

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1146

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-27.4 of the North Dakota Century Code, relating to per student payments for students from dissolved districts; to" and after the second comma insert "15-40.2-01, 15-40.2-04,"

Page 1, line 2, remove "subsection 2 of section 39-21-18, sections" and after "57-15-13" insert a comma

Page 1, line 5, replace "foundation aid" with "per student payments for cooperating and reorganized"

Page 1, line 6, remove "amounts after reorganization of" and replace "for students moving to new" with "procedures"

Page 1, line 7, remove "districts, vehicles that may be used as schoolbuses" and replace "levy decisions" with "levies"

Page 1, after line 10, insert:

**"SECTION 1.** A new section to chapter 15-27.4 of the North Dakota Century Code is created and enacted as follows:

**Per student payments - Dissolution of school districts.** If a school district dissolves after June 30, 1997, any other school district accepting a student from the dissolved district is entitled to receive, for a period of four years, the same per student payment for each student from the dissolved district as the dissolved district received for each student before the dissolution. This section is applicable only if it results in a per student payment that is higher than that which would otherwise be received by the admitting district."

Page 1, line 17, replace "after" with "before"

Page 1, line 22, remove "on or"

Page 1, line 23, replace "1" with "31"

Page 2, line 12, after "instruction" insert "and effective before July 1, 1997"

Page 2, after line 21, insert:

**"SECTION 4. AMENDMENT.** Section 15-40.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-01. Transfer of ~~pupils~~ students to other districts or institutions - Tuition agreements - Student discretion upon cessation of educational services.**

1. The school board of any district may send kindergarten, elementary, or high school ~~pupils~~ students into another school district or to an accredited institution of another state when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and in such instances the board may pay the tuition of ~~such pupils~~ the students to the district or institution to which they are sent. The school board may

arrange, and when petitioned to do so by a majority of qualified electors of the district, shall arrange with the school boards of other districts or with the institutions, to send ~~pupils~~ students to such other districts or institutions who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from such other schools or institutions.

2. If a school district does not provide educational services to an entire grade level, the students in that grade level may attend school at a public school of their choice, outside their district of residence without going through the procedures outlined in section 15-40.2-05. The school district of residence shall pay tuition to the admitting school district. ~~A student may exercise the provisions of this subsection whether the school district of residence ceased to provide the required grade level before or after August 1, 1995.~~ For purposes of determining whether educational services are provided to an entire grade level, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district.

**SECTION 5. AMENDMENT.** Section 15-40.2-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-04. Nonresident tuition payments mandatory - Payments are exclusive.**

1. a. Except as provided in this subsection, any school district that admits nonresident students to its schools, as provided by this chapter, shall charge tuition for those students. School districts have the option of charging tuition for nonresident students enrolled in an approved alternative education program. The whole amount of the tuition must be paid by the district from which the student is admitted, in accordance with section 15-40.2-03, or by the student's parent or guardian, in accordance with section 15-40.2-06.
- b. Except as otherwise provided, any school district that fails to charge and collect tuition for nonresident students as provided for in section 15-40.2-03 and this section shall forfeit foundation payments for those nonresident students for whom tuition is not paid. A school district may accept a nonresident student from another school district in this state which offers the same grade level as that in which the student is enrolled, without a charge and collection of tuition if a written agreement is made between the sending and receiving districts. For purposes of determining whether the same grade level is offered, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district. The written agreement must specify whether transportation is to be provided and if so, by which district. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district and the admitting district is then entitled to state payments for the transportation of the student. No written agreement is necessary if the nonresident student is enrolled in an approved alternative education program for which no tuition is charged. A school district may accept a nonresident student described in section 15-40.3-07 from another school district in this state without a charge and collection of tuition and without a written agreement.

- c. No school district may charge or collect from any nonresident student, parent or guardian of a nonresident student, or the district of the student's residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident students.
2. For purposes of subsection 1 and all statutory provisions relating to open enrollment, the member districts of a consortium must be treated as a single school district."

Page 3, line 10, after the period insert "For purposes of determining whether the grade level in which a student requires enrollment is offered, the several school districts cooperating with each other for the joint provision of educational services under a plan approved by the superintendent of public instruction must be considered to be a single district."

Page 3, remove lines 18 through 31

Page 4, remove lines 1 and 2

Renumber accordingly