

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1184**

Introduced by

Representatives DeKrey, Kelsch

Senators Freborg, Kelsh

1 A BILL for an Act to amend and reenact section 15-40.3-01 of the North Dakota Century Code,  
2 relating to the applicability of open enrollment procedures.

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

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

6 **15-40.3-01. Open enrollment - Procedure.**

7 1. A student's parent or legal guardian who wishes to enroll the student in a North  
8 Dakota school district other than the student's district of residence shall, not later  
9 than February first of the school year preceding the year of enrollment, apply to the  
10 school board of the student's district of residence, on forms provided by the  
11 superintendent of public instruction, for approval to enroll the student in a district  
12 other than the student's district of residence. By March first of the school year  
13 preceding the year of enrollment, the school board of the district of residence shall  
14 act on the application, notify the parent or legal guardian of the board's decision  
15 within five days, and if the application is approved, immediately transmit the  
16 application to the admitting district. By April first, the board of the admitting district  
17 shall approve or disapprove the application. The board of the admitting district  
18 shall notify the board of the district of residence and the student's parent or legal  
19 guardian within five days regarding its decision. Notice of intent to enroll in the  
20 admitting district obligates the student to attend the admitting district during the  
21 following school year, unless the school boards of the resident and the admitting  
22 districts agree in writing to allow the student to transfer back to the resident district,  
23 or the student's parents or guardians change residence to another district. All  
24 applications must be reviewed in the order that they are received.

- 1           2. A student whose school district of residence does not offer the grade level in which  
2           the student requires enrollment may not participate in open enrollment. This  
3           provision does not apply if a student's school district of residence has entered into  
4           a written cooperative agreement for the provision of educational services with  
5           another school district that does offer the grade level in which the student requires  
6           enrollment.
- 7           3. A child placed at a group or residential care facility or a residential treatment center  
8           in accordance with section 15-40.2-08 is not eligible for open enrollment under this  
9           section.
- 10          4. The school board of a school district of residence and of an admitting district shall  
11          waive the application, consideration, and approval dates in this section for any  
12          student who, together with the student's parent or legal guardian, moves from the  
13          student's school district of residence to another school district after February first  
14          and who wishes to enroll in a school district, other than the district to which the  
15          student moved, for the following year.