

Introduced by

Senators G. Lee, Flakoll, Marcellais

Representatives D. Johnson, Mock, Nathe

1 A BILL for an Act to create and enact chapter 15.1-09.2 of the North Dakota Century Code,  
2 relating to regional education associations; and to repeal chapter 15.1-09.1 of the North Dakota  
3 Century Code, relating to regional education associations.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 15.1-09.2 of the North Dakota Century Code is created and enacted  
6 as follows:

7 **15.1-09.2-01. Definition.**

8 For purposes of this chapter, "regional education association" means a group of school  
9 districts operating in accordance with a joint powers agreement that has been reviewed by the  
10 superintendent of public instruction and verified as meeting the requirements of section  
11 15.1-09.2-02.

12 **15.1-09.2-02. Regional education associations - Review by superintendent of public**  
13 **instruction - Criteria.**

14 For a group of school districts to be designated as a regional education association, the  
15 superintendent of public instruction shall review the joint powers agreement that the districts  
16 have entered and verify that the requirements of this section have been met.

17 1. The school districts must:

18 a. Have a combined total land mass of at least five thousand eight hundred square  
19 miles [1502193 hectares];

20 b. (1) Have a combined total land mass of at least four thousand five hundred  
21 square miles [1165494 hectares]; and

22 (2) Number at least twelve;

23 c. (1) Have a combined total land mass of at least four thousand square miles  
24 [1035995 hectares]; and

- 1                   (2) Have at least three thousand students in average daily membership; or  
2           d. (1) Have a combined total land mass of at least one thousand five hundred  
3                   square miles [388498 hectares]; and  
4                   (2) Have at least seven thousand five hundred students in average daily  
5                   membership.
- 6           2. The school districts must be contiguous to each other or, if the districts are not  
7                   contiguous to each other, the superintendent of public instruction shall verify that the  
8                   participating districts can provide sound educational opportunities to their students in a  
9                   fiscally responsible manner without injuring other school districts or regional education  
10                   associations and without negatively impacting the ability of other school districts or  
11                   regional education associations to provide sound educational opportunities to their  
12                   students in a fiscally responsible manner. A decision by the superintendent of public  
13                   instruction under this subsection may be appealed to the state board of public school  
14                   education. A decision by the state board is final.
- 15           3. The joint powers agreement must provide:
- 16                   a. Criteria for the future participation of a school district that was not a party to the  
17                   original joint powers agreement;
- 18                   b. An application process by which a school district that was not a party to the  
19                   original joint powers agreement can become a participating district; and
- 20                   c. A process by which a school district that was not a party to the original joint  
21                   powers agreement and whose application to participate in the agreement was  
22                   denied can appeal the decision to the superintendent of public instruction.
- 23           4. The joint powers agreement must:
- 24                   a. Establish the number of members on the governing board;
- 25                   b. Establish the manner in which members of the governing board are determined;
- 26                   c. Require that each member of the governing board be an individual currently  
27                   serving on the board of a participating school district or the designee of a  
28                   participating school district's board; and
- 29                   d. Allow for the inclusion of ex officio nonvoting members on the governing board.
- 30           5. The joint powers agreement must provide that the board of the regional education  
31                   association shall meet at least quarterly.

1        **15.1-09.2-03. Regional education association - Legal status.**

2        Each regional education association is a body corporate.

3        **15.1-09.2-04. Regional education association - Powers.**

4        A regional education association may:

5        1. Receive and expend state and federal dollars for:

6            a. The provision of services to member school districts, including the students of  
7            those districts;

8            b. Administrative functions; and

9            c. Other lawful activities;

10        2. Receive and expend gifts, grants, and donations;

11        3. Employ and compensate necessary personnel;

12        4. Contract for any lawful purpose; and

13        5. Sue and be sued.

14        **15.1-09.2-05. Regional education association - Services to be offered.**

15        1. To be eligible for state funding, a regional education association must offer the  
16        following services to its member districts:

17            a. Coordination and facilitation of professional development activities for teachers  
18            and administrators employed by its member districts;

19            b. Supplementation of technology support services;

20            c. Assistance with achieving school improvement goals identified by the  
21            superintendent of public instruction;

22            d. Assistance with the collection, analysis, and interpretation of student  
23            achievement data; and

24            e. Assistance with the expansion and enrichment of curricular offerings.

25        2. Subsection 1 does not preclude a regional education association from offering  
26        additional services to its member districts.

27        **15.1-09.2-06. Regional education association - Provision of special education and**  
28 **related services.**

29        1. A regional education association may prepare an annual plan regarding the provision  
30        of special education and related services on behalf of its members and submit the plan  
31        to the superintendent of public instruction for approval.

1       2. A regional education association shall plan and coordinate the transportation of  
2           students who are enrolled in its member districts and to whom it provides special  
3           education and related services.

4       **15.1-09.2-07. Operating fund - Accounting functions.**

5       Each regional education association shall maintain its own operating fund.

6       **15.1-09.2-08. Regional education association - Report of expenses.**

7       1. The board of a regional education association shall submit annually to the  
8           superintendent of public instruction, at the time and in the manner designated by the  
9           superintendent, a report detailing all expenses incurred by the association and shall  
10          attribute the expenses on a per student basis by participating school district.

11       2. The board shall deposit any moneys received by or on behalf of the regional education  
12          association into the association's operating fund.

13       **15.1-09.2-09. Compensation - Reimbursement - Extraordinary service.**

14       1. A regional education association board member may not receive compensation for  
15          attending meetings of the board.

16       2. A regional education association board member may not receive reimbursement for  
17          expenses incurred in attending meetings of the board.

18       3. A regional education association board member may receive compensation and  
19          reimbursement, as determined by the board, if the member performs extraordinary  
20          service on behalf of the board. For purposes of this subsection, "extraordinary service"  
21          means duties beyond those reasonably expected of board members and includes  
22          travel to and attendance at national meetings or conventions.

23       **15.1-09.2-10. State aid - Payable to a regional education association - Obligation of**  
24       **district.**

25       1. The superintendent of public instruction shall forward that portion of a school district's  
26          state aid, which is payable by the superintendent under section 15.1-27-03.1 as a  
27          result of the district's participation in a regional education association, directly to the  
28          association in which the district participates. The superintendent shall forward the  
29          amount payable under this subsection at the same time and in the same manner as  
30          provided for other state aid payments under section 15.1-27-01.

1        2. If the superintendent of public instruction determines that a school district failed to  
2            meet any contractual or statutory obligation imposed upon it as a result of the district's  
3            participation in a regional education association, the superintendent shall subtract the  
4            amount for which the district was not eligible from any future distribution of state aid to  
5            the district under section 15.1-27-01.

6        **15.1-09.2-11. Rights of employees.**

7        Any individual employed by the board of a regional education association has the same  
8        statutory rights as those accorded to an individual employed by a public school district for the  
9        same purpose.

10       **SECTION 2. REPEAL.** Chapter 15.1-09.1 of the North Dakota Century Code is repealed.