

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1347

Introduced by

Representatives Haas, R. Kelsch, Metcalf, Nottestad, L. Thoreson

Senator Wardner

1 A BILL for an Act to create and enact a new section to chapter 15-40.3 of the North Dakota
2 Century Code or in the alternative to create and enact a new section to chapter 15.1-31 of the
3 North Dakota Century Code, relating to the payment of tuition for open enrolled students; to
4 amend and reenact sections 15-40.3-01, 15-40.3-06, and 15-40.3-07 of the North Dakota
5 Century Code or in the alternative to amend and reenact sections 15.1-31-01, 15.1-31-06, and
6 15.1-31-07 of the North Dakota Century Code, relating to open enrollment of students; and to
7 repeal sections 15-40.3-02 and 15.1-31-02 of the North Dakota Century Code, relating to the
8 standards for acceptance and denial of applications for open enrollment.

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

10 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
11 15-40.3-01 of the 1999 Supplement to the North Dakota Century Code is amended and
12 reenacted as follows:

13 **15-40.3-01. Open enrollment - Procedure.** A student's parent or legal guardian who
14 wishes to enroll the student in a North Dakota school district other than the student's district of
15 residence shall, not later than February first of the school year preceding the year of
16 enrollment, ~~apply to the school~~ file a statement of intent with the board of the student's district
17 of residence and with the admitting district, on forms provided by the superintendent of public
18 instruction, ~~for approval to enroll the student in a district other than the student's district of~~
19 ~~residence. By March first of the school year preceding the year of enrollment, the school board~~
20 ~~of the district of residence shall act on the application, notify the parent or legal guardian of the~~
21 ~~board's decision within five days, and if the application is approved, immediately transmit the~~
22 ~~application to the admitting district.~~ By April first, the board of the admitting district shall
23 approve or disapprove the application. ~~The board of the admitting district~~ admission of the
24 student and shall notify the board of the district of residence and the student's parent or legal

1 guardian within five days regarding its decision. The board of the admitting district may deny
2 the application only if the admission of the student would cause a class or grade level to
3 exceed its maximum capacity. Notice of intent to enroll in the admitting district obligates the
4 student to attend the admitting district during the following school year, unless the school
5 boards of the resident and the admitting districts agree in writing to allow the student to transfer
6 back to the resident district, or the student's parents or guardians change residence to another
7 district. All applications must be reviewed in the order that they are received. A student whose
8 school district of residence does not offer the grade level in which the student requires
9 enrollment may not participate in open enrollment. For purposes of determining whether the
10 grade level in which a student requires enrollment is offered, the several school districts
11 cooperating with each other for the joint provision of educational services under a plan
12 approved by the superintendent of public instruction must be considered to be a single district.
13 A ~~child~~ student placed at a group or residential care facility or a residential treatment center in
14 accordance with section 15-40.2-08 is not eligible for open enrollment under this section. The
15 ~~school~~ board of a school district of residence and of an admitting district shall waive the
16 application, consideration, and approval dates in this section for any student who, together with
17 the student's parent or legal guardian, moves from the student's school district of residence to
18 another school district and who wishes to enroll in a school district, other than the district to
19 which the student moved.

20 **SECTION 2.** If House Bill No. 1045 does not become effective, a new section to
21 chapter 15-40.3 of the North Dakota Century Code is created and enacted as follows:

22 **Open enrollment - Payment of tuition.**

- 23 1. Beginning with the 2001-02 school year, a student's school district of residence
24 shall pay to the admitting district twenty-five percent of the amount that results
25 when the per student payment provided for in section 15-40.1-06 is subtracted
26 from the lesser of the state average cost of education per student or the full cost of
27 educating the student incurred by the student's district of residence.
- 28 2. Beginning with the 2002-03 school year, a student's school district of residence
29 shall pay to the admitting district fifty percent of the amount that results when the
30 per student payment provided for in section 15-40.1-06 is subtracted from the

- 1 lesser of the state average cost of education per student or the full cost of
2 educating the student incurred by the student's district of residence.
- 3 3. Beginning with the 2003-04 school year, a student's school district of residence
4 shall pay to the admitting district seventy-five percent of the amount that results
5 when the per student payment provided for in section 15-40.1-06 is subtracted
6 from the lesser of the state average cost of education per student or the full cost of
7 educating the student incurred by the student's district of residence.
- 8 4. Beginning with the 2004-05 school year and each school year thereafter, a
9 student's school district of residence shall pay to the admitting district the amount
10 that results when the per student payment provided for in section 15-40.1-06 is
11 subtracted from the lesser of the state average cost of education per student or the
12 full cost of educating the student incurred by the student's district of residence.
- 13 5. The student's school district of residence shall determine the full cost of educating
14 a student in the manner provided for receiving districts in chapter 15-40.2.

15 **SECTION 3. AMENDMENT.** If House Bill No. 1045 does not become effective, section
16 15-40.3-06 of the North Dakota Century Code is amended and reenacted as follows:

17 **15-40.3-06. Local school boards - Standards Remuneration for attendance -**
18 **Prohibited.** ~~Each school board shall adopt standards for the acceptance and rejection of~~
19 ~~applications for open enrollment as provided in section 15-40.3-01. The standards may include~~
20 ~~the capacity of a program, class, grade level, or school building. The standards may not~~
21 ~~include previous academic achievement, participation in extracurricular activities, disabilities,~~
22 ~~English language proficiency, or previous disciplinary proceedings. The school board of the~~
23 ~~admitting district may determine that the district may not accept applications for open~~
24 ~~enrollment under this chapter. A school district participating in an open enrollment program~~
25 ~~may not give or offer to give a student remuneration, or directly or indirectly exert influence~~
26 ~~upon the student or the student's family, in order to encourage participation in the open~~
27 ~~enrollment program for the purpose of having the student participate in varsity athletic activities.~~
28 ~~However, any student who participated in varsity athletic activities during the 1992-93 school~~
29 ~~year, at a school in a district other than the student's district of residence or at a school outside~~
30 ~~the boundary within which the student would normally attend school may continue to participate~~
31 ~~in varsity athletics at that school for the duration of the student's high school career.~~

1 **SECTION 4. AMENDMENT.** If House Bill No. 1045 does not become effective, section
2 15-40.3-07 of the 1999 Supplement to the North Dakota Century Code is amended and
3 reenacted as follows:

4 **15-40.3-07. Students not subject to this chapter.** A student, who as the result of
5 dissolution resides in a district other than the one the student chooses to attend at the time of
6 dissolution, is not subject to the provisions of this chapter and may attend school in the chosen
7 school district. ~~The student may not be considered a student in average daily membership in~~
8 ~~the student's school district of residence for purposes of section 15-40.3-02.~~

9 **SECTION 5. AMENDMENT.** Section 15.1-31-01 of the North Dakota Century Code as
10 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
11 amended and reenacted as follows:

12 **15.1-31-01. Open enrollment - Procedure.**

- 13 1. By February first of the school year preceding the year of enrollment, a parent who
14 wishes to enroll a student in a North Dakota school district other than the student's
15 district of residence shall file ~~an application for approval~~ a statement of intent with
16 the board of the student's district of residence and with the admitting district. The
17 superintendent of public instruction shall make the ~~application~~ statement of intent
18 forms available in each school district.
- 19 ~~2. By March first of the school year preceding the year of enrollment, the school~~
20 ~~board of the student's district of residence shall act on the application, notify the~~
21 ~~parent of the board's decision within five days, and if the application is approved,~~
22 ~~immediately transmit the application to the admitting district.~~
- 23 ~~3.~~ By April first of the school year preceding the year of enrollment, the board of the
24 admitting district shall approve or deny the ~~application~~. ~~The board of the admitting~~
25 ~~district~~ admission of the student and shall notify the board of the district of
26 residence and the student's parent of its decision within five days.
- 27 3. The board of an admitting district may deny the application only if the admission of
28 the student would cause a class or grade level to exceed its maximum capacity.
- 29 4. Notice of intent to enroll in the admitting district obligates the student to attend the
30 admitting district during the following school year unless the school boards of the

- 1 resident and the admitting districts agree in writing to allow the student to transfer
2 back to the resident district or the student's parent relocates to another district.
- 3 5. All applications must be reviewed in the order they are received.
- 4 6. A student whose school district of residence does not offer the grade level in which
5 the student requires enrollment may not participate in open enrollment. For
6 purposes of determining whether the grade level in which the student requires
7 enrollment is offered, the several school districts cooperating with each other for
8 the joint provision of education services under a plan approved by the
9 superintendent of public instruction must be considered to be a single district.
- 10 7. A ~~child~~ student placed for purposes other than education in a group or residential
11 care facility or in a residential treatment center is not eligible for open enrollment
12 under this section.
- 13 8. The board of a school district of residence and the board of an admitting district
14 shall waive the application, consideration, and approval dates in this section for
15 any student who, together with the student's parent, moves from the student's
16 school district of residence to another school district and who wishes to enroll in a
17 school district other than the district to which the student moved.

18 **SECTION 6.** A new section to chapter 15.1-31 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Open enrollment - Payment of tuition.**

- 21 1. Beginning with the 2001-02 school year, a student's school district of residence
22 shall pay to the admitting district twenty-five percent of the amount that results
23 when the per student payment provided for in section 15-40.1-06 is subtracted
24 from the lesser of the state average cost of education per student or the full cost of
25 educating the student incurred by the student's district of residence.
- 26 2. Beginning with the 2002-03 school year, a student's school district of residence
27 shall pay to the admitting district fifty percent of the amount that results when the
28 per student payment provided for in section 15-40.1-06 is subtracted from the
29 lesser of the state average cost of education per student or the full cost of
30 educating the student incurred by the student's district of residence.

- 1 3. Beginning with the 2003-04 school year, a student's school district of residence
2 shall pay to the admitting district seventy-five percent of the amount that results
3 when the per student payment provided for in section 15-40.1-06 is subtracted
4 from the lesser of the state average cost of education per student or the full cost of
5 educating the student incurred by the student's district of residence.
- 6 4. Beginning with the 2004-05 school year and each school year thereafter, a
7 student's school district of residence shall pay to the admitting district the amount
8 that results when the per student payment provided for in section 15-40.1-06 is
9 subtracted from the lesser of the state average cost of education per student or the
10 full cost of educating the student incurred by the student's district of residence.
- 11 5. The student's school district of residence shall determine the full cost of educating
12 a student in the manner provided for receiving districts in chapter 15.1-29.

13 **SECTION 7. AMENDMENT.** Section 15.1-31-06 of the North Dakota Century Code, as
14 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
15 amended and reenacted as follows:

16 **15.1-31-06. Open enrollment - ~~School boards~~ Standards Remuneration for**
17 **attendance - Prohibited.**

- 18 ~~1. The board of each school district shall set standards for the acceptance and denial~~
19 ~~of applications for admittance under open enrollment as provided in section~~
20 ~~15.1-31-01. The standards may address the capacity of a program, class, grade~~
21 ~~level, or school building. The standards may not address previous academic~~
22 ~~achievement, participation in extracurricular activities, disabilities, English~~
23 ~~language proficiency, or previous disciplinary proceedings.~~
- 24 ~~2. A board may also determine that applications for admittance under open~~
25 ~~enrollment, in accordance with this chapter, will not be considered.~~
- 26 ~~3.~~ A school district participating in an open enrollment program may not give or offer
27 to give a student remuneration, or directly or indirectly exert influence on the
28 student or the student's family, in order to encourage participation in the open
29 enrollment program for the purpose of having the student participate in varsity
30 athletic activities.

1 **SECTION 8. AMENDMENT.** Section 15.1-31-07 of the North Dakota Century Code, as
2 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
3 amended and reenacted as follows:

4 **15.1-31-07. Students not subject to this chapter.** If a student, as a result of a school
5 district dissolution, resides in a district other than the one the student chooses to attend at the
6 time of dissolution, the student is not subject to the provisions of this chapter and may attend
7 school in the chosen school district. ~~The student may not be considered a student in average~~
8 ~~daily membership in the student's school district of residence for purposes of section~~
9 ~~15.1-31-02.~~

10 **SECTION 9. REPEAL.** Sections 15-40.3-02 and 15.1-31-02 of the North Dakota
11 Century Code are repealed.