

HOUSE BILL NO. 1199

Introduced by

Representative R. Kelsch

1 A BILL for an Act to amend and reenact sections 15.1-31-01 and 15.1-31-07 of the North
2 Dakota Century Code, relating to the open enrollment of students; to repeal section 15.1-31-02
3 of the North Dakota Century Code, relating to grounds for denial of an open enrollment
4 application; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-31-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-31-01. Open enrollment - Procedure.**

- 9 1. By ~~February~~ March first of the school year preceding the year of enrollment, a
10 parent who wishes to enroll a student in a North Dakota school district other than
11 the student's district of residence shall file an application for approval with the
12 board of the admitting district and shall file a copy of the application with the
13 student's district of residence. The superintendent of public instruction shall make
14 the application forms available in each school district.
- 15 2. ~~By March first of the school year preceding the year of enrollment, the school~~
16 ~~board of the student's district of residence shall act on the application, notify the~~
17 ~~parent of the board's decision within five days, and if the application is approved,~~
18 ~~immediately transmit the application to the admitting district.~~
- 19 ~~3.~~ 3. By April first of the school year preceding the year of enrollment, the board of the
20 admitting district shall approve or deny the application. The board of the admitting
21 district shall notify the board of the district of residence and the student's parent of
22 its decision within five days.
- 23 ~~4.~~ 3. Notice of intent to enroll in the admitting district obligates the student to attend the
24 admitting district during the following school year unless the school boards of the

- 1 resident and the admitting districts agree in writing to allow the student to transfer
2 back to the resident district or the student's parent relocates to another district.
- 3 ~~5-~~ 4. All applications must be reviewed in the order they are received.
- 4 ~~6-~~ 5. A student whose school district of residence does not offer the grade level in which
5 the student requires enrollment may not participate in open enrollment. For
6 purposes of determining whether the grade level in which the student requires
7 enrollment is offered, the several school districts cooperating with each other for
8 the joint provision of education services under a plan approved by the
9 superintendent of public instruction must be considered to be a single district.
- 10 ~~7-~~ 6. A child placed for purposes other than education in a group or residential care
11 facility or in a residential treatment center is not eligible for open enrollment under
12 this section.
- 13 ~~8-~~ 7. The board of a school district of residence and the board of an admitting district
14 shall waive the application, consideration, and approval dates in this section for
15 any student who, together with the student's parent, moves from the student's
16 school district of residence to another school district and who wishes to enroll in a
17 school district other than the district to which the student moved.
- 18 ~~9-~~ 8. The board of a school district of residence and the board of an admitting district
19 shall waive the application, consideration, and approval dates in this section for
20 any student who, together with the student's parent, moves into this state from out
21 of state and who wishes to enroll in a school district other than the district to which
22 the student moved.

23 **SECTION 2. AMENDMENT.** Section 15.1-31-07 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-31-07. Students not subject to this chapter.** If a student, as a result of a school
26 district dissolution or reorganization, resides in a district other than the one the student chooses
27 to attend at the time of the dissolution or reorganization, the student is not subject to this
28 chapter and may attend school in the chosen school district. Notwithstanding section
29 15.1-28-03, the superintendent of public instruction shall forward payments from the state
30 tuition fund made on behalf of the student to the student's chosen school district. ~~The student~~

1 ~~may not be considered a student in average daily membership in the student's school district of~~
2 ~~residence for purposes of section 15.1-31-02.~~

3 **SECTION 3. REPEAL.** Section 15.1-31-02 of the North Dakota Century Code is
4 repealed.

5 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.