

## **CHAPTER 15.1-07 SCHOOL DISTRICTS**

### **15.1-07-01. School district - Corporate powers.**

1. Each school district in this state is a public school district governed by the provisions of this title. Each school district is a body corporate. Each school district may sue and be sued, contract, and convey any real and personal property that comes into its possession.
2. The board of education of the city of Fargo is a body corporate. It has the power to sue and be sued and to contract with others. It possesses all the powers usual and incidental to a body corporate.

### **15.1-07-02. School district - Name change.**

1. In order for the name of a school district to be changed, the question must be placed before and approved by a majority of the district's qualified voters at a district election. The school board may place the question on the ballot by resolution and shall place the question on the ballot if it receives a petition signed by qualified electors of the district equal in number to at least one-third of those who voted at the most recent annual school district election.
2. The proposed name change must include the phrase "school district" or "public school district" and may include no more than two additional words.
3. If a majority of the district's qualified voters approve the name change, the district must be renamed accordingly.
4. The business manager of the district shall provide notification of the new name to the county auditor, the county superintendent of schools, and the superintendent of public instruction.

### **15.1-07-03. District's limit of indebtedness - Resolution.**

1. The board of a school district may by resolution place on the ballot of any primary or general election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district.
2. The board of a school district shall place on the ballot of the next primary or general election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district, if the board receives a petition requesting the increase and signed by qualified electors of the district equal in number to at least one-third of those who voted at the most recent annual school district election.

### **15.1-07-04. District's limit of indebtedness - Election - Notice.**

If an election is to include a question regarding an increase in the school district's limit of indebtedness, the board of the school district shall ensure the question is clearly stated in the notice of election.

### **15.1-07-05. District's limit of indebtedness - Ballot.**

In an election to increase a school district's limit of indebtedness, the ballots must state the question in clear and concise language.

### **15.1-07-06. District's limit of indebtedness - Increase.**

If a majority of the votes cast are in favor of increasing the school district's limit of indebtedness, the limit is raised to ten percent of the assessed valuation of all taxable property in the district.

**15.1-07-07. District's limit of indebtedness - Increase - Notification of county auditor.**

If a majority of the votes cast are in favor of increasing the school district's limit of indebtedness, the president of the school board and the school district business manager shall inform the county auditor, in writing, of the election results and of the fact that the district's limit of indebtedness has been increased to ten percent of the assessed valuation of all taxable property in the district.

**15.1-07-08. School district funds - Transfers.**

At the time of preparing the annual budget, a school board, by resolution, may transfer from the general fund of the district the amount of money, in whole or in part, by which the balance in the general fund exceeds the amount that would be required for the general reserve fund in the ensuing fiscal year, into any sinking funds of the district established and held for the payment of outstanding bonds.

**15.1-07-09. Sinking fund - Transfers - Increases.**

If a school board transfers money into a sinking fund, the board may not consider the money to be cash on hand when computing the budget for the ensuing fiscal year. A school board may not through transfers increase a sinking fund to the extent that the sinking fund is greater than the amount needed to pay the bond issue in full.

**15.1-07-10. Activities fund.**

The board of a school district shall establish an activities fund for the support of school-related extracurricular activities. The school district business manager shall deposit all receipts from extracurricular activities in the activities fund. The business manager shall submit to the school board a monthly report of receipts, expenditures, and balances in the activities fund.

**15.1-07-11. Incidental revolving fund.**

The board of a school district may establish a revolving fund from which to pay incidental expenses. The board shall establish the amount to be retained in the incidental fund and must draw the amount from the general fund of the district. The school district superintendent or another school administrator designated to draw checks on the fund shall submit a monthly report to the school board listing the checks drawn, the payee, and the purpose for which each check was drawn.

**15.1-07-12. Negotiable instruments - Disbursement of moneys by business manager.**

1.
  - a. The board of a school district may adopt policies governing the disbursement of school district moneys by the business manager.
  - b. The policies adopted under subdivision a may include:
    - (1) The authorization, creation, and approval of negotiable instruments;
    - (2) The use of credit or debit cards;
    - (3) The payment of invoices;
    - (4) The use of petty cash;
    - (5) The use of electronic payments; and
    - (6) The use of facsimile signatures.
  - c. The policies adopted under subdivision a must include internal controls to safeguard school district moneys.
2. If the board of a school district has not adopted policies to govern the disbursement of school district moneys by the business manager, the business manager may disburse moneys only by issuance of a negotiable instrument upon presentation of a bill or invoice, the payment of which has been authorized by the president of the school board, and only if there are sufficient moneys available for the disbursement. Upon issuing a negotiable instrument, the business manager shall make a record of the instrument.

**15.1-07-13. Negotiable instruments - Cancellation - Description in minutes.**

The board of a school district, at a regular meeting, may cancel all negotiable instruments that have remained unpaid for one year or more. Before canceling a negotiable instrument, the board shall enter in its minutes a brief description of the instrument, including the name of the payee, and the number, date, and amount of each instrument to be canceled. If any party entitled to payment appears and shows cause for the delay in presenting the instrument for payment, the board may issue a new instrument in the amount to which the party is entitled, unless the board is barred from so doing by the statute of limitations.

**15.1-07-14. Qualified elector.**

1. An individual who is a qualified elector of this state may:
  - a. Vote to elect board members for the school district in which the individual resides;
  - b. Serve as a board member for the school district in which the individual resides; and
  - c. Serve as a judge or clerk of election for the school district in which the individual resides.
2. For the purposes of elections held under this chapter, an individual residing on a military installation is deemed to be a resident of a school district if the school district admits students from the military installation pursuant to a contract and receives impact aid pursuant to Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.], as amended.

**15.1-07-15. School district election - Violation - Penalty.**

An individual who willfully violates the provisions of this title in relation to elections is guilty of a class A misdemeanor.

**15.1-07-16. New district - Enumeration.**

The board of a school district organized after the annual enumeration has been taken shall proceed immediately to take the enumeration, as provided by law, and after receipt of the enumeration by the superintendent of public instruction, the newly organized district shall receive its share of apportioned funds.

**15.1-07-17. School district contracts - Conflict of interest - Penalty.**

1. A school board member or other school officer who has a conflict of interest in any contract requiring the expenditure of school funds shall disclose the conflict to the board and may not participate in any discussions or votes regarding that contract without the consent of all other board members.
2. For purposes of this section, a conflict of interest means the personal, professional, or pecuniary interest of an individual, the individual's spouse or relative, or the individual's business or professional associate.
3. Any person who violates this section is guilty of a class A misdemeanor.

**15.1-07-18. Offer of reward - Purchase of school supplies - Penalty.**

It is a class A misdemeanor for any person to give or offer to a county superintendent of schools, a school board member, or a school district employee a commission, fee, or other reward for the purchase by the district of any textbooks, furniture, or school supplies.

**15.1-07-19. Reward for purchase of school supplies - Penalty.**

It is a class B misdemeanor for a county superintendent of schools, a school board member, or a school district employee to accept a commission, fee, or other reward for the purchase by the district of any textbooks, furniture, or school supplies.

### **15.1-07-20. School vehicle driver - Requirements.**

1. a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Be free from communicable diseases;
  - (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
  - (4) Be of sound mental health;
  - (5) Pass any drug and alcohol screening tests required by the school board; and
  - (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
- b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
  - (1) Hold a North Dakota driver's license;
  - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
  - (3) Complete any annual training required by the superintendent of public instruction;
  - (4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties; and
  - (5) Complete the national safety council defensive driving course number four workshop within the first year of employment and at least once every five years thereafter.
2. a. The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1.
- b. The health care professional conducting the examination shall forward any charges to the individual's insurance carrier for payment. Any examination costs for an initial examination and recertification examinations required to comply with chapter 15.1-07 which remain after application of the individual's insurance coverage are the responsibility of the board. For any additional examinations, unless otherwise provided for by the board, any costs that remain after application of the individual's insurance coverage are the responsibility of the individual.

### **15.1-07-20.1. School district business manager - Employment - Oversight - Reports to board.**

1. All decisions regarding the selection and employment of a school district business manager and all decisions regarding the suspension and dismissal of a school district business manager belong to the board of a school district, as set forth in section 15.1-09-33.
2. The board shall exercise administrative oversight with respect to the school district business manager unless the board has established an alternate supervisory structure that is clearly defined in the board's policy and is represented in the school district's organizational chart, and through board action delegates to the superintendent supervisory responsibility of the business manager's daily operations.
3. All financial reports, whether statutorily mandated or requested by the board, and whether written or oral, must be personally presented to the board by the school district business manager.

**15.1-07-21. School district business manager - Duties.**

The business manager of a school district shall:

1. Keep a true and accurate record of all school board proceedings.
2. Hold all books and records of the district and deliver them to the business manager's successor in office.
3. Prepare and submit an annual report to the board and to the county superintendent of schools.
4. Authorize the preparation of all negotiable instruments as directed by the board.
5. Perform all duties required by law.
6. Perform duties required by the board.
7. Keep true and accurate district financial records.
8. Prepare and submit a school district financial report to the board quarterly or in the case of a business manager for a district having only one-room or two-room schools, to submit the report at the request of the board.
9. Produce all district financial records when directed to do so by the board.
10. Maintain custody of all district moneys coming into the business manager's hands.
11. Pay out district moneys under the business manager's control as directed by the board.
12. Receive and maintain custody of all moneys to which the district or the board is entitled.

**15.1-07-22. School district business manager - Affirmation or oath of office.**

Repealed by S.L. 2001, ch. 161, § 37.

**15.1-07-23. School district business manager - Bond.**

Any person serving as a school district business manager shall furnish to the school board a bond in an amount to be fixed by the school board and equal to at least twenty-five percent of the maximum amount of money subject to the business manager's control at any one time. The bond must be conditioned for the faithful discharge of the business manager's duties, including the maintenance of accurate financial records and the safekeeping and deliverance of all school district property and funds that come into the business manager's control.

**15.1-07-24. School district business manager - Funds - Accounting.**

Unless otherwise provided by law, the business manager of a school district is responsible for the safekeeping of all school district funds. The business manager shall keep a general account of the district's receipts and expenditures and itemized accounts for each class of receipts and expenditures, unless otherwise directed by the superintendent of public instruction.

**15.1-07-25. School district records - Open - Exception.**

1. Except as otherwise provided by law, all records and documents of a school district are open to examination by any person. These records and documents, or copies certified by the business manager, are prima facie evidence of the facts set forth in the records and documents.
2. If a complaint is filed concerning a school district employee and an administrative investigation is conducted, any record or document generated as part of the administrative investigation is confidential and not subject to the requirements of this section or section 44-04-18, until the investigation is completed. The investigation and any determination of disciplinary action may not exceed sixty days from the date the complaint is filed.

**15.1-07-25.1. Student names and addresses - Authorized disclosure.**

Notwithstanding section 44-04-18.13, and subject to any limitations on the disclosure of directory information under title 34, Code of Federal Regulations, part 99, sections 31, 33, and 37, each high school shall provide to the North Dakota university system a list of all students enrolled in grades ten and eleven as of April fifteenth of each year, together with the students'

addresses and telephone numbers. The North Dakota university system shall disclose this information to each institution under the control of the state board of higher education and to each nonpublic university and college in this state.

**15.1-07-25.2. School district records - Retention.**

1. A school district shall permanently retain the minutes of each school board meeting.
2. Unless otherwise provided by law, a school district shall retain payroll records and records of revenues and expenditures for a period of five years.
3. A school district may consult with the state archivist before disposing of records in order to determine whether the records may have any archival value.

**15.1-07-25.3. Protection of student data - School district policy. (Effective through June 30, 2026)**

1. The board of each school district shall adopt a policy regarding the protection of student data.
2. The policy must 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 by law.
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.

**Protection of student data - School district policy. (Effective after June 30, 2026)**

1. The board of a school district shall adopt a policy regarding the protection of student data.
2. The policy must:
  - a. Require that permission be obtained from the board before student data is shared with an individual who is not a school district employee or any other entity. This provision does not apply to sharing data with a student's parent or 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 individuals with whom and entities with which student data is shared; and
  - b. A list, by title, of school district personnel who have access to student data.
4. A school district shall make copies of the policy available upon request.

**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.
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.

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

**15.1-07-26. School district demographics and enrollment - Review - Report.**

1. Between January first and June thirtieth of every even-numbered year, the board of each school district may invite the public to participate in a review addressing the effects that demographics and changing enrollment will have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on:
  - a. Academic achievement, as it relates to the local strategic plan, including progress toward state academic goals adopted by the statewide prekindergarten through grade twelve education strategic vision steering committee;
  - b. Instructional, administrative, and ancillary staffing;
  - c. Co-curricular or extracurricular programs;
  - d. Facility needs and utilization; and
  - e. District property tax levies.
2. At the conclusion of the review, the board is encouraged to prepare a report, make the report available on the district website, and make the report available upon request.

**15.1-07-27. High school district - Change to elementary district - Prohibited.**

1. Beginning July 2, 2003, a high school district may not become an elementary district.
2. Subsection 1 does not apply to school districts participating in cooperative agreements approved by the superintendent of public instruction.

**15.1-07-28. Educational association - Joint powers agreement - Review by superintendent of public instruction - Criteria.**

Repealed by S.L. 2007, ch. 163, § 58, and by S.L. 2007, ch. 162, § 18.

**15.1-07-29. Ending fund balance.**

The board of a school district may carry over moneys to the ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the school district may be legally extended.

**15.1-07-30. Compensation - Reimbursement - Extraordinary service.**

Repealed by S.L. 2007, ch. 162, § 18.

**15.1-07-31. Automated external defibrillators - Purchase and distribution.**

Repealed by S.L. 2019, ch. 152, § 1.

**15.1-07-32. Student performance strategist - Verification - Qualifications.**

Each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must:

1. a. Meet the requirements of an elementary school teacher as set forth in section 15.1-18-02.1; or
- b. Be licensed to teach or approved to teach by the education standards and practices board and hold a special education endorsement or credential; and
2. Serve as a tutor or an instructional coach.

**15.1-07-33. Student information system - Exemption. (Effective through June 30, 2026)**

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 superintendent of public instruction and use it as its principal student information system. 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 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:
  - 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.

**Student information system - Exemption. (Effective after June 30, 2026)**

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 superintendent of public instruction, 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 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:
  - 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.

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

1. Every two years, a 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. A 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. 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.

**15.1-07-34.1. Child safety liaison workgroup.**

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 workgroup.
3. The child safety liaison workgroup:
  - 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 workgroup meetings.

**15.1-07-35. School districts - Policy - Alternative curriculum outside the classroom - Participation - Report to legislative management.**

1. For purposes of this section:
  - a. "Educational opportunity" means instruction outside the classroom which meets course content standards, as determined by the superintendent of public instruction. The term includes work-based learning, pre-apprenticeships, apprenticeships, internships, industry certifications, and community programs.
  - b. "Sponsoring entity" means a business, for-profit organization, nonprofit organization, trade association, parent of a student, teacher, or administrator that partners with a school district or governing board of a nonpublic school to provide educational opportunities for students.
2. The superintendent of public instruction shall adopt rules to administer this section.
3. The board of a school district or governing board of a nonpublic school may adopt a policy to allow students enrolled in grades six through twelve to earn course credit through educational opportunities with a sponsoring entity.
4. A policy adopted under this section must provide criteria for:
  - a. The submission, approval, and evaluation of proposals for educational opportunities by sponsoring entities for which a student may earn course credit;
  - b. Sponsoring entity eligibility; and
  - c. Educational opportunity accountability.
5. The board of a school district or governing board of a nonpublic school may approve a proposal from any eligible sponsoring entity. To be approved, a proposal must:
  - a. Provide increased educational opportunities for students;
  - b. Improve the academic success of students; and
  - c. Identify a teacher of record who is employed by the school district or nonpublic school, is licensed under chapter 15.1-18, and has approved the proposal.
6. Upon approval by the board of a public school district or governing board of a nonpublic school, the proposal must be submitted to the superintendent of public instruction.
7. Any school district or nonpublic school participating in the program shall provide evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
8. The superintendent of public instruction may revoke program approval if the superintendent of public instruction determines the school district, nonpublic school, or sponsoring entity failed to comply with the agreed upon terms of the educational opportunity proposal or the school district policy, or failed to meet the requirements of this section.
9. The superintendent of public instruction shall provide a biennial report to the legislative management regarding proposals under this section.

**15.1-07-36. School safety and security measures - Reports to superintendent of public instruction and legislative management.**

1. As used in this section, "school safety and security measures" include:
  - a. Security planning;
  - b. Purchasing security-related technology, including metal detectors, protective lighting, surveillance and monitoring equipment, alarms, special emergency communications equipment, electronic locksets, deadbolts, theft control devices, building access controls, and other similar security devices;
  - c. Training in the use of security-related technology;
  - d. Instituting student, staff, and visitor identification systems, including criminal background check software;
  - e. Updating and exercising school emergency preparedness plans;
  - f. Strengthening partnerships with public safety officials and local law enforcement;
  - g. Modifying, improving, updating, or strengthening the interior or exterior of any school building to prevent unauthorized access to the school; and
  - h. Installing or constructing any barrier on or around school property to prevent unauthorized access to the school.
2. Each school district shall provide an annual report to the superintendent of public instruction before December first, providing the categories and amount spent on school safety and security measures during the previous school year. The superintendent of public instruction shall provide the annual report to the legislative management.

**15.1-07-37. Virtual learning - Military-connected students, students with a medical condition, or students moving out of state - School district policy.**

1. For purposes of this section, a "military-connected student" means a student impacted by a military-directed reassignment or mid-year relocation.
2. A school district may allow a military-connected student, a student with a medical condition unable to physically attend school, or a student moving out of state to enroll early or remain enrolled and attend a school by engaging in virtual instruction.
3. The period of virtual instruction permitted under this section may not extend beyond the current school year.
4. If the board of a school district that operates a physical plant chooses to provide virtual instruction under this section, the board shall adopt a local policy.

**15.1-07-38. School districts - Policy - School meals.**

A school district participating in the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] shall adopt a school meals policy and publish the policy on the school district's website. A school meals policy must ensure:

1. A school may not deny a United States department of agriculture reimbursable meal to a student who requests one, unless the student's parent or guardian has provided written permission to the school to withhold a meal. A school may not serve an alternative meal to a student with an unpaid student meal balance or without funds to pay for a meal. This provision does not apply to an a la carte food item or second meal requested by a student during the same meal period.
2. A school may not dispose of or take away from a child any food that already has been served to the child on account of the child having an unpaid student meal balance or lacking the funds to pay for a meal.
3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or full-price meal, or a meal for which the child lacks funds to pay, including the use of tokens, stickers, stamps, or by placing the child's name on a published list of persons with student meal debt.
4. A school may not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.

5. A school may not require a student to provide services or perform work, including cleaning duties or chores, to pay for school meals debt.
6. A school may contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals. A school may require a child deliver a sealed letter addressed to the child's parent or guardian containing a written communication regarding the unpaid school meal debt. The letter may not be distributed to the child in a manner that stigmatizes the child.
7. A school shall adopt policies to encourage or provide an incentive for a parent or guardian of a student to apply for free or reduced meals through the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], including when a student has unpaid school meals debt.

**15.1-07-39. Electronic collection of free or reduced-price meal eligibility information - Requirements. (Effective after June 30, 2026)**

1. Each school district shall annually provide an electronic form to all parents or guardians of enrolled students to collect household income information necessary to determine eligibility for free or reduced-price meals under the national school lunch program and other relevant federal and state assistance programs.
2. The electronic form must be made available to all parents or guardians at the beginning of the eligibility period or the beginning of each school year and must be designed to facilitate ease of completion and submission.
3. A school district shall offer a paper form upon request of a parent or guardian who prefers a nonelectronic submission method.

**15.1-07-40. Whole pasteurized milk served in bulk milk dispensers - Available in schools - School district policy.**

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.

**15.1-07-41. Personal electronic devices - Prohibition during instructional time.**

1. As used in this section:
  - a. "Instructional time" means the time from the start of the schoolday until dismissal at the end of the schoolday 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 homeschool environment.
- 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 stowed away, and inaccessible to students during instructional time;
    - b. Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;
    - c. Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and
    - d. Provides a student may contact the student's parent or authorized caregiver during the schoolday 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:
      - (1) The Individuals with Disabilities Education Act [ 20 U.S.C. 1400 ];
      - (2) Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794]; or
      - (3) A plan 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.
  - 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.

**15.1-07-42. 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.