

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1146

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota  
2 Century Code, relating to per student payments; and to amend and reenact sections  
3 15-40.1-07.3, 15-40.3-01, subsection 2 of section 39-21-18, sections 57-15-13, 57-15-14.5, and  
4 57-19-09 of the North Dakota Century Code and section 2 of chapter 701 of the 1989 Session  
5 Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of  
6 North Dakota and by section 26 of chapter 3 of the 1993 Session Laws of North Dakota,  
7 relating to foundation aid amounts after reorganization of school districts, open enrollment for  
8 students moving to new districts, vehicles that may be used as schoolbuses, school district tax  
9 levy decisions, education technology supervisors, special reserve fund discontinuation, and  
10 special reserve fund withdrawals.

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

12 **SECTION 1. AMENDMENT.** Section 15-40.1-07.3 of the 1995 Supplement to the  
13 North Dakota Century Code is amended and reenacted as follows:

14 **15-40.1-07.3. ~~High school per~~ Per student payments - Reorganization of school**  
15 **districts.**

- 16 1. If any school district receiving per student payments calculated under ~~section~~  
17 ~~15-40.1-07~~ this chapter reorganizes with another school district under chapter  
18 15-27.3 or 15-27.6 after August 1, 1997, the school district resulting from the  
19 reorganization is entitled to receive the same ~~per pupil~~ per student payments for  
20 each ~~high school pupil~~ student as each separate school district received for each  
21 ~~high school pupil~~ student prior to the reorganization, for a period of four years.
- 22 2. The weighting factor for each district will be adjusted proportionately over a period  
23 of two years, following the period of time provided in subsection 1, until the

adjusted weighting factor equals the weighting factor for the combined enrollment resulting from the reorganization.

**SECTION 2.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

**Per student payments - Exceptions.** School districts, which on or after August 1, 1997, enter into a cooperative agreement for the joint provision of education services under a plan approved by the superintendent of public instruction and which subsequently reorganize under chapter 15-27.3 or 15-27.6, are entitled to receive, for a period of two years, the same per student payment as each separate school district received before entering into the cooperative agreement.

**SECTION 3. AMENDMENT.** Section 15-40.3-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.3-01. Open enrollment - Procedure.** A student's parent or legal guardian who wishes to enroll the student in a North Dakota school district other than the student's district of residence shall, not later than February first of the school year preceding the year of enrollment, apply to the school board of the student's district of residence, on forms provided by the superintendent of public instruction, for approval to enroll the student in a district other than the student's district of residence. By March first of the school year preceding the year of enrollment, the school board of the district of residence shall act on the application, notify the parent or legal guardian of the board's decision within five days, and if the application is approved, immediately transmit the application to the admitting district. By April first, the board of the admitting district shall approve or disapprove the application. The board of the admitting district shall notify the board of the district of residence and the student's parent or legal guardian within five days regarding its decision. Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district, or the student's parents or guardians change residence to another district. All applications must be reviewed in the order that they are received. A student whose school district of residence does not offer the grade level in which the student requires enrollment may not participate in open enrollment. A child placed at a group or residential care facility or a residential treatment center in accordance with section 15-40.2-08

1 is not eligible for open enrollment under this section. The school board of a school district of  
2 residence and of an admitting district shall waive the application, consideration, and approval  
3 dates in this section for any student who, together with the student's parent or legal guardian,  
4 moves from the student's school district of residence to another school district ~~after~~  
5 ~~February first~~ and who wishes to enroll in a school district, other than the district to which the  
6 student moved, ~~for the following year.~~

7 **SECTION 4. AMENDMENT.** Subsection 2 of section 39-21-18 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9 2. Every schoolbus, except small vehicles such as automobiles, station wagons,  
10 suburbans, and van-type vehicles having a seating capacity of ~~up to and including~~  
11 less than sixteen pupils, and every authorized emergency vehicle may be  
12 equipped with safety strobe lights and must, in addition to any other equipment  
13 and distinctive markings required by this chapter, be equipped with:
- 14 a. Signal lamps mounted as high and as widely spaced laterally as practicable,  
15 which must be capable of displaying to the front two alternately flashing red  
16 lights located at the same level and to the rear two alternately flashing red  
17 lights located at the same level, and these lights must have sufficient intensity  
18 to be visible at five hundred feet [152.4 meters] in normal sunlight; and
- 19 b. A stop sign on a control arm that can be activated by the busdriver. The stop  
20 sign on the control arm must be located on the left side of the bus; be  
21 equipped with a flashing red light; and when activated, extend out from the  
22 bus at approximately a ninety degree angle.

23 **SECTION 5. AMENDMENT.** Section 57-15-13 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **57-15-13. School district tax levies.** School district taxes must be levied by the  
26 governing body of each school district on or before the ~~last~~ fifteenth day of ~~July~~ August of each  
27 year. The governing body of the school district may amend its tax levy and budget for the  
28 current fiscal year on or before the tenth day of October of each year but the certification must  
29 be filed with the county auditor within the time limitations under section 57-15-31.1. Taxes for  
30 school district purposes must be based upon an itemized budget statement which must show  
31 the complete expenditure program of the district for the current fiscal year and the sources of

the revenue from which it is to be financed. The school board of each public school district, in levying taxes, is limited by the amount necessary to be raised for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as an interim fund, together with a tax sufficient in amount to pay the interest on the bonded debt of the district and to provide a sinking fund to pay and discharge the principal thereof at maturity.

**SECTION 6. AMENDMENT.** Section 57-15-14.5 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-15-14.5. Long-distance learning and educational technology levy - Voter approval.**

1. The school board of a public school district may, upon approval by a majority vote of the electors of the school district at any regular or special election, dedicate a tax levy for purposes of this section not to exceed five mills on the dollar of taxable valuation of property within the district.
2. All revenue accruing from the levy under this section must be used only for purposes of establishing and maintaining long-distance learning and purchasing and maintaining educational technology. For purposes of this section, educational technology includes computer software, computers and computer networks, ~~and~~ other computerized equipment, which must be used for student instruction, and the salary of a staff person to supervise the use and maintenance of educational technology.
3. If the need for the fund terminates, the governing board of the public school district shall order the termination of the levy and shall transfer the remaining balance to the general fund of the school district.

**SECTION 7. AMENDMENT.** Section 57-19-09 of the North Dakota Century Code is amended and reenacted as follows:

**57-19-09. When fund may be transferred.** Any school district which has heretofore by mistake, or for any other reason, considered all or any part of a special reserve fund, as provided for in chapter 57-19, in determining the budget for the school district which has deducted all or any part of the funds in such special reserve fund from the amount necessary to be levied for any school fiscal year, may transfer from the special reserve fund into the general

1 fund all or any part of such amounts which have been so considered contrary to the provisions  
2 of section 57-19-05. Any school district special reserve fund and the tax levy therefor may be  
3 discontinued upon a resolution of the school board or by a vote of sixty percent of the electors  
4 of the school district voting upon the question at any special or general election. Any moneys  
5 remaining unexpended in such special reserve fund must be transferred to the building or  
6 general fund of the school district. The discontinuance of a special reserve fund shall not  
7 decrease the school district tax levies otherwise provided for by law by more than twenty  
8 percent. A special reserve fund and the tax levy therefor which has been discontinued may be  
9 reinstated upon a resolution of the school board or by a vote of sixty percent of the electors of  
10 the school district voting upon the question at any special or general election.

11 **SECTION 8. AMENDMENT.** Section 2 of chapter 701 of the 1989 Session Laws of  
12 North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North  
13 Dakota and by section 26 of chapter 3 of the 1993 Session Laws of North Dakota, is amended  
14 and reenacted as follows:

15 **SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, ~~1997~~ 2001,  
16 and after that date is ineffective.