

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-31 -  
OPEN ENROLLMENT**

Chapter 15.1-31 of the North Dakota Century Code is created and enacted as follows:

**15.1-31-01. Open enrollment - Procedure.**

1. By February first of the school year preceding the year of enrollment, a parent who wishes to enroll a student in a North Dakota school district other than the student's district of residence shall file an application for approval with the board of the student's district of residence. The superintendent of public instruction shall make the application forms available in each school district.
2. By March first of the school year preceding the year of enrollment, the school board of the student's district of residence shall act on the application, notify the parent of the board's decision within five days, and if the application is approved, immediately transmit the application to the admitting district.
3. By April first of the school year preceding the year of enrollment, the board of the admitting district shall approve or deny the application. The board of the admitting district shall notify the board of the district of residence and the student's parent of its decision within five days.
4. Notice of intent to enroll in the admitting district obligates the student to attend the admitting district during the following school year, unless the school boards of the resident and the admitting districts agree in writing to allow the student to transfer back to the resident district or the student's parent relocates to another district.
5. All applications must be reviewed in the order they are received.
6. A student whose school district of residence does not offer the grade level in which the student requires enrollment may not participate in open enrollment. For purposes of determining whether the grade level in which the student requires enrollment is offered, the several school districts cooperating with each other for

the joint provision of education services under a plan approved by the  
superintendent of public instruction must be considered to be a single district.

7. A child placed for purposes other than education in a group or residential care  
facility or in a residential treatment center is not eligible for open enrollment under  
this section.

8. The board of a school district of residence and of an admitting district shall waive  
the application, consideration, and approval dates in this section for any student  
who, together with the student's parent, moves from the student's school district of  
residence to another school district and who wishes to enroll in a school district  
other than the district to which the student moved.

**NOTE:** Present Section 15-40.3-01.

**15.1-31-02. Open enrollment - Grounds for denial - Exception.** Except as provided  
in section 15.1-32-04, the board of a student's school district of residence may deny an  
application under section 15.1-31-01 only if the application will result in a reduction of the  
number of students enrolled in the district by more than twenty percent of the average daily  
membership the previous school year. However, if denying an application would result in the  
enrollment of children from the same nuclear family in different school districts, the school  
board of the district of residence may not deny the application.

**NOTE:** Present Section 15-40.3-02.

**15.1-31-03. Open enrollment - Per student aid - Tuition apportionment.**

1. Once a student is enrolled in an admitting district, the student must remain enrolled  
in the admitting district until:
  - a. The student graduates;
  - b. The student relocates to another district;
  - c. The student's parent applies for enrollment in another school district; or
  - d. The student's parent notifies the student's school district or residence that the  
student will attend school in the school district of residence the following year.
2. Payment for per student aid must be made in accordance with chapter 15.1-27.
3. For purposes of tuition apportionment payments, a student whose application is  
approved under this section is considered a resident of the admitting district.

- 1           4.    Except as specifically provided in this chapter, the provisions of chapter 15.1-29 do  
2               not apply to students involved in open enrollment.

**NOTE:** Present Section 15-40.3-03.

3           **15.1-31-04. Open enrollment - Students with disabilities - Additional costs.** If an  
4 application under this chapter is approved for a student with a disability, the board of the  
5 student's school district of residence shall pay to the admitting district the costs incurred by the  
6 admitting district in providing special education and related services to the student up to a  
7 maximum each school year of two and one-half times the state average per student elementary  
8 or high school cost, depending on the student's enrollment level, plus twenty percent of all  
9 remaining costs. The superintendent of public instruction shall reimburse the admitting district  
10 eighty percent of the remainder of the cost of educating the student with disabilities within the  
11 limits of legislative appropriations for that purpose.

**NOTE:** Present Section 15-40.3-04. The formula for the allocation of costs for students with disabilities is taken from the 1999 amendments to Section 15-59-06.2.

12          **15.1-31-05. Open enrollment - Transportation.** A school district of residence may  
13 provide transportation to a student participating in open enrollment. If a district of residence  
14 does not provide transportation to a student participating in open enrollment, transportation may  
15 be provided by the admitting district, and the admitting district is then entitled to state payments  
16 for the transportation of that student.

**NOTE:** Present Section 15-40.3-05.

17          **15.1-31-06. Open enrollment - School boards - Standards.**

- 18          1.    The board of each school district shall set standards for the acceptance and denial  
19               of applications for admittance under open enrollment, as provided in section  
20               15.1-31-01. The standards may address the capacity of a program, class, grade  
21               level, or school building. The standards may not address previous academic  
22               achievement, participation in extracurricular activities, disabilities, English language  
23               proficiency, or previous disciplinary proceedings.  
24          2.    A board may also determine that applications for admittance under open  
25               enrollment, in accordance with this chapter, will not be considered.  
26          3.    A school district participating in an open enrollment program may not give or offer  
27               to give a student remuneration, or directly or indirectly exert influence on the

- 1 student or the student's family, in order to encourage participation in the open  
2 enrollment program.

**NOTE:** Present Section 15-40.3-06. The rewrite eliminates the following time-specific language: "However, any student who participated in varsity athletic activities during the 1992-93 school year, at a school in a district other than the student's district of residence or at a school outside the boundary within which the student would normally attend school, may continue to participate in varsity athletics at that school for the duration of the student's high school career."

- 3 **15.1-31-07. Students not subject to this chapter.** If a student, as a result of a school  
4 district dissolution, resides in a district other than the one the student chooses to attend at the  
5 time of dissolution, the student is not subject to the provisions of this chapter and may attend  
6 school in the chosen school district. The student may not be considered a student in average  
7 daily membership in the student's school district of residence for purposes of section  
8 15.1-32-02.

**NOTE:** Present Section 15-40.3-07.