

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 of the North Dakota  
2 Century Code, relating to approved joint powers agreements.

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

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

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

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

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

- 1           a.    If the participating school districts agree to establish a joint operating fund, the  
2               joint powers agreement must require that during the first school year following  
3               approval, the participating school districts shall establish a joint operating fund  
4               equal to at least two percent of the participating districts' total expenditures for  
5               the school year ending on the June thirtieth preceding the date of approval;  
6               during the second school year following approval, the participating school  
7               districts shall establish a joint operating fund equal to at least four percent of  
8               the participating districts' total expenditures for the school year ending on the  
9               June thirtieth preceding the date of approval; and during the fifth school year  
10              following approval, the participating school districts shall establish a joint  
11              operating fund equal to at least six percent of the participating districts' total  
12              expenditures for the school year ending on the June thirtieth preceding the  
13              date of approval;
- 14           b.    If the participating school districts agree to share administrative functions, the  
15               joint powers agreement must require that during the first school year following  
16               approval, all of the participating districts shall share in the administration of at  
17               least three services; during the third school year following approval, all of the  
18               participating districts shall share in the administration of at least five services;  
19               and during the fifth school year following approval, all of the participating  
20               districts shall share in the administration of at least seven services; and that  
21               the list of services for which the participating districts must share  
22               administration as required by this subsection are:
- 23               (1)    Federal title program management;  
24               (2)    Staff development;  
25               (3)    Special education delivery;  
26               (4)    Curriculum development or delivery;  
27               (5)    Vocation education delivery;  
28               (6)    Student instructional support;  
29               (7)    Media and technology;  
30               (8)    Business management;  
31               (9)    Distance learning;

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