

**CHAPTER 67-10-03**  
**SCHOOL CONSTRUCTION LOAN APPLICATION AND LOAN APPROVAL - SCHOOL**  
**CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND**

Section

|             |                               |
|-------------|-------------------------------|
| 67-10-03-01 | Definitions                   |
| 67-10-03-02 | Loan Eligibility              |
| 67-10-03-03 | Loan Application and Approval |
| 67-10-03-04 | Loan Issuance                 |

**67-10-03-01. Definitions.**

For purposes of this chapter:

1. "Board" means the board of a North Dakota public school district.
2. "District" means a North Dakota public school district.
3. "Project" means a building or facility that a school district is authorized to construct under North Dakota Century Code section 15.1-36-01.
4. "Superintendent" means the North Dakota superintendent of public instruction.

**History:** Effective January 1, 2018.

**General Authority:** NDCC 15.1-36-08, 28-32-02

**Law Implemented:** NDCC 15.1-36-08

**67-10-03-02. Loan eligibility.**

To be eligible for a loan a district must:

1. Obtain project approval from the superintendent pursuant to North Dakota Century Code section 15.1-36-01.
2. Propose a project for new construction or remodel with a cost of at least one million dollars and expected utilization of at least thirty years.
3. Publish information in the official newspaper regarding additional millage and dollar increase per one thousand dollars of taxable valuation along with the:
  - a. Notice of election to authorize the school construction bond issuance; or
  - b. Initial resolution in accordance with subsection 7 of North Dakota Century Code section 21-03-07.
4. Post notice of the information on the district website.
5. Receive authorization for a bond issue under North Dakota Century Code chapter 21-03.
6. The board must submit a completed application to the Bank of North Dakota.
7. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund.

**History:** Effective January 1, 2018; amended effective July 1, 2024.

**General Authority:** NDCC 15.1-36-01, 15.1-36-08, 21-03, 28-32-02

**Law Implemented:** NDCC 15.1-36-08

### **67-10-03-03. Loan application and approval.**

The superintendent shall review loan applications on a prioritization system to include a review of all applications filed during the twelve-month period preceding April first.

For prioritization, consideration must be given to:

1. Student occupancy and academic needs.
2. Ages of existing structures to be replaced or remodeled.
3. Building design based on safety and vulnerability assessments.
  - a. A district must provide evidence of safety and vulnerability assessments conducted by the district.
  - b. Any other evidence provided by the district.
4. Community support.
5. Project cost.
6. Any other criteria required by the superintendent after consultation with an interim committee appointed by the legislative management.

**History:** Effective January 1, 2018.

**General Authority:** NDCC 15.1-36-01, 15.1-36-08, 28-32-02

**Law Implemented:** NDCC 15.1-36-08

### **67-10-03-04. Loan issuance.**

Upon approval of the superintendent, the Bank of North Dakota shall issue a loan from the school construction assistance revolving loan fund.

1. The maximum loan is ~~fifteen~~ ten million dollars if the project is less than seventy-five million dollars. The maximum loan is ~~thirty~~ twenty million dollars if the project is seventy-five million dollars or more.
2. If the school district's unobligated general fund balance on the preceding June thirtieth exceeds limitations set in North Dakota Century Code section 15.1-27-35.3, the maximum loan may not exceed eighty percent of the project cost up to a maximum loan of ~~twelve~~ eight million dollars if the project is less than seventy-five million dollars. If the project exceeds seventy-five million dollars the maximum loan may not exceed eighty percent of the project cost up to a maximum loan of ~~twenty-four~~ sixteen million dollars.
3. The term of the loan is twenty years, or less at the request of the board.
4. The interest rate may not exceed two percent per year.

**History:** Effective January 1, 2018; amended effective July 1, 2024; amended effective April 1, 2026.

**General Authority:** NDCC 15.1-27-35.3, 15.1-36-01, 15.1-36-08, 28-32-02

**Law Implemented:** NDCC 15.1-36-08

**ARTICLE 67-13**  
**SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Chapter  
67-13-01      School District Cooperative Agreements

**CHAPTER 67-13-01**  
**SCHOOL DISTRICT COOPERATIVE AGREEMENTS**

Section  
67-13-01-01   Purpose  
67-13-01-02   Approval  
67-13-01-03   Withdrawal  
67-13-01-04   School Districts  
67-13-01-05   Cooperative Program  
67-13-01-06   Agreements  
67-13-01-07   Cost-Sharing Reimbursement [Repealed]

**67-13-01-01. Purpose.**

School districts cooperating with another school district or districts for the purpose of providing joint educational opportunities to the students as established by North Dakota Century Code section 15.1-27-16 may receive additional per student payments as provided in North Dakota Century Code section 15.1-27-16.

**History:** Effective May 1, 1999; amended effective January 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-02. Approval.**

Cooperative agreements of education must first receive the approval of the superintendent of public instruction and shall be effective beginning July first of the year approved, upon the approval of the school boards of the member districts. The agreement may be changed only by a majority vote of each board signing the agreement and the approval of the department of public instruction. Any change to the agreement requires submission to and approval from the superintendent of public instruction prior to the change becoming effective.

**History:** Effective May 1, 1999; amended effective January 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-03. Withdrawal.**

Any district wishing to withdraw from the cooperative agreement must submit its intent to the other cooperative members in writing by January fifteenth. Withdrawal will become effective June thirtieth of the same year. The superintendent of public instruction must be notified in writing thirty days prior to the termination of the agreement.

**History:** Effective May 1, 1999; amended effective January 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-04. School districts.**

Cooperating school districts must agree to equitably share expenses of the cooperative agreement, to inventory all equipment used by the cooperative, and to provide appropriate transportation.

**History:** Effective May 1, 1999; amended effective January 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-05. Cooperative program.**

The school district cooperative or special education units must address the following:

1. A plan for sharing administration, at a minimum a shared superintendent, special education director, or business manager unless the school district has taxable property located in the same city as the other school district under the cooperative plan;
2. A plan for sharing cooperative expenditures between the member districts or special education units;
3. A plan for sharing cooperative or unit revenues upon termination of the agreement; and
4. A plan for the changing of the agreement.

**History:** Effective May 1, 1999; amended effective January 1, 2018; January 1, 2020; April 1, 2022; October 1, 2023.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-06. Agreements.**

The following areas must be discussed with hopes of arriving at written agreements. However, written agreements are not required for:

1. Identification of the location of education and grade level services programs;
2. Provisions for curriculum integration;
3. Site utilization regarding partial usage or closure;
4. Provision for sharing of extracurricular activities; and
5. The number and timely manner in which the school boards will meet jointly during the duration of the agreement.

**History:** Effective May 1, 1999; amended effective January 1, 2018.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 15.1-27-16

**67-13-01-07. Cost-sharing reimbursement.**

~~To be eligible to be reimbursed for a cost-sharing agreement, school districts or special education units must:~~

- ~~1.—Share a superintendent, special education administrator, or business manager;~~
- ~~2.—Demonstrate a cost-savings by sharing central office personnel; and~~
- ~~3.—Indicate the percentage of time the superintendent or special education administrator and business manager are assigned to each district or unit.~~

~~**History:** Effective April 1, 2022; amended effective October 1, 2023.~~

~~**General Authority:** NDCC 28-32-02~~

~~**Law Implemented:** NDCC 15.1-27-16~~

Repealed effective April 1, 2026.

**ARTICLE 67-23**  
**SPECIAL EDUCATION**

Chapter

|          |                                                                        |
|----------|------------------------------------------------------------------------|
| 67-23-01 | Comprehensive General Plan Requirements for Special Education Programs |
| 67-23-02 | State Funding for Special Education                                    |
| 67-23-03 | Federal Funding for Special Education                                  |
| 67-23-04 | Special Education Dispute Resolution Options and Appeals [Repealed]    |
| 67-23-05 | Special Education Dispute Resolution                                   |
| 67-23-06 | Response to Intervention                                               |
| 67-23-07 | Postsecondary Transition Programs                                      |

**CHAPTER 67-23-01**

**COMPREHENSIVE GENERAL PLAN REQUIREMENTS FOR SPECIAL EDUCATION PROGRAMS**

Section

|             |                                                                                                       |
|-------------|-------------------------------------------------------------------------------------------------------|
| 67-23-01-01 | Definitions                                                                                           |
| 67-23-01-02 | School District's Comprehensive General Plan Requirements for Education of Students With Disabilities |
| 67-23-01-03 | Timelines - Exception to Sixty-Day Time Frame for Initial Evaluation                                  |

**67-23-01-01. Definitions.**

As used in this article, the following definitions apply:

1. "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA section 614(d) [20 U.S.C. 1414(d)].
2. "Individuals With Disabilities Education Act" or "IDEA" means the Individuals With Disabilities Education Improvement Act of 2004, Public Law 108-446 [118 Stat. 2647; 20 U.S.C. 1400-1420].
3. "Least restrictive environment" means that to the maximum extent appropriate, children with disabilities are educated with children who are not disabled and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
4. "Local education agency" means a school district, public charter school, multidistrict special education unit organized under North Dakota Century Code chapter 15.1-33, or other legally constituted public authority for administrative control or direction of, or to perform a service function for, public elementary or secondary schools.
5. "Multidisciplinary team" means a team of professionals and parents which develops an IEP for a student with disabilities.

6. "Multidistrict special education unit" means a public corporation organized under North Dakota Century Code chapter 15.1-33 for purposes of planning and delivering special education and related services.
7. "Nonsectarian" means not affiliated with or restricted to a particular religion.
8. "Organization" includes school districts, public charter schools, multidistrict local education agencies, child care centers, vocational education centers, private or public residential facilities, counties, and nonprofit agencies.
9. "Related services" means transportation and developmental, corrective, or supportive services needed to help a student with disabilities to benefit from special education.
10. "Resident district" means the school district of residence of the student as determined by law.
11. "Special education unit" means a single-district special education unit or a multidistrict special education unit.
12. "Student with disabilities" or "child with disabilities" means an individual who:
  - a. Is at least three years of age but has not reached the age of twenty-one before August first of the year in which the individual turns twenty-one, and because of mental, physical, emotional, or learning characteristics requires regular or special education and related services designed to meet the individual's educational needs; and
  - b. Is an individual with intellectual disability, deaf or hard of hearing, speech or language impairment, visual impairment including blindness, emotional disability, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, or noncategorical delay.

**History:** Effective February 1, 2000; amended effective January 1, 2008; January 1, 2020; October 1, 2021; October 1, 2025; April 1, 2026.

**General Authority:** NDCC 15.1-32-09

**Law Implemented:** NDCC 15.1-32-01, 15.1-32-09, 15.1-40-01, 15.1-40-17; 20 U.S.C 1400-1419

**67-23-01-02. School district's comprehensive general plan requirements for education of students with disabilities.**

Each school district and public charter school in the state shall have a comprehensive general plan for the education of students with disabilities between the ages of three and twenty-one who reside in that district or attend the public charter school. The plan must:

1. Be filed with the superintendent of public instruction; and
2. Describe the multidistrict special education unit organizational and services plan or the organization of services for a single-district special education unit, including:

- a. Description of the organization, including participating school districts in multidistrict special education units;
- b. Structure and organization of the board;
- c. Powers and duties of the board;
- d. Monetary policies including fiscal management and method of apportioning administrative and program costs;
- e. Procedures for withdrawing from or joining a multidistrict unit, not including single district units;
- f. Services description;
- g. Unit or district policies and procedures for implementing the provisions of state law and the Individuals With Disabilities Education Act; and
- h. Letters of agreement from participating school districts, not including single-district units.

**History:** Effective February 1, 2000; ~~amended effective April 1, 2026.~~

**General Authority:** NDCC ~~15-59-04, 15-59-05, 15-59.2-01~~15.1-32-09

**Law Implemented:** NDCC ~~15-59-05, 15-59.2-01, 15-59.2-02, 15-59.2-05~~ 15.1-32-01, 15.1-32-09, 15.1-40-01, 15.1-40-17; 20 USC 1400-1419

**67-23-01-03. Timelines - Exception to sixty-day time frame for initial evaluation.**

The district must evaluate a referred child within sixty calendar days after obtaining parental consent for the evaluation unless:

- 1. An extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather condition is documented; or
- 2. Either party establishes to the satisfaction of the department that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial sixty days. The evaluation period, including an extension for the circumstances described above, may not exceed ninety calendar days.

**History:** Effective October 1, 2009.

**General Authority:** NDCC 15.1-32-09

**Law Implemented:** NDCC 15.1-32; 20 USC 1414

**CHAPTER 67-34  
MATHEMATICS CURRICULUM**

**CHAPTER 67-34-01  
PROFESSIONAL DEVELOPMENT FOR GRADES KINDERGARTEN THROUGH EIGHT  
MATHEMATICS**

Section

|             |                                     |
|-------------|-------------------------------------|
| 67-34-01-01 | Definitions                         |
| 67-34-01-02 | Professional Development Required   |
| 67-34-01-03 | Research-Based Intervention Program |
| 67-34-01-04 | Implementation                      |
| 67-34-01-05 | Compliance                          |

**67-34-01-01. Definitions.**

1. "Foundational skills" means the basic mathematical concepts and operations necessary for higher-level math learning, including numbers and operations, algebraic reasoning, geometry and measurement, and data, probability, and statistics.
2. "Competencies" means the essential skills for mathematical reasoning and problem-solving, including problem-solving, connections, and reasoning and proof.
3. "Mastery" means the successful demonstration of knowledge in the areas of mathematics competency described in this section.
4. "Differentiated instruction" means tailored instructional methods designed to meet the diverse learning needs of students by adjusting content, process, product, or learning environment.
5. "Evidence-based instruction" means teaching methods and practices that are grounded in systematic research and proven to be effective in improving mathematical learning outcomes.
6. "High-quality instructional materials" means resources designed to effectively support student learning by aligning with state standards, incorporating evidence-based practices, and providing comprehensive support for teachers and students.
7. "High-quality supplemental materials" means instructional resources or tools that incorporate evidence-based instructional strategies to support mathematics development and aligned to the 2023 ND Mathematics Content Standards.
8. "Mathematics intervention program" means a research-based program aimed at providing additional support to students identified as needing help in mathematics proficiency.

9. "Formative assessments" means tools used to monitor student learning progress at regular intervals, guiding instructional adjustments and targeted interventions.
10. "Direct and explicit instruction" means a structured, systematic approach to teaching that clearly demonstrates and explains mathematical concepts and procedures.
11. "Math pedagogy" means the methods and approaches teachers use to teach mathematics.
12. "Characteristics of dyscalculia/mathematics deficiencies" means learning difficulties that impact a student's ability to understand, recall, and apply mathematical concepts and procedures.

**History:** Effective April 1, 2026

**General Authority:** NDCC 15.1-21-12.3, 28-32-02

**Law Implemented:** NDCC 15.1-21-12.2

**67-34-01-02. Professional development required.**

1. Each teacher and principal serving students in kindergarten through grade eight in a public or nonpublic school shall attend professional development training focused on best practices in mathematics instruction, including:
  - a. Explicit and differentiated instruction;
  - b. Data-driven decision-making; and
  - c. Evidence-based programming on mathematics aligned with the 2023 ND Mathematics Content Standards.
2. The NDDPI can provide a list of suggested and approved training.
3. Professional development must also be provided to special education teachers and school leaders.
4. Newly hired teachers and principals serving students in kindergarten through grade eight shall complete the professional development training described in subsection 1 within one year of first-year placement.
5. Required trainings must have occurred on or later than July 1, 2023 and be approved by the state Superintendent.
6. Teachers and principals who have successfully completed mathematics training in accordance with North Dakota Century Code section 15.1-21 are considered to have met the training requirements of this section, grades 4-8 beginning in 2025 and grades K-3 beginning in 2027.

**History:** Effective April 1, 2026

**General Authority:** NDCC 15.1-21-12.3, 28-32-02

**Law Implemented:** NDCC 15.1-21-12.2

**67-34-01-03. Research-Based Intervention Program.**

1. A research-based mathematics intervention program is a program designed to provide supplemental, targeted instruction to students identified as needing additional support in mathematics proficiency. These programs must be grounded in evidence-based practices and aligned to the 2023 North Dakota Mathematics Content Standards.
2. Any intervention program implemented in North Dakota public or nonpublic schools must meet the following criteria:
  - a. Be evidence-based and research-supported, with documentation demonstrating effectiveness in improving student mathematics outcomes.
  - b. Be aligned with the North Dakota Mathematics Content Standards and complement Tier I core mathematics instruction.
  - c. Include built-in progress monitoring tools or formative assessment capabilities to inform instruction and measure student growth over time.
  - d. Provide embedded supports for students with disabilities and multilingual learners, where applicable.
  - e. Offer professional development and implementation guidance for educators to support program fidelity.
3. All intervention programs must be adopted by the board and approved by the Department of Public Instruction.
4. The Department of Public Instruction shall maintain a list of approved research-based mathematics intervention programs. This list will be made publicly available on the department's website. An intervention program vendor must follow the process described in this section to be considered for placement on the state-approved list:
  - a. Contact the North Dakota Department of Public Instruction to retrieve the approval form that intervention program vendors must complete. This approval form will also be available on the department's website.
  - b. Complete the approval form. The approval form will:
    - i. Include assurances for items listed under section 67-34-01-03.
    - ii. Require a signature from someone with vendor signature authority.
    - iii. Require contact information to be shared with the department.

- c. Submit the approval form via the instructions on the form itself. The department of public instruction will then review the approval form and inform the vendor of its status within thirty days.
5. When intervention program vendors are approved, they will be added to the state-approved intervention program list. The list will be created and maintained by the Department of Public Instruction and will be available on the department's website and available to be shared upon request. The superintendent of public instruction has the authority to remove vendors if they are not in compliance with the criteria in this chapter. The Department of Public Instruction and the North Dakota Information Technology Department will work together to track school districts and intervention program vendors who are and are not in compliance with this chapter. The state will provide feedback to the intervention program vendors about data-sharing agreements and the usefulness of the intervention program data. If data are found to be of little value or low quality, the superintendent of public instruction has the authority to remove vendors from the list.

**History:** Effective April 1, 2026

**General Authority:** NDCC 15.1-21-12.3, 28-32-02

**Law Implemented:** NDCC 15.1-21-12.2

#### **67-34-01-04. Implementation.**

1. For students in grades four through eight, beginning July 1, 2025, school districts and nonpublic schools shall:
  - a. Ensure their mathematics curriculum and curricular resources meet the focus areas listed in subsection 1 of North Dakota Century Code section 15.1-21;
  - b. Implement formative assessments at regular intervals, adjusting teaching practices accordingly and providing targeted interventions for each student who needs additional support; and
  - c. Implement a research-based intervention program and high-quality supplemental materials that incorporate evidence-based instructional strategies.
2. For students in kindergarten through grade three, beginning July 1, 2027, school districts and nonpublic schools shall:
  - a. Ensure their mathematics curriculum and curricular resources meet the focus areas listed in subsection 1 of North Dakota Century Code section 15.1-21;

- b. Implement formative assessments at regular intervals, adjusting teaching practices accordingly and providing targeted interventions for each student who needs additional support; and
  - c. Implement a research-based intervention program and high-quality supplemental materials that incorporate evidence-based instructional strategies.
  - d. Use a screening process for early identification of mathematics deficiencies and characteristics of dyscalculia;
  - e. Inform the student's parent or legal guardian about the screening process, the student's results, and the importance of early intervention;
  - f. Provide resources and guidance to the student's parent or legal guardian to support mathematics learning at home; and
  - g. If the student is identified as having characteristics of mathematics deficiencies or dyscalculia, develop an education plan with accommodations.
3. A school district or special education unit shall provide a screening process under subdivision a of subsection 2 for any student upon request by a parent, legal guardian, or teacher.

**History:** Effective April 1, 2026

**General Authority:** NDCC 15.1-21-12.3, 28-32-02

**Law Implemented:** NDCC 15.1-21-12.2

**67-34-01-05. Compliance.**

1. Each school district or nonpublic school shall ensure compliance with this section in a manner determined by the Superintendent of Public Instruction.
2. The department shall collect assurances from school districts and nonpublic schools to ensure compliance with North Dakota Century Code section 15.1-21.
3. During the monitoring process, the school district or nonpublic school shall report the following information regarding this chapter in a manner determined by the superintendent of public instruction:
  - a. Mathematics curriculum and intervention tools;
  - b. Professional development and training offered for kindergarten through grade eight;
  - c. Assessment instruments to identify mathematical competency and deficiencies; and

d. Student outcome mathematics proficiency data collected using assessment instruments.

4. School districts and nonpublic schools shall report information required in subsection 6 annually to the department on the first day of October, unless the school district or nonpublic school meets the requirements of subsection 8.
5. School districts and nonpublic schools that have submitted satisfactory information required under subsection 6 and subsection 7 may be awarded an exemption from the additional annual reporting requirements of subsection 7 for a period of up to three years. Satisfactory information may include student outcome mathematics proficiency data collected using the assessment instruments to identify mathematical competency.

**History:** Effective April 1, 2026

**General Authority:** NDCC 15.1-21-12.3, 28-32-02

**Law Implemented:** NDCC 15.1-21-12.2

**ARTICLE 67-35**  
**ASSESSMENT OF SCHOOL BUILDINGS**

Chapter 67-35-01 Authority for Assessment of School Buildings

**CHAPTER 67-35-01**  
**AUTHORITY FOR ASSESSMENT OF SCHOOL BUILDINGS**

Section

67-35-01-01 Superintendent authority for assessment of school buildings

**67-35-01-01. Superintendent authority for assessment of school buildings.**

The superintendent of public instruction may:

1. Collect regularly conducted assessments by school districts of each building located on school grounds in the state, including the interior and exterior of the building, doors, windows, fire sprinklers , fire protection systems, components of heating, cooling, plumbing, electrical, and security systems, and handicap accessibility features.
2. Document the inventory of buildings, including building type, original construction year, facility additions, facility addition construction year, and facility square footage as submitted by school districts every four years.
3. Develop and maintain a system for tracking the assessments of buildings, including construction, repairs, modifications, and maintenance recommended for each school.
4. Contract for professional services to implement this section, including contracting to study appropriate criteria to establish for public school facility standards.

**History:** Effective January 1, 2026.

**General Authority:** NDCC 15.1-02-25, 28-32-02

**Law Implemented:** NDCC 15.1-02-25

**CHAPTER 67-36**  
**PUBLIC CHARTER SCHOOLS**

**CHAPTER 67-36-01**  
**PUBLIC CHARTER SCHOOLS**

Section

|             |                                                     |
|-------------|-----------------------------------------------------|
| 67-36-01-01 | Definitions                                         |
| 67-36-01-02 | Purpose                                             |
| 67-36-01-03 | Application Submission and Review Procedures        |
| 67-36-01-04 | Monitoring, Reporting, and Corrective Action        |
| 67-36-01-05 | Fiscal Management and Audit Reporting               |
| 67-36-01-06 | Enrollment Lottery Procedures                       |
| 67-36-01-07 | Closure and Dissolution Procedures                  |
| 67-36-01-08 | State Aid Funding Related to Public Charter Schools |
| 67-36-01-09 | Special Education for Public Charter Schools        |

**67-36-01-01. Definitions**

For the purpose of this chapter:

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 of public instruction, as defined in NDCC 15.1-40-01(4).
2. “Department” means the department of public instruction.
3. “Superintendent” means the superintendent of public instruction.

**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 that enables the establishment and operation of public charter schools as part of North Dakota’s public education system. This chapter is designed to ensure that 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. Application deadlines and format.
  - a. The department shall publish annual application deadlines, required templates, and submission procedures on its website.
  - b. Applications must be submitted in the department-approved format and include all required attachments.
2. Review process.
  - a. The department shall conduct completeness and quality reviews using a standardized rubric approved by the superintendent.
  - b. The department shall hold at least one public interview with the applicant team before making a recommendation.
  - c. Application materials and interview results must be documented and maintained in the public record.
3. The department shall issue written notice of approval, conditional approval, or denial stating the reasons and any required conditions 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. When monitoring, the department may use data reports, site visits, and documentation reviews.
2. Each public charter school must submit annual academic, operational, and fiscal reports on forms prescribed by the department.
3. When noncompliance or performance concerns are identified, the department shall issue a written notice outlining corrective actions and required evidence of remediation within specified timelines.
4. Failure to complete required corrective actions within the established period may result in revocation or nonrenewal, as described in NDCC 15.1-40-15.

**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 NDCC 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 must develop, publish, and implement written enrollment and lottery procedures consistent with North Dakota Century Code Chapter 15.1-40. Each public charter school must also 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. When 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 NDCC 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.**

State funding for public charter schools will be distributed to in accordance with NDCC 15.1-27-01. State funding may be withheld in accordance with NDCC 15.1-27-02, 15.1-02-13 (5), and 15.1-06-06 (5) or failure to comply with the charter performance agreement. Public charter schools will generate weighted student units in the same manner as a public school district except for any weighting factor that uses square miles. The statewide average state funding per student will be calculated using the prior year's foundation aid weighted student units and state funding. Failure of a public charter school to comply with any applicable requirement of state law, rule, or the charter performance agreement may result in the withholding of state aid payments, in whole or in part, until compliance is achieved and verified by the department.

**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

DRAFT

**ARTICLE 67-12**  
**STANDARDS FOR SCHOOLBUSES**

Chapter  
67-12-01 Standards for Schoolbuses

**CHAPTER 67-12-01**  
**STANDARDS FOR SCHOOLBUSES**

|             |                               |
|-------------|-------------------------------|
| Section     |                               |
| 67-12-01-01 | Minimum Standards Required    |
| 67-12-01-02 | National Standards Adopted    |
| 67-12-01-03 | Additional Standards          |
| 67-12-01-04 | Effective Date                |
| 67-12-01-05 | Investigation and Enforcement |

**67-12-01-01. Minimum standards required.**

Except as specifically provided in this chapter, all public schoolbuses operated in North Dakota must meet the minimum body and chassis standards established or referenced in this chapter. A school may use a multifunction school activity bus as defined by the national highway traffic safety administration ruling 34-03 for purposes that do not include transportation between home and school for students from kindergarten through grade twelve.

**History:** Effective May 1, 1999; amended effective July 1, 2003; December 1, 2003; April 1, 2021.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**67-12-01-02. National standards adopted.**

Except as provided in section 67-12-01-03, the body and chassis standards identified in the federal motor vehicle safety standards for schoolbuses, 49 CFR part 571 [as revised through October 1, 2011], are hereby adopted for schoolbuses in this state.

**History:** Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006; April 1, 2021.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**67-12-01-03. Additional standards.**

1. Whenever body and chassis standards identified in the ~~2015~~ 2025 revised edition of the national minimum standards for schoolbus construction, as developed by the ~~sixteenth~~ seventeenth national conference on school transportation, ~~May 17-20,~~

~~2015~~ May 4-7, 2025, exceed or are in addition to the federal motor vehicle safety standards for schoolbuses, those national minimum standards for schoolbus construction apply and are hereby adopted by reference.

2. All schoolbuses purchased after September 1, 2006, may not include interior overhead racks unless the rack:
  - a. Meets head requirements of FMVSS no. 222 effective on July 1, 2002, when applicable;
  - b. Has a maximum rated capacity displayed for each compartment;
  - c. Is completely enclosed and equipped with latching doors which must be sufficient to withstand a force of five times the maximum rated capacity of the compartment;
  - d. Has all corners and edges rounded with a minimum radius of one inch [25.4 millimeters] or padded equivalent to door header padding;
  - e. Is attached to the bus sufficiently to withstand a force equal to twenty times the maximum rated capacity of the compartment; and
  - f. Has no protrusions greater than one-fourth of one inch [6.35 millimeters].

**History:** Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006; April 1, 2021; April 1, 2026.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

#### **67-12-01-04. Effective date.**

These specifications apply to bus chassis and bodies manufactured after January 1, 2000.

**History:** Effective May 1, 1999.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

#### **67-12-01-05. Investigation and enforcement.**

If the department of public instruction has reason to believe that a school district is operating a bus which does not conform to the standards established by this chapter, the department shall request that the North Dakota highway patrol investigate and report its findings to the department. If the findings indicate noncompliance, the department of public instruction shall notify the school district accordingly and order that the vehicle not be operated until it is in compliance. The department shall also notify the school district of its opportunity to request a review and reconsideration of the decision if such request is made in writing within two weeks of the date of mailing by the department of public instruction. The reconsideration request must state the following:

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

instruction will issue a final written response on the reconsideration request within two weeks after receiving a complete reconsideration request.

**History:** Effective May 1, 1999; amended effective July 1, 2003.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1