

HOUSE BILL NO. 1376

Introduced by

Representatives Strinden, Meier, Monson, Pyle, Richter, Satrom, Schreiber-Beck

Senators Davison, Meyer

1 A BILL for an Act to amend and reenact sections 15-19-01, 15.1-07-25.4, 15.1-31-01,
2 15.1-31-06, 15.1-31-07, and 15.1-31-08 of the North Dakota Century Code, relating to virtual
3 instruction of students and open enrollment.

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

5 **SECTION 1. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15-19-01. North Dakota center for distance education courses - Establishment -**
8 **Enrollment of students - Courses of instruction.**

9 The state shall provide kindergarten through grade twelve courses, comprehensive
10 educational support, and high school diplomas through the center for distance education under
11 the following provisions:

- 12 1. A complete curriculum prescribed by state-mandated education accreditation entities
13 which meets the requirements for digital education the superintendent of public
14 instruction has determined to be appropriate.
- 15 2. ~~A superintendent or an administrator of a school may deny the enrollment of a student~~
16 ~~in that district at the center for distance education except as provided in subsection 5.~~
- 17 3. The center for distance education may provide services to persons who are not North
18 Dakota residents.
- 19 4.3. ~~Center~~A center for distance education ~~students~~student's school district of residence
20 shall pay fees as may be prescribed by the state board for career and technical
21 education.
- 22 5.4. Students exempt from the compulsory school attendance laws pursuant to
23 subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education
24 courses offered through the center for distance education. These students may study

1 their center for distance education lessons in their learning environment under the
2 supervision of a parent.

3 **SECTION 2. AMENDMENT.** Section 15.1-07-25.4 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-07-25.4. Virtual learning - School district policy - Report to legislative**
6 **management.**

- 7 1. The board of a school district or governing board of a nonpublic school that operates a
8 physical school plant may adopt a policy to allow students to engage in virtual
9 instruction provided by the school and in the case of a school district, qualify for
10 average daily membership in the district. A student who wishes to enroll in a school
11 district other than the school district of residence for purposes of receiving virtual
12 instruction must be permitted to do so.
- 13 2. The superintendent of public instruction shall adopt rules governing policies under this
14 section. A policy adopted by a school district under this section must comply with the
15 rules adopted by the superintendent of public instruction.
- 16 3. The superintendent of public instruction shall provide biennial reports to the legislative
17 management regarding the academic performance metrics of students participating in
18 virtual instruction under this section.

19 **SECTION 3. AMENDMENT.** Section 15.1-31-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-31-01. Open enrollment - Procedure.**

- 22 ~~1. By March first of the school year preceding the year of enrollment, a parent who~~
23 ~~wishes to enroll a student in a North Dakota school district other than the student's~~
24 ~~district of residence shall file an application for approval with the board of the admitting~~
25 ~~district and shall file a copy of the application with the student's district of residence.~~
26 ~~The superintendent of public instruction shall make the application forms available in~~
27 ~~each school district.~~
- 28 ~~2. By April first of the school year preceding the year of enrollment, the board of the~~
29 ~~admitting district shall approve or deny the application. The board of the admitting~~
30 ~~district shall notify the board of the district of residence and the student's parent of its~~
31 ~~decision within five days.~~

1 ~~3.~~ Notice of intent to enroll in the admitting district obligates the student to attend the
2 admitting district during the following school year unless the school boards of the
3 resident and the admitting districts agree in writing to allow the student to transfer back
4 to the resident district or the student's parent relocates to another district.

5 4. A parent who wishes to enroll a student in a school district other than the student's
6 district of residence shall file an application for approval with the board of the admitting
7 district. All applications must be reviewed in the order they are received.

8 ~~5.2.~~ A student whose school district of residence does not offer the grade level in which the
9 student requires enrollment may not participate in open enrollment. For purposes of
10 determining whether the grade level in which the student requires enrollment is
11 offered, the several school districts cooperating with each other for the joint provision
12 of education services under a plan approved by the superintendent of public
13 instruction must be considered to be a single district.

14 ~~6.3.~~ A child placed for purposes other than education in a group or residential care facility
15 or in a psychiatric residential treatment facility is not eligible for open enrollment under
16 this section.

17 ~~7.4.~~ The board of a school district of residence and the board of an admitting district shall
18 waive the application, consideration, and approval dates in this section for any student
19 who, together with the student's parent, moves from the student's school district of
20 residence to another school district and who wishes to enroll in a school district other
21 than the district to which the student moved.

22 ~~8.5.~~ The board of a school district of residence and the board of an admitting district shall
23 waive the application, consideration, and approval dates in this section for any student
24 who, together with the student's parent, moves into this state from out of state and
25 who wishes to enroll in a school district other than the district to which the student
26 moved.

27 **SECTION 4. AMENDMENT.** Section 15.1-31-06 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **15.1-31-06. Open enrollment - School boards - Standards.**

30 1. The board of each school district shall set standards for the acceptance and denial of
31 applications for admittance under open enrollment as provided in section

- 1 ~~15.1-31-01~~15.1-31-08. The standards may address the capacity of a ~~program, class,~~
2 grade level; or school building. The standards may not address previous academic
3 achievement, participation in extracurricular activities, disabilities, English language
4 proficiency, or previous disciplinary proceedings.
- 5 2. A board may ~~also~~ determine that applications for admittance under open enrollment, in
6 accordance with this chapter, will not be considered only if there is a lack of capacity in
7 a grade level or school.
- 8 3. a. A school district participating in an open enrollment program may not give or offer
9 to give a student remuneration, ~~or directly exert influence on the student or the~~
10 ~~student's family, in order~~ to encourage participation in the open enrollment
11 program.
- 12 b. ~~For purposes of this subsection, directly exerting influence means providing~~
13 ~~information about the school district to individuals who are not residents of that~~
14 ~~district unless the information is requested.~~
- 15 c. If the members of the board of a school district believe that another school district
16 has violated this subsection, the board may file a complaint with the
17 superintendent of public instruction. Upon receipt of a complaint alleging a
18 violation of this subsection, the superintendent of public instruction shall hold a
19 hearing and accept testimony and evidence regarding the complaint. If the
20 superintendent finds that a school district has violated this subsection, the
21 superintendent may withhold some or all of the state aid payments to which the
22 district would be otherwise entitled for a period of one year from the date of the
23 finding. A decision by the superintendent under this subsection is appealable to
24 the state board of public school education. A decision by the state board of public
25 school education is final.

26 **SECTION 5. AMENDMENT.** Section 15.1-31-07 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15.1-31-07. Students not subject to this chapter.**

29 4. If a student, as a result of a school district dissolution or reorganization, resides in a
30 district other than the one the student chooses to attend at the time of the dissolution or

1 reorganization, the student is not subject to this chapter and may attend school in the chosen
2 school district.

3 ~~2. If a student resides in a district other than the one the student is enrolled in for~~
4 ~~purposes of receiving virtual instruction, the student is not subject to this chapter~~
5 ~~unless a cost-sharing agreement is established between the school district of~~
6 ~~residence and the receiving district.~~

7 **SECTION 6. AMENDMENT.** Section 15.1-31-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-31-08. Open enrollment - Transfer of students - Responsibility of district of**
10 **residence.**

11 1. ~~Notwithstanding the provisions of chapter 15.1-31, a~~ student's parent may apply to a
12 ~~contiguous~~another school district for admission of the student at any time during the
13 school year if:

14 a. The student was a victim of violence occurring within the school in which the
15 student was enrolled and the violence was documented;

16 b. The superintendent of public instruction has declared the school in which the
17 student was enrolled to be an unsafe school; ~~or~~

18 c. The superintendent of public instruction has identified the school in which the
19 student was enrolled as one that requires program improvement for six
20 consecutive years; or

21 d. The parent or legal guardian of the student believes the student would be better
22 served by another school, including a virtual school.

23 2. The school district receiving an application under subsection 1 shall review the
24 application to ensure compliance with the provisions of subsection 1 and shall notify
25 the student's parent and the student's school district of residence of the arrangements
26 for the student's transfer within five days from the date the application was received.

27 3. The student's school district of residence shall consider the student transferred as of
28 the date of enrollment by the admitting district.

29 4. Upon transfer of a student under this section, the board of the admitting district and
30 the board of the student's school district of residence shall enter into a tuition
31 agreement. The student's school district of residence shall reimburse the admitting

1 district for all costs incurred by the admitting district in providing education for the
2 student.

3 5. ~~The student's school district of residence shall transport the student to school in the~~
4 ~~admitting district or shall reimburse the admitting district for all costs incurred in~~
5 ~~transporting the student or providing for the transportation of the student to school in~~
6 ~~the admitting district. These transportation costs are not reimbursable through state~~
7 ~~transportation funds.~~

8 6. ~~The provisions of this~~This section are applicable~~applies~~ to a student until the student's
9 parent or legal guardian decides to enroll the student in another school, or in the case
10 of a student who has been transferred for the student's safety or due to a school's
11 improvement status under subsection 1, until the conclusion of the school year in
12 which the superintendent of public instruction declares that the school in the student's
13 district of residence is no longer an unsafe school or that the school no longer requires
14 program improvement.