

Fifty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2270**

Introduced by

Senators Grindberg, Christenson, Cook

Representatives Haas, Nottestad, L. Thoreson

1 A BILL for an Act relating to the provision of all grade levels by school districts; and to create  
2 and enact a new section to chapter 15-40.2 of the North Dakota Century Code or in the  
3 alternative to create and enact a new section to chapter 15.1-29 of the North Dakota Century  
4 Code, relating to the education of students in bordering states.

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

6 **SECTION 1. School districts - Provision of all grade levels.**

- 7 1. a. On or before June 30, 2004, each school district in this state shall offer within  
8 its boundaries all educational grade levels from one through twelve.
- 9 b. Any district that fails to comply with subdivision a for a period of one year  
10 must become, through a process of reorganization or dissolution, attached to  
11 a district that is in compliance with subdivision a.
- 12 c. This section does not apply to:
- 13 (1) School districts established under chapter 15.1-08.
- 14 (2) School districts cooperating in the joint provision of education services  
15 under a plan approved by the superintendent of public instruction for  
16 the period beginning on the effective date of this Act, and ending on  
17 June 30, 2006.
- 18 2. Before the board of a school district may close a school located within the  
19 boundary of a district that was required to undergo reorganization and dissolution  
20 under subsection 1, the board shall place the question of closing the school on the  
21 ballot. The question may be voted upon only by those qualified electors who  
22 reside within the boundary of the district that was required to undergo  
23 reorganization or dissolution under subsection 1. The board may not close the

school unless a majority of the qualified electors voting on the question approve the closure.

**SECTION 2.** If House Bill No. 1045 does not become effective, a new section to chapter 15-40.2 of the North Dakota Century Code is created and enacted as follows:

**Students residing in school districts not offering all grade levels - Education in bordering states.**

1. Notwithstanding any other provision of law, a student may attend school in a bordering state and the student's school district of residence shall pay the tuition in accordance with section 15-40.2-10 if:
  - a. The student resides in a school district that on July 1, 2001, did not offer within its boundaries all educational grade levels from one through twelve;
  - b. The student resides within forty miles of a bordering state, as measured from the student's home using the most common route of travel; and
  - c. The student notifies the student's school district of residence of the student's intent to attend school in a bordering state.
2.
  - a. The superintendent of public instruction shall forward all state aid payments for any student attending a public school in a bordering state under this section to the student's school district of residence.
  - b. The board of the student's school district of residence may reduce any tuition payment it must make under this section by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the bordering state enrolled in its school.
  - c. Transportation payments for a student attending school in a bordering state must be determined as provided in section 15-40.1-16.
3. This section does not require a school district of residence to provide transportation or payments in lieu of transportation for a student attending school in a bordering state under this section.

**SECTION 3.** A new section to chapter 15.1-29 of the North Dakota Century Code is created and enacted as follows:

**Students residing in school districts not offering all grade levels - Education in bordering states.**

- 1           1.   Notwithstanding any other provision of law, a student may attend school in a  
2                bordering state and the student's school district of residence shall pay the tuition in  
3                accordance with section 15.1-29-02 if:
  - 4                a.   The student resides in a school district that on July 1, 2001, did not offer  
5                    within its boundaries all educational grade levels from one through twelve;
  - 6                b.   The student resides within forty miles of a bordering state, as measured from  
7                    the student's home using the most common route of travel; and
  - 8                c.   The student notifies the student's school district of residence of the student's  
9                    intent to attend school in a bordering state.
- 10          2.
  - 11            a.   The superintendent of public instruction shall forward all state aid payments  
12                for any student attending a public school in a bordering state under this  
13                section to the student's school district of residence.
  - 14            b.   The board of the student's school district of residence may reduce any tuition  
15                payment it must make under this section by an amount commensurate with  
16                the tuition costs the district would be entitled to receive as compensation for a  
17                student from the bordering state enrolled in its school.
  - 18            c.   Transportation payments for a student attending school in a bordering state  
19                must be determined as provided in section 15.1-27-27.
- 20          3.   This section does not require a school district of residence to provide  
21                transportation or payments in lieu of transportation for a student attending school  
              in a bordering state under this section.