

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2270

Introduced by

Senators Grindberg, Christenson, Cook

Representatives Haas, Nottestad, L. Thoreson

1 A BILL for an Act relating to the provision of all grade levels by school districts; and to create
2 and enact a new section to chapter 15-40.2 of the North Dakota Century Code or in the
3 alternative to create and enact a new section to chapter 15.1-29 of the North Dakota Century
4 Code, relating to the education of students in bordering states.

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

6 **SECTION 1. School districts - Provision of all grade levels.**

- 7 1. a. On or before June 30, 2004, each school district in this state shall offer within
8 its boundaries all educational grade levels from one through twelve.
- 9 b. Any district that fails to comply with subdivision a for a period of one year
10 must become, through a process of reorganization or dissolution, attached to
11 a district that is in compliance with subdivision a.
- 12 c. This section does not apply to:
- 13 (1) School districts established under chapter 15.1-08.
- 14 (2) School districts cooperating in the joint provision of education services
15 under a plan approved by the superintendent of public instruction for
16 the period beginning on the effective date of this Act, and ending on
17 June 30, 2006.
- 18 2. Before the board of a school district may close a school located within the
19 boundary of a district that was required to undergo reorganization and dissolution
20 under subsection 1, the board shall place the question of closing the school on the
21 ballot. The question may be voted upon only by those qualified electors who
22 reside within the boundary of the district that was required to undergo
23 reorganization or dissolution under subsection 1. The board may not close the

1 school unless a majority of the qualified electors voting on the question approve
2 the closure.

3 **SECTION 2.** If House Bill No. 1045 does not become effective, a new section to
4 chapter 15-40.2 of the North Dakota Century Code is created and enacted as follows:

5 **Students residing in school districts not offering all grade levels - Education in**
6 **bordering states.**

- 7 1. Notwithstanding any other provision of law, a student may attend school in a
8 bordering state and the student's school district of residence shall pay the tuition in
9 accordance with section 15-40.2-10 if:
 - 10 a. The student resides in a school district that on July 1, 2001, did not offer
11 within its boundaries all educational grade levels from one through twelve;
 - 12 b. The student resides within forty miles of a bordering state, as measured from
13 the student's home using the most common route of travel; and
 - 14 c. The student notifies the student's school district of residence of the student's
15 intent to attend school in a bordering state.
- 16 2.
 - a. The superintendent of public instruction shall forward all state aid payments
17 for any student attending a public school in a bordering state under this
18 section to the student's school district of residence.
 - 19 b. The board of the student's school district of residence may reduce any tuition
20 payment it must make under this section by an amount commensurate with
21 the tuition costs the district would be entitled to receive as compensation for a
22 student from the bordering state enrolled in its school.
 - 23 c. Transportation payments for a student attending school in a bordering state
24 must be determined as provided in section 15-40.1-16.
- 25 3. This section does not require a school district of residence to provide
26 transportation or payments in lieu of transportation for a student attending school
27 in a bordering state under this section.

28 **SECTION 3.** A new section to chapter 15.1-29 of the North Dakota Century Code is
29 created and enacted as follows:

30 **Students residing in school districts not offering all grade levels - Education in**
31 **bordering states.**

- 1 1. Notwithstanding any other provision of law, a student may attend school in a
2 bordering state and the student's school district of residence shall pay the tuition in
3 accordance with section 15.1-29-02 if:
 - 4 a. The student resides in a school district that on July 1, 2001, did not offer
5 within its boundaries all educational grade levels from one through twelve;
 - 6 b. The student resides within forty miles of a bordering state, as measured from
7 the student's home using the most common route of travel; and
 - 8 c. The student notifies the student's school district of residence of the student's
9 intent to attend school in a bordering state.
- 10 2.
 - 11 a. The superintendent of public instruction shall forward all state aid payments
12 for any student attending a public school in a bordering state under this
13 section to the student's school district of residence.
 - 14 b. The board of the student's school district of residence may reduce any tuition
15 payment it must make under this section by an amount commensurate with
16 the tuition costs the district would be entitled to receive as compensation for a
17 student from the bordering state enrolled in its school.
 - 18 c. Transportation payments for a student attending school in a bordering state
19 must be determined as provided in section 15.1-27-27.
- 20 3. This section does not require a school district of residence to provide
21 transportation or payments in lieu of transportation for a student attending school
 in a bordering state under this section.