

ARTICLE 67-22
CORRECTIVE ACTIONS AND SANCTIONS

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67-22-01-01. Corrective actions and sanctions.

A school district or organization must comply with all state and federal laws. If the school district or organization violates any law and does not take the necessary corrective actions to remedy the violation, the department will impose sanctions. Examples of noncompliance for a school district and organization include:

1. Failure to meet state school approval requirements as set out in North Dakota Century Code sections 15.1-06-04, 15.1-06-06, 15.1-06-09, 15.1-18-02, 15.1-18-03, and 15.1-21-02.
2. Nonpayment of tuition as set out in North Dakota Century Code sections 15.1-29-05 and 15.1-29-13 and subsection 5 of North Dakota Century Code section 15.1-29-14.
3. Charging school fees contrary to law.
4. Failure to comply with federal program requirements, applicable grant award requirements whether by inference or reference to education, federal statutes in relation to education, or regulations or assurances required for education.

History: Effective February 1, 2000; amended effective October 1, 2006.

General Authority: NDCC 15.1-02-11, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-06-01, 15.1-32-09; 20 USC 1400 et seq.

67-22-01-02. Corrective actions and sanctions procedures.

When a school district or organization violates one or more provisions of law, the following procedures must be implemented:

1. The department shall notify the local board of education, or other governing board in writing by certified mail of the violation, with a copy to the district superintendent or organization administrator. The notification must include:
 - a. A description of the violation;
 - b. Corrective actions by the school or organization required to correct the violation; and
 - c. Timelines for completing the corrective actions.
2. If the corrective action specified in the notice is not completed within the time period specified in the notice, or within thirty days of the notification date if no time period is specified in the notice, the superintendent of public instruction, the department director of fiscal management, and the department director of school finance and organization must be notified.

3. If issues are still not resolved and the school district or organization does not complete the required corrective actions in a timely manner, sanctions must be imposed until the school district or organization completes the corrective actions. The department shall request publication of a notice that the school district or organization has failed to complete required corrective actions in a timely manner in the official county newspaper of the county in which the school is located. The notice must comply with laws governing the disclosure of student information.

This section does not apply to a school's failure to file reports as required by North Dakota Century Code section 15.1-02-13 or 15.1-27-02.

History: Effective February 1, 2000; amended effective October 1, 2006.

General Authority: NDCC 15.1-02-11, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-09; 20 USC 1400 et seq.

67-22-01-03. Reconsideration of corrective actions and sanctions.

A school district or organization may request reconsideration of a corrective action or sanction. A request for reconsideration must be in writing and must be received by the superintendent of public instruction within three weeks of notification of the corrective action or sanction. Late requests will not be considered. The reconsideration request must state the following:

1. The facts, law, or rule the school district or organization believes was erroneously interpreted or applied; and
2. The school district's or organization's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent shall issue a final written response on the reconsideration request within three weeks after receiving a reconsideration request. The procedures of this section do not apply to corrective actions and sanctions imposed by the department pursuant to a state complaint investigation under part B of the Individuals With Disabilities Education Act [Pub.L. 108-446].

History: Effective February 1, 2000; amended effective October 1, 2006.

General Authority: NDCC 15.1-02-11, 15.1-32-09

Law Implemented: NDCC 15.1-02-11, 15.1-32-09; 20 USC 1221e-3; 20 USC 1400 et seq.