

CHAPTER 15.1-08 SCHOOL DISTRICTS FOR MILITARY INSTALLATIONS

15.1-08-01. Military installation - School district formation.

The state board of public school education may form a school district on a military installation provided:

1. The state board is requested to do so by the base commander of the installation;
2. The state board schedules and holds a public hearing after publishing notice of the hearing in the official newspaper of the county in which the proposed school district is to be located, at least fourteen days before the date of the hearing; and
3. The boundaries of the district are coterminous with all lands over which the installation has exclusive concurrent or proprietary jurisdiction.

15.1-08-02. Military installation - School board members - Terms of office - Qualifications - Vacancies.

The board of a school district formed under this chapter consists of five members. The superintendent of public instruction shall adopt rules providing appointment procedures. The superintendent, after consultation with the base commander and with the approval of the state board of public school education, shall appoint board members in April of each year. A board member must be an active member or spouse of an active member of the military installation, or a retired member or spouse of a retired member of the military installation whose permanent residence is located within the state and is no greater than twenty miles [32.19 kilometers] from the military installation. An individual who serves on the board of a school district in the district where they reside may not simultaneously be appointed to the board of a military installation. The school board members shall serve three-year terms except the superintendent of public instruction shall designate two of the members initially appointed to serve two-year terms and two of the members initially appointed to serve one-year terms. If a vacancy occurs, the school board shall appoint an individual to serve for the remainder of the unexpired term.

15.1-08-03. Military installation - Organization of school board - Meetings.

A majority of the military installation school board constitutes a quorum. The assent of a majority of the members present is necessary for the transaction of any business. The annual meeting of the school board must be held during the month of July following the appointment to the board, on a date called by the president and convenient to the rest of the members. At the annual meeting in July, the board members shall elect one member to serve as president for a one-year term. Notice of any regular or special meeting must be given, in writing, to each member of the board; provided that the attendance at any meeting, without objection, by any board member constitutes a waiver of the notice required to be given to the member. The board must hold regular meetings for transacting business. Special meetings may be called by the president or by any two members of the board.

15.1-08-04. Military installation - School board - Duties.

A school board established under this chapter shall:

1. Give primary consideration to the education and social well-being of the students residing in the school district.
2. Respect the wishes of the students' parents regarding the provision of education to the students.
3. Contract for the provision of education to the students residing in the district.
4. Conduct all board meetings as required by section 44-04-19.

15.1-08-05. Military installation - School board - Business manager.

A school board established under this chapter may employ and compensate a business manager. The individual employed as a business manager may not be a member of the school board. The school board may dismiss or suspend the business manager without notice for

serious cause. In other instances, the board may dismiss the business manager upon thirty days' written notice.

15.1-08-06. Military installation - School districts - Application of other laws.

1. The duties set forth in section 15.1-09-28 are applicable to the president of a school board governing a military installation school district established under this chapter.
2. The duties set forth in sections 15.1-09-33 and 15.1-09-35 are applicable to a school board governing a military installation school district established under this chapter unless other agreements have been reached.
3. The duties set forth in sections 15.1-07-21, 15.1-07-23, and 15.1-07-24 are applicable to the business manager of a military installation school district established under this chapter.
4. The compensation and expense reimbursement levels set forth in section 15.1-09-06 are applicable to members of a school board governing a military installation school district established under this chapter.
5. Sections 15.1-07-10 through 15.1-07-13 and section 15.1-07-25 are applicable to military installation school districts established under this chapter.

15.1-08-07. School district agreements.

1. This chapter does not affect any agreement entered before March 28, 1989, between the Emerado elementary public school district and the Grand Forks public school district. Any agreement entered between those school districts continues under the terms provided in the agreement or for as long as both school districts continue to operate and the Grand Forks air force base contracts for full educational services from the Grand Forks public school district.
2. Before the state board of public school education requests that a school district be established pursuant to this chapter on the Minot air force base, the Glenburn public school district and the Minot public school district must enter into an agreement regarding the provision of education to the students residing on the air force base. The agreement must be approved by the state board of public school education. The Minot public school district and the Glenburn public school district, in entering into an agreement, must take into consideration current and potential revenues, including current and potential revenues from property taxes, in lieu of property taxes, and federal and state funds that are distributed to school districts based on census, and losses that may occur as a result of the agreement. The state board of public school education must receive approval from the United States secretary of education prior to the formation of the proposed school district.
3. Before the state board of public school education requests that a school district be established on a military installation other than the Grand Forks air force base and the Minot air force base pursuant to this chapter:
 - a. The school districts providing education to students residing on a military installation must enter into an agreement regarding the provision of education to those students. The agreement must be approved by the state board of public school education. School districts entering into the agreement must take into consideration current and potential revenues and losses that may occur as the result of the agreement; and
 - b. The state board of public school education must receive approval from the United States secretary of education regarding the formation of the proposed school district.

15.1-08-08. Military installation - Open enrollment - Participation.

Notwithstanding any other provisions of law, a student whose school district of residence is a military installation school district may participate in open enrollment under chapter 15.1-31.