

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1254
(Representatives Sukut, Hatlestad, D. Ruby, Steiner)
(Senators Bekkedahl, Krebsbach)

AN ACT to amend and reenact sections 15.1-29-05, 15.1-29-06, and 15.1-29-07 of the North Dakota Century Code, relating to a school district tuition waiver contract.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-29-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-05. ~~Payment of tuition~~ - Petition by parent for payment of tuition or tuition waiver.

A

1. ~~If a student wishes to attend a school district other than the student's district of residence, the student's parent may file a written petition with the board of the student's school district of residence for the payment of~~requesting that the board either:
 - a. Pay the tuition required by this chapter in order that the student can attend another school district; or
 - b. Sign a tuition waiver contract with another district that has agreed to admit the student.
2. ~~Within sixty~~thirty days after receiving the petition, the board of the student's school district of residence shall meet with the student's parent and render a decision regarding the payment of tuition. The board may:
 - a. Agree to pay the tuition;
 - b. Agree to sign a tuition waiver contract with the admitting district; or
 - c. Refuse to pay the tuition or sign a tuition waiver contract.
3. ~~If the board of the student's school district of residence does not render a contrary decision within the sixty-day~~thirty-day period, the petition is deemed approved and the board becomes obligated to pay tuition to the admitting district. ~~If the petition is approved, the board shall pay the tuition charges.~~
4. If the petition is denied, the student's parent may file an appeal with the county superintendent of schools.

SECTION 2. AMENDMENT. Section 15.1-29-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-06. ~~Payment~~Petition for waiver of tuition for grades one through twelve - Appeal - Withholding of state payments.

1. a. Within fifteen days after receipt of an appeal filed under section 15.1-29-05, the county superintendent of schools shall convene a three-member committee consisting of the county superintendent, the state's attorney, and one member appointed by the board of county commissioners for a term of three years. The committee shall consult with the boards of the affected districts and with the student's parent. The committee shall schedule a hearing, giving due notice to each affected board and to the student's parent.

The committee shall conduct the hearing in a manner that allows all parties to present arguments and responses. The committee shall base its decision regarding the ~~payment of tuition~~petition on the grade in which the student is or will be enrolled.

- b.
 - (1) If the student is or during the following school year will be enrolled in any grade from nine through twelve and the committee finds that the attendance of the student is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the student's educational needs, or extreme hardship for the student or the student's family, the committee shall approve the ~~application and the payment of tuition by the student's school district of residence, thereby obligating the district of residence~~petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract.
 - (2) The committee's directive regarding the payment of tuition or the duration of the tuition waiver contract may be for any fixed number of school years, up to the completion of the student's high school education, unless open enrollment is an available option. ~~The decision of the committee may be appealed to the state board of public school education. A decision by the state board is final.~~
 - c.
 - (1) If the student is or during the following school year will be enrolled in any grade from kindergarten through eight and the committee finds ~~that~~ the attendance of the student is necessitated by shorter distances or extreme hardship for the student or the student's family, the committee shall approve the ~~application and the payment of tuition by the student's district of residence, thereby obligating the district of residence~~petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract.
 - (2) The committee's directive regarding the payment of tuition or the duration of the tuition waiver contract is limited to one school year. The student's parent may make subsequent applications for the payment of tuition or the signing of a tuition waiver contract.
 - d. The decision of the committee may be appealed to the state board of public school education and the decision of the board is final.
2. If a student's school district of residence consists of land situated in more than one county, the three-member committee established under subsection 1 must consist of the county superintendent of schools and the state's attorney from the county in which the greatest portion of the school district's land is situated, and an individual appointed for a term of three years by the board of county commissioners representing the county in which the greatest portion of the school district's land is situated.
 3. If the student's school district of residence does not ~~comply with the decision requiring that tuition charges be paid~~pay the tuition or sign the tuition waiver contract, as required by this section, the board of the admitting district shall notify the superintendent of public instruction. Upon verifying that tuition payments are due the admitting district and are unpaidverification, the superintendent of public instruction shall withhold all state payments to the student's school district of residence until ~~any tuition due has been fully paid~~the requisite action has been taken.
 4. A school district of residence may provide transportation to a student for whom tuition is paid under this section or for whom the payment of tuition is contractually waived. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district.

SECTION 3. AMENDMENT. Section 15.1-29-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-07. Payment of tuition by parent - Content of tuition contract with parent.

1. If the board of a student's school district of residence refuses to pay the tuition or sign a tuition waiver contract in order for the student to attend school in another district and if the committee established under section 15.1-29-06 denies the petition on appeal, the student's parent may pay the tuition.
2. If the parent chooses to pay the tuition, the parent shall:
 - a. Submit at least fifty percent of the total amount due on the day of enrollment; and
 - b. Provide the board of the admitting district with a written contract agreeing to pay any remaining balance on or before December thirty-first.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1254.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,

at _____ o'clock _____ M.

Secretary of State