

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER 164

SENATE BILL NO. 2262

(Senators Braunberger, Schaible)

AN ACT to create and enact a new subsection to section 15.1-01-04 of the North Dakota Century Code, relating to the authority for the kindergarten through grade twelve education coordination council to enter contracts; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁶ **SECTION 1.** A new subsection to section 15.1-01-04 of the North Dakota Century Code is created and enacted as follows:

The council may enter a contract to conduct a study to carry out an objective of this section.

SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION - KINDERGARTEN THROUGH GRADE TWELVE EDUCATION COORDINATION COUNCIL CONTRACTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of paying contracts entered by the kindergarten through grade twelve education coordination council under section 15.1-01-04, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 29, 2025

Filed April 30, 2025

⁵⁶ Section 15.1-01-04 was also amended by section 2 of Senate Bill No. 2308, chapter 479.

CHAPTER 165

SENATE BILL NO. 2362

(Senators Schaible, Lemm, Weber)
(Representatives Jonas, Pyle)

AN ACT to amend and reenact section 15.1-02-11 of the North Dakota Century Code, relating to the accreditation of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-02-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-11. Superintendent of public instruction - Accreditation of schools - Rules.

1. The superintendent of public instruction ~~may~~:
 - a. ~~May~~ adopt rules governing the accreditation of public and nonpublic schools. Any rule adopted under this section must incorporate measures of student achievement and bear a direct relationship to improving student achievement.
 - b. ~~May~~ provide schools with a choice of accreditation options, including:
 - (1) Accreditation through a state-defined accreditation process established by the superintendent of public instruction; or
 - (2) Accreditation through a nationally recognized accrediting organization, a formal school improvement organization, or a continuous improvement organization approved by the superintendent of public instruction.
 - c. May establish a process to select the accreditation options for schools and a process for schools to select an accreditation option. Development of the process may include input and participation from a steering committee, including representatives of education stakeholder groups, school administrators, secondary and elementary school principals, and school board members.
 - d. Periodically shall review and evaluate the effectiveness of each accreditation option in improving student achievement and school performance.
2. Each accreditation option must:
 - a. Meet or exceed the state standards to ensure consistency in the quality of education.
 - b. Provide measurable outcomes for student achievement, aligning with the state goals.

3. A school may select the accreditation option best aligning to the instructional goals and operational needs of the school, subject to approval by the superintendent of public instruction.
4. The superintendent of public instruction shall contract with an accreditation organization or vendor to create state-provided accreditation to offer to each public school district at no charge.
5. If a district chooses to use an accreditation process from the state-approved list, the district is responsible for any accreditation-related costs.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 166

HOUSE BILL NO. 1363

(Representatives Meier, Dockter, Hagert, Heinert, J. Olson, Hauck, Jonas, Novak,
Rohr)
(Senators Cleary, Dever, Boschee)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to cardiac emergency response plans for public and nonpublic schools and athletic events.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Cardiac emergency response plan for public and nonpublic schools and athletic events.

1. As used in this section:
 - a. "Automated external defibrillator" means a lightweight, portable device capable of delivering an electric shock through an individual's chest to the individual's heart, which is used in the event of cardiac arrest to attempt to stop an irregular heartbeat and allow a normal rhythm to resume.
 - b. "Cardiac arrest" means a life-threatening event in which an individual's heart unexpectedly stops beating.
 - c. "Cardiac emergency response plan" or "plan" means a written document establishing the specific steps to reduce the chance of death from cardiac arrest.
2. The department of health and human services, in collaboration with the superintendent of public instruction, shall create a customizable cardiac emergency response plan template for schools and nonpublic schools to use to develop a plan tailored to the school or nonpublic school.
3. The cardiac emergency response plan template must integrate core elements established by the American heart association or other nationally recognized organization. The plan template must require:
 - a. Review and adoption of the cardiac emergency response plan by the district crisis management team, which must be reviewed annually.
 - b. Activation of the team if an individual experiences sudden cardiac arrest.
 - c. Placement of automated external defibrillators on school grounds.
 - d. Routine maintenance of automated external defibrillators.
 - e. Distribution of the plan on school grounds.

- f. Stipulation of appropriate school personnel, including licensed coaches, school nurses, and athletic trainers, to receive training.
 - g. Coordination with local emergency medical services providers.
 - h. Annual review and evaluation of the plan.
- 4. Beginning with the 2027-28 school year, each public and nonpublic school shall:
 - a. Using the template provided by the department of health and human services, develop a cardiac emergency response plan for inclusion in the school district crisis management plan for use by school personnel if an individual experiences sudden cardiac arrest or a similar life-threatening emergency on school-owned grounds, and school-owned athletic venues.
 - b. Place each automated external defibrillator on school grounds according to the guidelines established by the American heart association or an organization focused on emergency cardiovascular care.
 - c. Identify each automated external defibrillator with appropriate signage.
- 5. A school, board of a school district and each individual member of the board, governing board and each individual governing board member of a nonpublic school, administrator, principal, teacher, school employee, and any member of the school district crisis management team, whether a student or an adult, are immune from any liability that might otherwise be incurred as a result of an injury caused by any act or omission while carrying out any elements of the cardiac emergency response plan as developed or implemented in accordance with this section.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 167

HOUSE BILL NO. 1476

(Representatives Novak, Heinert, Nelson, Richter, Schreiber-Beck)
(Senator Kessel)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to the assessment of all public school buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

School buildings - Assessment - Rules.

The superintendent of public instruction:

1. May collect regularly conducted assessments by school districts of each building located on school grounds in the state, including the interior and exterior of the building, doors, windows, fire sprinklers, fire protection systems, components of heating, cooling, plumbing, electrical, and security systems, and handicap accessibility features.
2. May, every four years, document the inventory of buildings, including building type, original construction year, facility additions, facility addition construction year, and facility square footage as submitted by school districts.
3. May develop and maintain a system for tracking the assessments of buildings, including construction, repairs, modifications, and maintenance recommended for each school.
4. Shall adopt rules under chapter 28-32 to implement this section.
5. May contract for professional services to implement this section, including contracting to study appropriate criteria to establish for public school facility standards.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 168

HOUSE BILL NO. 1144

(Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr,
Schatz)
(Senators Weston, Clemens)

AN ACT to amend and reenact section 15.1-06-21 of the North Dakota Century Code, relating to transgender student accommodations and restroom use in public schools; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-21. Transgender student accommodations - Restroom use - Enforcement - Penalty.

1. A board of a school district, public school, or public school teacher may not adopt a policy ~~that requires or prohibits any~~ guidelines, whether implicit or explicit, requiring or prohibiting an individual from using a student's preferred gender pronoun.
2. A board of a school district shall establish, with the approval of the parent or legal guardian, a plan for the use of a separate restroom accommodation for a transgender student.
3. A board of a school district or a public school shall prohibit a student from using a restroom that does not coincide with the student's biological sex.
4. A restroom or shower room on school grounds, which is accessible by multiple individuals at one time, must be designated for use exclusively for males or exclusively for females and may be used only by members of the designated sex. Multi-stall gender neutral restrooms and shower rooms are prohibited. This subsection does not apply to a restroom in existence on July 1, 2025.
5. Notwithstanding subsection 4:
 - a. An individual may use a restroom in accordance with the federal Individuals with Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with Disabilities Act [42 U.S.C. 12131 et seq.]; and
 - b. A public school may change the designation of a restroom or shower room from one designated sex to the other designated sex to accommodate a school-sponsored event.
6. Unless otherwise required by law, a school district, public school, or public school teacher may not:

- a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular student's transgender status without approval from the student's parent or legal guardian; or
 - b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian.
7. The parent of a student in a school district may submit a complaint to the school district, in the manner prescribed by the school district policy, if the school district appears to the parent to be violating this section.
 8. After the parent has made a complaint under subsection 7, if it appears to the parent the school district is violating this section, the parent may submit a complaint to the attorney general.
 9. Upon receipt of a complaint under subsection 8, the attorney general shall enforce this section and may conduct investigations by:
 - a. Examining under oath any individual responsible for an alleged violation of this section.
 - b. Issuing subpoenas.
 - c. Applying to a district court for an order enforcing the subpoena or other investigation demand.
 10. For a violation of this section, the attorney general may seek and obtain a declaratory judgment or injunction in district court which prohibits the board of a school district, a public school, or a public school teacher from continuing the unlawful practice.
 11. The court may assess a civil penalty in an amount not to exceed two thousand five hundred dollars for each violation of this section.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 169

HOUSE BILL NO. 1357

(Representatives Morton, Kasper, Maki, Marschall, Osowski, Schauer, Schreiber-Beck, McLeod, K. Anderson)
(Senators Boschee, Van Oosting)

AN ACT to amend and reenact subsection 1 of section 15.1-06-06, and sections 15.1-07-25.3 and 15.1-07-33 of the North Dakota Century Code, relating to protection of student data and data sharing agreements; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

1. To obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:
 - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
 - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
 - c. The school meets all curricular requirements set forth in chapter 15.1-21;
 - d. The school participates in and meets the requirements of a review process that is:
 - (1) Designed to improve student achievement through a continuous cycle of improvement; and
 - (2) Approved by the superintendent of public instruction;
 - e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
 - (1) Has no unremedied deficiency; or
 - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;
 - f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:

- (1) Undergone a criminal history background check requested by the employing school district; or
- (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board; and
- g. The school uses North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the superintendent of public instruction, to generate official transcripts.
- h. The school executed a data sharing agreement with the department under sections 15.1-07-25.3 and 15.1-07-33.

SECTION 2. AMENDMENT. Section 15.1-07-25.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.3. Protection of student data - School district policy.

- 1. The board of ~~each~~ school district shall adopt a policy regarding the protection of student data.
- 2. The policy must ~~require~~:
 - a. Require that permission be obtained from the board before any student data is shared with an individual who is not a school district employee or shared with any other entity. This provision does not apply to the sharing of data with a student's parent or to the sharing of data, if required as otherwise authorized by law.
 - b. Permit a school district to share student data with the state entity managing a student information system if the school district and the state entity have entered a data sharing agreement, subject to federal and state privacy laws. The data sharing agreement must include a clause that designates the department as an authorized representative of the school district under the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. 1232G] and title 34 Code of Federal Regulations part 99 for purposes of the statewide longitudinal data system.
- 3. The policy must require the school district superintendent to compile:
 - a. A list of ~~all~~ individuals with whom, and entities with which, student data is shared; and
 - b. A list, by title, of ~~all~~ school district personnel who have access to student data.
- 4. A school district shall make copies of the policy available upon request.

⁵⁷ **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

⁵⁷ Section 15.1-07-33 was also amended by section 3 of Senate Bill No. 2308, chapter 479.

15.1-07-33. Student information system - Exemption.

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction or the information technology department, each school district shall implement the state student information system administered by the ~~information technology department and~~ use it as its principal student information system, and enter a data sharing agreement with the department of public instruction, subject to federal and state privacy laws and section 15.1-07-25.3. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.
2. The ~~statewide longitudinal data system committee~~ superintendent of public instruction may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates that:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 2026.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 170

HOUSE BILL NO. 1105

(Representatives Jonas, Christy, Hager, Longmuir, Murphy)
(Senator Davison)

AN ACT to amend and reenact section 15.1-07-25.4 of the North Dakota Century Code, relating to a school district's virtual learning policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

1. The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district.
2. A resident school district may not deny open enrollment to an approved virtual school.
- 2-3. A student or a student's family member may not receive any item, service, or thing of value not given in exchange for fair market consideration from a vendor providing instruction or support under this section.
- 3-4. The superintendent of public instruction shall adopt rules governing policies under this section.
5. A policy adopted by a school district under this section ~~must comply~~:
 - a. Must comply with the rules adopted by the superintendent of public instruction.
 - b. May require registration for virtual instruction to coincide with the school district course registration schedule and deadlines.
 - c. May require that students meet prerequisites to ensure readiness for sequential virtual courses.
 - d. Must require the school district to pay for a virtual instruction course if the school district does not offer the course and obtaining the course credit would contribute to the student meeting high school graduation requirements in time to graduate within the usual time frame.
 - e. May establish the minimum number of courses a student is required to take onsite, whether virtual or in person. The policy may not unreasonably restrict student access to virtual school options and must comply with laws and administrative rules applicable to onsite students, as distinguished from virtual academy students.

f. May grant discretion to the school district to determine whether to pay for a virtual instruction course retake.

4-6. The superintendent of public instruction shall provide an annual report to either the legislative management or the legislative assembly. In odd-numbered years, the report must be made to the legislative assembly. In even-numbered years, the report must be made to the legislative management. The annual report must:

- a. Contain a comparison of the academic performance of students participating in virtual instruction against students not participating in virtual instruction under this section; and
- b. Use the statewide prekindergarten through grade twelve strategic vision framework goals.

5-7. If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of the low group size, the district shall provide the annual report required under this section for the district's comparison data.

6-8. Students enrolled in an approved virtual school do not generate school district sized weighting factors pursuant to section 15.1-27-03.2.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 171

HOUSE BILL NO. 1562

(Representatives Osowski, Hauck, Heilman, Maki, Morton)

AN ACT to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to training for mandated reporters of suspected child abuse or neglect; and to repeal section 15.1-19-29 of the North Dakota Century Code, relating to training for mandated reporters of suspected child abuse or neglect.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-34. Youth behavioral health and child abuse and neglect training ~~for~~ teachers, administrators, and ancillary staff.

1. Every two years, ~~each~~ school district may provide a minimum of eight hours of professional development on youth behavioral health, child abuse, and child neglect to elementary, middle, and high school teachers, and administrators. ~~Each~~ school district may encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours may be designated from the following categories:
 - a. Trauma;
 - b. Social and emotional learning, including resiliency;
 - c. Suicide prevention;
 - d. Bullying;
 - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
 - f. Knowledge of behavioral health symptoms, and risks;
 - g. Awareness of referral sources and evidence-based strategies for appropriate interventions;
 - h. Child protective services;
 - i. Other evidence-based strategies to reduce risk factors for students; or
 - j. Current or new evidence-based behavior prevention or mitigation techniques.
2. Each school within a district shall designate an individual as a behavioral health resource coordinator.

3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training and instructional materials, and notice of training opportunities to school districts and nonpublic schools. ~~This~~The training must qualify for continuing education credits that count toward license renewal.
4. The superintendent of public instruction shall maintain the contact information of the behavioral health resource coordinator in each school.
5. Before initial licensure, a public or nonpublic school teacher, administrator, librarian, and counselor shall submit documentation to the education standards and practices board verifying completion of a mandated reporter training program for suspected child abuse or neglect. The department of health and human services shall develop and provide an online interactive training module that may be used by a college of teacher education, an individual educator, and an educational institution to fulfill the training requirement. A college, school, and regional education association may offer a mandated reporter training program that satisfy the requirements outlined in this section for subsequent trainings at the district level.

SECTION 2. REPEAL. Section 15.1-19-29 of the North Dakota Century Code is repealed.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 172

HOUSE BILL NO. 1095

(Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson)
(Senator Lee)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to a child protective services and school district child safety liaison work group.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Child safety liaison work group.

1. As used in this section, "child protective services" means an "authorized agent" or the "department" as the terms are defined under section 50-25.1-02.
2. A school district and the corresponding human service zone may designate representatives to form a child safety liaison work group.
3. The child safety liaison work group:
 - a. Shall focus on child safety issues, including:
 - (1) The roles and responsibilities of child protective services and mandatory reporters;
 - (2) Opportunities for improved relations between the human service zone and school district; and
 - (3) The coordination of services for children and families.
 - b. Must be proportional in member size to the need and population served, and have an equal number of representatives from the school district and human service zone.
 - c. Shall meet at least twice annually.
 - d. Shall report to the human service zone board, the school board, and the children's cabinet by July thirty-first of each year. The report must include recommendations, proposed solutions, progress, training needs, and identified gaps in service coordination.
4. The human service zone is responsible for coordinating the child safety liaison work group meetings.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 173

HOUSE BILL NO. 1132

(Representatives Holle, Hager, Murphy, Rohr, K. Anderson, Christianson, Dressler,
Heilman, Jonas)
(Senators Cleary, Gerhardt, Barta)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to whole, two percent, and flavored milk served in schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Whole pasteurized milk served in bulk milk dispensers - Available in schools.

As used in this section "bulk milk" has the same meaning provided in section 4.1-26-01. Notwithstanding chapters 4.1-05, 4.1-25, 4.1-26, 19-02.1, and 23-09 and title 64, a board of a school district or a not-for-profit nonpublic school approved by the superintendent of public instruction may establish a policy allowing a school within the school district to serve whole, two percent, and flavored pasteurized milk through a bulk milk dispenser.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 174

HOUSE BILL NO. 1160

(Representatives Jonas, Longmuir, Nelson, Sanford)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the use of personal electronic devices during instructional time.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁸ **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Personal electronic devices - Prohibition during instructional time.

1. As used in this section:

- a. "Instructional time" means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
- b. "Parent" means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
- c. "Personal electronic communication device" means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
 - (1) School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
 - (2) Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- d. "School" means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

⁵⁸ Section 15.1-07-41 was amended by section 1 of Senate Bill No. 2354, chapter 175.

- e. "School-related activity" means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
 - f. "Student" means an individual currently enrolled or registered at a school.
2. Each school district or applicable governing body shall adopt and implement a policy for schools which:
- a. Requires all personal electronic communication devices be silenced or turned off, securely locked away, and inaccessible to students during instructional time;
 - b. Ensures students do not have access to personal electronic communication devices, by requiring the devices to be locked or stowed away in a secure lockable pouch, phone locker, pencil pouch, manila envelope, or other inaccessible location;
 - c. Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;
 - d. Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and
 - e. Provides a student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the school.
3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or using a personal electronic communication device, if:
- a. A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or
 - b. The possession or use of a personal electronic communication device is required by the student's individual education program under the Individuals with Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.], a plan under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], or other plan that must be accommodated in accordance with state or federal law.
4. A school district shall collect data annually with the goal of measuring the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance. By July 1, 2026, the superintendent of public instruction shall establish a uniform system to enable a school district to report all data as required under this section.

Approved April 25, 2025

Filed April 25, 2025

CHAPTER 175

SENATE BILL NO. 2354

(Senators Axtman, Cleary, Sickler, Thomas)
(Representatives Bosch, O'Brien)

AN ACT to amend and reenact the new section to chapter 15.1-07 of the North Dakota Century Code, as created by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, relating to the use of personal electronic devices in schools providing prekindergarten, elementary, or secondary education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁹ **SECTION 1. AMENDMENT.** The new section to chapter 15.1-07 of the North Dakota Century Code, as created by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

Personal electronic devices - Prohibition during instructional time.

1. As used in this section:

- a. "Instructional time" means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
- b. "Parent" means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
- c. "Personal electronic communication device" means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
 - (1) School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
 - (2) Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- d. "School" means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

⁵⁹ Section 15.1-07-41 was created by section 1 of House Bill No. 1160, chapter 174.

- e. "School-related activity" means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
 - f. "Student" means an individual currently enrolled or registered at a school as defined under subdivision d of this section.
2. Each school district or applicable governing body shall adopt and implement a policy for schools which:
- a. Requires all personal electronic communication devices be silenced or turned off, securely ~~locked~~stowed away, and inaccessible to students during instructional time;
 - b. ~~Ensures students do not have access to personal electronic communication devices, by requiring the devices to be locked or stowed away in a secure lockable pouch, phone locker, pencil pouch, manila envelope, or other inaccessible location;~~
 - e. Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;
 - ~~d.c.~~ Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and
 - e-d. Provides a student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the school.
3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or using a personal electronic communication device, if:
- a. A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or
 - b. The possession or use of a personal electronic communication device is required by the student's individual education program under ~~the~~;
 - (1) ~~The Individuals with Disabilities Education Act [Pub. L. 91-230; 84 Stat. 424; 20 U.S.C. 1400 et seq.], a plan under section;~~
 - (2) Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794]; or other;
 - (3) A plan that must be accommodated developed in accordance with state or federal law requiring accommodation.
4. A school district shall collect data annually with the goal of measuring the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance. ~~By July 1, 2026, the superintendent of public instruction shall establish a uniform system to enable a school district to report all data as required under this section.~~

5. Upon the adoption and implementation of a policy in accordance with this section, a school district shall:
 - a. Ensure the policy is communicated to students, parents, and authorized caregivers; and
 - b. Publish the policy in student and personnel handbooks.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 176

HOUSE BILL NO. 1178

(Representatives Novak, Hager, Murphy, J. Olson, Schreiber-Beck, Swiontek)
(Senators Boehm, Cory, Mathern)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school districts allowing students to leave campus to vote in elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

School districts - Policy - Voting.

Each school district shall adopt a policy allowing a student who is a qualified elector to leave campus to vote in a general, special, or primary election. The policy may include conditions for the student's absence, including a limitation on the length of time the student may be absent or a designated time to vote.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 177

HOUSE BILL NO. 1222

(Representatives Novak, D. Anderson, Frelich, Hagert, Heinert, Porter, M. Ruby,
Lefor)
(Senators Hogue, Luick, Meyer)

AN ACT to amend and reenact sections 15.1-09-33 and 15.1-19-03.1 of the North Dakota Century Code, relating to a requirement for public school students to have the opportunity to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33. School board - Powers.

The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.
2. Organize, establish, operate, and maintain elementary, middle, and high schools.
3. Have custody and control of all school district property and, in the case of the board of education of the city of Fargo, have custody and control of all public school property within the boundaries of the Fargo public school district and to manage and control all school matters.
4. Acquire real property and construct school buildings and other facilities.
5. Relocate or discontinue schools and liquidate the assets of the district as required by law; provided no site may be acquired or building constructed, or no school may be organized, established, operated, maintained, discontinued, or changed in location without the approval of the state board of public school education if outside the boundary of the district.
6. Purchase, sell, exchange, and improve real property.
7. Lease real property for a maximum of one year except in the case of:
 - a. A career and technical education facility constructed in whole or in part with financing acquired under chapter 40-57, which may be leased for up to twenty years; or
 - b. A lease for the installation of a wireless telecommunications facility, which may be leased for up to twenty years.

8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real property for school purposes.
9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture, supplies, and textbooks.
10. Recruit or contract with others to recruit homes and facilities which provide boarding care for special education students.
11. Provide dormitories for the boarding care of special education students.
12. Insure school district property.
13. Independently or jointly with other school districts, purchase telecommunications equipment or lease a telecommunications system or network.
14. Provide for the education of students by another school district.
15. Contract with federal officials for the education of students in a federal school.
16. Prescribe courses of study in addition to those prescribed by the superintendent of public instruction or by law.
17. Adopt rules regarding the instruction of students, including their admission, transfer, organization, grading, and government.
18. Join the North Dakota high school activities association and pay membership fees.
19. Adopt alternative curricula for high school seniors who require fewer than four academic units.
20. Contract with, employ, and compensate school district personnel.
21. Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.
22.
 - a. Suspend school district personnel;
 - b. Delegate to the superintendent of the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10; or
 - c. In the case of a district that does not employ a superintendent, delegate to the individual charged with administering the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10.
23. Dismiss school district personnel.
24. Participate in group insurance plans and pay all or part of the insurance premiums.

25. Contract for the services of a district superintendent, provided that the contract, which may be renewed, does not exceed a period of three years.
26. Contract for the services of a principal.
27. Employ an individual to serve as the school district business manager or contract with any person to perform the duties assigned to a school district business manager by law.
28. Dismiss a school district business manager for cause without prior notice.
29. Dismiss a school district business manager without cause with thirty days' written notice.
30. Defray the necessary and contingent expenses of the board.
31. Levy a tax upon property in the district for school purposes, as permitted in accordance with chapter 57-15.
32. Amend and certify budgets and tax levies, as provided in title 57.
33. Pay dues allowing for the board to hold membership in city, county, state, and national organizations and associations.
34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.
35. Authorize schools within the district to display the ten commandments with a display of other historical documents in the school and in a classroom.
36. ~~Authorize schools within the district to permit students to recite the pledge of allegiance.~~

SECTION 2. AMENDMENT. Section 15.1-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-03.1. Recitation of prayer - Period of silence - Pledge of allegiance.

1. A student ~~may~~ voluntarily may pray aloud or participate in religious speech at any time before, during, or after the schoolday to the same extent a student ~~may~~ voluntarily may speak or participate in secular speech.
2. A student of a public or nonpublic school may not be prohibited from voluntarily participating in any student-initiated prayer at an activity held on the premises of a public or nonpublic school.
3. ~~A school.~~The board of a school district, school administrator, or teacher may not impose any restriction on the time, place, manner, or location of any student-initiated religious speech or prayer which exceeds the restriction imposed on students' secular speech.
4. ~~A school.~~The board of a school, by resolution, may allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each schoolday.

5. ~~A school~~The board may authorize the voluntary recitation of a school district shall adopt a policy requiring each school to offer all students the opportunity to voluntarily recite the pledge of allegiance by a teacher or one or more students at the beginning of each schoolday. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 178

SENATE BILL NO. 2330

(Senators Boehm, Myrdal, Paulson)
(Representatives McLeod, S. Olson, Rohr)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to human trafficking and exploitation prevention and awareness education for students at public schools and tribal schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Human trafficking and exploitation prevention and awareness education.

1. The board of a school district and the governing board of a school operated by a tribal government shall:
 - a. Adopt a policy regarding human trafficking and exploitation prevention and awareness education for students and faculty. As used in this section, "human trafficking" includes sex trafficking.
 - b. Require schoolwide education addressing human trafficking and exploitation prevention and awareness for all students in grades six, ten, and twelve.
 - c. Offer to parents and legal guardians optional workshops or materials or both to support the education of the child of the parent or legal guardian on personal safety and grooming prevention.
2. The education under this section:
 - a. May be provided by a nonprofit organization specializing in outreach and education on human trafficking and exploitation.
 - b. Must be developmentally appropriate, culturally sensitive, and use best practices.
 - c. Must be provided annually to students.
 - d. May include:
 - (1) Definitions and the nature of human trafficking and exploitation;
 - (2) State laws regarding human trafficking and exploitation;
 - (3) Facts and statistics regarding human trafficking and exploitation in the state and across the United States;
 - (4) The victim profiling tactics of human traffickers;

- (5) The role of online computer activity and pornography;
- (6) Methods to identify a potential victim and actions to take following identification of a victim;
- (7) Information regarding:
 - (a) Force, fraud, and coercion;
 - (b) Grooming;
 - (c) The complexities of abuse, indoctrination, and manipulation;
 - (d) The traits of a human trafficking victim;
 - (e) The difference between human trafficking and prostitution; and
 - (f) How human trafficking and exploitation demand is created and which industries influence human trafficking and exploitation; and
- (8) Actionable steps to take against human trafficking and exploitation, including reporting information to the proper authorities.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 179

SENATE BILL NO. 2353

(Senators Davison, Bekkedahl, Rummel)
(Representative Bosch)

AN ACT to amend and reenact sections 15.1-09.1-02.1 and 54-44.4-02 of the North Dakota Century Code, relating to regional education associations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-02.1. Regional education association - Services to be offered.

1. ~~In order to~~To be eligible for state funding, a regional education association ~~must~~shall offer the following services to its member districts:
 - a. Coordination and facilitation of professional development activities for teachers and administrators employed by its member districts;
 - b. Supplementation of technology support services;
 - c. Assistance with achieving school improvement goals identified by the superintendent of public instruction;
 - d. Assistance with the collection, analysis, and interpretation of student achievement data; and
 - e. Assistance with the expansion and enrichment of curricular offerings.
2. Subsection 1 does not preclude a regional education association from offering additional services, including services to a district that is not a member of the regional education association.
3. A regional education association may enter a contract with the superintendent of public instruction to offer services.

⁶⁰ **SECTION 2. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services.

1. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities. The International Peace Garden may participate in the procurement authorized by this section. The following commodities and services, ~~however,~~ are not subject to the procurement requirements of this chapter:

⁶⁰ Section 54-44.4-02 was also amended by section 3 of House Bill No. 1122, chapter 531, and section 1 of House Bill No. 1269, chapter 530.

- 4- a. Land, buildings, space, or the rental thereof.
- 2- b. Telephone and telegraph service and electrical light and power services.
- 3- c. Public books, maps, periodicals, resource materials, and technical pamphlets.
- 4- d. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
- 5- e. Procurements by the industrial commission for energy-related programs under chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.
- 6- f. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
- 7- g. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.
 - a- (1) Emergency purchases made under this subsection must treat all bidders fairly and promote competition as is practicable under the circumstances.
 - b- (2) The procurement file must contain a written determination of:
 - (1) (a) The basis for the emergency; and
 - (2) (b) The basis for the selection of the particular contractor.
 - c- (3) If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
 - d- (4) If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
 - e- (5) If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications.

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- 8- h. Commodities and services costing less than a specified amount as determined by written directive by the director of the office of management and budget.
- 9- i. Specified commodities and services as determined by written directive by the director of the office of management and budget.
- 10- j. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation.
- 11- k. Services to extract, tow, store, and dispose of abandoned or submerged vehicles as defined in chapter 23.1-15.
- 12- l. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1, ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.
- 13- m. Contracts by the state auditor for audits of computer systems under section 54-10-29.
- 14- n. Contracts by the attorney general with experts under section 10-33-145.
- 15- o. Contracts by the department of health and human services for online virtual mental health and suicide prevention simulation-based training programs under subsection 28 of section 50-06-05.1 and brain injury informal supports under section 50-06.4-07.
- p. Contracts by the department of public instruction with a regional education association under section 15.1-09.1-02.1.
2. All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 180

HOUSE BILL NO. 1133

(Representatives Longmuir, Jonas, Murphy, Hager)
(Senators Cory, Schaible, Roers)

AN ACT to amend and reenact section 15.1-11-05 of the North Dakota Century Code, relating to the preservation of records by county superintendents of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-11-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-11-05. Preservation of records.

The county superintendent of schools shall provide for the preservation of all ~~property that is~~records acquired in an official capacity ~~and which have~~and which have educational value and interest or which ~~records~~record official acts by the county superintendent. At the conclusion of the county superintendent's employment, the county superintendent shall deliver the ~~property~~records to the superintendent's successor.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 181

SENATE BILL NO. 2351

(Senator Beard)

AN ACT to amend and reenact sections 15.1-12-02 and 15.1-12-05 of the North Dakota Century Code, relating to annexation of property to a school district; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-02. Annexation of property to school district - Exchange - Petition - Requirements.

An individual may petition to have property in one school district annexed to another school district by an exchange of property with property in a contiguous school district. In order to be approved:

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange ~~may not exceed one thousand dollars~~ must be agreed upon by both affected school districts;
5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

SECTION 2. AMENDMENT. Section 15.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-05. Annexation of property to school district - Hearing.

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.

2. ~~The~~At least twenty-one days before the date of the public hearing, the county superintendent shall provide notice by certified mail with return receipt regarding the annexation to each owner of real property to be annexed and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that two-thirds of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;

- m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; ~~and~~
 - o. The potential modification to the property tax obligation of the owners of the property to be annexed and the concerns of the owners of the property to be annexed; and
 - p. All other relevant factors.
5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding and the county committee's decision to the state board for final approval of the annexation.
 6.
 - a. Except as provided in this subsection, the state board shall conduct a hearing after publication of a notice in the manner required in subsection 2, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.
 - b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.
 7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.
 8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.
 9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.
 10. Regardless of how many county committees consider the annexation, the decision may be appealed to the state board.
 11. Each annexation must receive final approval from the state board.
 12. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.

13. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located.

SECTION 3. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 182

SENATE BILL NO. 2158

(Senators Schaible, Myrdal)
(Representatives Monson, Hatlestad)

AN ACT to amend and reenact section 15.1-12-29 of the North Dakota Century Code, relating to the distribution of the unobligated cash balance of a dissolved school district.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-29. Dissolution of school district - Unobligated cash balance - Tax credits or refunds - Distribution to another political subdivision.

1. After ten thousand dollars is set aside, as required by section 15.1-12-28, and after the required amount is deposited in the reimbursement account for job service North Dakota, as required by section 15.1-12-28.1, ~~any~~:
 - a. Any remaining unobligated cash balance, up to an amount equaling a dissolved school district's general fund expenditure for the last school year before the district's dissolution is a credit for real property owners within the boundaries of the dissolved school district, against taxes levied by the district to which their property is now attached. If property from the dissolved district is attached to more than one school district, the percentage of the total credit to which each eligible real property owner is entitled must equal the percentage that the taxable valuation of the individual's real property bears to the total taxable valuation of the dissolved district's property at the time of the attachment order; or
 - b. The county committee may distribute the remaining unobligated cash balance not exceeding five hundred thousand dollars to another political subdivision located partially or wholly within the geographic boundaries of the dissolving school district. After distributing the funds, the county committee shall distribute any remaining unobligated cash balance in accordance with subdivision a.
2. Upon approval of the board of county commissioners, any school district ~~required to provide~~ providing a tax credit under subdivision a of subsection 1 may provide a cash refund in lieu of the tax credit. At the request of the county auditor, the school district holding the unobligated cash balance available under subdivision a of subsection 1 shall pay to the county treasurer the amount to be paid to those who own real property within the dissolved district. The treasurer shall issue the refund to the owner of the property as shown on the county's assessment list at the time of payment. If there is a lien for unpaid taxes against the property, the treasurer shall first apply the property owner's tax credit toward any outstanding balance. Any amount remaining may then be paid to the property owner. The cash refunds must be calculated proportionately to the total taxable value of the dissolved district during the last year taxes were levied.

3. After the requirements of subdivision a of subsection 1 have been met, the county auditor shall distribute any remaining unobligated cash balance among the school districts to which the real property of the dissolved district was attached. The percentage of the remaining unobligated cash balance to which each school district is entitled equals that percentage of the dissolved district's total taxable valuation which was attached to the receiving school district.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 183

HOUSE BILL NO. 1238

(Representatives Ista, Hager, Heinert, Jonas, Murphy, Pyle, Schreiber-Beck)
(Senators Axtman, Boschee, Cleary, Rummel)

AN ACT to amend and reenact section 15.1-13-12.1 of the North Dakota Century Code, relating to the reporting requirements for a lifetime teaching license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-12.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-12.1. Teaching license - Lifetime licensure - Report to the board.

1. If an individual has been licensed to teach in this state for a period of ~~thirty~~twenty-five years, the education standards and practices board shall grant the individual lifetime licensure.
2. Nothing in this section precludes the board from taking any action against an individual's lifetime license if the board determines that the action is warranted under this chapter.
3. An individual holding a lifetime license who is or intends to be employed as a teacher shall provide a report to the board at least once every five years. The report:
 - a. Must be made in the form and manner prescribed by the board.
 - b. May not cause the individual holding a lifetime license to incur any cost.
 - c. Must disclose:
 - (1) Whether the individual has violated a criminal statute since the issuance of the lifetime license or the last report; and
 - (2) Any information that may cause the individual's teaching license to be revoked or suspended.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 184

SENATE BILL NO. 2043

(Senator Axtman)

AN ACT to amend and reenact subsection 5 of section 15.1-13-26 of the North Dakota Century Code, relating to denial of or immediate revocation of a teaching license for crimes against a child and sexual offenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 15.1-13-26 of the North Dakota Century Code is amended and reenacted as follows:

5. As used in this section:

- a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt overturned on appeal.
- b. "Crime against a child" means violation of section 12.1-16-01, 12.1-16-02, 12.1-16-03, 12.1-16-04, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-17-07.1, 12.1-17-10, 12.1-18-01, 12.1-18-02, 12.1-18-03, 12.1-29-01, 12.1-29-02, or 12.1-29-03, or an equivalent federal law or local ordinance, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt to commit these offenses.
- c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07, 12.1-20-11, ~~or 12.1-20-12.1, 12.1-20-12.2, or 12.1-20-12.3~~, or chapter 12.1-27.2, or an equivalent federal law or local ordinance.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 185

SENATE BILL NO. 2213

(Senators Schaible, Axtman)
(Representatives Heinert, Jonas, Richter)

AN ACT to create and enact a new section to chapter 15.1-13 and two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to mathematics curriculum, professional development, screening and intervention, related administrative rules and reporting requirements, and mathematics instructor competency; to provide for a legislative management report; to provide for a department of public instruction mathematics screening pilot program; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶¹ **SECTION 1.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Mathematics instruction competency.

1. The board shall ensure a candidate for teacher licensure, who will be certified to be a secondary mathematics teacher, demonstrates competencies in direct and explicit mathematics instruction and pedagogy.
2. A candidate satisfies the requirements of this section if the candidate demonstrates:
 - a. The candidate has received training in mathematics instruction competencies from an accredited or approved program; or
 - b. Mastery of the topics under subdivision a of subsection 1 of section 3 of this Act.
3. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

⁶² **SECTION 2. AMENDMENT.** The new section to chapter 15.1-13 of the North Dakota Century Code, as created by section 1 of this Act, is amended and reenacted as follows:

Teaching license - Mathematics instruction competency.

1. The board shall ensure a candidate for teacher licensure, who will be certified to be ~~an elementary education or~~ secondary mathematics teacher, ~~or both,~~ demonstrates competencies in direct and explicit mathematics instruction and pedagogy.

⁶¹ Section 15.1-13-35.2 was amended by section 2 of Senate Bill No. 2213, chapter 185.

⁶² Section 15.1-13-35.2 was created by section 1 of Senate Bill No. 2213, chapter 185.

2. A candidate satisfies the requirements of this section if the candidate demonstrates:
 - a. The candidate has received training in mathematics instruction competencies from an accredited or approved program; or
 - b. Mastery of the topics under subdivision a of subsection 1 of section 3 of this Act.
3. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

⁶³ **SECTION 3.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Mathematics curriculum - Professional development and intervention.

1. Each school district and nonpublic school shall:
 - a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.
 - b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.

⁶³ Section 15.1-21-12.2 was amended by section 4 of Senate Bill No. 2213, chapter 185.

- (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
- c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
- d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.
- 2. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:
 - a. Ensure the placement of qualified teachers in grades four through eight;
 - b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
 - c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

⁶⁴ **SECTION 4. AMENDMENT.** The new section to chapter 15.1-21 of the North Dakota Century Code, as created by section 3 of this Act, is amended and reenacted as follows:

Mathematics curriculum - Professional development and intervention.

1. Each school district and nonpublic school shall:
 - a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.

⁶⁴ Section 15.1-21-12.2 was created by section 3 of Senate Bill No. 2213, chapter 185.

- b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.
 - (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
- c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
- d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.

e. For a student in kindergarten through grade three:

- (1) Use a screening process for early identification of mathematics deficiencies and characteristics of dyscalculia;
- (2) Inform the student's parent or legal guardian about the screening process, the student's results, and the importance of early intervention;
- (3) Provide resources and guidance to the student's parent or legal guardian to support mathematics learning at home; and
- (4) If the student is identified as having characteristics of mathematics deficiencies or dyscalculia, develop an education plan with accommodations.

2. A school district or special education unit shall provide a screening process under paragraph 1 of subdivision e of subsection 1 for a student upon request by a parent, legal guardian, or teacher.

2-3. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:

- a. Ensure the placement of qualified teachers in grades four through eight;
- b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
- c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

SECTION 5. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Mathematics curriculum and professional development - Rules - Reports to the superintendent of public instruction and the legislative management.

1. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement section 3 of this Act, including rules to monitor implementation.
2. The superintendent of public instruction and the regional education associations shall support school districts with implementation of section 3 of this Act. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of section 3 of this Act in improving educational outcomes and student competency in mathematics and shall publish the reports submitted by school districts on the website of the department of public instruction.

SECTION 6. PILOT PROGRAM - DEPARTMENT OF PUBLIC INSTRUCTION - MATHEMATICS SCREENING TOOL - REPORT. Beginning with the 2025-26 school year and continuing through the 2026-27 school year, the superintendent of public instruction shall establish and operate a pilot program to provide screening services for students in grades four through eight. The pilot program must include individualized mathematics learning tools that use a skill-level screener and skill-level assessments to identify student needs, measure progress across multiple grades, and report on that progress to evaluate and improve student learning and performance outcomes. The individualized learning tools must be aligned with the 2023 North Dakota mathematics content standards, skills progressions, and competencies. Up to \$300,000 of the appropriation under section 7 of this Act must be allocated for the pilot program, including professional development for mathematics teachers on the screening tool. The superintendent shall compile data on the implementation of the pilot program, including student mathematics outcomes and the impact of each screening service and instrument used. The superintendent shall report the initial findings to the seventieth legislative assembly. The superintendent shall report the final findings to the seventy-first legislative assembly.

SECTION 7. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - MATHEMATICS CURRICULUM AND PROFESSIONAL DEVELOPMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing support to schools and regional education associations to improve kindergarten through grade eight mathematics curriculum, instruction, and student achievement, for the biennium beginning July 1, 2025, and ending June 30, 2027. Funds must be directed toward district-level professional development, including training, instructional rounds, coaching, and workshops designed to improve mathematics instruction and student achievement. Funds must be directed to support partnerships with regional educational associations for the delivery of district-level training and coordination of this mathematics improvement initiative. Up to \$200,000 of the appropriation in this section may be allocated for state-level staffing or department of public instruction administrative expenses. Up to \$300,000 of the appropriation in this section must be allocated for the pilot program established under section 6 of this Act.

SECTION 8. EFFECTIVE DATE. Sections 2 and 4 of this Act become effective on July 1, 2027.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 186

HOUSE BILL NO. 1261

(Representative Schreiber-Beck)

AN ACT to repeal sections 15.1-18-05 and 15.1-18-06 of the North Dakota Century Code, relating to special education strategist credentials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 15.1-18-05 and 15.1-18-06 of the North Dakota Century Code are repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 187

HOUSE BILL NO. 1223

(Representatives Jonas, Heilman, Longmuir, Murphy, Richter, Hager)
(Senator Boschee)

AN ACT to amend and reenact section 15.1-19-09 of the North Dakota Century Code, relating to the suspension and expulsion of kindergarten through grade twelve students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing ~~in the manner provided for in~~ under subsection 2 of section 15.1-19-10; before the determination to expel a student is made. A student's parent or representative must be allowed to participate in the expulsion hearing.
2. A ~~school district may suspend a student~~ may be suspended for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
3. A ~~school district may suspend a student~~ who is enrolled in an alternative education program for which state per student payments are available ~~may be suspended~~ for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
4. A ~~school district may expel a student~~, including one enrolled in an alternative education program, ~~may be expelled from school for up to twelve months~~ for insubordination, habitual indolence, or disorderly conduct; ~~provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months. The school district shall consider the severity of the infraction, the age of the student, and the disciplinary history of the student to determine the duration of the expulsion. If the student satisfies the conditions for reinstatement established by the school district, if any, the school district may review and reduce the duration of the expulsion. A student who violates the school district's weapons policy may be expelled under section 15.1-19-10.~~

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 188

SENATE BILL NO. 2196

(Senators Roers, Axtman, Gerhardt)
(Representatives Dobervich, Heinert, Novak)

AN ACT to amend and reenact subsection 3 of section 15.1-19-16 of the North Dakota Century Code, relating to student self-administration of asthma or anaphylaxis medication.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 15.1-19-16 of the North Dakota Century Code is amended and reenacted as follows:

3. For purposes of this section, "emergency medication" includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and any device that contains a premeasured dose of epinephrine autoinjectable pen to prevent or treat a life-threatening allergic reaction.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 189

HOUSE BILL NO. 1247

(Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner,
Wolff, VanWinkle)
(Senators Myrdal, Wobbema, Paulson, Cory)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to protection of a student victim of a sexual offense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Student sexual offense - Victim protection.

1. As used in this section:
 - a. "Responsible student" means a student enrolled in a school who is an adjudicated juvenile or an adult convicted of committing a sexual offense upon another student enrolled in the same school.
 - b. "Sexual offense" means an offense under chapter 12.1-20 for which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an element and the offenses under sections 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.
2. A responsible student enrolled in the same school as the victim shall adhere to a safety plan developed by the school which may include:
 - a. Consideration of the victim's input.
 - b. No contact between the responsible student and the victim.
 - c. Holding an expulsion hearing for the responsible student which grants procedural due process to the responsible student as provided by law and within the time period prescribed under section 15.1-19-09. For a misdemeanor offense, before holding an expulsion hearing, school administration shall review the offense to determine whether an expulsion hearing is warranted.
 - d. Transferring a responsible student to an alternative education program, which may include virtual education if the responsible student is properly supervised.
 - e. Transferring a responsible student to another school or building within the school district.
 - f. Separating the responsible student from the victim at all times in school buildings and educational activities, if transferring the responsible student is not possible.

- g. Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.
 - h. Other measures school administration deems appropriate to ensure the safety of the victim.
 - 3. The school shall determine the duration of a separation resulting from the safety plan based on:
 - a. The victim's input and well-being;
 - b. The responsible student's age at the time of adjudication or conviction;
 - c. The nature and severity of the offense;
 - d. The responsible student's compliance with recommended intervention programs;
 - e. The input of the victim or responsible student's legal guardian or custodian, child welfare and mental health professionals, and legal representatives; and
 - f. Other factors school administration deems appropriate.
 - 4. A victim or the victim's legal guardian or custodian may request a review of the safety plan, including modification or removal of restrictions.
 - 5. Upon adjudication or conviction of a responsible student, the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district in which the responsible student is enrolled with a copy of the order of disposition or judgment and, upon consent of the victim, the victim's name. A record provided under this section is confidential under section 27-20.2-21.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 190

HOUSE BILL NO. 1200

(Representatives Louser, Bolinske, Fisher, Heinert, Hoverson, D. Ruby, M. Ruby,
VanWinkle, Richter)
(Senators Burckhard, Castaneda, Lemm)

AN ACT to amend and reenact section 15.1-21-02.2 of the North Dakota Century Code, relating to the waiver and substitution of one unit required for high school graduation under emergent circumstances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

~~15.1-21-02.2. High school graduation — Minimum requirements. (Effective through July 31, 2025)~~

- ~~1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:~~
 - ~~a. Four units of English language arts from a sequence that includes literature, composition, and speech;~~
 - ~~b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;~~
 - ~~c. Three units of science, consisting of:~~
 - ~~(1) (a) One unit of biology;~~
 - ~~(b) One unit of chemistry; and~~
 - ~~(c) One unit of physics; or~~
 - ~~(2) (a) One unit of biology;~~
 - ~~(b) One unit of physical science; and~~
 - ~~(c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;~~
 - ~~d. Three units of social studies, including:~~
 - ~~(1) One unit of United States history;~~
 - ~~(2) (a) One-half unit of United States government and one-half unit of economics; or~~

- ~~(b) One unit of problems of democracy; and~~
 - ~~(3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;~~
 - e. ~~(1) One unit of physical education; or~~
 - ~~(2) One-half unit of physical education and one-half unit of health;~~
 - f. ~~Three units of:~~
 - ~~(1) Foreign languages;~~
 - ~~(2) Native American languages;~~
 - ~~(3) Fine arts; or~~
 - ~~(4) Career and technical education courses; and~~
 - g. ~~Any five additional units.~~
- 2. ~~If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.~~

High school graduation - Minimum requirements. ~~(Effective after July 31, 2025)~~

1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 - c. Three units of science, consisting of:
 - (1) (a) One unit of biology;
 - (b) One unit of chemistry; and
 - (c) One unit of physics; or
 - (2) (a) One unit of biology;
 - (b) One unit of physical science; and
 - (c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;

- d. Three units of social studies, including:
 - (1) One unit of United States history, including Native American tribal history;
 - (2) (a) One-half unit of United States government and one-half unit of economics; or
(b) One unit of problems of democracy; and
 - (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 - e. (1) One unit of physical education; or
(2) One-half unit of physical education and one-half unit of health;
 - f. Three units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses;
 - g. Any five additional units; and
 - h. One unit of computer science or cybersecurity whether under subdivision b, c, or both.
 - i. The requirements of subdivision h are waived if the student has completed a computer science and cybersecurity integration plan approved by the school board.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may ~~develop~~:
- a. Develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.
 - b. Establish a policy to allow a student to receive credit for no more than one unit under subsection 1 for completing an alternative course, including an elective course or dual-credit course, if the student demonstrates an emergent circumstance.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 191

HOUSE BILL NO. 1098

(Representatives Jonas, Heinert, Murphy, Schreiber-Beck, Swiontek, Warrey)
(Senator Schaible)

AN ACT to amend and reenact section 15.1-21-02.10 of the North Dakota Century Code, relating to a North Dakota scholarship for students interested in a teaching career; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁵ **SECTION 1. AMENDMENT.** Section 15.1-21-02.10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.10. North Dakota scholarship.

~~Any~~A resident student who meets the requirements of section 15.1-21-02.6 is eligible to receive a North Dakota scholarship if the student:

1. Completed an individual consultative process or a nine-week course under subsection 2 of section 15.1-21-18;
2. Completed the civics test under section 15.1-21-27;
3. Completed a four-year rolling plan, as determined by the superintendent of public instruction;
4. Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1;
5. Completed the requirements in at least four of the following while enrolled in grades nine through twelve:
 - a. Twenty-five hours of community service;
 - b. A ninety-five percent attendance rate as determined under section 15.1-20-02.1, not including any school-related absences;
 - c. A career exploration experience, as determined by the superintendent of public instruction;
 - d. At least two years in organized cocurricular activities;
 - e. At least two years in organized extracurricular activities;

⁶⁵ Section 15.1-21-02.10 was also amended by section 1 of House Bill No. 1404, chapter 192.

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- f. A capstone project, as determined by the superintendent of public instruction;
 - g. An online learning course; and
 - h. Successful demonstration of competency in twenty-first century skills, as determined by the superintendent of public instruction; and
6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
- a. (1) Received:
 - (a) A composite score of at least twenty-four on an ACT; or
 - (b) A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (f) A score of at least four on an international baccalaureate examination; and
 - (g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;
 - b. (1) Earned:
 - (a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; or
 - (b) Three units of the same world language, indigenous language, or sign language; or
 - (c) Two units of career and technical education, one unit of teaching profession education or educational methodology and one unit of advanced placement psychology, dual-credit psychology, child development, peer-to-peer leadership, child-related careers, or any combination thereof;

- (2) Received:
 - (a) A composite score of at least twenty-four on an ACT;
 - (b) A score of at least 1180 on an SAT; or
 - (c) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- (3) Successfully completed the requirements in at least two of the following:
 - (a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;
 - (c) A technical assessment or industry credential, as determined by the department of career and technical education;
 - (d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;
 - (e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and
 - (f) Received:
 - [1] A score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or
 - [2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or
- c. (1) Received:
 - (a) A score of at least fifty on an ASVAB test; or
 - (b) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;
- (2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and
- (3) Completed:

- (a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;
- (b) Two units of junior reserve officers' training corps; or
- (c) Phase one of the cadet civil air patrol program.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 192

HOUSE BILL NO. 1404

(Representatives Schreiber-Beck, Conmy, Hager, Pyle, Novak)
(Senator Rummel)

AN ACT to amend and reenact subsection 6 of section 15.1-21-02.10 of the North Dakota Century Code, relating to requirements to qualify for the North Dakota scholarship.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁶ **SECTION 1. AMENDMENT.** Subsection 6 of section 15.1-21-02.10 of the North Dakota Century Code is amended and reenacted as follows:

6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
 - a. (1) Received:
 - (a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;
 - (b) A composite score of at least twenty-four on an ACT; or
 - ~~(b)(c)~~ A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (f) A score of at least four on an international baccalaureate examination; and
 - (g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was

⁶⁶ Section 15.1-21-02.10 was also amended by section 1 of House Bill No. 1098, chapter 191.

enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;

b. (1) Earned:

(a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; or

(b) Three units of the same world language, indigenous language, or sign language;

(2) Received:

(a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;

(b) A composite score of at least twenty-four on an ACT;

~~(b)~~(c) A score of at least 1180 on an SAT; or

~~(e)~~(d) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and

(3) Successfully completed the requirements in at least two of the following:

(a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;

(b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;

(c) A technical assessment or industry credential, as determined by the department of career and technical education;

(d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;

(e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and

(f) Received:

~~[4] A a score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or~~

~~[2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or~~

c. (1) Received:

(a) A score of at least fifty on an ASVAB test; or

(b) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;

(2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and

(3) Completed:

(a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;

(b) Two units of junior reserve officers' training corps; or

(c) Phase one of the cadet civil air patrol program; or

(d) Two units of any combination of the following courses:

[1] Introduction to military careers;

[2] ASVAB essentials: skills for military success;

[3] Military health and fitness;

[4] Career foundations in military leadership; or

[5] Military leadership capstone.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 193

HOUSE BILL NO. 1533

(Representatives Pyle, Grindberg, Novak, O'Brien, Schreiber-Beck, Vollmer)
(Senators Cleary, Meyer, Axtman)

AN ACT to amend and reenact section 15.1-21-21 of the North Dakota Century Code, relating to financial literacy and concepts of personal finance curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-21 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-21. Financial literacy - Concepts of personal finance - Inclusion in curriculum.

1. ~~Beginning July 1, 2010, each~~Each school district shall require each student to complete one-half unit of financial literacy or ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:
 - a. ~~Checkbook mechanics, including writing checks, balancing, and statement reconciliation~~Budgeting and money management;
 - b. ~~Saving for larger purchases~~and investing;
 - c. ~~Credit, including credit card usage, interest, and fees~~ and debt management;
 - d. ~~Earning power, including jobs for teenagers~~Banking and financial services;
 - e. ~~Taxation and paycheck withholdings~~income;
 - f. ~~College costs~~Consumer skills and smart spending;
 - g. ~~Making and living within a budget~~Insurance and risk management; and
 - h. ~~Mortgages, retirement savings, and investments~~College and career financial planning;
 - i. Retirement planning; and
 - j. Entrepreneurship and economic concepts.
2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 194

SENATE BILL NO. 2275

(Senators Luick, Bekkedahl, Davison, Lemm)
(Representative Fisher)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to a pilot program to provide grants to schools that provide instruction in a foreign language to students in kindergarten through grade three; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Curriculum - Kindergarten through grade three - Foreign language - Pilot program.

Beginning with the 2025-26 school year and continuing through the 2026-27 school year, the superintendent of public instruction shall establish and operate a pilot program to provide annual grants to schools that provide instruction in a foreign language to students in kindergarten through grade three. Grants awarded under the program may be used for program costs, materials, or stipends. Grants awarded under this program may not exceed two thousand five hundred dollars per school per year. The superintendent shall develop the requirements and procedures for a school to participate in the program.

SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOREIGN LANGUAGE TEACHER STIPENDS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$49,500, or so much of the sum as may be necessary, to the department of public instruction, for the purpose of creating a pilot program to provide grants to schools that provide instruction in a foreign language to students in kindergarten through grade three, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 195

HOUSE BILL NO. 1369

(Representatives Heinert, Richter)
(Senators Lemm, Schaible)

AN ACT to amend and reenact sections 15.1-27-04.1, 15.1-32-19, 15.1-36-02, 48-01.2-02.1, 48-01.2-10, and 57-15-14.2 of the North Dakota Century Code, and section 15.1-36-08 as amended by section 1 of Senate Bill No. 2149, as approved by the sixty-ninth legislative assembly, relating to the determination of state aid, boarding care costs, the coal development trust fund, the school construction assistance revolving loan fund, public improvement construction, bonds from contractors for public improvements, and school district levies; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025) (Retroactive application - See note)

1. ~~To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:~~
 - a. ~~All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;~~
 - b. ~~An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;~~
 - c. ~~An amount equal to seventy five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:~~
 - (1) ~~Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
 - (2) ~~Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
 - (3) ~~Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the~~

~~operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;~~

- ~~(4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;~~
- ~~(5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and~~
- ~~(6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3);~~
- d. ~~An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:~~
 - ~~(1) Mobile home tax revenue;~~
 - ~~(2) Telecommunications tax revenue; and~~
 - ~~(3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and~~
- e. ~~Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.~~
- 2. a. ~~The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.~~
- b. ~~For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to~~

~~calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.~~

- ~~e. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. For the 2023-24 school year the superintendent shall reduce the district's baseline funding per weighted student unit by forty percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2023-24 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.~~
- 3. a. For the 2023-24 school year, the superintendent shall calculate state aid as the greater of:
 - (1) ~~The district's weighted student units multiplied by ten thousand six hundred forty six dollars;~~
 - (2) ~~One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand six hundred forty six dollars; or~~
 - (3) ~~The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by forty percent and then the difference added to the amount determined in paragraph 1.~~
- ~~b. For the 2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:~~
 - (1) ~~The district's weighted student units multiplied by eleven thousand seventy two dollars;~~
 - (2) ~~One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by eleven thousand seventy two dollars; or~~

- ~~(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifty five percent for the 2024-25 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.~~
4. ~~After determining the product in accordance with subsection 3, the superintendent of public instruction shall:~~
- ~~a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1 27-04.3; and~~
 - ~~b. Subtract an amount equal to seventy five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:~~
 - ~~(1) Tuition revenue shall be adjusted as follows:~~
 - ~~(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision e of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and~~
 - ~~(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1 29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.~~
 - ~~(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2022 by the school district for sinking and interest relative to the total mills levied in 2022 by the school district for all purposes.~~
5. ~~The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.~~

- ~~6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.~~
- ~~7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:~~
 - ~~a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;~~
 - ~~b. The total number of mills levied in the previous calendar year by each school district for all purposes; and~~
 - ~~c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.~~

~~Baseline funding – Establishment – Determination of state aid. (Effective after June 30, 2025)~~

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and

- each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;
- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3); ~~and~~
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit-; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. For the 2023-24 school year the superintendent shall reduce the district's baseline funding per weighted student unit by forty percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2023-24 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the ~~2023-24~~2025-26 school year, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ~~ten thousand six hundred forty six~~eleven thousand three hundred forty-nine dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten thousand six hundred forty six~~eleven thousand three hundred forty-nine dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~forty seven~~percent and then the difference added to the amount determined in paragraph 1.
- b. For the ~~2024-25~~2026-27 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ~~seventy two~~six hundred thirty-three dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~eleven thousand seventy two~~six hundred thirty-three dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifty five~~eighty-five percent for the ~~2024-25~~2026-27 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
 - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in ~~subdivisions c and d~~ subdivision c and paragraphs 1 and 2 of subdivision d of subsection 1 and revenue from payments in lieu of taxes. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2022~~2024 by the school district for sinking and interest relative to the total mills levied in ~~2022~~2024 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
- b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
- c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

SECTION 2. AMENDMENT. Section 15.1-32-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-19. Boarding care costs - Reimbursement of school district.

The superintendent of public instruction shall reimburse a student's school district of residence an amount equal to eighty percent of the room and board costs paid by the district for a student with disabilities who is placed in a facility that is located either within or outside of the student's school district of residence in order to receive special education services. The student's school district of residence is liable for any room and board costs in excess of those reimbursed as provided in this section. The placement of a student with disabilities in a public or private facility will be made by a school district and approved by the superintendent of public instruction. ~~The placement superintendent of a student with disabilities in congregate care will be made in a facility designated by public instruction may consult with the commissioner of the department of health and human services on congregate care facilities.~~

SECTION 3. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, an emergency repair, or a legislatively defined condition, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.

- a. For a loan made under this ~~section~~ subsection:
- ~~a-(1)~~ (1) Except for loans provided for a school construction project on an air force base, the minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is five million dollars;
 - ~~b-(2)~~ (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - ~~c-(3)~~ (3) The interest rate of the loan may not exceed two percent per year.
- b. During the 2025-27 biennium, a loan for a school construction project on an air force base is an allowable condition under subsection 2. For a loan made for a school construction project on an air force base under this subsection:
- (1) The maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
 - (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application;
 - (3) The interest rate of the loan may not exceed two percent per year; and
 - (4) The school district must obtain all necessary federal authorizations and funding commitments for the project.
5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.
6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

⁶⁷ **SECTION 4. AMENDMENT.** Section 15.1-36-08 of the North Dakota Century Code as amended by section 1 of Senate Bill No. 2149, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

15.1-36-08. School construction assistance revolving loan fund - Bank of North Dakota - School construction projects - Continuing appropriation.

1. The school construction assistance revolving loan fund is a special revolving loan fund administered by the Bank. The fund consists of all moneys appropriated or transferred to the fund by the legislative assembly, all interest or other earnings of the fund, and all repayments of loans made from the fund.
2. Moneys in the fund, interest upon the moneys in the fund, and payments to the fund of principal and interest are appropriated to the Bank on a continuing basis for the purpose of providing low-interest school construction loans and for paying administrative costs, in accordance with this section.
3. For a school construction project not located on an air force base, to be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a new construction or remodeling project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. (1) Publish in the official newspaper of the district the information regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along with the notice of the election in accordance with section 21-03-12 or along with the initial resolution in accordance with subsection 7 of section 21-03-07; and
(2) Post the information on the school district's website before the date of the election or during the protest period in accordance with chapter 21-03;
 - d. Receive authorization for a bond issue in accordance with chapter 21-03; and
 - e. Submit a completed application to the Bank.
4. For a school construction project located on an air force base, to be eligible for a loan under this section, the board of the school district shall:
 - a. Propose a new construction or remodeling project on an air force base which has a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. Obtain all necessary federal authorizations and funding commitments for the project; and

⁶⁷ Section 15.1-36-08 was also amended by section 1 of Senate Bill No. 2149, chapter 198.

- d. Submit a completed application to the Bank.
5. ~~The superintendent of public instruction shall designate, until June 30, 2027, or until a loan is made as identified in this section, twenty million dollars of funds available for loans in the school construction assistance revolving loan fund for a loan to provide matching funds for the construction of facilities on an air force base.~~
6. The superintendent of public instruction shall review loan applications based on a prioritization system that includes a review of all applications filed during the twelve-month period preceding April first and gives consideration to:
 - a. Student occupancy and academic needs in the district;
 - b. The age of existing structures to be replaced or remodeled;
 - c. Building design proposals that are based on safety and vulnerability assessments;
 - d. Community support;
 - e. Cost; and
 - f. Any other criteria established by the superintendent of public instruction, after consultation with an interim committee appointed by the legislative management.
- ~~7-6.~~ If the superintendent of public instruction approves the loan, the Bank shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:
 - a. If the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is ~~fifteen million~~ ten million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of ~~twelve million~~ eight million dollars;
 - b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is ~~thirty million~~ twenty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of ~~twenty four million~~ sixteen million dollars;
 - c. If the school construction project is on an air force base, the maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
 - d. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - e. The interest rate of the loan may not exceed two percent per year.

- f. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.

8-7. The Bank may adopt policies and establish guidelines to administer this loan program in accordance with this section. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administration costs which may not exceed one-half of one percent of the amount of the interest payment. The Bank shall deposit principal and interest payments made by school districts for loans under this section in the school construction assistance revolving loan fund. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

SECTION 5. AMENDMENT. Section 48-01.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-02.1. Public improvement construction threshold.

1. The threshold for bidding construction of a public improvement is two hundred fifty thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is two hundred fifty thousand dollars.
2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision undertakes the construction of a public improvement and there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the state or political subdivision shall consider consulting with an engineer or architect.

SECTION 6. AMENDMENT. Section 48-01.2-10 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-10. Bonds from contractors for public improvements.

1. Unless otherwise provided under this chapter, a governing body authorized to enter a contract for the construction of a public improvement in excess of two hundred fifty thousand dollars shall take from the contractor a bond before permitting any work to be done on the contract. The bond must be for an amount equal at least to the price stated in the contract. The bond must be conditioned to be void if the contractor and all subcontractors fully perform all terms, conditions, and provisions of the contract and pay all bills or claims on account of labor performed and any supplies, and materials furnished and used in the performance of the contract, including all demands of subcontractors. The requirement that bills and claims be paid must include the requirement that interest of the amount authorized under section 13-01-14 be paid on bills and claims not paid within ninety days. The bond is security for all bills, claims, and demands until fully paid, with preference to labor and material suppliers as to payment. The bond must run to the governing body, but any person having a lawful claim against the contractor or any subcontractor may sue on the bond.
2. A governing body may not require any person required to provide a surety bond to obtain the surety bond from a specified insurance or surety company or insurance producer or to submit financial data to the company or producer.

⁶⁸ **SECTION 7. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. School district levies.

1. The board of a school district may levy a tax ~~not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent,~~ up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. The board of a school district may levy no more than five mills on the taxable valuation of the district, pursuant to section 57-15-15.1, for purposes of developing a school safety plan in accordance with section 15.1-09-60. The proceeds of this levy must be deposited into a special fund known as the school safety plan fund and used in accordance with this subsection.
6. Nothing in this section limits the board of a school district from levying:
 - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
 - b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

SECTION 8. EFFECTIVE DATE. Section 7 of this Act is effective for taxable years beginning after December 31, 2024. Sections 1, 2, 5, and 6 of this Act are effective July 1, 2025.

Approved May 12, 2025

Filed May 12, 2025

⁶⁸ Section 57-15-14.2 was also amended by section 23 of House Bill No. 1176, chapter 555.

CHAPTER 196

HOUSE BILL NO. 1214

(Representatives Richter, Heinert, Novak, J. Olson, Sanford, Murphy, Jonas)
(Senators Barta, Rummel, Schaible, Sickler)

AN ACT to create and enact section 15.1-27-31.2 of the North Dakota Century Code, relating to transportation weighted student unit equivalents; to amend and reenact sections 15.1-31-05 and 15.1-27-31.2 of the North Dakota Century Code, relating to open enrollment transportation; to repeal sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1, and 15.1-27-31.1 of the North Dakota Century Code, relating to payments for school district transportation of students, special education students, and career and technical education students, the distribution of transportation payments in the event of school district closure, and state transportation payments to school districts; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁹ **SECTION 1.** Section 15.1-27-31.2 of the North Dakota Century Code is created and enacted as follows:

15.1-27-31.2. Transportation average daily membership equivalents converted to weighted student unit equivalents - Determination.

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and
 - g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.

⁶⁹ Section 15.1-27-31.2 was amended by section 2 of House Bill No. 1214, chapter 196.

2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, an amount equal to the school district's weighted student unit equivalent multiplied by the per student payment rate for the applicable school year in subsection 3 of section 15.1-27-04.1. For school districts whose eligible bus miles and eligible bus runs remain the same, or increase from the prior year, the transportation payment under this subsection may not be less than the transportation payment received by the school district for the preceding year.
4. To be eligible, school districts must certify compliance with state law relating to schoolbus standards and school vehicle driver requirements. The superintendent of public instruction may adopt rules governing certification of compliance under this subsection.
5. Each year, the superintendent of public instruction shall determine the school district's transportation average daily membership equivalent based on the latest available miles and runs. Eligible miles and runs include miles and runs transporting eligible students to and from:
 - a. School, including miles students are transported by family transportation in accordance with section 15.1-30-02;
 - b. Special education programs approved by the superintendent of public instruction, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located, including miles students are transported by family transportation pursuant to subsection 6; and
 - c. Career and technology centers and career and technical education courses, either within the district or in other school districts offered through cooperative arrangements approved by the state board for career and technical education, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
6. To be eligible for special education miles, a student transported by a family member must:
 - a. Be a student with a disability as defined in chapter 15.1-32;
 - b. Have an individualized education program that requires the student attend a public or nonpublic school located outside the student's school district of residence; and
 - c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.

7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
 - a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

⁷⁰ **SECTION 2. AMENDMENT.** Section 15.1-27-31.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-31.2. Transportation average daily membership equivalents converted to weighted student unit equivalents - Determination.

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and

⁷⁰ Section 15.1-27-31.2 was created by section 1 of House Bill No. 1214, chapter 196.

- g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.
2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, an amount equal to the school district's weighted student unit equivalent multiplied by the per student payment rate for the applicable school year in subsection 3 of section 15.1-27-04.1. ~~For school districts whose eligible bus miles and eligible bus runs remain the same, or increase from the prior year, the transportation payment under this subsection may not be less than the transportation payment received by the school district for the preceding year.~~
4. To be eligible, school districts must certify compliance with state law relating to schoolbus standards and school vehicle driver requirements. The superintendent of public instruction may adopt rules governing certification of compliance under this subsection.
5. Each year, the superintendent of public instruction shall determine the school district's transportation average daily membership equivalent based on the latest available miles and runs. Eligible miles and runs include miles and runs transporting eligible students to and from:
 - a. School, including miles students are transported by family transportation in accordance with section 15.1-30-02;
 - b. Special education programs approved by the superintendent of public instruction, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located, including miles students are transported by family transportation pursuant to subsection 6; and
 - c. Career and technology centers and career and technical education courses, either within the district or in other school districts offered through cooperative arrangements approved by the state board for career and technical education, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
6. To be eligible for special education miles, a student transported by a family member must:
 - a. Be a student with a disability as defined in chapter 15.1-32;
 - b. Have an individualized education program that requires the student attend a public or nonpublic school located outside the student's school district of residence; and

- c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.
7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
 - a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

SECTION 3. AMENDMENT. Section 15.1-31-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-05. Open enrollment - Transportation.

A school district of residence may provide transportation to a student participating in open enrollment. If a district of residence does not provide transportation to a student participating in open enrollment, transportation may be provided by the admitting district. A school district may not ~~receive transportation aid disbursements under subdivision a of subsection 1 of section 15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for~~ include any factors associated with transporting students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student in the calculation of transportation average daily membership equivalents under section 15.1-27-31.2.

SECTION 4. REPEAL. Sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1, and 15.1-27-31.1 of the North Dakota Century Code are repealed.

SECTION 5. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 2027.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 197

HOUSE BILL NO. 1164

(Representatives Schreiber-Beck, Grindberg, Hauck, J. Olson)
(Senator Hogan)

AN ACT to amend and reenact subdivision a of subsection 5 of section 15.1-32-01 of the North Dakota Century Code, relating to definitions of terms used for special education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 5 of section 15.1-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. "Student with a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before August first of the year in which the individual turns twenty-one and who requires special education and related services because of:
 - (1) An intellectual disability;
 - (2) ~~A being deaf or hard of hearing impairment, including deafness;~~
 - (3) Deaf-blindness;
 - (4) A speech or language impairment;
 - (5) A visual impairment, including blindness;
 - (6) An emotional ~~disturbance~~ disability;
 - (7) An orthopedic impairment;
 - (8) Autism;
 - (9) A traumatic brain injury;
 - (10) ~~Other~~ An other health impairment; or
 - (11) A specific learning disability.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 198

SENATE BILL NO. 2149

(Senators Schaible, Cory, Meyer)
(Representatives Louser, Sanford)

AN ACT to amend and reenact section 15.1-36-08 of the North Dakota Century Code, relating to the school construction assistance revolving loan fund; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷¹ **SECTION 1. AMENDMENT.** Section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-08. School construction assistance revolving loan fund - Bank of North Dakota - School construction projects - Continuing appropriation.

1. The school construction assistance revolving loan fund is a special revolving loan fund administered by the Bank of ~~North Dakota~~. The fund consists of all moneys appropriated or transferred to the fund by the legislative assembly, all interest or other earnings of the fund, and all repayments of loans made from the fund.
2. Moneys in the fund, interest upon the moneys in the fund, and payments to the fund of principal and interest are appropriated to the Bank of ~~North Dakota~~ on a continuing basis for the purpose of providing low-interest school construction loans and for paying administrative costs, in accordance with this section.
3. ~~To~~For a school construction project not located on an air force base, to be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a new construction or remodeling project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. (1) Publish in the official newspaper of the district the information regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along with the notice of the election in accordance with section 21-03-12 or along with the initial resolution in accordance with subsection 7 of section 21-03-07; and
(2) Post the information on the school district's website before the date of the election or during the protest period in accordance with chapter 21-03;

⁷¹ Section 15.1-36-08 was also amended by section 4 of House Bill No. 1369, chapter 195.

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- d. Receive authorization for a bond issue in accordance with chapter 21-03; and
 - e. Submit a completed application to the Bank of ~~North Dakota~~.
4. For a school construction project located on an air force base, to be eligible for a loan under this section, the board of the school district shall:
- a. Propose a new construction or remodeling project on an air force base which has a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. Obtain all necessary federal authorizations and funding commitments for the project; and
 - d. Submit a completed application to the Bank.
5. The superintendent of public instruction shall designate, until June 30, 2027, or until a loan is made as identified in this section, twenty million dollars of funds available for loans in the school construction assistance revolving loan fund for a loan to provide matching funds for the construction of facilities on an air force base.
6. The superintendent of public instruction shall review loan applications based on a prioritization system that includes a review of all applications filed during the twelve-month period preceding April first and gives consideration to:
- a. Student occupancy and academic needs in the district;
 - b. The age of existing structures to be replaced or remodeled;
 - c. Building design proposals that are based on safety and vulnerability assessments;
 - d. Community support;
 - e. Cost; and
 - f. Any other criteria established by the superintendent of public instruction, after consultation with an interim committee appointed by the legislative management.
- 5-7. If the superintendent of public instruction approves the loan, the Bank of ~~North Dakota~~ shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:
- a. If the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is fifteen million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of twelve million dollars;

- b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is thirty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of twenty-four million dollars;
- c. If the school construction project is on an air force base, the maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
- d. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
- d-e. The interest rate of the loan may not exceed two percent per year.
- e-f. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.
- f. ~~A district that qualifies for a loan under subdivision a, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between fifteen million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.~~
- g. ~~A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between thirty million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.~~
- 6-8. The Bank may adopt policies and establish guidelines to administer this loan program in accordance with this section. The Bank of North Dakota may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administration costs which may not exceed one-half of one percent of the amount of the interest payment. The Bank of North Dakota shall deposit principal and interest payments made by school districts for loans under this section in the school construction assistance revolving loan fund. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 199

SENATE BILL NO. 2241

(Senators Axtman, Hogue, Schaible)
(Representatives Bosch, Heinert, Lefor)

AN ACT to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the authorization and administration of public charter schools; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Definitions.

As used in this chapter:

1. "At-risk student" means a student with an economic or academic disadvantage requiring additional services or assistance to succeed in educational programs, including special education students and English language learners.
2. "Charter performance agreement" means an agreement for a fixed term between a public charter school and the superintendent of public instruction describing academic, operational, and financial performance expectations, defining operational responsibilities, and outlining the autonomy and accountability for each party to the agreement.
3. "Education service provider" means a for-profit or nonprofit entity a public charter school intends to enter a performance agreement with for education services and resources, including academic program design and implementation, educational services and resources, administrative support, charter implementation, or management.
4. "Public charter school" means a public school operating to achieve specific educational objectives according to the charter performance agreement as authorized and overseen by the superintendent of public instruction.
5. "Public meeting" means a meeting subject to the requirements for public meetings under chapter 44-04.

Public charter schools - Authority - Governance - Requirements.

A public charter school formed under this chapter:

1. Is a public school within the state's public education system.
2. May decide matters related to budgeting, curriculum, and operating procedures, subject to the school's charter performance agreement.

3. Shall obtain insurance against loss or damage to its property, liability resulting from the use of its property, and liability from the acts or omissions of its officers and employees.
4. Is under the control of a governing board, the members of which are elected or selected pursuant to the school's charter performance agreement.
5. Is established by a charter performance agreement between the governing board and the superintendent of public instruction.
6. Is a school to which a parent or guardian may choose to send the parent or guardian's child.
7. Provides a program of education that:
 - a. Meets or exceeds state performance standards, instructional hours, and graduation requirements.
 - b. Includes one or more grade levels from kindergarten through grade twelve.
 - c. May focus on at-risk students, including English language learners, students in foster care, and students involved with the juvenile justice system.
 - d. May include a specific academic approach or theme.
8. May receive and disburse funds for school purposes.
9. May enter an agreement or cooperate with a public or nonpublic entity for services for students with special needs, English language learners, and other specialized populations or administrative services.
10. May sue and be sued in its name.
11. May not engage in religious practices in its educational program, admissions, employment policies, or operations.
12. May not charge tuition or fees for any services provided for students, except fees for field trips, clubs, organizations, and athletic participation.
13. Must be an in-person school. A public charter school may not provide online, virtual, or home education as the primary method of educational programming.
14. Is responsible for collecting, analyzing, and reporting student data from state assessments administered by the superintendent of public instruction under section 15.1-21-08 in accordance with the performance framework in the approved charter performance agreement.
15. Is subject to the public school approval requirements under section 15.1-06-06.

Applicability of other laws, rules, and regulations.

1. Except as provided in this chapter, a public charter school is not subject to a state or local law, rule, regulation, policy, or procedure related to education.

2. A public charter school is subject to federal laws and authorities related to education.

Superintendent of public instruction - Information - Guidance - Rules.

The superintendent of public instruction:

1. Shall publish information and procedures regarding forming and operating a public charter school and enrolling students in a public charter school.
2. May provide assistance and guidance for developing effective authorization and oversight procedures.
3. Shall adopt rules in accordance with chapter 28-32 to implement this chapter.

Charter schools - Eligibility - Enrollment.

1. A prospective student is eligible to enroll in a public charter school if the prospective student resides in the state.
2. A public charter school:
 - a. Shall enroll all students who wish to attend the school, unless the number of students exceeds the enrollment capacity of a program, class, grade level, or building.
 - b. Shall determine admission by a lottery if initial capacity is insufficient to enroll all students who timely submit an application. The selection process must take place in a public setting. An applicant must have a fair opportunity to be selected in the lottery. The lottery must be randomized and conducted competently, transparently, and impartially.
 - c. May not base admissions on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability, except as provided under this section.
 - d. May limit enrollment to students to a given age group, grade level, or pursuant to a special emphasis stated in the school's application for a charter performance agreement.
 - e. Shall give enrollment preference to students and the siblings of students enrolled in the public charter school the previous school year.
 - f. May give enrollment preference to children of a public charter school's employees, if the students constitute no more than ten percent of the total student population.

Superintendent of public instruction - Powers and duties - Report to the legislative management.

1. The superintendent of public instruction shall:
 - a. Evaluate an application from the organizer of a proposed public charter school.
 - b. Deny an application that does not meet identified educational needs.

- c. Determine whether a charter school application merits approval, conditional approval, renewal, or revocation.
 - d. Negotiate and execute a charter performance agreement with an approved public charter school.
 - e. Monitor the performance and compliance of a public charter school.
- 2. The superintendent of public instruction shall provide to the legislative management a report within three years of approving the first public charter school summarizing the:
 - a. Strategic vision and progress of each public charter school.
 - b. Performance of each operating public charter school, according to the performance measures and expectations specified in the charter performance agreement.
 - c. Status of charter applications, including charter schools that were not approved, not renewed, and closed.
 - d. Oversight and services provided by the superintendent of public instruction to public charter schools.
 - e. Total amount of fees collected from each public charter school, how the funds were expended to support the public charter school, and the costs incurred by the superintendent of public instruction to oversee each public charter school.
- 3. To cover costs of overseeing public charter schools in accordance with this chapter, the superintendent of public instruction may:
 - a. Expend resources available to the department of public instruction, seek grant funds, and establish partnerships.
 - b. Charge an administrative fee of up to three percent of annual per student allocations received by each public charter school.
- 4. An employee of the superintendent of public instruction may not serve as an employee, trustee, agent, representative, or vendor of a public charter school.
- 5. The superintendent of public instruction is not liable for the acts, omissions, debts, or other obligations of a public charter school.

Establishment of a public charter school - Conversion to a public charter school - Application requirements.

- 1. To establish a public charter school, the organizer of a public charter school shall submit an application to the superintendent of public instruction and notify the board of the school district where the public charter school will be located of the intent to establish a public charter school.
- 2. For a school seeking to convert to a public charter school, the application must demonstrate support for the proposed public charter school conversion with a petition signed by a majority of teachers and parents or guardians of students at the existing school. Students who attended the school before conversion to a public charter school may be given enrollment preference.

3. The superintendent of public instruction shall create an application to establish a public charter school or convert to a public charter school, which must include the following essential elements:
 - a. School mission and vision.
 - b. Academic program.
 - c. Grade levels to be offered and growth plan.
 - d. Student evaluation plans.
 - e. Governance plan.
 - f. Organization chart.
 - g. Plan to serve at-risk students.
 - h. Community input and involvement.
 - i. Finances and audits.
 - j. Student policies, including discipline plans.
 - k. Staff policies.

Education service providers.

If a proposed public charter school intends to enter an agreement with an education service provider for education or management services, in addition to the other application requirements, a public charter school organizer shall:

1. Explain the selection process and reasoning for selecting the education service provider.
2. Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement and, if applicable, successful management of nonacademic school functions.
3. Provide information on the proposed duration of the service performance agreement, roles, responsibilities, and scope of services and resources to be provided by the education service provider, performance evaluation measures and timelines, compensation structure, methods of performance agreement oversight and enforcement, and conditions for renewal and termination of the performance agreement.
4. Explain the relationship between the governing board, the school's leadership and management team, and the education service provider, specifying how the governing board and the school's leadership and management team will monitor and evaluate the performance of the education service provider.
5. Provide a statement of assurance the governing board and the school's leadership and management team are legally and operationally independent from the education service provider.

6. Ensure faculty performance agreements are separate from management performance agreements.
7. Ensure the governing board retains the right to terminate the performance agreement for failure to meet defined performance standards after notice has been given to the education service provider, a reasonable cure period has expired, and material deficiencies have not been cured.
8. Disclose and explain any existing or potential conflicts of interest between the governing board, the school's leadership and management team, and the education service provider or any affiliated business entities.

Application review process - Approval decisions.

1. The application review process must include a thorough evaluation of the application and an in-person interview with the applicant at a public meeting.
2. The superintendent of public instruction shall:
 - a. Grant charters to applicants demonstrating competence in the charter application.
 - b. Base decisions on documented evidence collected through the application review process.
 - c. Follow charter granting policies and practices that are transparent, merit based, and avoid a conflict of interest or the appearance of a conflict of interest.
3. No later than ninety days after the deadline for filing applications, the superintendent of public instruction shall approve or deny each application. The superintendent of public instruction shall publicly notice and publish public charter school application decisions.
4. An approval decision may include reasonable conditions the applicant must meet before a charter performance agreement may be executed. Reasonable conditions may not include enrollment caps.
5. If the superintendent of public instruction conditionally approves or denies an application, the superintendent of public instruction clearly shall state the reasons in writing.
6. The superintendent of public instruction shall maintain a list of approved charter applications in chronological order by date of approval.
7. An approved application is not a charter performance agreement.

Charter performance agreements - Performance-based accountability - Data reporting.

1. If an application is approved, the superintendent of public instruction and the governing board of the public charter school shall execute a charter performance agreement no later than sixty days after approval, including:
 - a. Academic, operational, and fiscal performance expectations and measures by which the public charter school will be judged.

- b. A description of the standards and processes under which the superintendent of public instruction will oversee and monitor the public charter school.
 - c. Actions the superintendent of public instruction may pursue to revoke a charter performance agreement.
2. A charter performance agreement must be signed by the superintendent of public instruction and the public charter school's governing board.
 3. A public charter school may not commence operations without a charter performance agreement executed in accordance with this section and approved in a public meeting.
 4. A public charter school governing board or its designee may negotiate with the superintendent of public instruction to amend a charter performance agreement. The superintendent of public instruction's review of the charter performance agreement must be limited to the proposed request for amendments.
 5. The charter performance agreement must include:
 - a. Indicators related to student academic proficiency, student academic growth, attendance, recurrent enrollment, readiness for success upon graduation, financial performance, governance performance, and family and community engagement.
 - b. Annual performance targets to support the public charter school's compliance with federal and state requirements.
 6. More than one public charter school may be authorized under a charter performance agreement as approved by the superintendent of public instruction, if the public charter schools are separate and distinct from one another.

Charter performance agreement - Terms - Delayed opening.

1. An initial charter performance agreement term is five years. The term commences on the public charter school's first day of operation.
2. A public charter school may delay its opening for up to one school year after approval. If the public charter school requires an opening delay of more than one school year, the public charter school shall request an extension from the superintendent of public instruction, which may be granted at the discretion of the superintendent.
3. The superintendent of public instruction may grant renewal of a charter performance agreement for successive terms of five years.

Superintendent of public instruction - Monitoring - Annual evaluation - Opportunity for remediation.

1. The superintendent of public instruction shall monitor the performance and legal compliance of the public charter schools, including an annual evaluation for each public charter school according to the charter performance agreement.

2. If a public charter school's performance or legal compliance is unsatisfactory, the superintendent of public instruction promptly shall notify the public charter school and provide a reasonable opportunity for the school to remedy the problems identified by the superintendent of public instruction. A public charter school must be given at least fifteen days to respond to the superintendent of public instruction's notification.

Public charter school performance report - Renewal responsibilities.

1. The superintendent of public instruction shall issue a public charter school performance report for each five-year term of a charter performance agreement no later than seventy-five days before a public charter school's fourth year of operation begins.
2. The report must include renewal application guidance, as needed, and notice of any concerns that may jeopardize the public charter school's position in seeking renewal if not timely rectified.
3. A public charter school must be given at least thirty days to respond to the performance report and submit any corrections or clarifications for the report.

Renewal application - Decision.

1. The superintendent of public instruction shall create a uniform renewal application and evaluation process.
2. The governing board shall submit a renewal application to the superintendent of public instruction no later than the first day of instruction of a public charter school's final authorized year of operation.
3. The renewal application must include:
 - a. A performance report and additional evidence in support of renewal.
 - b. Improvements undertaken or planned for the school.
 - c. Plans for the next charter term.
4. Renewal decisions must be supported by evidence of the public charter school's performance under the performance framework in the charter performance agreement.
5. The superintendent of public instruction shall render a decision on a renewal application no later than forty-five days after the renewal application was filed.
6. The public charter school is entitled to a public meeting with the superintendent of public instruction regarding the renewal decision.
7. The superintendent of public instruction shall provide to the public charter school and publish a report summarizing the basis for each decision, including supporting evidence.

Charter performance agreement - Revocation - Nonrenewal.

1. A charter performance agreement may be revoked at any time or not renewed if the superintendent of public instruction determines the public charter school:

- a. Failed to comply with this chapter or other law.
 - b. Committed a material violation of a term, condition, standard, or procedure required under the charter performance agreement.
 - c. Failed to meet or make sufficient progress toward the performance expectations under the charter performance agreement.
 - d. Failed to meet accepted standards of fiscal management.
2. Revocation may not occur before a public meeting with the charter holder occurs, unless the superintendent of public instruction determines the continued operation of the public charter school presents an imminent public safety issue, in which case the charter performance agreement may be revoked immediately.
 3. A public charter school has thirty days to respond to the superintendent of public instruction's notice to revoke the school's charter performance agreement.
 4. If the superintendent of public instruction revokes or does not renew a charter performance agreement, the superintendent of public instruction shall publish the reasons for the revocation or nonrenewal.

School closure and dissolution.

If a public charter school intends to close and dissolve, the school shall:

1. Notify the parents or guardians of students of the intent to close and dissolve.
2. Transition students and student records as necessary.
3. Properly distribute the public charter school's assets, first to satisfy outstanding payroll obligations for employees of the public charter school and then to other creditors of the public charter school. If the assets of the public charter school are insufficient to pay creditors, the distribution of assets may be determined by court order.

Local education agency status.

A public charter school:

1. Is a local education agency for purposes related to the funding of special education services within the limits of legislative appropriations.
2. Shall provide services to students in public charter schools as required by federal, state, and local law and the charter performance agreement.

Governing board.

1. A governing board:
 - a. May enter more than one charter performance agreement concurrently.
 - b. Shall adopt a viable conflict of interest policy and code of ethics.

- c. Shall adopt a policy to avoid nepotism in hiring and supervision. The policy must require disclosure to the board of potential nepotism in hiring and supervision. An individual with a nepotism conflict may not be involved in the hiring decision or supervision of an employee.
 - d. Shall have access to education service provider records to oversee the education service provider contract.
 - e. Is a public entity under chapter 44-04.
2. Individuals compensated by an education service provider are prohibited from serving as a voting member on a governing board contracting with the education service provider, except if approved by the superintendent of public instruction.

Public school employees.

- 1. Public charter school teachers must be licensed by the education standards and practices board and must meet the requirements under chapter 15.1-18.
- 2. An employee of a public charter school is eligible to participate in retirement and benefits programs of the state, if the public charter school elects to participate and satisfies the requirements of the internal revenue service.

Generally accepted accounting principles - Independent audits.

A public charter school shall:

- 1. Adhere to generally accepted accounting principles.
- 2. Engage a qualified certified public accountant or public accountant to independently audit the public charter school's finances once every six months. The public charter school shall submit the audit to the superintendent of public instruction.

Funding - Categorical aid - Transportation.

- 1. A public charter school shall certify to the superintendent of public instruction its student enrollment in accordance with section 15.1-27-02.
- 2. The state shall pay to the public charter school an amount equal to the statewide average amount distributed per student under subsection 5 of section 15.1-27-04.1 for the previous year for each student enrolled in the public charter school.
- 3. The state shall pay the proportionate share of moneys derived from federal and state categorical aid programs to public charter schools with students or teachers who are eligible for such aid. A public charter school that receives categorical aid shall comply with related reporting requirements.
- 4. A public charter school may enter a contract with a local school district or private provider to provide transportation to students of the public charter school.

5. Any moneys remaining in an account of a public charter school at the end of a budget year must remain in the account for use by the public charter school during subsequent budget years.
6. This chapter does not prohibit any person from providing funding or other assistance to a public charter school. The governing board of a public charter school may accept gifts, donations, and grants and may expend or use gifts, donations, and grants in accordance with the conditions prescribed by the donor, if the condition is not contrary to law or the charter performance contract.

Facilities - Activities.

1. A public charter school may enter an agreement with a public or private entity for the use of the entity's facility.
2. A public charter school holds a right of first refusal to part or all of an unused state-owned facility or property located in the state. The superintendent of public instruction shall maintain a list of available buildings.
3. A facility or part of a facility that is the location of a public charter school is exempt from property taxes under subsection 6 of section 57-02-08.
4. A public charter school may enter a cooperative agreement with a public or private school to facilitate athletics and other activities.
5. A public charter school may become a member of the North Dakota high school activities association.

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