

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1086

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact a new section to chapter 15.1-31 of the North Dakota
2 Century Code, relating to open enrollment and the transfer of students from certain schools.

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

4 **SECTION 1.** A new section to chapter 15.1-31 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Open enrollment - Students in state-identified schools or in a safety circumstance**
7 **- Exception - Definitions.**

8 1. For purposes of this section:

9 a. A "safety circumstance" means an individual who is a documented victim of
10 violence within a school.

11 b. A "state-identified school" means a school that meets any of the following
12 state definitions as outlined in federal regulations:

13 (1) An unsafe school; or

14 (2) A school identified as requiring program improvement for the sixth
15 consecutive year.

16 2. Notwithstanding any other provisions of chapter 15.1-31:

17 a. When another public school choice option is not available within any one of
18 the three closest districts of residence, a parent whose child is a student
19 within a state-identified school or in a safety circumstance may apply to enroll
20 the student in a non-state-identified North Dakota school district outside the
21 school district of residence at any time within a school year.

22 b. The school board of the admitting school district must approve or deny the
23 application as provided in section 15.1-31-06. The board of the admitting

- 1 district shall notify the district of residence and the student's parents of its
2 decision within five days.
- 3 c. The school district of residence must accept the transfer of the student to the
4 admitting school district effective from the date of enrollment by the admitting
5 school district.
- 6 d. An enrollment made under this section may not be denied based upon the
7 limits imposed in section 15.1-31-02.
- 8 e. The admitting school district and the school district of residence must enter
9 into a tuition agreement. The agreement must provide:
- 10 (1) That the school district of residence is responsible for all costs of
11 providing the needed education and transportation of the student;
- 12 (2) In the case of a student with a disability, the payment structure must be
13 determined as provided under section 15.1-31-04; and
- 14 (3) That once the school of residence is no longer a state-identified school,
15 this section is no longer applicable and the other provisions of this
16 chapter apply.