

HOUSE BILL NO. 1237

Introduced by

Representatives Nottestad, Aarsvold, Haas

Senator Espegard

1 A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota
2 Century Code, relating to the expulsion of students and school district weapons and firearms
3 policies; and to amend and reenact sections 15.1-19-09 and 15.1-19-10 of the North Dakota
4 Century Code, relating to the suspension and expulsion of students.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-19-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-19-09. Students - Suspension and expulsion - Rules.**

- 9 1. The board of a school district shall adopt rules regarding the suspension and
10 expulsion of a student. ~~The rules must provide for a procedural due process~~
11 ~~hearing before the determination to expel a student is made. A student's parent or~~
12 ~~representative must be allowed to participate in the hearing.~~
- 13 2. A student may be suspended for up to ten days for insubordination, habitual
14 indolence, disorderly conduct, or ~~for violating~~ violation of a school district weapons
15 policy.
- 16 3. A student enrolled in an alternative education program for which state per student
17 payments are available may be suspended for up to twenty days for
18 insubordination, habitual indolence, disorderly conduct, or ~~for violating~~ violation of
19 a school district weapons policy.
- 20 4. ~~A student, including one enrolled in an alternative education program, may be~~
21 ~~expelled from school for insubordination, habitual indolence, or disorderly conduct;~~
22 ~~provided the expulsion does not last beyond the termination of the current school~~
23 ~~year.~~

1 **SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Students - Expulsion - Rules.**

- 4 1. The board of a school district shall adopt rules regarding the expulsion of a
5 student.
- 6 2. The rules must provide for a procedural due process hearing before the
7 determination to expel a student is made.
- 8 3. A student's parent or representative must be allowed to participate in the hearing.
- 9 4. If a student, including one enrolled in an alternative education program, is found to
10 be guilty of insubordination, habitual indolence, or disorderly conduct, the student
11 may be expelled from school, provided that the period of expulsion may not last
12 beyond the termination of the current school year.

13 **SECTION 3.** A new section to chapter 15.1-19 of the North Dakota Century Code is
14 created and enacted as follows:

15 **School district weapon policy - School district firearms policy.**

- 16 1. The board of each school district shall adopt a policy governing the possession of
17 weapons other than firearms on school property or at a school function. The policy
18 must prohibit the possession of a weapon other than a firearm by a student on
19 school property and a school function.
- 20 2. a. The board of each school district shall adopt a policy governing the
21 possession of firearms on school property or at a school function.
- 22 b. Except as provided in subdivision c, the the policy must prohibit the
23 possession of a firearm by a student on school property and at school
24 functions.
- 25 c. The policy may not preclude a student from participating in a
26 school-sponsored shooting sport, provided the student informs the school
27 principal of the student's participation and the student complies with all
28 requirements set by the principal regarding the safe handling and storage of
29 the firearm.
- 30 3. For purposes of this section:

- 1 a. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;
2 18 U.S.C. 921].
- 3 b. "School property" includes all land within the perimeter of the schoolsite and
4 all school buildings, structures, facilities, and school vehicles, whether owned
5 or leased by a school district, and the site of any school-sponsored event or
6 activity.

7 **SECTION 4. AMENDMENT.** Section 15.1-19-10 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-19-10. Possession of a weapon –~~Policy or firearm~~ - Expulsion from school.**

- 10 1. The board of each school district shall adopt a policy governing the ~~possession of~~
11 ~~weapons on school property or at a school function and provide for the punishment~~
12 of any student found to be in violation of the school district's weapons policy or the
13 school district's firearms policy.
- 14 2. ~~The weapons policy must prohibit the possession of a firearm by a student on~~
15 ~~school property and at school functions and provide for the punishment of any~~
16 ~~student found to be in violation. Punishment must include immediate suspension~~
17 ~~from school and expulsion for at least one year. The policy must authorize~~ If a
18 student is found to have violated either the school district's weapons policy or the
19 school district's firearms policy, the student must be immediately suspended from
20 school and expelled for a period of twelve months. Upon completion of the school
21 calendar during which the violation occurred, the school district superintendent or
22 the school principal, if the school district does not have a superintendent, ~~to modify~~
23 ~~an expulsion under this section on a case-by-case basis~~ shall review the case in
24 accordance with criteria established by the board, and determine whether the
25 period of expulsion should be shortened or allowed to continue into the following
26 school year.
- 27 3. ~~Before expelling a student, a school board, within~~ Within ten days of the student's
28 suspension; for violation of the school district's weapons policy or the school
29 district's firearms policy, the board shall provide the student with a hearing before
30 the school board at which time the school board shall take testimony and consider
31 evidence, including the existence of mitigating circumstances.

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- 1 ~~3.~~ 4. If a board expels a student under this section, the board ~~may authorize the~~
2 ~~provision of~~ shall provide educational services to the student in an alternative
3 setting.
- 4 ~~4.~~ 5. Actions under this section may not conflict with state special education laws or with
5 the Individuals With Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121;
6 20 U.S.C.1400 et seq.].
- 7 ~~5.~~ 6. ~~This section does not apply to any student participating in a school sponsored~~
8 ~~shooting sport, provided the student informs the school principal of the student's~~
9 ~~participation and the student complies with all requirements set by the principal~~
10 ~~regarding the safe handling and storage of the firearm.~~
- 11 ~~6.~~ 7. ~~For purposes of this section:~~
- 12 a. ~~"Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197;~~
13 ~~18 U.S.C. 921].~~
- 14 b. ~~"School property" includes all land within the perimeter of the school site and~~
15 ~~all school buildings, structures, facilities, and school vehicles, whether owned~~
16 ~~or leased by a school district, and the site of any school sponsored event or~~
17 ~~activity.~~