

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

1 A BILL for an Act to create and enact four new sections to chapter 15.1-09.1 of the North  
2 Dakota Century Code, relating to the governing boards of regional education associations; to  
3 amend and reenact sections 15.1-09.1-01 and 15.1-09.1-02 of the North Dakota Century Code,  
4 relating to regional education associations; and to repeal section 15.1-09.1-09 of the North  
5 Dakota Century Code, relating to compensation of board members for extraordinary service.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-09.1-01 of the North Dakota Century Code  
8 is amended and reenacted as follows:

9 **15.1-09.1-01. Definition.** For purposes of this chapter, "regional education  
10 association" means a group of school districts that ~~have~~ entered a joint powers agreement ~~that~~  
11 ~~has been~~ which was reviewed by the superintendent of public instruction and verified as  
12 meeting the requirements of section 15.1-09.1-02.

13 **SECTION 2. AMENDMENT.** Section 15.1-09.1-02 of the North Dakota Century Code  
14 is amended and reenacted as follows:

15 **15.1-09.1-02. Regional education association - Joint powers agreement - Review**  
16 **by superintendent of public instruction - Criteria.** Before a group of school districts may be  
17 designated as a regional education association, the superintendent of public instruction shall  
18 review the joint powers agreement that the districts have entered and verify that: the  
19 requirements of this section have been met.

20 1. The school districts:  
21 a. ~~Have~~ must have a combined total land mass of at least ~~five~~ six thousand ~~eight~~  
22 ~~hundred~~ square miles [~~1502193~~ hectares];  
23 b. ~~(1) Have a combined total land mass of at least four thousand five hundred~~  
24 ~~square miles [1165494 hectares]; and~~

- 1                   (2)   ~~Number at least twelve;~~
- 2           e.—(1)   ~~Have a combined total land mass of at least four thousand square miles~~
- 3                   ~~[1035995 hectares]; and~~
- 4                   (2)   ~~Have at least three thousand students in average daily membership; or~~
- 5           d.—(1)   ~~Have a combined total land mass of at least one thousand five hundred~~
- 6                   ~~square miles [388498 hectares]; and~~
- 7                   (2)   ~~Have at least seven thousand five hundred students in average daily~~
- 8                   ~~membership [15540 square kilometers].~~
- 9           2.   ~~The school districts are contiguous to each other or, if the districts are not~~
- 10           ~~contiguous to each other, the superintendent of public instruction shall verify that~~
- 11           ~~the participating districts can provide sound educational opportunities to their~~
- 12           ~~students in a fiscally responsible manner without injuring other school districts or~~
- 13           ~~regional education associations and without negatively impacting the ability of~~
- 14           ~~other school districts or regional education associations to provide sound~~
- 15           ~~educational opportunities to their students in a fiscally responsible manner. A~~
- 16           ~~decision by the superintendent of public instruction under this subsection may be~~
- 17           ~~appealed to the state board of public school education. A decision by the state~~
- 18           ~~board is final.~~
- 19           3.   ~~The joint powers agreement requires~~ must require ~~that the participating school~~
- 20           ~~districts maintain a joint operating fund and share various administrative functions~~
- 21           ~~and student services in accordance with subsection 4 3.~~
- 22           4. 3.   a.   ~~During the first two school years in which a regional education association is~~
- 23                   ~~operational, each participating school district shall share in at least two~~
- 24                   ~~administrative functions and two student services, selected by the district.~~
- 25                   b.   ~~During the third and fourth school years in which a regional education~~
- 26                   ~~association is operational, each participating school district shall share in at~~
- 27                   ~~least three administrative functions and three student services, selected by~~
- 28                   ~~the district.~~
- 29                   e.   ~~During the fifth school year in which a regional education association is~~
- 30                   ~~operational, and each year thereafter, The joint powers agreement must~~

1                    require that each participating school district shall share at least five  
2                    administrative functions and five student services, selected by the district.

3                    ~~e.~~ For purposes of this subsection:

4                    ~~(1)~~ a. "Administrative functions" means:

- 5                    ~~(a)~~ (1) Business management;  
6                    ~~(b)~~ (2) Career and technical education services management;  
7                    ~~(c)~~ (3) Curriculum mapping or development;  
8                    ~~(d)~~ (4) Data analysis;  
9                    ~~(e)~~ (5) Federal program support;  
10                   ~~(f)~~ (6) Federal title program management;  
11                   ~~(g)~~ (7) Grant writing;  
12                   ~~(h)~~ (8) School improvement;  
13                   ~~(i)~~ (9) School safety and environment management;  
14                   ~~(j)~~ (10) Special education services management;  
15                   ~~(k)~~ (11) Staff development;  
16                   ~~(l)~~ (12) Staff retention and recruitment;  
17                   ~~(m)~~ (13) Staff sharing;  
18                   ~~(n)~~ (14) Technology support; and  
19                   ~~(o)~~ (15) Any other functions approved by the superintendent of public  
20                   instruction.

21                   ~~(2)~~ b. "Student services" means:

- 22                   ~~(a)~~ (1) Advanced placement classes;  
23                   ~~(b)~~ (2) Alternative high schools or alternative high school programs;  
24                   ~~(c)~~ (3) Career and technical education classes;  
25                   ~~(d)~~ (4) Counseling services;  
26                   ~~(e)~~ (5) Common elementary curricula;  
27                   ~~(f)~~ (6) Distance learning classes;  
28                   ~~(g)~~ (7) Dual credit classes;  
29                   ~~(h)~~ (8) Foreign language classes;  
30                   ~~(i)~~ (9) Library and media services;  
31                   ~~(j)~~ (10) Summer programs;

- 1           ~~(k)~~ (11) Supplemental instruction programs; and
- 2           ~~(l)~~ (12) Any other services approved by the superintendent of public instruction.
- 3           ~~e. For purposes of this subsection, if a regional education association became~~
- 4           ~~operational before July 1, 2005, the 2005-06 school year must be considered~~
- 5           ~~the provider's first year of operation.~~
- 6       ~~5.~~ 4. The joint powers agreement ~~provides~~ must establish:
- 7           a. Criteria for the future participation of school districts that were not parties to
- 8           the original joint powers agreement;
- 9           b. An application process by which school districts that were not parties to the
- 10           original joint powers agreement can become participating districts; and
- 11           c. A process by which school districts that were not parties to the original joint
- 12           powers agreement and whose application to participate in the agreement was
- 13           denied can appeal the decision to the superintendent of public instruction.
- 14       ~~6.~~ 5. The joint powers agreement ~~provides~~ must provide for the employment and
- 15           compensation of an executive director and other necessary staff.
- 16       ~~7.~~ 6. The joint powers agreement:
- 17           a. ~~Establishes the number of members on the~~ Must provide for a governing
- 18           board that meets the criteria established in section 3 of this Act;
- 19           b. ~~Establishes~~ Must establish the manner in which members of the governing
- 20           board are determined; and
- 21           c. ~~Requires all members of the governing board or their designees to be~~
- 22           ~~individuals currently serving on the board of a participating school district; and~~
- 23           ~~Allows~~ Must allow for the inclusion of ex officio nonvoting members on the
- 24           governing board.
- 25       ~~8. The joint powers agreement provides that the board of the regional education~~
- 26           ~~association shall meet at least quarterly.~~
- 27       ~~9. The joint powers agreement does not permit the regional education association to~~
- 28           ~~compensate members of the regional education association board for attending~~
- 29           ~~meetings of the board and does not permit the regional education association to~~
- 30           ~~reimburse members of the board for any expenses incurred in attending meetings~~
- 31           ~~of the board.~~

1           **SECTION 3.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Regional education association - Governing board - Designees.**

- 4           1.   a.   The governing board of each regional education association must consist of  
5               five, seven, or nine members.
- 6               b.   Each member must be an individual currently serving on the board of a  
7               participating school district.
- 8           2.   If a member is unable to attend a meeting of the board, the member may name a  
9               designee. The designee must be an individual currently serving on the board of a  
10              participating school district.

11          **SECTION 4.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
12 created and enacted as follows:

13          **Chairman - Meetings.**

- 14          1.   Annually, the board of a regional education association shall elect one member to  
15              serve as the chairman.
- 16          2.   The chairman shall call meetings of the board and shall call a special meeting of  
17              the board within seven days, when petitioned to do so by two members in the case  
18              of a five-member board, three members in the case of a seven-member board, or  
19              four members in the case of a nine-member board.
- 20          3.   The board shall meet at least quarterly.

21          **SECTION 5.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
22 created and enacted as follows:

23          **Board member - Terms - Vacancy.**

- 24          1.   The term of office for board members of a regional education association is three  
25              years, except that the terms of initial board members must be staggered by lot so  
26              that for a five-member board, no more than two terms expire each year, and for a  
27              seven-member or nine-member board, no more than three terms expire each year.
- 28          2.   If a vacancy occurs, the position must be filled in the same manner that the  
29              position was filled initially.

1           3.   An individual may not serve more than two consecutive terms. If an individual is  
2               appointed or elected to complete a vacancy, that service is not counted for  
3               purposes of this section unless the duration of that service exceeds one year.

4           **SECTION 6.** A new section to chapter 15.1-09.1 of the North Dakota Century Code is  
5 created and enacted as follows:

6           **Board member - Compensation.** Each member of the board is entitled to receive  
7 compensation in the amount established by the board but not exceeding one hundred dollars  
8 per day plus reimbursement for expenses as provided by law for state officers if the member is  
9 attending meetings or performing duties directed by the board. The compensation provided for  
10 in this section may not be paid to any member of the board who receives a salary or other  
11 compensation as an employee or official of this state.

12           **SECTION 7. REPEAL.** Section 15.1-09.1-09 of the North Dakota Century Code is  
13 repealed.