

HOUSE BILL NO. 1358

Introduced by

Representatives Murphy, Schreiber-Beck

Senators Dever, Schaible

1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
2 Code, relating to authorization of public charter schools.

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

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

6 **Public charter schools - Requirements - Superintendent of public instruction - Duties.**

7 1. The superintendent of public instruction shall:

8 a. Develop an application process for an applicant seeking approval for a charter to
9 operate a public charter school.

10 b. Review each application and grant an initial certificate of approval for a charter or
11 reject the application.

12 c. Enter a charter contract with an approved applicant, unless entering an additional
13 charter will result in the number of charter schools exceeding the limitation under
14 subdivision f.

15 d. Develop a charter renewal process, requiring an initial review before the end of a
16 three-year term. Each subsequent term may be up to five years, at the discretion
17 of the superintendent of public instruction.

18 e. Revoke a charter for failure to comply with the rules adopted by the
19 superintendent of public instruction or the terms of the agreement.

20 f. Limit the number of charter schools to:

21 (1) Twelve for the 2025-26 and 2026-27 school years.

22 (2) Fifteen for the 2027-28 and 2028-29 school years.

23 g. Adopt rules to implement this chapter.

24 2. To obtain a certificate of approval, an applicant shall demonstrate the applicant's:

- 1 a. Good standing with a state educational agency or other authorizing entity as a
2 successful operator of a charter school in at least one state;
- 3 b. Successful education of students who were at risk of failing academically,
4 including the implementation of a high school dropout recovery program;
- 5 c. Ability to provide an innovative education program; or
- 6 d. Good standing with the superintendent of public instruction as a successful
7 operator of a charter school in the state.
- 8 3. A charter holder may not license the charter to another operator, including an
9 education management organization.

10 **Public charter school board - Requirements.**

- 11 1. A charter holder shall establish a school board composed of five, seven, or nine
12 members.
- 13 2. A public charter school board:
 - 14 a. Must include one resident of each community in which a charter school is
15 operated.
 - 16 b. Is a public entity under chapter 44-04 and subject to the provisions of that
17 chapter. Meetings of a public charter school board must be recorded and
18 archived for public access.
 - 19 c. May enter agreements with other educational entities.

20 **State assessment.**

21 The superintendent of public instruction shall administer to public charter school students
22 the tests aligned to state content and achievement standards under section 15.1-21-08.

23 **Reporting to the superintendent of public instruction - Funding.**

- 24 1. A charter holder:
 - 25 a. Shall file the reports required under subsections 1 and 2 of section 15.1-27-02.
 - 26 b. May not receive any funds derived from local taxation.
 - 27 c. May not charge tuition or fees for any services provided for students, except fees
28 for field trips, clubs, organizations, and athletic participation.
- 29 2. The superintendent of public instruction shall:
 - 30 a. Distribute payments to a charter holder pursuant to the schedule under section
31 15.1-27-01.

- 1 b. Calculate state aid for a public charter school by multiplying the number of
2 students enrolled by the per student payment, which is the dollar amount for the
3 respective school year in subsection 3 of section 15.1-27-04.1.
- 4 3. The students identified by the superintendent of public instruction under section
5 15.1-32-18 include students enrolled in a public charter school. The excess costs of
6 providing services to high-cost students are the responsibility of the state. When
7 appropriate, section 15.1-32-18 applies to public charter school students.
- 8 4. The state is not required to provide transportation to public charter schools.
- 9 5. A public charter school is eligible for all applicable federal funding administered by the
10 superintendent of public instruction.

11 **Athletics and activities.**

12 A charter school may:

- 13 1. Become a member of the North Dakota high school activities association pursuant to
14 the constitution and bylaws of the North Dakota high school activities association.
- 15 2. Apply to the North Dakota high school activities association board of directors for
16 approval of a cooperative sponsorship.