

# ELEMENTARY AND SECONDARY EDUCATION

## CHAPTER 132

### SENATE BILL NO. 2186

(Senators Poolman, D. Larson, Oban)  
(Representatives D. Johnson, Schreiber-Beck, Guggisberg)

AN ACT to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the creation of an innovative education program; to amend and reenact section 15.1-06-08.1 of the North Dakota Century Code, relating to statutory waivers; and to provide for a report.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-06-08.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-06-08.1. Statutes - Waiver.**

1. The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.
2. A school or school district may apply to the superintendent of public instruction for a waiver of ~~section 15.1-21-03~~ chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38, provided or any associated rules, if the waiver:
  - a. ~~Encourages innovation; and~~ improves the delivery of education;
  - b. ~~Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students~~ improves the administration of education;
  - c. Provides increased educational opportunities for students; or
  - d. Improves the academic success of students.
3. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative ~~council~~ management. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent

of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council management. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.

5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.

**SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

**Innovative education program - Participation - Reports to legislative management.**

1. The superintendent of public instruction shall adopt rules to administer this section and develop criteria for the submission, approval, and evaluation of the proposals and plans under this section.
2. The superintendent of public instruction may accept a proposal from any public or nonpublic school, upon approval by the school board or governing board, for participation in an innovative education program. The proposal must include evaluation criteria and specify the innovations to be pursued at the school or school district level and the manner in which the proposal will:
  - a. Improve the delivery of education;
  - b. Improve the administration of education;
  - c. Provide increased educational opportunities for students; or
  - d. Improve the academic success of students.
3. The superintendent of public instruction may approve the proposal, reject the proposal, or work with the submitting school to modify the proposal.
4. During the school's initial year of participation in the innovative education program, the school shall develop a comprehensive implementation plan and work with the superintendent of public instruction to ensure the long-term viability of the proposal.
5. The superintendent of public instruction may approve the comprehensive implementation plan developed under subsection 4 for a period of up to five years. If, due to a change in circumstances, there is a determination by either the school or the superintendent of public instruction that modifications to the comprehensive implementation plan are necessary, the school and the superintendent of public instruction shall work with each other to achieve the necessary modifications.
6. The superintendent of public instruction may revoke any waiver granted under section 15.1-06-08.1 if the superintendent of public instruction determines the school has failed to perform in accordance with the agreed upon terms of the program or failed to meet the requirements of this section.

7. Any school participating in the program shall provide program evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
8. The superintendent of public instruction shall provide annual reports to the legislative management regarding the innovative education program, including:
  - a. The status of the implementation plan;
  - b. A summary of any waived statutes or rules; and
  - c. A review of evaluation data results.

Approved April 3, 2017

Filed April 4, 2017

## CHAPTER 133

### SENATE BILL NO. 2249

(Senators Poolman, Campbell, Holmberg)  
(Representative Delmore)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to prohibiting participation in extracurricular activities by students who have committed a criminal offense.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

#### **Student misconduct - Prohibition against participation in extracurricular activities.**

1. The board of a school district shall prohibit a student from participating in any extracurricular activity if:
  - a. The student has pled guilty to or been convicted of a criminal offense and sentenced under section 12.1-32-02.1 or pled guilty or been convicted of an offense specified in subsection 1 of section 12.1-32-09.1;
  - b. The student has:
    - (1) An order prohibiting contact issued against the student at the request of another student or employee of the school under section 12.1-31.2-02;
    - (2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or
    - (3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;
  - c. The principal of the school receives information pertaining to an offense or order included under this section as provided in subsection 2 of section 27-20-51; or
  - d. The victim of the offense or the subject of the order notifies the principal of the offense or order.
2. For purposes of this section, a representative of the juvenile court system may notify the principal of a school regarding the existence of files or records of the juvenile court pertaining to a student of the school which are open to inspection by the principal under subsection 2 of section 27-20-51.

Approved March 29, 2017

Filed March 30, 2017

## CHAPTER 134

### SENATE BILL NO. 2182

(Senators Vedaa, Kannianen, Rust, Oban)  
(Representatives C. Johnson, D. Ruby)

AN ACT to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to required bidding for certain school board purchases.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-09-34 of the North Dakota Century Code is amended and reenacted as follows:

##### **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 twenty-five thousand dollars unless the school 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.
  - b. Textbooks and reference books.
  - c. Articles not sold on the open market.
  - d. Patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
  - e. Patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
  - f. Building construction projects under chapter 48-01.2.
  - g. School transportation services purchased under section 15.1-30-11.
  - h. Vehicle fuel purchased under section 15.1-09-34.1.
  - i. Heating fuel purchased under section 15.1-09-34.1.
  - j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
  - k. Cooperative purchases with the office of management and budget under chapter 54-44.4.
  - l. The purchase of products from prison industries under chapter 12-48.

m. The purchase of products from work activity centers under chapter 25-16.2.

2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].
3. A board member who participates in a violation of this section is guilty of a class B misdemeanor.

Approved March 15, 2017

Filed March 16, 2017

## CHAPTER 135

### HOUSE BILL NO. 1324

(Representatives Owens, Monson, Nathe, Sanford, Schreiber-Beck)  
(Senators Rust, Schaible)

AN ACT to create and enact a new section to chapter 15.1-09.1 of the North Dakota Century Code, relating to audits of regional education associations; to amend and reenact sections 15.1-01-03, 15.1-09.1-10, and 15.1-27-04.1 of the North Dakota Century Code, relating to the powers and duties of the state board of public school education and the determination of state aid payable to school districts and regional education associations; to provide statements of legislative intent; and to provide for a legislative management study.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-01-03. State board of public school education - Powers and duties.**

1. The state board of public school education shall:
  - a. Assist county committees in carrying out their duties.
  - b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.
  - c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
  - d. Provide oversight for regional education associations as required by chapter 15.1-09.1.
2. The state board of public school education may adopt rules ~~regarding school district reorganizations, annexations, and dissolutions in accordance with chapter 28-32.~~

**SECTION 2.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

##### **Regional education association - Audit.**

To be eligible for state funding, a regional education association must be audited, at least once every two years, by a certified public accountant or a licensed public accountant. The audit must be presented to the state board of public school education. If any irregularities are noted, the state board of public school education may direct the superintendent of public instruction to withhold all payments to a regional education association until the board determines the irregularities have been addressed.

**SECTION 3. AMENDMENT.** Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.**

1. The superintendent of public instruction shall forward the portion of a school district's state aid which is payable by the superintendent under subdivision l of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this ~~subsection~~section at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01, unless otherwise directed in accordance with section 2 of this Act.
2. ~~If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01.~~

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

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

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



- accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
- (3) Seventy-five percent of all tuition received by the school district and reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition received for the provision of an adult farm management program;
  - (4) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on the distribution and transmission of electric power;
  - (5) Seventy-five percent of all revenue received by the school district from payments in lieu of taxes on electricity generated from sources other than coal;
  - (6) All revenue received by the school district from mobile home taxes;
  - (7) Seventy-five percent of all revenue received by the school district from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);
  - (8) All telecommunications tax revenue received by the school district; and
  - (9) All revenue received by the school district from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
2. The superintendent shall divide the district's total baseline funding by the district's 2012-13 weighted student units ~~in order to determine the district's baseline funding per weighted student unit.~~
  3. a. In ~~2015-16~~2017-18, the superintendent shall multiply the district's weighted student units by nine thousand ~~threesix~~ sixty-fiveforty-six dollars.
    - (1) The superintendent shall adjust the product to ensure ~~that the product is at least equal to the greater of:~~
      - (a) One hundred ~~sixeight~~ percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's ~~2013-14~~ weighted student units from the previous school year; or
      - (b) One hundred percent of the district's baseline funding as established in subsection 1.
    - (2) The superintendent also shall ~~also~~ adjust the product to ensure ~~that the product does not exceed one hundred thirtyfour~~ percent of the district's baseline funding per weighted student unit multiplied by the

- district's ~~2013-14~~ weighted student units from the previous school year, as established in subsection 2.
- b. In ~~2016-17~~2018-19, the superintendent shall multiply the district's weighted student units by nine thousand six hundred forty-six dollars.
- (1) The superintendent shall adjust the product to ensure ~~that~~ the product is at least equal to the greater of:
- (a) One hundred eight percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's ~~2014-15~~ weighted student units from the previous school year; or
- (b) One hundred percent of the district's baseline funding as established in subsection 1.
- (2) The superintendent also shall ~~also~~ adjust the product to ensure ~~that~~ the product does not exceed one hundred forty percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's ~~2014-15~~ weighted student units from the previous school year.
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, ~~provided that after 2013, except~~ the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent; and
- b. Subtract an amount equal to seventy-five percent of all revenues listed in paragraphs 1 through 5, and 7 of subdivision f of subsection 1 and one hundred percent of all revenues listed in paragraphs 6, 8, and 9 of subdivision f of subsection 1.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - SERVICES PROVIDED TO SCHOOLS.** During the 2017-18 interim, the legislative management shall consider studying entities that deliver kindergarten through grade twelve professional development services, distance curriculum, support for schools in achieving school improvement goals, assistance with analysis and interpretation of student achievement data, and technology support services. The study must focus on the funding, governance, nature, scope, and quality of services provided to schools. The study also must focus on the duplication of services across entities and the accountability for expenditures. The study must identify efficiencies and the desirability and feasibility of consolidating services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

**SECTION 6. LEGISLATIVE INTENT - REGIONAL EDUCATION ASSOCIATIONS.** It is the intent of the sixty-fifth legislative assembly that during the

2017-19 biennium regional education associations merge or partner with other regional education associations and other educational service providers, other regional education associations or other educational service providers, or both, to form the most most efficient and effective system of support for the schools in this state.

**SECTION 7. LEGISLATIVE INTENT - TRANSPORTATION GRANTS.** It is the intent of the sixty-fifth legislative assembly that \$55,400,000 be included in the transportation grants line item in House Bill No. 1013, as approved by the sixty-fifth legislative assembly.

Approved April 24, 2017

Filed April 25, 2017

## CHAPTER 136

### HOUSE BILL NO. 1253

(Representatives Sukut, Hatlestad, D. Ruby, Steiner)  
(Senators Bekkedahl, Krebsbach)

AN ACT to create and enact a new section to chapter 15.1-12 of the North Dakota Century Code, relating to voluntary property transfers between school districts.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

##### **Voluntary transfer of property to school district - Hearing.**

1. The boards of two school districts may initiate a voluntary transfer of property between the districts if each board:
  - a. Votes to pursue the transfer;
  - b. Votes to approve the proposed adjustment of the district boundaries; and
  - c. Files with the county superintendent a document evidencing compliance with this subsection.
2. Upon receiving the requisite document from the board of each school district, the county superintendent shall:
  - a. Forward a copy of the document to the county committee;
  - b. Schedule a public hearing regarding the proposed transfer of property to be held within sixty days after the date of filing; and
  - c. Give notice of the public hearing regarding the proposed transfer of property to the affected property owners by registered mail and 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.
3. At the public hearing, the county committee shall consider:
  - a. The value and amount of property held by each school district affected by the proposed transfer of property;
  - b. The amount of all outstanding bonded and indebtedness of each affected school district;
  - c. The taxable valuation of each affected school district and the taxable valuation under the proposed transfer of property;

- d. The size and boundaries of each affected school district before and after the proposed transfer of property;
  - e. The number of students enrolled in each affected school district before and after the proposed transfer of property; and
  - f. Any other relevant factors.
4. Following the public hearing, the county committee shall approve or deny the property transfer. If the property transfer is approved, 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 of the property transfer. If the property transfer is denied, the boards jointly may appeal the decision to the state board.
5. The state board shall conduct a hearing, consider testimony and documentary evidence regarding the proposed property transfer, make specific findings, and approve or deny the property transfer. If no opposition is presented at the hearing held by the county committee and the committee approves the property transfer, the state board may review the record of the county committee and give final approval to the property transfer without holding a hearing.
6. If a proposed property transfer includes property in more than one county, the county committee of the county in which the major portion of property to be transferred is located has jurisdiction over the public hearing.
7. Any property transfer approved by the county committee and the state board becomes effective on July first following the approval.

Approved March 24, 2017

Filed March 24, 2017

## CHAPTER 137

### SENATE BILL NO. 2324

(Senator Poolman)

AN ACT to amend and reenact section 15.1-15-01 of the North Dakota Century Code, relating to school district employee performance reviews.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-15-01. Performance reviews - Written reports.**

1. a. The school district shall conduct two performance reviews of each individual employed as a teacher, a principal, or as an assistant or associate superintendent during each of the first three years an individual holds such a position. The school district shall prepare written reports of the individual's performance. The school district shall make the first yearly report available to the individual on or before December fifteenth. The school district shall make the second yearly report available to the individual on or before ~~March~~April fifteenth.
- b. If an individual begins employment as a teacher, a principal, or as an assistant or associate superintendent after January first, the school district shall conduct one review of the individual's performance. The school district shall make the written report available to the individual on or before ~~March~~April fifteenth.
2. Beginning with the fourth year of an individual's employment as a teacher, a principal, or as an assistant or associate superintendent, the school district shall conduct at least one review of the individual's performance each year. The school district shall prepare a written report of the individual's performance and make the report available to the individual on or before ~~March~~April fifteenth.

Approved March 13, 2017

Filed March 13, 2017

## CHAPTER 138

### HOUSE BILL NO. 1098

(Education Committee)

(At the request of the Education Standards and Practices Board)

AN ACT to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to teacher requirements for prekindergarten and kindergarten; to amend and reenact subdivision a of subsection 1 of section 15.1-07-32 and section 15.1-18-02 of the North Dakota Century Code, relating to teacher requirements; to repeal sections 15.1-18-07, 15.1-18-08, and 15.1-18-09 of the North Dakota Century Code, relating to elementary, middle, and high school teacher qualifications; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 15.1-07-32 of the North Dakota Century Code is amended and reenacted as follows:

- a. Meet the ~~qualifications requirements~~ of an elementary school teacher as set forth in section ~~15.1-18-073~~ of this Act; or

**SECTION 2. AMENDMENT.** Section 15.1-18-02 of the North Dakota Century Code is amended and reenacted as follows:

#### **15.1-18-02. Prekindergarten and kindergarten teacher ~~qualifications~~ — Exceptions ~~requirements~~.**

In order to teach prekindergarten and kindergarten, an individual must be:

1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and
2.
  - a. Have a major in elementary education and a kindergarten endorsement;
  - b. Have a major equivalency in elementary education and a kindergarten endorsement;
  - c. Have a major in elementary education and an early childhood education endorsement;
  - d. Have a major equivalency in elementary education and an early childhood education endorsement;
  - e. Have a major in early childhood education; ~~or~~
  - f. Have a major equivalency in early childhood education; or
  - g. Have a minor in early childhood education.

**SECTION 3.** A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

**Grades one through twelve - Teacher requirements.**

1. An individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board may teach any grade from one through eight, provided the individual meets any requirements established in accordance with section 15.1-18-10 and has:
  - a. A major in elementary education; or
  - b. A major equivalency in elementary education.
2. An individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board may teach any grade from five through eight, provided the individual has:
  - a. A major in middle level education; or
  - b. A major equivalency in middle level education.
3. An individual who is licensed to teach at the secondary level by the education standards and practices board or approved to teach at the secondary level by the education standards and practices board may teach any area at any grade from five through twelve, provided the individual has:
  - a. A major in the area being taught;
  - b. A major equivalency in the area being taught;
  - c. A minor in the area being taught; or
  - d. A minor equivalency in the area being taught.

**SECTION 4. REPEAL.** Sections 15.1-18-07, 15.1-18-08, and 15.1-18-09 of the North Dakota Century Code are repealed.

**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 13, 2017

Filed April 13, 2017



## CHAPTER 139

### HOUSE BILL NO. 1275

(Representatives K. Koppelman, Damschen, Kasper, Monson, D. Ruby, Vigesaa)  
(Senator Erbele)

AN ACT to amend and reenact section 15.1-19-03.1 of the North Dakota Century Code, relating to the recitation of prayer at activities for public and nonpublic schools.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-19-03.1. Recitation of prayer - Period of silence - Pledge of allegiance.**

1. A student may voluntarily pray aloud or participate in religious speech at any time before, during, or after the schoolday to the same extent a student may voluntarily speak or participate in secular speech.
2. A student of a public or nonpublic school may not be prohibited from voluntarily participating in any student-initiated prayer at an activity held on the premises of a public or nonpublic school.
3. A school board, school administrator, or teacher may not impose any restriction on the time, place, manner, or location of any student-initiated religious speech or prayer which exceeds the restriction imposed on students' secular speech.
- ~~3.4.~~ A school board may, by resolution, allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each schoolday.
- ~~4.5.~~ A school board may authorize the voluntary recitation of the pledge of allegiance by a teacher or one or more students at the beginning of each schoolday. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.

Approved April 24, 2017

Filed April 25, 2017

## CHAPTER 140

### SENATE BILL NO. 2091

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to amend and reenact subsection 3 of section 15.1-21-02.2, subsection 3 of section 15.1-21-02.4, and subsection 3 of section 15.1-21-02.5 of the North Dakota Century Code, relating to required science units for high school graduation and scholarships.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>59</sup> **SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Three units of science, including:
  - a. ~~One unit of physical science;~~
  - b. ~~One unit of biology; and~~
  - c. ~~(1) One unit of any other science; or~~
    - (2) Two one-half units of any other science; consisting of:
  - a. (1) One unit of biology;
    - (2) One unit of chemistry; and
    - (3) One unit of physics; or
  - b. (1) One unit of biology;
    - (2) One unit of physical science; and
    - (3) One unit or two half units of any other science;

<sup>60</sup> **SECTION 2. AMENDMENT.** Subsection 3 of section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

3. Completed three units of science, including:
  - a. ~~One unit of physical science;~~
  - b. ~~One unit of biology; and~~

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<sup>59</sup> Section 15.1-21-02.2 was also amended by section 1 of Senate Bill No. 2185, chapter 141.

<sup>60</sup> Section 15.1-21-02.4 was also amended by section 2 of Senate Bill No. 2185, chapter 141.

- e. (1) ~~One unit of any other science; or~~  
(2) ~~Two one-half units of any other science; consisting of:~~
- a. (1) One unit of biology;  
(2) One unit of chemistry; and  
(3) One unit of physics; or
- b. (1) One unit of biology;  
(2) One unit of physical science; and  
(3) One unit or two half units of any other science;

<sup>61</sup> **SECTION 3. AMENDMENT.** Subsection 3 of section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

- 3. Completed three units of science, including:
  - a. ~~One unit of physical science;~~
  - b. ~~One unit of biology; and~~
  - e. (1) ~~One unit of any other science; or~~  
(2) ~~Two one-half units of any other science; consisting of:~~
  - a. (1) One unit of biology;  
(2) One unit of chemistry; and  
(3) One unit of physics; or
  - b. (1) One unit of biology;  
(2) One unit of physical science; and  
(3) One unit or two half units of any other science;

Approved March 13, 2017

Filed March 13, 2017

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<sup>61</sup> Section 15.1-21-02.5 was also amended by section 3 of Senate Bill No. 2185, chapter 141.

## CHAPTER 141

### SENATE BILL NO. 2185

(Senators Poolman, Meyer, Schaible)  
(Representatives Owens, Streyle)

AN ACT to amend and reenact sections 15.1-21-02.2, 15.1-21-02.4, and 15.1-21-02.5 of the North Dakota Century Code, relating to high school graduation requirements.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>62</sup> **SECTION 1. AMENDMENT.** Section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-21-02.2. High school graduation - Minimum requirements.**

Except as provided in section 15.1-21-02.3, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:

1. Four units of English language arts from a sequence that includes literature, composition, and speech;
2. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
3. Three units of science, including:
  - a. One unit of physical science;
  - b. One unit of biology; and
  - c. (1) One unit of any other science; or  
(2) Two one-half units of any other science;
4. Three units of social studies, including:
  - a. One unit of United States history;
  - b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

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<sup>62</sup> Section 15.1-21-02.2 was also amended by section 1 of Senate Bill No. 2091, chapter 140.

5. a. One unit of physical education; or  
b. One-half unit of physical education and one-half unit of health;
6. Three units of:
  - a. Foreign languages;
  - b. Native American languages;
  - c. Fine arts; or
  - d. Career and technical education courses; and
7. Any five additional units.

<sup>63</sup> **SECTION 2. AMENDMENT.** Section 15.1-21-02.4 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-02.4. North Dakota career and technical education scholarship.**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota career and technical education scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
  - a. One unit of algebra II, as defined by the superintendent of public instruction; and
  - b. Two units of any other mathematics, which may include one unit of computer science;
3. Completed three units of science, including:
  - a. One unit of physical science;
  - b. One unit of biology; and
  - c. (1) One unit of any other science; or  
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
  - a. One unit of United States history;

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<sup>63</sup> Section 15.1-21-02.4 was also amended by section 2 of Senate Bill No. 2091, chapter 140.

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- b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
  5. a. Completed one unit of physical education; or  
b. One-half unit of physical education and one-half unit of health;
  6. Completed:
    - a. One unit selected from:
      - (1) Foreign languages;
      - (2) Native American languages;
      - (3) American sign language;
      - (4) Fine arts; or
      - (5) Career and technical education courses; and
    - b. Two units of a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
  7. Completed any five additional units, two of which must be in the area of career and technical education;
  8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and  
(2) Obtained a grade of at least "C" in each unit or one-half unit; or  
b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and  
(2) Obtained a grade of at least "C" in each unit or one-half unit; and
  9. Received:
    - a. A composite score of at least twenty-four on an ACT; or
    - b. A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

<sup>64</sup> **SECTION 3. AMENDMENT.** Section 15.1-21-02.5 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-02.5. North Dakota academic scholarship.**

Any resident student who graduates from a high school during or after the 2010-11 school year and any resident student who completes a program of home education supervised in accordance with chapter 15.1-23 during or after the 2012-13 school year is eligible to receive a North Dakota academic scholarship provided the student:

1. Completed four units of English language arts from a sequence that includes literature, composition, and speech;
2. Completed three units of mathematics, including:
  - a. One unit of algebra II, as defined by the superintendent of public instruction; ~~and~~
  - b. One unit of mathematics for which algebra II, as defined by the superintendent of public instruction, is a prerequisite; and
  - c. One unit of any other mathematics, which may include computer science;
3. Completed three units of science, including:
  - a. One unit of physical science;
  - b. One unit of biology; and
  - c. (1) One unit of any other science; or  
(2) Two one-half units of any other science;
4. Completed three units of social studies, including:
  - a. One unit of United States history;
  - b. (1) One-half unit of United States government and one-half unit of economics; or  
(2) One unit of problems of democracy; and
  - c. One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
5. a. Completed one unit of physical education; or  
b. One-half unit of physical education and one-half unit of health;
6. a. Completed two units of:

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<sup>64</sup> Section 15.1-21-02.5 was also amended by section 3 of Senate Bill No. 2091, chapter 140.

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- (1) The same foreign language;
  - (2) The same native American language;
  - (3) American sign language; or
  - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- b. One unit selected from:
- (1) Foreign languages;
  - (2) Native American languages;
  - (3) American sign language;
  - (4) Fine arts; or
  - (5) Career and technical education;
7. Completed any five additional units;
8. a. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based on all high school units in which the student was enrolled; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit; or
- b. (1) Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, as determined by the superintendent of public instruction, based only on the units required by subsections 1 through 7; and
- (2) Obtained a grade of at least "C" in each unit or one-half unit;
9. Received a composite score of at least twenty-four on an ACT; and
10. a. Fulfilled any one unit requirement set forth in subsections 1 through 7 by means of an advanced placement course and examination;
- b. Fulfilled any one unit requirement set forth in subsections 1 through 4 or 6 by completion, through an early entrance program, of a nonremedial postsecondary course offered for credit at an accredited institution of higher education which has a physical presence in this state; or
- c. Fulfilled any one-half unit requirement set forth in subsections 1 through 7 by means of a dual-credit course.

Approved March 13, 2017

Filed March 13, 2017



## CHAPTER 142

### HOUSE BILL NO. 1283

(Representatives B. Koppelman, Louser, Marschall, Owens, Rohr, Schreiber-Beck)  
(Senators Burckhard, Meyer, Schaible)

AN ACT to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to eligibility for North Dakota scholarships.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter during which the student is enrolled full time at an accredited institution of higher education in this state and, maintains a cumulative grade point average of 2.75, and maintains progress toward degree completion.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining that a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. a. (1) This section does not require a student to be enrolled in consecutive semesters.  
(2) This section does not require a student to be enrolled in consecutive quarters.

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- b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate program.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4 or 15.1-21-02.5 and who:
    - a. Graduates from a high school in this state;
    - b. Graduates from a high school in a bordering state under chapter 15.1-29;
    - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
    - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
  7. ~~a. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.~~
    - b. ~~(1) If a student requires fewer than fifteen credits to graduate, the student may retain scholarship eligibility by enrolling in fewer than fifteen but at least twelve credits during the semester, or the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.~~
      - (2) ~~Students who graduated from high school during the 2009-10 or the 2010-11 school year and who have completed six semesters may retain scholarship eligibility by enrolling in only twelve credits during each of the student's final two semesters, or the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.~~
      - (3) ~~The requirement that a student be enrolled in at least fifteen credits, as set forth in subdivision a, does not apply in the case of a student participating in a clinical, practicum, internship, cooperative program, or similar external experience, provided:~~
        - (a) ~~The external experience is equivalent to at least six credits, or such similar amount as determined by the state board of higher education, with respect to students in a quarter system; and~~
        - (b) ~~The credits for the external experience, together with any other credits in which the student is enrolled, total at least twelve has the same meaning as the term is defined by the institution the student is attending.~~
  - b. For the purpose of North Dakota scholarship eligibility under this section, "progress toward degree completion" means earning the following minimum number of credits after each semester or quarter term disbursement to qualify for the subsequent disbursement:

- (1) Twenty-four credits after disbursement two;
- (2) Thirty-nine credits after disbursement three;
- (3) Fifty-four credits after disbursement four;
- (4) Sixty-nine credits after disbursement five;
- (5) Eighty-four credits after disbursement six; and
- (6) Ninety-nine credits after disbursement seven.

Approved April 13, 2017

Filed April 13, 2017

## CHAPTER 143

### HOUSE BILL NO. 1037

(Legislative Management)  
(Higher Education Committee)

AN ACT to create and enact section 15.1-21-02.9 of the North Dakota Century Code, relating to North Dakota scholarship information; and to amend and reenact subsection 1 of section 15.1-06-06 and section 15.1-07-33 of the North Dakota Century Code, relating to the approval of public schools and the student information system.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~In order to~~To obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:
  - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
  - c. The school meets all curricular requirements set forth in chapter 15.1-21;
  - d. The school participates in and meets the requirements of a review process that is:
    - (1) Designed to improve student achievement through a continuous cycle of improvement; and
    - (2) Approved by the superintendent of public instruction;
  - e. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
    - (1) Has no unremedied deficiency; or
    - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; ~~and~~
- f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:

- (1) Undergone a criminal history background check requested by the employing school district; or
  - (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board; and
- g. The school uses North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the superintendent of public instruction, to generate official transcripts.

**SECTION 2. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-33. Student information system - Exemption.**

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in PowerSchool.
2. The superintendent of public instruction may exempt a school district from having to acquire and utilize PowerSchool if the school district demonstrates that, in accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

**SECTION 3.** Section 15.1-21-02.9 of the North Dakota Century Code is created and enacted as follows:

**15.1-21-02.9. North Dakota scholarship – Information system.**

Each school district shall use North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the department of public instruction, to submit official transcripts for the North Dakota academic or career and technical education scholarship to the superintendent of public instruction.

Approved April 13, 2017

Filed April 13, 2017

## CHAPTER 144

### HOUSE BILL NO. 1052

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to amend and reenact section 15.1-21-08 of the North Dakota Century Code, relating to the administration of a state assessment in reading and mathematics.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-21-08. Reading, mathematics, and science - Administration of test.**

1. The superintendent of public instruction shall administer to public school students a test that is aligned to the state content and achievement standards in reading and mathematics. This test must be administered annually to all public school students in grades three, four, five, six, seven, eight, and in at least one grade level selected from nine through ~~eleven~~twelve.
2. The superintendent of public instruction shall administer a test that is aligned to the state content and achievement standards in science. This test must be administered to all public school students in at least one grade level selected from three through five, in at least one grade level selected from six through nine, and in at least one grade level selected from ten and ~~eleven~~through twelve.

Approved March 9, 2017

Filed March 9, 2017

## CHAPTER 145

### HOUSE BILL NO. 1389

(Representatives B. Koppelman, Rick C. Becker, Louser, Olson, Owens, Rohr, D. Ruby, Toman)  
(Senators Burckhard, Kannianen, Kreun, O. Larsen)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

#### **Parental directive - Administration of tests and assessments - Report.**

1. A student's parent may direct the school district in which the student is enrolled not to administer to the student any state test or state assessment required in accordance with section 15.1-21-08.
2. In addition to the authority granted under subsection 1, a student's parent may direct that the school district in which the student is enrolled not administer any other specific test or assessment to the student, except a parental directive under this subsection does not apply to:
  - a. Any test or assessment required by the student's school district of enrollment or this state for the completion of any grade from kindergarten through twelve;
  - b. Any test or assessment required by the student's school district of enrollment or this state for high school graduation;
  - c. The ACT; or
  - d. WorkKeys assessments.
3. a. A parental directive is valid only if it is presented to the school district using a standardized form, prepared by the superintendent of public instruction, and signed by the student's custodial parent.  
b. A parental directive is valid only until the conclusion of the school year in which it is received by the school district.  
c. A parental directive submitted to a school district in accordance with this section must be retained as part of the student's educational record.
4. A school district is not liable for any consequences incurred by a student as a result of a parental directive submitted in accordance with this section.

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5. A school district is not required to provide instruction or activities for a student during the administration of any test or assessment referenced in the parental directive submitted by the student's parent.
  6. Each school district shall post the parental directive form on its website and make the form available to a parent, upon request.
  7. At the time and in the manner directed by the superintendent of public instruction, each school district shall provide a report regarding:
    - a. The number of parental directives received;
    - b. The number of parental directives applicable to students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency; and
    - c. Any loss of funding stemming from the parental directives.

Approved April 18, 2017

Filed April 18, 2017



## **CHAPTER 146**

### **HOUSE BILL NO. 1051**

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to repeal section 15.1-21-15 of the North Dakota Century Code, relating to the electronic course delivery approval process.

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

**SECTION 1. REPEAL.** Section 15.1-21-15 of the North Dakota Century Code is repealed.

Approved March 2, 2017

Filed March 3, 2017

## CHAPTER 147

### HOUSE BILL NO. 1428

(Representatives Olson, Brabandt, Devlin, Ertelt, Johnston, Oliver, Schatz, Toman)  
(Senators Erbele, Kannianen, G. Lee)

AN ACT to amend and reenact subsection 2 of section 15.1-23-09 of the North Dakota Century Code, relating to home education standards.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 2 of section 15.1-23-09 of the North Dakota Century Code is amended and reenacted as follows:

2. a. The requirement of subsection 1 does not apply if the parent notifies the school district in which the child resides that the parent has a philosophical, moral, or religious objection to the use of standardized achievement tests ~~and~~or the parent:
  - (1) Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - (2) Holds a baccalaureate degree; or
  - (3) Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such an examination.
- b. The parent shall file the notification and necessary documentation required by this subsection with the school district at the same time that the parent files the statement of intent to supervise home education required by section 15.1-23-02.

Approved April 3, 2017

Filed April 3, 2017

## CHAPTER 148

### SENATE BILL NO. 2321

(Senators Wanzek, Rust, Oban)  
(Representatives Headland, Pollert, Sanford)

AN ACT to amend and reenact section 15.1-27-35.3 of the North Dakota Century Code, relating to payments to school districts.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. a. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty percent of its actual expenditures, plus twenty thousand dollars.
  - b. ~~Beginning~~Except as provided in subdivision c, beginning July 1, 2017, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus ~~twenty~~fifty thousand dollars.
  - c. Beginning July 1, 2017, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus one hundred thousand dollars if the school district is in a cooperative agreement with another school district to share academic resources, and the school districts are considering reorganization under chapter 15.1-12. An eligible school district may receive payments under this provision for a maximum of two years.
2. For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2.

Approved April 18, 2017

Filed April 18, 2017

## CHAPTER 149

### HOUSE BILL NO. 1254

(Representatives Sukut, Hatlestad, D. Ruby, Steiner)  
(Senators Bekkedahl, Krebsbach)

AN ACT to amend and reenact sections 15.1-29-05, 15.1-29-06, and 15.1-29-07 of the North Dakota Century Code, relating to a school district tuition waiver contract.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-29-05 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-05. ~~Payment of tuition--~~ Petition by parent for payment of tuition or tuition waiver.**

A

1. If a student wishes to attend a school district other than the student's district of residence, the student's parent may file a written petition with the board of the student's school district of residence for the payment of requesting that the board either:
  - a. Pay the tuition required by this chapter in order that the student can attend another school district; or
  - b. Sign a tuition waiver contract with another district that has agreed to admit the student.
2. Within ~~sixty~~thirty days after receiving the petition, the board of the student's school district of residence shall meet with the student's parent and render a decision regarding the payment of tuition. The board may:
  - a. Agree to pay the tuition;
  - b. Agree to sign a tuition waiver contract with the admitting district; or
  - c. Refuse to pay the tuition or sign a tuition waiver contract.
3. If the board of the student's school district of residence does not render a contrary decision within the ~~sixty-day~~thirty-day period, the petition is deemed approved and the board becomes obligated to pay tuition to the admitting district. If the petition is approved, the board shall pay the tuition charges.
4. If the petition is denied, the student's parent may file an appeal with the county superintendent of schools.

**SECTION 2. AMENDMENT.** Section 15.1-29-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-06. ~~Payment~~Petition for waiver of tuition for grades one through twelve - Appeal - Withholding of state payments.**

1. a. Within fifteen days after receipt of an appeal filed under section 15.1-29-05, the county superintendent of schools shall convene a three-member committee consisting of the county superintendent, the state's attorney, and one member appointed by the board of county commissioners for a term of three years. The committee shall consult with the boards of the affected districts and with the student's parent. The committee shall schedule a hearing, giving due notice to each affected board and to the student's parent. The committee shall conduct the hearing in a manner that allows all parties to present arguments and responses. The committee shall base its decision regarding the ~~payment of tuition~~petition on the grade in which the student is or will be enrolled.
  - b. (1) If the student is or during the following school year will be enrolled in any grade from nine through twelve and the committee finds that the attendance of the student is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the student's educational needs, or extreme hardship for the student or the student's family, the committee shall approve the ~~application and the payment of tuition by the student's school district of residence, thereby obligating the district of residence~~petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract.
  - (2) The committee's directive regarding the payment of tuition or the duration of the tuition waiver contract may be for any fixed number of school years, up to the completion of the student's high school education, unless open enrollment is an available option. ~~The decision of the committee may be appealed to the state board of public school education. A decision by the state board is final.~~
  - c. (1) If the student is or during the following school year will be enrolled in any grade from kindergarten through eight and the committee finds ~~that the attendance of the student is necessitated by shorter distances or extreme hardship for the student or the student's family, the committee shall approve the application and the payment of tuition by the student's district of residence, thereby obligating the district of residence~~petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract.
  - (2) The committee's directive regarding the payment of tuition or the duration of the tuition waiver contract is limited to one school year. The student's parent may make subsequent applications for the payment of tuition or the signing of a tuition waiver contract.
  - d. The decision of the committee may be appealed to the state board of public school education and the decision of the board is final.
2. If a student's school district of residence consists of land situated in more than one county, the three-member committee established under subsection 1 must consist of the county superintendent of schools and the state's attorney from the county in which the greatest portion of the school district's land is situated, and an individual appointed for a term of three years by the board of

county commissioners representing the county in which the greatest portion of the school district's land is situated.

3. If the student's school district of residence does not ~~comply with the decision requiring that tuition charges be paid~~ pay the tuition or sign the tuition waiver contract, as required by this section, the board of the admitting district shall notify the superintendent of public instruction. Upon ~~verifying that tuition payments are due the admitting district and are unpaid~~ verification, the superintendent of public instruction shall withhold all state payments to the student's school district of residence until ~~any tuition due has been fully paid~~ the requisite action has been taken.
4. A school district of residence may provide transportation to a student for whom tuition is paid under this section or for whom the payment of tuition is contractually waived. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district.

**SECTION 3. AMENDMENT.** Section 15.1-29-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-07. Payment of tuition by parent - Content of tuition contract with parent.**

1. If the board of a student's school district of residence refuses to pay the tuition or sign a tuition waiver contract in order for the student to attend school in another district and if the committee established under section 15.1-29-06 denies the petition on appeal, the student's parent may pay the tuition.
2. If the parent chooses to pay the tuition, the parent shall:
  - a. Submit at least fifty percent of the total amount due on the day of enrollment; and
  - b. Provide the board of the admitting district with a written contract agreeing to pay any remaining balance on or before December thirty-first.

Approved March 30, 2017

Filed March 30, 2017

## CHAPTER 150

### SENATE BILL NO. 2307

(Senators Rust, Schaible, Vedaa)  
(Representatives D. Johnson, Longmuir, Holman)

AN ACT to amend and reenact subdivision a of subsection 1 of section 15.1-29-14 of the North Dakota Century Code, relating to student placement for noneducational purposes.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 15.1-29-14 of the North Dakota Century Code is amended and reenacted as follows:

- a. Except as provided in subdivision b, for purposes of applying this chapter, a student's school district of residence is the district in which the student's custodial parent or legal guardian resides:
  - (1) At the time that a state court, tribal court, director of juvenile court, or the division of juvenile services issues an order requiring the student to stay for a prescribed period ~~at a state-licensed in foster homecare~~ or at a state-licensed child care home or facility;
  - (2) At the time a county or state social service agency places the student, with the consent of the student's parent or legal guardian, ~~at a state-licensed in foster homecare~~ or at a state-licensed child care home or facility;
  - (3) At the time the student is initially placed in a state-operated institution, even if the student is later placed ~~at a state-licensed in foster homecare~~ or at a state-licensed child care home or facility; or
  - (4) At the time the student is placed voluntarily, by a parent or legal guardian, in a state-operated institution or in a state-licensed child care home, facility, or program, located either within or outside the student's school district of residence, including those defined in sections 25-01.2-01 and 50-11-00.1.

Approved April 3, 2017

Filed April 4, 2017

## CHAPTER 151

### SENATE BILL NO. 2250

(Senators Poolman, Campbell, Heckaman)  
(Representatives Schreiber-Beck, Delmore)

AN ACT to amend and reenact section 15.1-37-06 of the North Dakota Century Code, relating to early childhood education programs.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 15.1-37-06 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-37-06. Receipt and distribution of grants - Notification.**

1. a. The department of commerce shall receive applications for and distribute grants under this section to eligible members, including governing board members, of a consortium formed in accordance with section 15.1-37-05, in the amount of two thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for free lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.], and one thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.], provided:
    - a- (1) The child is a resident of this state; ~~and~~
    - b- (2) The child has reached four years of age before August first in the year of enrollment; and
    - (3) The program has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks.
  - b. A child enrolled in a federally funded head start program may not be counted for the purpose of determining grant eligibility under this section.
2.
    - a. Once each calendar quarter, at the time and in the manner required by the department of commerce, any provider receiving a grant under this section shall forward to the parent of each child receiving services a notice indicating the total amount of the grant that was awarded to the provider for the quarter, the pro rata amount attributable to the parent's child, and the source of the grant. The department of commerce shall standardize the notification required by this subdivision.
    - b. If a provider fails to meet the notification requirements of this subsection, the department of commerce shall reduce the amount of the provider's next grant payment by fifty percent. If a provider fails to meet the notification requirements of this section a second time, the department of commerce shall determine that the provider is ineligible to participate in the grant program for a period of one year.

Approved April 10, 2017

Filed April 10, 2017