

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2305

Introduced by

Senators Bowman, Andrist, Freborg

Representatives Drovdal, Nelson

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 and a new section to
2 chapter 15.1-27 of the North Dakota Century Code, relating to approved joint powers
3 agreements and reimbursement for participation.

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

5 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Joint powers agreement - Approval by superintendent of public instruction -**

8 **Criteria.** In order for the superintendent of public instruction to approve a joint powers
9 agreement, the superintendent shall determine and annually verify that:

- 10 1. a. The participating school districts are contiguous; and
- 11 b. (1) The total land mass of the participating school districts exceeds four
12 thousand square miles [1035995 hectares];
- 13 (2) The total land mass of the participating school districts exceeds two
14 thousand five hundred square miles [647497 hectares] and the
15 participating school districts number at least six; or
- 16 (3) The total land mass of the participating school districts exceeds two
17 thousand five hundred square miles [1035995 hectares] and the total
18 number of students in average daily membership in the participating
19 school districts exceeds two thousand five hundred.
- 20 2. The joint powers agreement provides that a school district contiguous to those
21 already participating in the joint powers agreement may become a participant in
22 the agreement at any time.

3. The joint powers agreement requires that the participating school districts agree to maintain a joint operating fund, agree to share administrative functions, or agree to implement various common requirements; provided that:

a. If the participating school districts agree to establish a joint operating fund, the joint powers agreement must require that during the first school year following approval, the participating school districts shall establish a joint operating fund equal to at least two percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; during the second school year following approval, the participating school districts shall establish a joint operating fund equal to at least four percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; and during the fifth school year following approval, the participating school districts shall establish a joint operating fund equal to at least six percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval;

b. If the participating school districts agree to share administrative functions, the joint powers agreement must require that during the first school year following approval, all of the participating districts shall share in the administration of at least three services; during the third school year following approval, all of the participating districts shall share in the administration of at least five services; and during the fifth school year following approval, all of the participating districts shall share in the administration of at least seven services; and that the list of services for which the participating districts must share administration as required by this subsection are:

- (1) Federal title program management;
- (2) Staff development;
- (3) Special education delivery;
- (4) Curriculum development or delivery;
- (5) Vocation education delivery;
- (6) Student instructional support;

- 1 (7) Media and technology;
- 2 (8) Business management;
- 3 (9) Distance learning;
- 4 (10) Student counseling;
- 5 (11) Food and nutrition;
- 6 (12) Facility safety and health;
- 7 (13) School accreditation and improvement; and
- 8 (14) Transportation; and
- 9 c. If the participating school districts agree to implement various common
- 10 requirements, the joint powers agreement must require that during the first
- 11 school year following approval, all of the participating districts shall implement
- 12 at least three requirements; during the third school year following approval, all
- 13 of the participating districts shall implement at least six requirements; and
- 14 during the fifth school year following approval, all of the participating districts
- 15 shall implement at least eight requirements; and that the list of requirements
- 16 from which the participating districts must make their selections as required
- 17 by this subsection are:
- 18 (1) A common school calendar;
- 19 (2) A common class schedule;
- 20 (3) A common intranet communication system;
- 21 (4) A common class registration process for grades seven through twelve;
- 22 (5) A common curriculum for each grade level from kindergarten through
- 23 six;
- 24 (6) A common student data system;
- 25 (7) A common school improvement and staff development process;
- 26 (8) Common services, as set forth in a five-year plan;
- 27 (9) A school facilities plan; and
- 28 (10) Joint funding of dual credit and advance placement courses.
- 29 4. The joint powers agreement provides for the employment and compensation of a
- 30 chief administrator and other staff necessary to carry out the provisions of the
- 31 agreement and the requirements of this Act.

1 **SECTION 2.** A new section to chapter 15.1-27 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Approved joint powers agreement - Reimbursement by superintendent of public**
4 **instruction.**

- 5 1. The individual employed as a chief administrator for the purpose of carrying out the
6 provisions of a joint powers agreement and any requirements under section 1 of
7 this Act shall submit to the superintendent of public instruction, at the time and in
8 the manner designated by the superintendent, receipts for expenses incurred
9 during a school year in delivering services and programs under section 1 of this
10 Act.
- 11 2. The superintendent of public instruction, upon verifying the receipts, shall
12 reimburse the chief administrator of the joint powers agreement for any expenses
13 incurred in delivering services and programs under the auspices of the joint
14 powers agreement as provided in section 1 of this Act. The reimbursement may
15 not exceed the lesser of:
 - 16 a. The total expenses incurred in delivering services and programs under
17 section 1 of this Act; or
 - 18 b. One hundred thousand dollars.
- 19 3. The chief administrator shall deposit any moneys received under subsection 2 in
20 the participating districts' joint operating fund.
- 21 4. The superintendent of public instruction may not provide any reimbursement under
22 this section unless the joint powers agreement under which the services and
23 programs are delivered has been approved by the superintendent.