each schoolday.

5 **15.1-19-04. Religious instruction - Excuse of student.** At the request of a student's
6 parent or guardian, the student's school principal shall permit a student to be excused for up to
7 one hour each week in order to obtain religious instruction.

8 **15.1-19-05. Birth control device - Distribution - Restriction.** No person while acting
9 in an official capacity as an employee or agent of a school district may distribute a birth control
10 device to a student. This section does not apply to the distribution of a birth control device by
11 an employee or agent to a child of that employee or agent.

12 **15.1-19-06. Abortion referrals.** No person while acting in an official capacity as an
13 employee or agent of a school district may refer a student to another person, agency, or entity
14 for the purpose of obtaining an abortion. This provision does not extend to private
15 communications between the employee or agent and a child of the employee or agent.

16 **15.1-19-07. Communicable parasites - Detection and eradication.** The board of a
17 school district may contract with licensed health care personnel to assist in the detection and
18 eradication of communicable parasites.

19 **15.1-19-08. Homeless child - Education.**

- 20 1. A homeless child is entitled to a free public school education, in the same manner
21 as that provided to other public school students, in accordance with the Stewart B.
22 McKinney Homeless Assistance Act [Pub. L. 100-77; 101 Stat. 525; 42 U.S.C.
23 11431 et seq.].
- 24 2. A school district shall allow a nonresident homeless child to attend school.
- 25 3. For the purposes of this section, "homeless child" means a homeless individual as
26 described in the Stewart B. McKinney Homeless Assistance Act [Pub. L. 100-77,
27 section 103(a); 101 Stat. 485; 42 U.S.C. 11302] and as defined in rules adopted by
28 the superintendent of public instruction.
- 29 4. The superintendent of public instruction shall adopt rules to implement this section.
30 The rules must provide for the educational placement of homeless children
31 according to the child's best interest.

15.1-19-09. Students - Suspension and expulsion - Rules.

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules must provide for a procedural due process hearing that allows a student's parent or representative to participate in the hearing.
2. A student may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
3. A student enrolled in an alternative education program for which state per student payments are available may be suspended for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
4. A student, including one enrolled in an alternative education program, may be expelled from school for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy; provided the expulsion does not last beyond the termination of the current school year.

15.1-19-10. Possession of a weapon - Policy - Expulsion from school.

1. The board of each school district shall adopt a policy governing the possession of weapons on school property or at a school function and provide for the punishment of any student found to be in violation of the policy.
2. The weapons policy must prohibit the possession of 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 for at least one year. The policy must authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board, within ten days of the student's suspension, shall provide the student with a hearing before the school board at which time the school board shall take testimony and consider evidence, including the existence of mitigating circumstances.

3. If a board expels a student under this section, the board may authorize the provision of educational services to the student in an alternative setting.
4. Actions under this section may not conflict with state special education laws or with the Individuals With Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.].
5. This section does not apply to any student participating in a school-sponsored shooting sport, provided the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm.
6. For purposes of this section:
 - a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
 - b. "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

15.1-19-11. School safety patrols - Establishment - Adoption of rules. The board of a school district or the governing body of a nonpublic school may authorize a school principal or administrator to establish a safety patrol and to appoint students to the safety patrol. Any student age eleven or older is eligible for appointment to a safety patrol, provided the student's parent has filed written permission with the school principal or administrator. The superintendent of public instruction shall adopt rules to guide safety patrol members in the conduct of their duties and shall specify the identification to be worn and the signals to be used by safety patrol members while on duty.

15.1-19-12. School safety patrols - Immunity from liability. The superintendent of public instruction, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, safety patrol members whether students or adults, and parents of safety patrol student members are immune from any liability that might otherwise be incurred as a result of an injury to a safety patrol member or as a result of an injury caused by an act or omission on the part of a safety

patrol member while on duty, provided that the persons substantially complied with the rules to guide safety patrol members, as adopted by the superintendent of public instruction.

SECTION 14. Chapter 15.1-24 of the North Dakota Century Code is created and enacted as follows:

15.1-24-01. Grants - Design - Coordination.

1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools.

The rules may include:

- a. Community involvement through a citizens' advisory committee.
- b. An assessment of services and resources available locally.
- c. An assessment of student and staff needs.
- d. The coordination of activities with public and private entities.
- e. The development of an implementation plan.
- f. An evaluation mechanism.
- g. The development of a budget to fund the program.

2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.

3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of human services, the state department of health, the department of transportation, and law enforcement agencies.

15.1-24-02. Staff. The superintendent of public instruction may employ an individual as a chemical abuse project coordinator. The coordinator shall:

1. Develop rules, in consultation with other private and public entities.
2. Disseminate rules developed under this chapter.
3. Provide communities, through their schools, with technical assistance in the planning and implementation of a chemical abuse and prevention program.
4. Collect data for reporting and program evaluation purposes.
5. Facilitate coordination of this program with prevention and educational programs conducted by other state agencies.

6. Provide the superintendent of public instruction with a written program evaluation.
7. Serve as a resource specialist to schools regarding the development and implementation of chemical abuse prevention programs.

15.1-24-03. Chemical abuse preassessment team - Building level support team.

Any school may appoint a chemical abuse preassessment team consisting of a school counselor, a social worker, and other appropriately trained individuals or a school may use a building support team to carry out chemical abuse prevention services under this chapter. The team shall review and act upon law enforcement reports of chemical abuse violations by students. Within fourteen days of receiving a report, the team shall determine whether to provide to the student, or if the student is a minor to the student's parent or guardian, information regarding chemical abuse and school and community services available to assist individuals who engage in chemical abuse.

15.1-24-04. Treatment or assistance records - Confidential. Any record of a student's medical treatment, use of a chemical abuse assistance program, or other individual record generated under this chapter, is confidential. It is not part of the student's educational record and may not be released without the written consent of the student, or if the student is less than age fourteen, without the written consent of the student's parent.

15.1-24-05. Law enforcement agencies - Duty to inform team.

1. A law enforcement agency shall notify a school principal in writing if the agency has probable cause to believe that a student enrolled in the school has violated section 5-01-08, 19-03.1-23, 39-08-01, or 39-08-18. The law enforcement agency shall provide the notice within two weeks of an incident.
2. The principal shall forward the notice to the school's chemical abuse preassessment team or support team referenced in section 15.1-25-03.
3. Subsection 1 does not apply if, in the opinion of the law enforcement agency, providing the notice would jeopardize the conclusion of a criminal investigation.

15.1-24-06. Report of chemical abuse - Immunity from liability. Any individual, other than the alleged violator, who in good faith reports or furnishes information regarding another's alleged chemical abuse to the chemical abuse preassessment team or the support team referenced in section 15.1-24-03, is immune from any liability, civil or criminal, that might

otherwise result from the report. For the purpose of any proceeding, the good faith of a person reporting or furnishing information is presumed.

SECTION 15. Chapter 15.1-25 of the North Dakota Century Code is created and enacted as follows:

15.1-25-01. Postsecondary enrollment options program. Any North Dakota student enrolled in grade eleven or twelve in a public high school is eligible to receive high school and postsecondary credit for the successful completion of an academic course offered by any postsecondary institution accredited by a regional accrediting organization or a vocational course offered by a postsecondary institution in a program accredited by a national or regional accrediting organization recognized by the United States department of education.

15.1-25-02. Permission to enroll - Notification - Credits. Before enrolling in a course for credit under this chapter, the student must obtain written permission from the student's school district superintendent. The student's school district superintendent shall determine the number of credits for which the student is eligible and shall include the number of credits on the document granting permission required by this section. For purposes of determining credit, a three-semester-hour course offered by a postsecondary institution is equivalent to a full semester high school course. Upon the student's successful completion of the course, the postsecondary institution shall notify the student's school district superintendent of that fact.

15.1-25-03. Costs of attendance - Responsibility of student. The student and the student's parent or legal guardian are responsible for all costs of attendance at a postsecondary institution under this chapter. For purposes of this section, "costs" includes tuition, fees, textbooks, materials, equipment, and other necessary charges related to the course in which the student has enrolled.

15.1-25-04. Transportation - Responsibility of student. The student and the student's parent or legal guardian are responsible for transportation arrangements and all costs of transportation associated with a student's attendance at a postsecondary institution under this chapter.

15.1-25-05. Per student payments - Extracurricular activities. A student attending a postsecondary institution under this chapter is deemed to be in attendance at the student's school district of residence for purposes of calculating per student payments and for purposes relating to the student's eligibility to participate in high school extracurricular activities.

1 **15.1-25-06. Courses - Statutory and regulatory exemption.** The courses for which
2 dual high school and postsecondary credit are available under this chapter are postsecondary
3 courses and are exempt from any statutory or regulatory provisions otherwise applicable to high
4 school courses and to the individuals by whom high school courses are taught.

5 **SECTION 16.** Chapter 15.1-26 of the North Dakota Century Code is created and
6 enacted as follows:

7 **15.1-26-01. Definitions - Adult and adult basic and secondary education.** For
8 purposes of this chapter, unless the context otherwise requires:

- 9 1. "Adult" means any individual who is beyond the age of compulsory school
10 attendance.
- 11 2. "Adult basic and secondary education" means:
 - 12 a. Instructional services for adults who:
 - 13 (1) Do not have the basic literacy skills necessary to function effectively in
14 society;
 - 15 (2) Do not have a certificate of graduation from a school providing
16 secondary education; or
 - 17 (3) Have not reached a level of education equivalent to that required for a
18 certificate of graduation to be issued.
 - 19 b. Education for adults whose inability to speak, read, or write English is a
20 substantial impairment of their ability to obtain or retain employment
21 commensurate with their ability.

22 **15.1-26-02. Adult basic and secondary education programs - Coordination.** The
23 superintendent of public instruction shall coordinate adult basic and secondary education
24 programs and shall administer state and federal funding for the programs.

25 **15.1-26-03. Adult basic and secondary education programs - Availability.** The
26 board of a school district may make adult basic and secondary education programs available to
27 any individual over sixteen years of age who is unable to attend the public schools of the
28 district.

29 **15.1-26-04. Funding for adult basic and secondary education programs.** The
30 board of a school district may use school district funds to aid and promote adult basic and

1 secondary education programs and may charge a reasonable fee for enrollment in such
2 programs.

3 **15.1-26-05. General equivalency diplomas - Copies.** The superintendent of public
4 instruction may charge up to three dollars for each general equivalency diploma issued, up to
5 ten dollars for each copy of a general equivalency diploma, and up to two dollars for each copy
6 of a transcript belonging to an individual pursuing a general equivalency diploma. The
7 superintendent shall forward any money generated under this section to the state treasurer for
8 deposit in the revolving printing fund in the state treasury and may expend the money to cover
9 costs associated with the administration of the general equivalency diploma program.

10 **15.1-26-06. General educational development test results - Confidentiality.** The
11 results of general educational development tests maintained by the superintendent of public
12 instruction are confidential and are not open for public inspection. This section does not
13 prohibit the superintendent of public instruction from making an individual's test results available
14 at the written request of the individual.

15 **15.1-26-07. Adult basic and secondary education fund - Continuing appropriation.**
16 The superintendent of public instruction may receive and accept money from any public or
17 private source for adult basic and secondary education programs. Any money received for
18 adult basic and secondary education programs but not specifically appropriated by the
19 legislative assembly must be deposited in the adult basic and secondary education fund in the
20 state treasury. All money in the fund, and any interest upon moneys in the fund, is appropriated
21 to the superintendent of public instruction for the purpose of administering and implementing
22 adult basic and secondary education programs. Any funds appropriated under this section are
23 not subject to section 54-44.1-11.

24 **SECTION 17. REPEAL.** Chapters 15-21, 15-21.2, 15-22, 15-27.1, 15-27.2, 15-27.3,
25 15-27.4, 15-27.5, 15-27.6, 15-27.7, 15-28, 15-41.1, 15-46, 15-48, 15-49, 15-51, 15-64, 15-65,
26 sections 15-21.1-01, 15-21.1-02, 15-21.1-05, 15-21.1-06, 15-21.1-07, 15-21.1-09, 15-29-01,
27 15-29-01.1, 15-29-03, 15-29-03.1, 15-29-04, 15-29-06, 15-29-07, 15-29-09, 15-29-10,
28 15-29-11, 15-29-13, 15-29-14, 15-34.2-12, 15-34.2-13, 15-34.2-14, 15-34.2-17, 15-34.2-18,
29 15-35-09, 15-35-11, 15-35-12, 15-35-14, 15-38-04.1, 15-38-06, 15-38-13, 15-38-13.1,
30 15-38-13.2, 15-41-01, 15-41-02, 15-41-03, 15-41-04, 15-41-05, 15-41-07, 15-41-08,
31 15-43-11.1, 15-43-11.2, 15-43-11.3, 15-43-11.4, 15-44-06, 15-44-09, 15-44-10, 15-44-11,

Fifty-sixth
Legislative Assembly

1 15-47-01.1, 15-47-02.1, 15-47-05, 15-47-07, 15-47-08, 15-47-09, 15-47-10, 15-47-11,
2 15-47-12, 15-47-13, 15-47-14, 15-47-16, 15-47-21, 15-47-22, 15-47-24, 15-47-29, 15-47-30.1,
3 15-47-31, 15-47-32, 15-47-33.1, 15-47-36, 15-47-37, 15-47-40, 15-47-40.1, 15-47-41,
4 15-47-43, 15-47-47, 15-47-48, 15-47-49, and 15-47-50 of the North Dakota Century Code and
5 sections 15-21.1-03, 15-21.1-04, 15-29-02, 15-29-05, 15-29-08, 15-29-08.4, 15-35-01.2,
6 15-41-27, 15-47-01, 15-47-04, 15-47-06, 15-47-15, 15-47-25, 15-47-30, 15-47-33, 15-47-39,
7 15-47-44.1, 15-47-44.2, and 15-47-51 of the 1997 Supplement to the North Dakota Century
8 Code are repealed.