

8. "Private tutoring" means professional tutoring services approved by the administrator department program manager to receive payment under this chapter.

Section 4. Exemption. Creation of the education savings account program is exempt from state purchasing practices under 54-44.4-05 and 54-59-32 for major information technology project oversight.

Section 5. This act is declared an emergency measure.

Rationale for the exemption and emergency clause is to attempt to meet the start date of the fall 2026 school year:

- This state directed program requires administrative rules, guidelines and policy to be developed specific to the state law passed by the legislature.
 - The Bank will need to hire a consultant to assist with implementation.
 - The administrative rule process requires at least 5 to 6 months to provide for rules to be drafted, approved by the administrative rules committee and published statewide.
 - The timeline for implementation after selection of a program manager is estimated to be 12 to 15 months per industry guidance.

The exemption and emergency clause provide an additional two months of time as opposed to waiting until July 1, 2025.

For Consideration:

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a. Beginning with the ~~2026-27~~ **2027-28** school year, annually deposit into each education savings account fifty percent of the statewide average amount distributed per student under subsection 5 of section 15.1- 27- 04.1 for the previous year as certified by the Department of Public Instruction.

SECTION 2. APPROPRIATION - BANK OF NORTH DAKOTA - EDUCATION SAVINGS ACCOUNT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$40,000,00 or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of funding the education savings account program beginning in the school year ~~2026-27~~, **2027-28** for the biennium beginning July 1, 2027, and ending June 30, 2029.