

**HOUSE BILL NO. 1194**

Introduced by

Representatives Drovdal, Brandenburg, Kempenich

Senator Bowman

1 A BILL for an Act to create and enact a new section to chapter 15.1-29 of the North Dakota  
2 Century Code, relating to contract terms for the cross-border attendance of elementary and  
3 high school students.

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

5 **SECTION 1.** A new section to chapter 15.1-29 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Cross-border attendance - Contract with South Dakota.**

- 8 1. A student who resides in a North Dakota school district contiguous to the South  
9 Dakota border may attend school in South Dakota, and a student who resides in a  
10 South Dakota school district contiguous to the North Dakota border may attend  
11 school in North Dakota, provided the superintendent of public instruction has  
12 entered into a contract with the secretary of the South Dakota department of  
13 education for the cross-border attendance of eligible students.
- 14 2. A contract entered under subsection 1 must set forth:
- 15 a. An application procedure;
- 16 b. Causes for denial of an application; and
- 17 c. The manner and notification of acceptance.
- 18 3. A contract entered under subsection 1 must authorize the superintendent of public  
19 instruction to count any South Dakota student participating in cross-border  
20 attendance under this section for the purposes of determining the amount of state  
21 aid to which a school district in this state is entitled. The superintendent of public  
22 instruction may not count a North Dakota student participating in cross-border  
23 attendance in accordance with the contract for purposes of determining the amount  
24 of state aid to which a school district in this state is entitled.

- 1           4. A contract entered under subsection 1 must provide that if there are more students  
2           from North Dakota than South Dakota participating in cross-border attendance  
3           under this section, the superintendent of public instruction shall forward to the  
4           secretary of the South Dakota department of education, on behalf of each excess  
5           student, an amount annually agreed to by the superintendent and the secretary as  
6           reflecting the average cost of education per student in the school districts  
7           participating in cross-border attendance in accordance with the contract. The  
8           contract must also provide that if there are more students from South Dakota than  
9           North Dakota participating in cross-border attendance under this section, the  
10          secretary shall forward to the superintendent, on behalf of each excess student, an  
11          amount annually agreed to by the superintendent and the secretary as reflecting  
12          the average cost of education per student in the school districts participating in  
13          cross-border attendance in accordance with the contract.
- 14          5. The superintendent of public instruction shall annually reconcile the number of  
15          students from each school district in this state who participate in cross-border  
16          attendance under this section with the number of students from school districts in  
17          South Dakota who participate in cross-border attendance under this section. The  
18          superintendent of public instruction shall withhold from each school district's state  
19          aid an amount equal to the cost incurred by the state on the part of the school  
20          district in permitting the cross-border attendance of students under this section.
- 21          6. A student who requires special education services may participate in cross-border  
22          attendance under this section, provided the contract entered under subsection 1  
23          sets forth each school district's and each state's responsibilities for payment of any  
24          excess costs incurred as a result of providing the services to the student.
- 25          7. Each school district may provide transportation to students participating in  
26          cross-border attendance under this section. However, the superintendent of public  
27          instruction may include only transportation provided within this state for purposes  
28          of determining the state transportation aid to which a district is entitled.
- 29          8. Sections 15.1-29-01 through 15.1-29-13 do not apply to students participating in  
30          cross-border attendance under this section.