

HOUSE BILL NO. 1254

Introduced by

Representatives Sukut, Hatlestad, D. Ruby, Steiner

Senators Bekkedahl, Krebsbach

1 A BILL for an Act to amend and reenact sections 15.1-29-05, 15.1-29-06, and 15.1-29-07 of the
2 North Dakota Century Code, relating to a school district tuition waiver contract.

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

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

6 **15.1-29-05. ~~Payment of tuition--~~ Petition by parent for payment of tuition or tuition**
7 **waiver.**

8 A

9 1. If a student wishes to attend a school district other than the student's district of
10 residence, the student's parent may file a written petition with the board of the
11 student's school district of residence for the payment of~~requesting that the board~~
12 either:

13 a. Pay the tuition required by this chapter in order that the student can attend
14 another school district; or

15 b. Sign a tuition waiver contract with another district that has agreed to admit the
16 student.

17 2. Within ~~sixty~~thirty days after receiving the petition, the board of the student's school
18 district of residence shall meet with the student's parent and render a decision
19 regarding the payment of tuition. The board may:

20 a. Agree to pay the tuition;

21 b. Agree to sign a tuition waiver contract with the admitting district; or

22 c. Refuse to pay the tuition or sign a tuition waiver contract.

23 3. If the board of the student's school district of residence does not render a ~~contrary~~
24 decision within the ~~sixty-day~~thirty-day period, the petition is deemed approved and the

1 ~~board becomes obligated to pay tuition to the admitting district. If the petition is-~~
2 ~~approved, the board shall pay the tuition charges.~~

3 4. If the petition is denied, the student's parent may file an appeal with the county
4 superintendent of schools.

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

7 **15.1-29-06. ~~Payment~~Petition for waiver of tuition for grades one through twelve -**
8 **Appeal - Withholding of state payments.**

9 1. a. Within fifteen days after receipt of an appeal filed under section 15.1-29-05, the
10 county superintendent of schools shall convene a three-member committee
11 consisting of the county superintendent, the state's attorney, and one member
12 appointed by the board of county commissioners for a term of three years. The
13 committee shall consult with the boards of the affected districts and with the
14 student's parent. The committee shall schedule a hearing, giving due notice to
15 each affected board and to the student's parent. The committee shall conduct the
16 hearing in a manner that allows all parties to present arguments and responses.
17 The committee shall base its decision regarding the ~~payment of tuition~~petition on
18 the grade in which the student is or will be enrolled.

19 b. (1) If the student is or during the following school year will be enrolled in any
20 grade from nine through twelve and the committee finds that the attendance
21 of the student is necessitated by shorter distances, previous attendance in
22 another high school, inadequacy of curriculum considering the student's
23 educational needs, or extreme hardship for the student or the student's
24 family, the committee shall approve the ~~application and the payment of~~
25 ~~tuition by the student's school district of residence, thereby obligating the~~
26 ~~district of residence~~petition and direct the board of the student's school
27 district of residence to pay the tuition or sign a tuition waiver contract.

28 (2) The committee's directive regarding the payment of tuition or the duration of
29 the tuition waiver contract may be for any fixed number of school years, up
30 to the completion of the student's high school education, unless open
31 enrollment is an available option. ~~The decision of the committee may be~~

- 1 ~~appealed to the state board of public school education. A decision by the~~
2 ~~state board is final.~~
- 3 c. (1) If the student is or during the following school year will be enrolled in any
4 grade from kindergarten through eight and the committee finds that the
5 attendance of the student is necessitated by shorter distances or extreme
6 hardship for the student or the student's family, the committee shall approve
7 the ~~application and the payment of tuition by the student's district of~~
8 ~~residence, thereby obligating the district of residence~~petition and direct the
9 board of the student's school district of residence to pay the tuition or sign a
10 tuition waiver contract.
- 11 (2) The committee's directive regarding the payment of tuition or the duration of
12 the tuition waiver contract is limited to one school year. The student's parent
13 may make subsequent applications for the payment of tuition or the signing
14 of a tuition waiver contract.
- 15 d. The decision of the committee may be appealed to the state board of public
16 school education and the decision of the board is final.
- 17 2. If a student's school district of residence consists of land situated in more than one
18 county, the three-member committee established under subsection 1 must consist of
19 the county superintendent of schools and the state's attorney from the county in which
20 the greatest portion of the school district's land is situated, and an individual appointed
21 for a term of three years by the board of county commissioners representing the
22 county in which the greatest portion of the school district's land is situated.
- 23 3. If the student's school district of residence does not ~~comply with the decision requiring~~
24 ~~that tuition charges be paid~~pay the tuition or sign the tuition waiver contract, as
25 required by this section, the board of the admitting district shall notify the
26 superintendent of public instruction. Upon ~~verifying that tuition payments are due the~~
27 ~~admitting district and are unpaid~~verification, the superintendent of public instruction
28 shall withhold all state payments to the student's school district of residence until ~~any~~
29 ~~tuition due has been fully paid~~the requisite action has been taken.
- 30 4. A school district of residence may provide transportation to a student for whom tuition
31 is paid under this section or for whom the payment of tuition is contractually waived. If

1 a school district of residence does not provide transportation to the student, it may be
2 provided by the admitting district.

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

5 **15.1-29-07. Payment of tuition by parent - Content of tuition contract with parent.**

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