

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1237

Introduced by

Representatives Nottestad, Aarsvold, Haas

Senator Espegard

1 A BILL for an Act to amend and reenact sections 15.1-19-09 and 15.1-19-10 of the North
2 Dakota Century Code, relating to the suspension and expulsion of students and school district
3 weapons policies.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-19-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-19-09. Students - Suspension and expulsion - Rules.**

- 8 1. The board of a school district shall adopt rules regarding the suspension and
9 expulsion of a student. The rules for expulsion must provide for a procedural due
10 process hearing in the manner provided for in subsection 2 of section 15.1-19-10,
11 before the determination to expel a student is made. A student's parent or
12 representative must be allowed to participate in the expulsion hearing.
- 13 2. A student may be suspended for up to ten days for insubordination, habitual
14 indolence, disorderly conduct, or for violating a school district weapons policy.
- 15 3. A student enrolled in an alternative education program for which state per student
16 payments are available may be suspended for up to twenty days for
17 insubordination, habitual indolence, disorderly conduct, or for violating a school
18 district weapons policy.
- 19 4. A student, including one enrolled in an alternative education program, may be
20 expelled from school for insubordination, habitual indolence, or disorderly conduct;
21 provided the expulsion does not last beyond the termination of the current school
22 year. A student who violates the school district's weapons policy may be expelled
23 for up to twelve months.

1 **SECTION 2. AMENDMENT.** Section 15.1-19-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-19-10. Possession of a weapon - Policy - Expulsion from school.**

- 4 1. The board of each school district shall adopt a policy governing the possession of
5 weapons and firearms on school property or at a school function and provide for
6 the punishment of any student found to be in violation of the policy.
- 7 2. The ~~weapons~~ policy must prohibit the possession of a weapon or a firearm by a
8 student on school property and at school functions and provide for the punishment
9 of any student found to be in violation. Punishment must include immediate
10 suspension from school and expulsion. A student who possesses a firearm in
11 violation of this section must be expelled for at least one year. The school district
12 firearms policy must authorize the school district superintendent or the school
13 principal, if the school district does not have a superintendent, to modify an
14 expulsion for firearms possession under this section on a case-by-case basis in
15 accordance with criteria established by the board. Before expelling a student, a
16 school board or its designated hearing officer, within ten days of the student's
17 suspension, shall provide the student with a hearing ~~before the school board~~ at
18 which time the school board or its designated hearing officer shall take testimony
19 and consider evidence, including the existence of mitigating circumstances. If a
20 designated hearing officer orders that a student be expelled, the student may seek
21 a review of the decision by the school board, based on the record of the expulsion
22 hearing.
- 23 3. If a ~~board~~ school district expels a student under this section, the ~~board~~ district may
24 authorize the provision of educational services to the student in an alternative
25 setting.
- 26 4. Actions under this section may not conflict with state special education laws or with
27 the Individuals With Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20
28 U.S.C. 1400 et seq.].
- 29 5. This section does not apply to any student participating in a school-sponsored
30 shooting sport, provided the student informs the school principal of the student's

- 1 participation and the student complies with all requirements set by the principal
2 regarding the safe handling and storage of the firearm.
- 3 6. For purposes of this section:
- 4 a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
5 18 U.S.C. 921].
- 6 b. "School property" includes all land within the perimeter of the school site and
7 all school buildings, structures, facilities, and school vehicles, whether owned
8 or leased by a school district, and the site of any school-sponsored event or
9 activity.