

SENATE BILL NO. 2377

Introduced by

Senators J. Lee, Flakoll

Representative Hawken

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to a student's school district of residence.

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

4 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is
5 created and enacted as follows:

6 **School district of residence - Determination - Appeal.**

- 7 1. Except as provided in section 15.1-29-14, a student's school district of residence
8 is:
- 9 a. The district in which the student's parent or legal guardian resides if the
10 student is under the age of eighteen;
 - 11 b. The district in which the student's parent or legal guardian resides if the
12 student is eighteen or older but not yet emancipated;
 - 13 c. The district in which the student resides if the student is eighteen or older and
14 emancipated; or
 - 15 d. The district in which the student resides if the student's parent or legal
16 guardian is incarcerated, determined by a physician to be incapacitated, or
17 otherwise unable to provide parental care for the student; provided the
18 student's parent or legal guardian has issued a power of attorney to the
19 caregiver governing the provision of care to the student.
- 20 2. If a school district determines that it is not a student's school district of residence,
21 the district shall provide written notice of its decision to the student's parent, legal
22 guardian, or caregiver. The recipient of the written notice may appeal the decision
23 to the board of the district within ten days from the date of the notice.

Fifty-eighth
Legislative Assembly

- 1 3. The board of a school district shall act on an appeal under subsection 2 within
- 2 thirty days of receiving the request and provide written notice of its decision.
- 3 4. An aggrieved party may appeal a decision by the board of a school district to the
- 4 state board of public school education within thirty days of the date on which the
- 5 board issued its decision under subsection 3. A decision of the state board is final.