

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1146**

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to amend and reenact sections 15-40.1-07.3, 15-40.3-01, subsection 2 of  
2 section 39-21-18, sections 39-21-27.1, 57-15-13, 57-15-14.5, and 57-19-09 of the North Dakota  
3 Century Code and section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as  
4 amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota and by  
5 section 26 of chapter 3 of the 1993 Session Laws of North Dakota, relating to foundation aid  
6 amounts after reorganization of school districts, open enrollment for students moving to new  
7 districts, vehicles that may be used as schoolbuses, school district tax levy decisions, education  
8 technology supervisors, special reserve fund discontinuation, and special reserve fund  
9 withdrawals.

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

11 **SECTION 1. AMENDMENT.** Section 15-40.1-07.3 of the 1995 Supplement to the  
12 North Dakota Century Code is amended and reenacted as follows:

13 **15-40.1-07.3. ~~High school per~~ Per student payments - Reorganization of school**  
14 **districts.**

- 15 1. If any school district receiving per student payments calculated under ~~section~~  
16 ~~15-40.1-07~~ this chapter reorganizes with another school district under chapter  
17 15-27.3 or 15-27.6, the school district resulting from the reorganization is entitled to  
18 receive the same ~~per pupil~~ per student payments for each ~~high school pupil~~  
19 student as each separate school district received for each ~~high school pupil~~  
20 student prior to the reorganization, for a period of four years.
- 21 2. The weighting factor for each district will be adjusted proportionately over a period  
22 of two years, following the period of time provided in subsection 1, until the  
23 adjusted weighting factor equals the weighting factor for the combined enrollment  
24 resulting from the reorganization.

1           **SECTION 2. AMENDMENT.** Section 15-40.3-01 of the 1995 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **15-40.3-01. Open enrollment - Procedure.** A student's parent or legal guardian who  
4 wishes to enroll the student in a North Dakota school district other than the student's district of  
5 residence shall, not later than February first of the school year preceding the year of enrollment,  
6 apply to the school board of the student's district of residence, on forms provided by the  
7 superintendent of public instruction, for approval to enroll the student in a district other than the  
8 student's district of residence. By March first of the school year preceding the year of  
9 enrollment, the school board of the district of residence shall act on the application, notify the  
10 parent or legal guardian of the board's decision within five days, and if the application is  
11 approved, immediately transmit the application to the admitting district. By April first, the board  
12 of the admitting district shall approve or disapprove the application. The board of the admitting  
13 district shall notify the board of the district of residence and the student's parent or legal  
14 guardian within five days regarding its decision. Notice of intent to enroll in the admitting district  
15 obligates the student to attend the admitting district during the following school year, unless the  
16 school boards of the resident and the admitting districts agree in writing to allow the student to  
17 transfer back to the resident district, or the student's parents or guardians change residence to  
18 another district. All applications must be reviewed in the order that they are received. A  
19 student whose school district of residence does not offer the grade level in which the student  
20 requires enrollment may not participate in open enrollment. A child placed at a group or  
21 residential care facility or a residential treatment center in accordance with section 15-40.2-08 is  
22 not eligible for open enrollment under this section. The school board of a school district of  
23 residence and of an admitting district shall waive the application, consideration, and approval  
24 dates in this section for any student who, together with the student's parent or legal guardian,  
25 moves from the student's school district of residence to another school district ~~after~~  
26 ~~February first~~ and who wishes to enroll in a school district, other than the district to which the  
27 student moved, ~~for the following year.~~

28           **SECTION 3. AMENDMENT.** Subsection 2 of section 39-21-18 of the North Dakota  
29 Century Code is amended and reenacted as follows:

- 30           2. Every schoolbus, except small vehicles such as automobiles, station wagons,  
31           suburbans, and van-type vehicles having a seating capacity of ~~up to and including~~

less than sixteen pupils, and every authorized emergency vehicle may be equipped with safety strobe lights and must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with:

- a. Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight; and
- b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus; be equipped with a flashing red light; and when activated, extend out from the bus at approximately a ninety degree angle.

**SECTION 4. AMENDMENT.** Section 39-21-27.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-21-27.1. Schoolbus standards - Equipment and color regulations.** Only motor vehicles manufactured after 1977 which have been designed by the manufacturer for the purpose of carrying passengers may be used as schoolbuses. The superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of schoolbuses and shall prepare and publish standards for North Dakota schoolbuses which must set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any schoolbus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a schoolbus is purchased for a purpose or purposes other than the public transport of schoolchildren, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights and the stop sign on the control arm.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

**SECTION 5. AMENDMENT.** Section 57-15-13 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-13. School district tax levies.** School district taxes must be levied by the governing body of each school district on or before the ~~last fifteenth~~ day of ~~July~~ August of each year. The governing body of the school district may amend its tax levy and budget for the current fiscal year on or before the tenth day of October of each year but the certification must be filed with the county auditor within the time limitations under section 57-15-31.1. Taxes for school district purposes must be based upon an itemized budget statement which must show the complete expenditure program of the district for the current fiscal year and the sources of the revenue from which it is to be financed. The school board of each public school district, in levying taxes, is limited by the amount necessary to be raised for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as an interim fund, together with a tax sufficient in amount to pay the interest on the bonded debt of the district and to provide a sinking fund to pay and discharge the principal thereof at maturity.

**SECTION 6. AMENDMENT.** Section 57-15-14.5 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-15-14.5. Long-distance learning and educational technology levy - Voter approval.**

1. The school board of a public school district may, upon approval by a majority vote of the electors of the school district at any regular or special election, dedicate a tax levy for purposes of this section not to exceed five mills on the dollar of taxable valuation of property within the district.
2. All revenue accruing from the levy under this section must be used only for purposes of establishing and maintaining long-distance learning and purchasing and maintaining educational technology. For purposes of this section, educational technology includes computer software, computers and computer networks, ~~and~~ other computerized equipment, which must be used for student instruction, and the salary of a staff person to supervise the use and maintenance of educational technology.

3. If the need for the fund terminates, the governing board of the public school district shall order the termination of the levy and shall transfer the remaining balance to the general fund of the school district.

**SECTION 7. AMENDMENT.** Section 57-19-09 of the North Dakota Century Code is amended and reenacted as follows:

**57-19-09. When fund may be transferred.** Any school district which has heretofore by mistake, or for any other reason, considered all or any part of a special reserve fund, as provided for in chapter 57-19, in determining the budget for the school district which has deducted all or any part of the funds in such special reserve fund from the amount necessary to be levied for any school fiscal year, may transfer from the special reserve fund into the general fund all or any part of such amounts which have been so considered contrary to the provisions of section 57-19-05. Any school district special reserve fund and the tax levy therefor may be discontinued upon a resolution of the school board or by a vote of sixty percent of the electors of the school district voting upon the question at any special or general election. Any moneys remaining unexpended in such special reserve fund must be transferred to the building or general fund of the school district. The discontinuance of a special reserve fund shall not decrease the school district tax levies otherwise provided for by law by more than twenty percent. A special reserve fund and the tax levy therefor which has been discontinued may be reinstated upon a resolution of the school board or by a vote of sixty percent of the electors of the school district voting upon the question at any special or general election.

**SECTION 8. AMENDMENT.** Section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota and by section 26 of chapter 3 of the 1993 Session Laws of North Dakota, is amended and reenacted as follows:

**SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, ~~1997~~ 2001, and after that date is ineffective.