

HOUSE BILL NO. 1343

Introduced by

Representatives Kerzman, Froelich, Kempenich, Monson

Senators Bowman, Krauter

1 A BILL for an Act to amend and reenact section 15-40.2-10 of the North Dakota Century Code
2 or in the alternative to amend and reenact section 15.1-29-02 of the North Dakota Century
3 Code, relating to nonresident students attending elementary or high schools in this state.

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

5 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
6 15-40.2-10 of the 1999 Supplement to the North Dakota Century Code is amended and
7 reenacted as follows:

8 **15-40.2-10. Reciprocal master agreements for student attendance in other states -**
9 **School district agreements - Procedure when bordering state does not enter into**
10 **reciprocal master agreement.**

11 1. The superintendent of public instruction shall enter into reciprocal master
12 agreements with the appropriate state educational agencies or officers of bordering
13 states in regard to the cost of educating elementary and high school students in the
14 public schools or institutions in such bordering states. A school district may either
15 comply with the terms of the reciprocal master agreement or, upon notification to
16 the superintendent of public instruction, may enter into an agreement with a school
17 district in a bordering state for the education of elementary and high school
18 students. The agreement, which replaces the provisions of the master reciprocal
19 agreement, must provide for the payment of tuition at an amount agreed upon by
20 the school district of residence and the school district of the bordering state.
21 However, the tuition may not exceed the amount established under the reciprocal
22 master agreement, nor may it be less than the per student foundation aid plus
23 tuition apportionment in the student's school district of residence. For purposes of
24 foundation aid, a student attending school in a bordering state under such an

1 agreement is deemed to be in attendance in the student's school district of
2 residence. The student's school district of residence is liable to the school district
3 in the bordering state for payments as provided in the agreement.

4 2. If the state educational agency or officer of the bordering state is not authorized to
5 or declines to enter into a reciprocal master agreement with the superintendent of
6 public instruction, a school district may negotiate with a school district of that
7 bordering state an amount of tuition it is willing to pay to that other state's school
8 district for the education of ~~pupils~~ students in that state. The school district of
9 residence is liable to the school district in the bordering state for the payments it
10 agrees to make under this subsection.

11 3. If the state educational agency or officer of the bordering state is not authorized to
12 or declines to enter into a reciprocal master agreement with the superintendent of
13 public instruction, a school district may negotiate with the parent of a student
14 residing in the bordering state an amount of tuition the parent is willing to pay to the
15 school district in this state for the education of the student. The parent is liable to
16 the school district in this state for the payments the parent agrees to make under
17 this subsection.

18 4. However, if the school district accepts students from ~~that~~ a bordering state, it may
19 not agree to accept those nonresident students for an amount of tuition less than
20 the foundation aid plus tuition apportionment it would have received from this state
21 for one of its students in the same grade if its student had been attending in that
22 bordering state.

23 **SECTION 2. AMENDMENT.** Section 15.1-29-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-29-02. Education of students in bordering states - Reciprocal contract.**

26 1. The superintendent of public instruction shall pursue a reciprocal contract with the
27 education agency of each bordering state. The contract must address the cost of
28 educating students in the public schools of the bordering state.

29 2. A school district may comply with the terms of the superintendent's reciprocal
30 contract or, upon providing notice to the superintendent of public instruction, may
31 contract with a school district in a bordering state for the education of students. A

- 1 contract between school districts supersedes the terms of the superintendent's
2 reciprocal contract. A contract between school districts must provide for the
3 payment of tuition at an agreed-upon amount. The amount of tuition payable per
4 student may not exceed the amount set by the superintendent's reciprocal contract
5 nor may it be less than the per student payment plus tuition apportionment in the
6 North Dakota school district.
- 7 3. For purposes of per student payments and tuition apportionment payments, a
8 student who attends school in a bordering state under a contract provided for by
9 this section is deemed to be in attendance in the student's school district of
10 residence. The student's school district of residence is liable to the school district
11 of the bordering state for payments as provided in the contract.
- 12 4. If the education agency of a bordering state is not authorized to or refuses to enter
13 into a reciprocal contract with the superintendent of public instruction, a school
14 district in this state may enter into its own contract with a school district in a
15 bordering state for the education of students.
- 16 5. If the education agency of a bordering state is not authorized to or refuses to enter
17 into a reciprocal contract with the superintendent of public instruction, a school
18 district in this state may enter into its own contract with the parent of a student in a
19 bordering state for the education of the student.
- 20 6. A school district in this state may not agree to accept students from a bordering
21 state unless the tuition payable equals or exceeds the per student payment plus
22 the tuition apportionment payment that the district would have received from this
23 state for a student in the same grade if its student had been attending school in the
24 bordering state.