

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2186

Introduced by

Senators O'Connell, Freborg, St. Aubyn

Representatives Glassheim, Monson, Torgerson

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

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.** Except as provided in section 15-40.2-04, a school
7 districts district educating pupils a student in either another school districts district shall pay the
8 full cost of education incurred by the receiving district if the placement is for educational
9 purposes. The placing agency shall pay the full cost of education incurred by the receiving
10 district if the placement is for noneducational purposes. The ~~costs~~ full cost of education must
11 be determined on the basis of the receiving district's full-time equivalent average daily
12 membership and must include annual expenditures from the general fund and annual
13 educational expenditures from all special funds; provided, that only those expenditures
14 permitted in determining the educational cost per ~~pupil~~ student in section 15-40.1-06 may be
15 included in determining the receiving district's current operating expenses. To the district's
16 current operating expense for kindergarten, elementary, or high school students, as the case
17 may be, except special education students where a fair rental charge for each student for
18 capital outlay must be determined by the ~~department~~ superintendent of public instruction, must
19 be added the statewide total of all school districts' annual expenditures from sinking and
20 interest funds, plus the statewide total of all school districts' annual tax receipts to the building
21 funds, including any amounts expended from school districts' general funds for capital outlay,
22 divided by the average daily membership of the state. From this amount, the following must be
23 deducted for each ~~individual pupil~~ student:

- 1 1. ~~Such State payments as are received by the admitting district for that pupil from~~
2 ~~state payments received by the admitting district~~ student, less the average amount
3 per North Dakota resident ~~pupil~~ student enrolled in the school district realized from
4 the amounts provided for in subsection 3 of section 15-40.1-06; and
- 5 2. A credit applied for any school taxes paid to the admitting district by the parent or
6 guardian of the admitted ~~pupil~~ student.
- 7 The amount remaining is the tuition charge for the individual ~~pupil~~ student, and must be
8 paid under this chapter.
- 9 If the district of residence and the parent or guardian are both paying tuition, the credit
10 allowed under this section for taxes paid to the admitting district by the parent or guardian must
11 be credited to the district of residence and the parent or guardian in proportion to the amount of
12 tuition paid by each.
- 13 Nothing contained in this chapter affects the right of a school district to charge and
14 collect such tuition as may be fixed by agreement from ~~pupils~~ students who are not residents of
15 this state, in accordance with section 15-40.2-10.