

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1275

Introduced by

Representatives R. Kelsch, Hanson

Senators Nething, Wardner

1 A BILL for an Act to amend and reenact sections 15.1-29-13 and 15.1-31-03 of the North  
2 Dakota Century Code, relating to tuition payments for nonresident students and students  
3 participating in open enrollment.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-29-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-29-13. Tuition payments - Nonresident students.**

- 8 1. a. ~~Except as provided in this subsection, the~~ The board of a school district that  
9 admits a nonresident student shall charge and collect tuition for the student.  
10 Either the student's district of residence shall pay the tuition to the admitting  
11 district in accordance with section 15.1-29-12 or the student's parent shall pay  
12 the tuition to the admitting district in accordance with section 15.1-29-07.
- 13 b. A board ~~may~~ shall charge tuition for nonresident students enrolled in an  
14 approved alternative education program.
- 15 e. ~~Except as otherwise provided, if~~ If a school district fails to charge and collect  
16 tuition for a nonresident student, the districts shall forfeit any state aid  
17 otherwise payable for the nonresident student.
- 18 2. a. ~~The board of a school district may admit a nonresident student from another~~  
19 ~~district in this state offering the same grade level as that in which the student~~  
20 ~~is enrolled without a charge and collection of tuition if the sending and~~  
21 ~~admitting districts have entered into a written contract regarding the student's~~  
22 ~~admission.~~
- 23 b. ~~For purposes of determining whether the same grade level is offered, two or~~  
24 ~~more school districts cooperating with each other for the joint provision of~~

~~educational services under a plan approved by the superintendent of public instruction must be considered to be a single district.~~

~~e. The contract must specify whether transportation is to be provided and, if so, by which district. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district and the admitting district is then entitled to state payments for the transportation of the student.~~

~~d. A contract is not necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged.~~

~~e. A school district may admit a nonresident student described in section 15.1-31-07 from another school district in this state without a charge and collection of tuition and without a written agreement.~~

~~3.~~ A school district may not charge or collect from a nonresident student, the student's parent, or the student's district of residence any fees or charges not otherwise assessed to all resident students.

**SECTION 2. AMENDMENT.** Section 15.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-31-03. Open enrollment - Per student aid - Tuition apportionment - Cost of education.**

1. Once a student is enrolled in an admitting district, the student must remain enrolled in the admitting district until:
  - a. The student graduates;
  - b. The student relocates to another district;
  - c. The student's parent applies for enrollment in another school district; or
  - d. The student's parent notifies the student's school district of residence that the student will attend school in the school district of residence the following year.
2. Payment for per student aid must be made to the admitting district in accordance with chapter 15.1-27.
3. ~~For purposes of~~ A student's school district of residence shall pay tuition to the school district in which the student is open-enrolled as determined under chapter 15.1-29.

- 1           4.   The superintendent of public instruction shall forward tuition apportionment  
2           payments, ~~a student whose application is approved under this section is~~  
3           ~~considered a resident of the admitting district.~~
- 4           4.   ~~Except as specifically provided in this chapter, chapter 15.1-29 does not apply to~~  
5           ~~students involved in open enrollment~~ on behalf of a student who is open-enrolled to  
6           the district in which the student is open-enrolled.