

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1321

Introduced by

Representatives Dalrymple, Byerly

Senator Holmberg

1 A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code,  
2 relating to the rate of school district tuition payments.

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

4 **SECTION 1. AMENDMENT.** Section 15-40.2-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15-40.2-03. Tuition payments.**

- 7 1. Except as provided in section 15-40.2-04, ~~a school districts district~~ district educating  
8 ~~pupils a student in other another~~ school districts district shall pay ~~the full cost of~~  
9 ~~education incurred by~~ tuition to the receiving district. ~~The costs must be~~  
10 ~~determined on the basis of the district's full time equivalent~~ rate of tuition must be  
11 set by the receiving district. The rate may not exceed one hundred fifty percent of  
12 the average per student cost of education in the receiving district.
- 13 2. Cost under this section must be based on average daily membership and must  
14 may include only those annual expenditures from the general fund and annual  
15 ~~educational expenditures from all special funds; provided, that only those~~  
16 ~~expenditures permitted in determining the educational cost per pupil in under~~  
17 ~~section 15-40.1-06 may be included in determining the receiving district's current~~  
18 ~~operating expenses.~~
- 19 3. ~~To the district's current operating expense for~~ average per student cost at the  
20 kindergarten, elementary, or high school students level, as the case may be,  
21 except for special education students where for whom the superintendent of public  
22 instruction must determine a fair rental charge for each student for capital outlay  
23 ~~must be determined by the department of public instruction, there~~ must be added  
24 the statewide total of all school districts' annual expenditures from sinking and

1 interest funds, plus the statewide total of all school districts' annual tax receipts to  
2 the building funds, including any amounts expended from school districts' general  
3 funds for capital outlay, divided by the average daily membership of the state.

4 4. From ~~this~~ the amount determined under subsection 3, the following must be  
5 deducted ~~for each individual pupil~~:

6 ~~1- a.~~ a. ~~Such State payments as are received for that pupil from state payments~~  
7 ~~received~~ by the admitting district for that student, less the average amount per  
8 North Dakota resident ~~pupil~~ student enrolled in the school district ~~realized~~  
9 from the amounts provided for in subsection 3 of section 15-40.1-06; and

10 ~~2- b.~~ b. A credit applied for any school taxes paid to the admitting district by the  
11 parent or guardian of the admitted ~~pupil~~. ~~The amount remaining is the tuition~~  
12 ~~charge for the individual pupil, and must be paid under this chapter~~ student. If  
13 the district of residence and the parent or guardian are both paying tuition, the  
14 credit allowed under this ~~section~~ subdivision for taxes paid to the admitting  
15 district by the parent or guardian must be credited to the district of residence  
16 and the parent or guardian in proportion to the amount of tuition paid by each.

17 5. Nothing ~~contained~~ in this chapter affects the right of a school district to charge and  
18 collect ~~such~~ tuition ~~as may be fixed by agreement from pupils~~ on behalf of students  
19 who are not residents of this state, in accordance with section 15-40.2-10.