

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2119**

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

A BILL for an Act to create and enact section 15-29-08.5 of the North Dakota Century Code, relating to cooperative agreements between school districts to provide services to students in particular grade levels at one location; to amend and reenact section 15-27.1-01, subsection 4 of section 15-29-02, subsection 2 of section 15-34.2-16, sections 15-40.1-07.4, 15-47-40.1, and subsection 5 of section 40-01.1-04 of the North Dakota Century Code, relating to cooperative agreements between school districts; and to repeal chapter 15-27.7 of the North Dakota Century Code, relating to school district cooperative arrangements.

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

**SECTION 1. AMENDMENT.** Section 15-27.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**15-27.1-01. Definitions applicable to chapters 15-27.1 through 15-27.4, and 15-27.6, ~~and 15-27.7~~.** In this chapter and chapters 15-27.2, 15-27.3, 15-27.4, and 15-27.6, ~~and 15-27.7~~ unless the context or subject matter otherwise requires:

1. "Annexation" means an alteration of the boundaries of school districts through the attachment of territory from one existing school district to another existing operating school district.
2. "Contiguous" means two or more tracts of land which are in actual contact with each other at a common point.
3. "County committee" means the county committee for the reorganization of school districts.
4. "County superintendent" means the county superintendent of schools.
5. "Dissolution of school districts" means the process through which an existing school district ceases its active functions in its present organizational form and the

district's territory is attached to one or more adjoining existing operating school districts.

6. "Elector" means a person who possesses the qualifications of an elector as provided in section 16.1-01-04.

7. "Reorganization of school districts" means the formation of a new school district by either the unification of two or more existing operating districts into one larger district or separation of territory from one or more operating districts to create one or more new operating districts.

8. "State board" means the state board of public school education.

9. "Territory" means all or any portion of an organized school district.

**SECTION 2. AMENDMENT.** Subsection 4 of section 15-29-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. A school board ~~operating under an academic participating in a cooperative agreement approved by the superintendent of public instruction entered into pursuant to chapter 54-40.3~~ may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by subsection 2. Multiboard meetings must be ~~for the purpose of pursuing joint academic or cooperative activities and must be~~ held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that public notice of each multiboard meeting in which the school board will participate is published in the major local newspapers of general circulation at least one week before the meeting date.

**SECTION 3.** Section 15-29-08.5 of the North Dakota Century Code is created and enacted as follows:

**15-29-08.5. School districts - Cooperative agreements - Services at one location.**

1. A school district may enter into a cooperative agreement with other school districts pursuant to chapter 54-40.3 to provide services to students in particular grade levels at one location in the participating school districts.

- 1        2. Agreements under this section are effective for one year and must be approved  
2        annually by the superintendent of public instruction before they become effective.  
3        The superintendent shall approve the agreement if:  
4        a. The agreement provides for the sharing of the chief administrator between the  
5        participating school districts; and  
6        b. The agreement contemplates providing services to students in at least each of  
7        grades nine through twelve at one location.  
8        Otherwise, the superintendent may not approve the agreement.  
9        3. The superintendent may not approve a cooperative agreement for more than four  
10       consecutive years between particular participating school districts.  
11       4. Agreements under this section may waive the payment of tuition required by  
12       subsection 2 of section 15-40.2-01.  
13       5. School districts participating in cooperative agreements approved by the  
14       superintendent under this section:  
15       a. Must be considered a single district for purposes of open enrollment; and  
16       b. Are entitled to receive the benefit of section 15-40.1-07.4.

17        **SECTION 4. AMENDMENT.** Subsection 2 of section 15-34.2-16 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19        2. The school board of a public school district providing transportation for public  
20        elementary and high school students may utilize the authority conferred by  
21        article VII, section 10 of the Constitution of North Dakota and ~~section 54-40-08~~  
22        chapter 54-40.3 to enter into agreements with other political subdivisions, the state,  
23        or the federal government for the joint provision and integration of transportation  
24        services to the public. All safety requirements imposed by law for schoolbuses and  
25        school vehicles apply to transportation services to students provided pursuant to  
26        such an agreement, including requirements imposed by title 39 and requirements  
27        for schoolbus drivers set forth in section 15-34.2-14. Transportation services to  
28        students provided pursuant to this subsection qualify for state aid for transportation  
29        pursuant to chapter 15-40.1; however, no payments may be made from state funds  
30        for any mileage costs for any deviation from the established schoolbus routes,  
31        which may be caused by any agreement entered into pursuant to this subsection.

**SECTION 5. AMENDMENT.** Section 15-40.1-07.4 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-07.4. ~~High school per~~ Per student payments - ~~Cooperating districts~~ Cooperative agreements approved by superintendent.** If any school district receiving payments under section 15-40.1-07 ~~cooperates~~ or 15-40.1-08 receives approval from the superintendent of public instruction under section 15-29-08.5 for a cooperative agreement with another school district for the ~~joint provision of education services under a plan approved by the superintendent of public instruction~~ provision of services to students in particular grade levels at one location, each cooperating district is entitled to receive, for a period of four years, at least the same per student payment for each ~~high school student~~ of those students as the district received prior to initiation of the cooperative ~~plan~~ agreement.

**SECTION 6. AMENDMENT.** Section 15-47-40.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-47-40.1. Interdistrict cooperative agreements - Taxing authority.** The boards of two or more school districts may enter into interdistrict cooperative agreements pursuant to chapter 54-40.3 to share levied taxes in all or a portion of their respective districts. The rate of taxes to be levied on any property included in the joint taxing area or district is the rate of tax provided in the cooperative agreement not exceeding levy limitations that apply to the district in which property subject to the tax is located. At the time of fixing the levies, the county auditors of each county in which all or a portion of the cooperating district is located shall fix and levy taxes on that portion of the property described in the cooperative agreement which is located in their county at the rate provided in the cooperative agreement.

**SECTION 7. AMENDMENT.** Subsection 5 of section 40-01.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. With respect to a school district:

- a. Execution of a joint powers agreement between the school district and one or more other political subdivisions or the state for the cooperative or joint administration of any service or function pursuant to chapter 54-40.3 or as otherwise specifically provided by law, including the exercise of the general powers to make contract for joint educational endeavors pursuant to section

15-47-32, or an agreement between the school district and a tribal  
government pursuant to chapter 54-40.2.

- b. Participation in a community or leadership development, assessment,  
education, planning, or training program offered by any public or private  
agency, institution, or organization.
- c. An increase or decrease in the number of school board members pursuant to  
section 15-28-01.
- d. A cooperative ~~arrangement~~ agreement pursuant to ~~chapter 15-27.7~~ section  
15-29-08.5.
- e. Sharing of officers with other school districts or other political subdivisions  
pursuant to chapter 11-10.3.
- f. School district restructuring, annexation, or reorganization pursuant to chapter  
15-27.6, 15-27.2, or 15-27.3.
- g. Transfer of a power or function of the school district to the county pursuant to  
chapter 54-40.5.
- h. That any other action be taken that is permitted by law.
- i. That no action be taken.

**SECTION 8. REPEAL.** Chapter 15-27.7 of the North Dakota Century Code is  
repealed.