

**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.

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

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

21 b. The school board of the admitting school district must approve or deny the  
22 application. The board of the admitting district shall notify the district of  
23 residence and the student's parents of its decision within five days.

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- 13                                 this section is no longer applicable and the other provisions of this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