

**ARTICLE 67-36
PUBLIC CHARTER SCHOOLS**

Chapter
67-36-01 Public Charter Schools

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67-36-01-01. Definitions.

1. "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, as defined in subsection 4 of North Dakota Century Code section 15.1-40-01. Public charter schools shall adhere to the academic, financial, and reporting standards applicable to public school districts. Public charter schools may implement certain requirements, such as instructional and governance practices, through alternative models as authorized in the charter performance agreement, provided all statutory and regulatory obligations are met.
2. "State performance standards" means the course content standards in subsection 3 of North Dakota Century Code section 15.1-02-04. This is separate from the contents of the performance agreement.

History: Effective April 1, 2026.
General Authority: NDCC 15.1-40-04, 28-32-02
Law Implemented: NDCC 15.1-40

67-36-01-02. Purpose.

The purpose of this chapter is to provide a framework enabling the establishment and operation of public charter schools as part of North Dakota's public education system. This chapter is designed to ensure public charter schools operate with autonomy while remaining accountable for academic, financial, and operational performance.

History: Effective April 1, 2026.
General Authority: NDCC 15.1-40-04, 28-32-02
Law Implemented: NDCC 15.1-40

67-36-01-03. Application submission and review procedures.

1. The department shall publish annual application deadlines, required templates, and submission procedures on its website. Application materials must be made available no less than thirty days prior to the beginning of the submission window. The submission window for charter school applications must be no less than ninety days.

2. Applications must be submitted in the department-approved format and include all required attachments.
3. The department shall conduct completeness and quality reviews using a standardized rubric approved by the superintendent.
4. The department shall hold at least one public interview with the applicant team before making a recommendation.
5. Application materials and interview results must be documented and maintained in the public record.
6. The department shall issue a written notice of approval, conditional approval, or denial stating the reasons and any required conditions that must be met prior to execution of a charter performance agreement.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-04. Monitoring, reporting, and corrective action.

1. The department shall conduct ongoing monitoring, during which the department may use data reports, site visits, and documentation reviews.
2. Each public charter school shall submit annual academic, fiscal, and other reports on the same forms prescribed by the department for school districts. Public charter schools in North Dakota are held to the same academic, fiscal, and accountability standards under the state's reporting of key performance indicators which are required of school districts, along with any other statutory requirements.
3. If noncompliance or performance concerns are identified, the department shall issue a written notice outlining corrective actions and required evidence of remediation. The charter school shall make corrections as soon as possible, but no later than one year after the written notice.
4. Failure to complete required corrective actions within the established period may result in revocation or nonrenewal, as described in North Dakota Century Code section 15.1-40-15.
5. The superintendent shall determine whether the public charter school has made sufficient progress toward performance expectations under the charter performance agreement.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-05. Fiscal management and audit reporting.

Audit reports required under North Dakota Century Code section 15.1-40-20 must be submitted to the superintendent electronically by the public charter school within thirty days of receiving a final copy of the report from the certified public accountant or public accountant.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-06. Enrollment lottery procedures.

Public charter schools shall develop, publish, and implement written enrollment and lottery procedures consistent with North Dakota Century Code chapter 15.1-40. Each public charter school also shall maintain written policies governing application timelines, lottery procedures, and waiting list management.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-07. Closure and dissolution procedures.

1. If a public charter school intends to close, the governing board of the public charter school shall submit a closure plan to the department within ten days of the decision, including:
 - a. Timelines for student record transfer to the students' resident home districts and notification to families; and
 - b. Asset disposition consistent with North Dakota Century Code section 15.1-40-16.
2. The department shall verify completion of the closure plan before final dissolution.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-08. State aid funding related to public charter schools.

1. State funding for public charter schools must be distributed in accordance with North Dakota Century Code section 15.1-27-01.
2. State funding may be withheld in whole or in part in accordance with subsection 5 of North Dakota Century Code section 15.1-02-13, subsection 5 of North Dakota Century Code section 15.1-06-06, and North Dakota Century Code section 15.1-27-02 or failure to comply with any applicable requirement of state law, rule, or the charter performance agreement until compliance is achieved and verified by the department.
3. Public charter schools shall generate weighted student units in the same manner as a public school district except for any weighting factor that uses square miles.
4. The statewide average state funding per student must be calculated using the prior year's foundation aid weighted student units and state funding.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-09. Special education for public charter schools.

Public charter schools shall comply with all state and federal laws, rules, and regulations related to special education.

History: Effective April 1, 2026.

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40