

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER 167

HOUSE BILL NO. 1123

(Representative Heinert)
(Senator Davison)

AN ACT to amend and reenact section 15.1-01-04 of the North Dakota Century Code, relating to the membership, spending authority, and funding for the kindergarten through grade twelve education coordination council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-01-04. Kindergarten through grade twelve education coordination council.

1. The state board of public school education shall oversee the creation and ongoing operation of the kindergarten through grade twelve education coordination council.
2. The council consists of:
 - a. ~~Three~~Four members of the legislative assembly, ~~one member of the majority party~~two members from each chamber of the legislative assembly, one member selected by the respective majority leader of ~~the~~each chamber, and one member of the ~~minority party~~ selected through collaboration between by the respective minority ~~leaders~~leader of ~~each~~either chamber, and one member selected by the legislative management from the chamber from which the minority leader did not make a selection;
 - b. The governor or the governor's designee;
 - c. The superintendent of public instruction or the superintendent's designee;
 - d. The president of the state board for career and technical education or the president's designee;
 - e. The president of the board of the North Dakota council of educational leaders or the president's designee;
 - f. The president of the board of North Dakota united or the president's designee;

- g. The president of the board of the North Dakota school boards association or the president's designee;
 - h. The president of the board of the North Dakota small organized schools or the president's designee;
 - i. The president of the board of the North Dakota school counselor association or the president's designee; and
 - j. The following gubernatorial appointees:
 - (1) An individual representing the statewide longitudinal data system committee;
 - (2) An individual representing a tribal school interests;
 - (3) An individual employed as a public school administrator;
 - (4) An individual employed as a public school principal;
 - (5) An individual employed as a public elementary school teacher;
 - (6) An individual employed as a public secondary school teacher;
 - (7) A director of a special education unit; and
 - ~~(7)~~(8)A director of a regional education association.
3. The term of office for a member appointed by the governor is four years. The governor may stagger the initial appointments to the council so no more than three members' terms expire in any year.
 4. The council shall select a presiding officer annually from among its members.
 5. A member of the council who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the council and to reimbursement for travel and expenses as provided by law, to be paid by the legislative council. A member of the council who is not a state employee is entitled to receive as compensation sixty-two dollars and fifty cents per day and to reimbursement of expenses as provided by law for state officers while attending meetings of the council, to be paid by the state board of public school education. A state employee who is a member of the council is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses, to be paid by the employing agency.
 6. The council may hire an executive director.
 7. The council shall:
 - a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
 - b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.

- c. Identify opportunities for increased collaboration among state education entities and stakeholders.
 - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
 - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
 - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
 - g. ~~Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.~~
 - h. Develop and utilize subcommittees as needed.
 - ~~i-h.~~ Seek advice and input from interested parties not appointed to the council as needed.
 - ~~j-i.~~ Review the North Dakota learning continuum and provide recommendations to the state board of public school education.
8. The council shall meet at least ~~four~~six times per ~~calendar year~~biennium.
9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 168

SENATE BILL NO. 2254

(Senators Kreun, Beard, Weber)
(Representatives O'Brien, Richter, Schreiber-Beck)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to intervention by the superintendent of public instruction for a chronically low-performing school or school district; to provide a report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Intervention for chronically low-performing schools - Report.

1. As used in this section, unless context otherwise requires:
 - a. "Chronically low-performing district" means a school district for which auditing and monitoring has revealed a consistent mishandling of processes, reporting, or funds resulting in inadequate educational services for the school district's students and has had chronically low-performing schools within the school district.
 - b. "Chronically low-performing school" means a school identified by the state for comprehensive support and improvement in accordance with the Every Student Succeeds Act [Pub. L. 114-95; 114 Stat. 1177; 20 U.S.C. 28 et seq.] for more than one cycle.
 - c. "Inadequate educational services" include a lack of annual progress in academic achievement, student engagement, resource allocation, teacher effectiveness, chronic absenteeism, and persistent subgroup opportunity gaps.
2. The superintendent of public instruction shall intervene directly when a public school is a chronically low-performing school and when a school district is a chronically low-performing school district. The superintendent of public instruction shall conduct an assessment and a review of past interventions of a chronically low-performing school or school district to identify areas of insufficient performance and develop an improvement plan. An improvement plan under this section may include a directive from the superintendent of public instruction requiring:
 - a. Funds to be held in escrow for the school or school district or spent as designated by the superintendent of public instruction.
 - b. Changes to curriculum, training, instruction, assessment, or the school calendar in the school or school district.

- c. Reassignment or hiring of school or school district staff to fill roles associated with school or school district needs.
3. A memorandum of understanding must be entered between the department of public instruction and a chronically low-performing school or school district.
4. A chronically low-performing school or school district shall complete a school board leadership program as required by the department of public instruction.
5. The superintendent of public instruction shall report annually to the state board of public school education, the education standing committees of the legislative assembly during a legislative session, and an interim committee of the legislative management when the legislative assembly is not in a legislative session regarding the implementation of this section.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 21, 2023

Filed April 24, 2023

CHAPTER 169

HOUSE BILL NO. 1231

(Representatives Strinden, J. Johnson, Pyle, Satrom, Schatz)
(Senators Cleary, Davison, Kreun, Myrdal)

AN ACT to amend and reenact sections 15.1-02-04, 15.1-13-35.1, and 15.1-32-26 of the North Dakota Century Code, relating to the creation of a dyslexia and literacy task force, reading instruction competency for teacher licensure, and the dyslexia screening and intervention program; to repeal section 15.1-32-25 of the North Dakota Century Code, relating to mandatory dyslexia screening; to provide for a legislative management report; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-04. Superintendent of public instruction - Duties - Report. (Effective through June 30, 2023)

The superintendent of public instruction:

- ~~1. Shall supervise the provision of elementary and secondary education to the students of this state.~~
- ~~2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.~~
- ~~3. Shall supervise the development of course content standards.~~
- ~~4. Shall supervise the assessment of students.~~
- ~~5. Shall serve as an ex officio member of the board of university and school lands.~~
- ~~6. Shall keep a complete record of all official acts and appeals.~~
- ~~7. As appropriate, shall determine the outcome of appeals regarding education matters.~~
- ~~8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.~~
- ~~9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's~~

strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.
11. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.
12. Shall collaborate with workforce development stakeholders and the kindergarten through grade twelve education coordination council to determine how best to integrate computer science and cybersecurity into elementary, middle, and high school curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the superintendent shall provide a report to the legislative management regarding the outcome of this collaboration.

Superintendent of public instruction – Duties. (Effective after June 30, 2023)

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.
2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.
3. Shall supervise the development of course content standards.
4. Shall supervise the assessment of students.
5. Shall serve as an ex officio member of the board of university and school lands.
6. Shall keep a complete record of all official acts and appeals.
7. As appropriate, shall determine the outcome of appeals regarding education matters.
8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.
9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity

receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.
11. Shall appoint a task force in collaboration with the kindergarten through grade twelve education coordination council. The task force shall review all statutes in this code relating to literacy, dyslexia, and related teacher training and report the findings and recommendations of the task force, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 2. AMENDMENT. Section 15.1-13-35.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-35.1. Teaching license - Reading instruction competency.

1. The board shall ensure a candidate for teacher licensure who will be certified to be an early childhood or elementary teacher demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:
 - a. Phonemic awareness;
 - b. Phonics;
 - c. Fluency;
 - d. Vocabulary;
 - e. Comprehension;
 - f. How to assess student reading ability; ~~and~~
 - g. How to identify and correct reading difficulties;
 - h. Scientifically based, evidence-based, and research-based curricula; and
 - i. The use of systematic direct instruction to ensure all students obtain necessary early reading skills.
2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.
3. ~~A prekindergarten through grade twelve and a secondary education~~An early childhood and elementary initial teacher licensure candidate must provide

evidence that the candidate meets the competency standards of the components under subsection 1.

4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

SECTION 3. AMENDMENT. Section 15.1-32-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-26. Dyslexia screening and intervention—Pilot program - Report to legislative management - Professional development.

1. For purposes of this section:
 - a. "Dyslexia", "dyslexia" means a specific learning disability that is ~~neurological~~neurobiological in origin and characterized by difficulties with accurate or fluent recognition of words and poor spelling and decoding abilities, independent of the individual's general intelligence level.
 - b. "Specialist trained in dyslexia" means an individual who:
 - (1) ~~Has expertise providing training in phonological and phonemic awareness, sound and symbol relationships, alphabet knowledge, rapid naming skills, and encoding and decoding skills;~~
 - (2) Is fluent in the dyslexia intervention process; and
 - (3) Has training in identifying dyslexia.
2. ~~Beginning with the 2019-20 school year and continuing through the 2022-23 school year, the~~The superintendent of public instruction shall establish and operate a pilot program to provide guidance and recommendations regarding proven strategies in early screening and intervention services for children with risk factors for dyslexia characteristics, including low phonemic awareness.
3. ~~To be eligible to participate in the program, a~~Each school district, regional education association, or special education unit must submit an application to the superintendent which shall:
 - a. ~~Identifies a method of screening children for low phonemic awareness and other risk factors for dyslexia;~~
 - b. ~~Provides for the enrollment of children identified as having risk factors for dyslexia in a reading program staffed by specialists trained in dyslexia and multisensory structured language programs; and~~
 - c. ~~Includes a methodology for evaluating the effects of the reading program on the identified risk factors of the child.~~
4. ~~Each grantee selected to participate in the program shall:~~

- a. Provide low phonemic awareness and other dyslexia risk factor screenings for children under seven years of age through a reading program established under subsection 3; For enrolled children seven years of age and younger, provide a universal screening for dyslexia including core components of phonemic awareness, decoding, and spelling, which must be approved by the superintendent of public instruction;
- b. Include a process to further evaluate identified risk factors;
- c. Describe the intervention services for the identified dyslexia risk factors;
- b-d. Provide reading intervention services to students identified as having dyslexia with dyslexia characteristics;
- e-e. Administer assessments, approved by the superintendent of public instruction, to determine the effectiveness of the program intervention services in improving the reading and learning skills of children enrolled in the program the child; and
- d-f. Provide professional development on dyslexia identification characteristics and interventions related to phonological and phonemic awareness, sound and symbol relationships, alphabet knowledge, rapid naming skills, and encoding and decoding skills, to grant participants appropriate kindergarten through grade three personnel of the school district and special education unit. Professional development may meet the requirements for continuing education credits for license renewal.
4. A school district or special education unit shall provide a universal screener under subdivision a of subsection 3 upon request by a parent, legal guardian, or teacher.
5. The board of each participating grantee shall report annually to the superintendent of public instruction regarding the operation, results, and effectiveness of the pilot program in a manner prescribed by the superintendent. Before July 1, 2024, the superintendent of public instruction shall compile the information and provide a report to the legislative management with a recommendation whether to continue the pilot program beyond the 2022-23 school year regarding dyslexia screening and intervention under this section.

SECTION 4. REPEAL. Section 15.1-32-25 of the North Dakota Century Code is repealed.

SECTION 5. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2024, and after that date is ineffective.

Approved May 6, 2023

Filed May 9, 2023

CHAPTER 170

HOUSE BILL NO. 1132

(Representatives Pyle, Cory, Ista, Longmuir, Mock, Roers Jones, M. Ruby)
(Senators Burckhard, Dever, Meyer, Weber)

AN ACT to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-29 of the North Dakota Century Code, relating to virtual instruction of military-connected students; and to amend and reenact section 15.1-20-02 of the North Dakota Century Code, relating to compulsory school attendance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Virtual learning - Military-connected students, students with a medical condition, or students moving out of state - School district policy.

1. For purposes of this section, a "military-connected student" means a student impacted by a military-directed reassignment or mid-year relocation.
2. A school district may allow a military-connected student, a student with a medical condition unable to physically attend school, or a student moving out of state to enroll early or remain enrolled and attend a school by engaging in virtual instruction.
3. The period of virtual instruction permitted under this section may not extend beyond the current school year.
4. If the board of a school district that operates a physical plant chooses to provide virtual instruction under this section, the board shall adopt a local policy.

SECTION 2. AMENDMENT. Section 15.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-02. Compulsory attendance - Exceptions.

- ~~The provisions of section~~Section 15.1-20-01 ~~does~~ not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
 - The child is in attendance for the same length of time at an approved nonpublic school;
 - The child has completed high school;
 - The child is necessary to the support of the child's family;
 - A multidisciplinary team ~~that includes~~including the child's school district superintendent, the director of the child's special education unit, the child's

classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or

e. The child is receiving home education; or

f. The child is a military-connected student engaging in virtual instruction under section 1 of this Act at the educational entity of the gaining or losing military installation, a student with a medical condition unable to physically attend school, or a student moving out of state and virtual instruction is allowed by the gaining or losing educational entity.

2. The period of virtual instruction under subdivision f of subsection 1 may not extend beyond the current school year.
3. A decision by the board of a school district under subsection 1 is appealable to the district court.

SECTION 3. A new section to chapter 15.1-29 of the North Dakota Century Code is created and enacted as follows:

Military-connected student - Average daily membership.

A military-connected student engaging in virtual instruction under section 1 of this Act qualifies for average daily membership in the school district.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 171

HOUSE BILL NO. 1522

(Representatives Dyk, Christensen, Timmons, VanWinkle)
(Senators Beard, Weston)

AN ACT to create and enact a new section to chapter 14-02.4 and a new section to chapter 15.1-06 of the North Dakota Century Code, relating to preferred pronouns and providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-02.4 of the North Dakota Century Code is created and enacted as follows:

Preferred pronoun - Government entity.

1. Unless otherwise required by law, a government entity may not adopt a policy requiring or prohibiting:
 - a. An employee's use of an individual's preferred pronoun when addressing or mentioning the individual in work-related communications; or
 - b. The designation of an employee's preferred pronoun in work-related communications.
2. An individual may assert a violation of this section as a claim or defense in a judicial proceeding and is entitled to recover appropriate relief, including reasonable attorney fees and court costs.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Transgender student accommodations.

1. A board of a school district, public school, or public school teacher may not adopt a policy that requires or prohibits any individual from using a student's preferred gender pronoun.
2. A board of a school district shall establish, with the approval of the parent or legal guardian, a plan for the use of a separate restroom accommodation for a transgender student.
3. A board of a school district or a public school shall prohibit a student from using a restroom that does not coincide with the student's biological sex.
4. Unless otherwise required by law, a school district, public school, or public school teacher may not:
 - a. Adopt a policy concerning a particular student's transgender status without approval from the student's parent or legal guardian; or

- b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved May 8, 2023

Filed May 9, 2023

CHAPTER 172

HOUSE BILL NO. 1494

(Representatives Ista, Beltz, Hager, Heinert, Jonas, Mock, Murphy, O'Brien, Richter)
(Senators Barta, Braunberger, Hogan)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school meal policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - School meals.

A school district participating in the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] shall adopt a school meals policy and publish the policy on the school district's website. A school meals policy must ensure:

1. A school may not deny a United States department of agriculture reimbursable meal to a student who requests one, unless the student's parent or guardian has provided written permission to the school to withhold a meal. A school may not serve an alternative meal to a student with an unpaid student meal balance or without funds to pay for a meal. This provision does not apply to an a la carte food item or second meal requested by a student during the same meal period.
2. A school may not dispose of or take away from a child any food that already has been served to the child on account of the child having an unpaid student meal balance or lacking the funds to pay for a meal.
3. A school may not identify or stigmatize a student as receiving a free, reduced-price, or full-price meal, or a meal for which the child lacks funds to pay, including the use of tokens, stickers, stamps, or by placing the child's name on a published list of persons with student meal debt.
4. A school may not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal balance.
5. A school may not require a student to provide services or perform work, including cleaning duties or chores, to pay for school meals debt.
6. A school may contact a student's parent or guardian directly regarding unpaid meals debt or a school meals account without funds to pay for additional meals. A school may require a child deliver a sealed letter addressed to the child's parent or guardian containing a written communication regarding the unpaid school meal debt. The letter may not be distributed to the child in a manner that stigmatizes the child.

7. A school shall adopt policies to encourage or provide an incentive for a parent or guardian of a student to apply for free or reduced meals through the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], including when a student has unpaid school meals debt.

Approved April 7, 2023

Filed April 10, 2023

CHAPTER 173

SENATE BILL NO. 2284

(Senators Schaible, Elkin)
(Representatives Heinert, Nathe)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to permitting private tutors on public school premises; to amend and reenact section 15.1-07-26, subsection 8 of section 15.1-15-02, subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to school district enrollment, the definition of "probationary teacher", a school district's policy governing possession of a weapon, the definition of "dangerous weapon", modification of weighting factors, transition maximums and an increase in per student payments, and the school construction revolving loan fund; to provide for a legislative management study; to provide a legislative management report; to provide an appropriation; to provide for an exemption; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district demographics and enrollment - ~~Long-term planning process~~Review - Report.

1. Between January first and June thirtieth of every even-numbered year, the board of each school district ~~shall~~may invite the public to participate in a ~~planning process~~review addressing the effects that demographics ~~might~~and changing enrollment will have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on:
 - a. ~~Academic and extracurricular programs~~achievement, as it relates to the local strategic plan, including progress toward state academic goals adopted by the statewide prekindergarten through grade twelve education strategic vision steering committee;
 - b. ~~Instructional and~~, administrative, ~~and ancillary~~ staffing;
 - c. Co-curricular or extracurricular programs;
 - d. Facility needs and utilization; and
 - d-e. District property tax levies.
2. At the conclusion of the ~~planning process~~review, the board ~~shall~~is encouraged to prepare a report, ~~publish a notice in the official newspaper of the district indicating that the report is available~~make the report available on the district website, and make the report available upon request.

SECTION 2. AMENDMENT. Subsection 8 of section 15.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

8. For purposes of this section, "probationary teacher" means an individual teaching for less than two years in the school district.

⁹² **SECTION 3. AMENDMENT.** Subsection 2 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must ~~prohibit~~:
- a. ~~Prohibit~~ the possession of a dangerous weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. ~~Punishment must include immediate suspension from school and expulsion. A~~
 - b. Require a student who possesses a firearm in violation of this section ~~must~~ be expelled for at least one year. ~~The school district firearms policy must authorize~~
 - c. Authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.
 - d. Include a referral mechanism to the criminal justice or juvenile delinquency system for a student who possesses a firearm in violation of this subsection.

⁹³ **SECTION 4. AMENDMENT.** Subsection 6 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

6. For purposes of this section:
- a. "Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).
 - b. "Firearm" has the meaning provided in Public Law No. 90-351 [82 Stat. 197; 18 U.S.C. 921].
 - ~~b-c.~~ "School property" includes all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

⁹² Section 15.1-19-10 was also amended by section 4 of Senate Bill No. 2284, chapter 173.

⁹³ Section 15.1-19-10 was also amended by section 3 of Senate Bill No. 2284, chapter 173.

SECTION 5. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Private tutors.

A board of a school district may adopt a policy to permit private tutors to provide tutoring services on school premises.

⁹⁴ **SECTION 6. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
 - c. 0.40 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - d. 0.28 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
 - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
 - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;

⁹⁴ Section 15.1-27-03.1 was also amended by section 7 of Senate Bill No. 2284, chapter 173.

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- h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
- i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
- j. ~~0.0820.088~~ the number of students enrolled in average daily membership, in order to support the provision of special education services;
- k. 0.07 the number of full-time equivalent students who:
- (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
 - (2) Are enrolled in a program of instruction for English language learners; and
 - (3) Have not been in the third of six categories of proficiency for more than three years;
- l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1;
- n. ~~0.601.0~~ the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership ~~increasing the factor annually by 0.10, not to exceed 1.00; and~~
- o. For districts paid based on September tenth enrollment in the prior year, ~~0.500.70~~ the number of students determined by deducting the number of

students in the prior year's September tenth enrollment from the prior year's average daily membership, increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

⁹⁵ **SECTION 7. AMENDMENT.** Subdivision o of subsection 1 of section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- o. For districts paid based on September tenth enrollment in the prior year, ~~0.70~~1.00 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership, ~~increasing the factor annually by 0.10, not to exceed 1.00.~~ If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of ~~0.50~~1.00 the number of excess students, ~~increasing the factor annually by 0.10, not to exceed 1.00.~~

⁹⁶ **SECTION 8. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For ~~the 2022-23 school year,~~ for school districts that operate multiple kindergarten through grade twelve buildings at least ~~nineteen~~fourteen miles [~~30.58~~22.53 kilometers] apart, or multiple buildings at least ~~nineteen~~fourteen miles [~~30.58~~22.53 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately, with no adjustment for elementary schools. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units.

⁹⁷ **SECTION 9. AMENDMENT.** Subsection 4 of section 15.1-27-03.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units. For for school districts that operate multiple kindergarten through grade twelve buildings at least ~~fourteen~~ miles [22.53

⁹⁵ Section 15.1-27-03.1 was also amended by section 6 of Senate Bill No. 2284, chapter 173.

⁹⁶ Section 15.1-27-03.2 was also amended by section 9 of Senate Bill No. 2284, chapter 173.

⁹⁷ Section 15.1-27-03.2 was also amended by section 8 of Senate Bill No. 2284, chapter 173.

kilometers] apart, or multiple buildings at least fourteen miles [22.53 kilometers] apart with no replicated grades, the superintendent of public instruction shall determine the school size weighting factor for each building separately, ~~with no adjustment for elementary schools~~. The superintendent of public instruction shall multiply the school size weighting factor for each building by the school district's weighted average daily membership to determine each building's weighted student units. The superintendent of public instruction shall combine the weighted student units of all buildings in the school district to determine the school district's weighted student units.

⁹⁸ **SECTION 10. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding

⁹⁸ Section 15.1-27-04.1 was also amended by section 18 of Senate Bill No. 2013, chapter 45, and section 25 of Senate Bill No. 2015, chapter 47. The North Dakota Supreme Court declared Senate Bill No. 2015 void in *Board of Trustees of The North Dakota Public Employees' Retirement System v. North Dakota Legislative Assembly*, by judgment filed October 12, 2023.

- received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;
- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3);
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per

weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ~~ten thousand one hundred thirty-six~~six hundred forty-six dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten thousand one hundred thirty-six~~six hundred forty-six dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~forty-five percent and then the difference added to the amount determined in paragraph 1.
 - b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ~~ten~~eleven thousand ~~two hundred thirty-seven~~seventy-two dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten~~eleven thousand ~~two hundred thirty-seven~~seventy-two dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~thirty~~sixty percent for the ~~2022-23~~2024-25 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

- e. ~~The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:~~
- ~~(1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~
 - ~~(2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~
 - ~~(3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
 - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2020~~2022 by the school district for sinking and interest relative to the total mills levied in ~~2020~~2022 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
- b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
- c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

Baseline funding - Establishment - Determination of state aid. (Effective after June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;
 - (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;

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- (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3); and
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.
 - e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
 - b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.
 - c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment

per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.

3. a. For the ~~2021-22~~2023-24 school year, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ~~ten thousand one hundred thirty-six~~six hundred forty-six dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten thousand one hundred thirty-six~~six hundred forty-six dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifteen~~forty-five percent and then the difference added to the amount determined in paragraph 1.
- b. For the ~~2022-23~~2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
 - (1) The district's weighted student units multiplied by ~~ten~~eleven thousand ~~two hundred thirty-seven~~seventy-two dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten~~eleven thousand ~~two hundred thirty-seven~~seventy-two dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~thirty~~sixty percent for the ~~2022-23~~2024-25 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.
- c. ~~The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:~~
 - (1) ~~For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.~~
 - (2) ~~For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted~~

student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.

- ~~(3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
 - ~~(6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.~~
4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
 - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:

- (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
- (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
- (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2020~~2022 by the school district for sinking and interest relative to the total mills levied in ~~2020~~2022 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:
- The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

⁹⁹ **SECTION 11. AMENDMENT.** Subsection 5 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

5. If the superintendent of public instruction approves the loan, the Bank of North Dakota shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:

⁹⁹ Section 15.1-36-08 was also amended by section 1 of House Bill No. 1161, chapter 197, and section 12 of Senate Bill No. 2233, chapter 95.

- a. Thef the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is tenfifteen million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of eighttwelve million dollars;
- b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is thirty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of twenty-four million dollars;
- c. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
- e-d. The interest rate of the loan may not exceed two percent per year.
- e. 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 under this subsection.
- f. A district that qualifies for a loan under subdivision a, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between fifteen million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.
- g. A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between thirty million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.

SECTION 12. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE BOARD OF PUBLIC SCHOOL EDUCATION.

1. During the 2023-24 interim, the legislative management shall consider studying the composition of the state board of public school education. The study must include:
 - a. An analysis of the state board of public school education boundaries, including a comparison of methodologies for creating the boundaries;
 - b. An analysis of the inclusion of representatives from small, large, urban, and rural schools on the board;
 - c. An evaluation of term limits for board members, including staggering terms to ensure continuity of knowledge;

- d. An evaluation of the benefits and consequences of requiring the composition of the board to include two school district superintendents, two members of a board of a school district, and two citizens at large;
 - e. An evaluation of the benefits and consequences of requiring a minimum or maximum number of candidates to be submitted to the governor and permitting the governor to request a new list of potential candidates once; and
 - f. An analysis of the role and practices of the county superintendent of schools.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 13. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.

1. During the 2023-24 interim, the legislative management shall study school choice models implemented nationally for kindergarten through grade twelve schools, including charter schools, magnet schools, private schools, voucher systems, and home schools. The study must include input from stakeholders, including public and nonpublic teachers and administrators, parents of students, representatives from the department of public instruction, a representative from the governor's office, and representatives from regional education associations. The study also must include the following, supported by quantitative data:
 - a. A review of regulations implemented by state regulatory agencies to ensure accountability for various school choice models;
 - b. A comparison of nontraditional school choice models implemented by other states;
 - c. An analysis of the impact of enrollment fluctuation, including the impact on state aid;
 - d. A review of the state's student population and enrollment capacity and tuition costs of nonpublic schools; and
 - e. A review of services nonpublic schools are able to offer students with special needs.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - TEACHER SHORTAGE AND MILITARY FAMILY WORKFORCE. During the 2023-24 interim, the legislative management shall consider studying employer recruitment needs, applicable state regulations, and benefit options for kindergarten through grade twelve educators within the state, including potential barriers to military personnel and spouses teaching in the classroom. The study should identify immediate and long-term public policy strategies to address teacher shortages and support for military families and spouses. The legislative management shall report its findings and recommendations,

together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - VIRTUAL INSTRUCTION IN LIEU OF STORM DAYS. During the 2023-24 interim, the legislative management shall consider studying the feasibility, desirability, and impact of replacing storm days with virtual instruction days. The study must include input from the department of public instruction, public school administrators and teachers, and other stakeholders. The study also must include a review of relevant statutes, plans approved by school boards, and current practices related to storm days. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 16. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA - SCHOOL TRANSPORTATION STUDY - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of a school transportation study, for the biennium beginning July 1, 2023, and ending June 30, 2025. The funding provided in this section is considered a one-time funding item.

SECTION 17. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS FOR FREE MEALS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public or nonpublic school at or below two hundred percent of the federal poverty guideline, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall develop guidelines and reporting requirements for the grants.

SECTION 18. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - SCIENCE OF READING - REPORT. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of supporting professional learning related to the science of reading and implementing systematic direct literacy instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall collaborate with the regional education associations to ensure continuity of access to science of reading training opportunities and develop support processes to deepen science of reading implementation. The superintendent of public instruction shall provide quarterly reports to the legislative management on the implementation and effectiveness of this appropriation on improving educational outcomes, including the number of teachers trained, an anticipated timeline of results trends, and any results trends available.

SECTION 19. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$279,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in identification of dyslexia characteristics for the biennium beginning July 1, 2023, and ending June 30, 2025. Each school that instructs

students in kindergarten through third grade may apply to the department for funding to train at least one educator in the identification of dyslexia characteristics.

SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of \$558,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in a reading learning platform approved by the superintendent of public instruction, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 21. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of \$1,837,000 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of funding professional learning related to the science of reading and implementing systematic direct literacy instruction, training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers as appropriated in this Act.

SECTION 22. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND. The office of management and budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the school construction assistance revolving loan fund during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 23. EFFECTIVE DATE. Section 7 of this Act becomes effective on July 1, 2024. Section 9 of this Act becomes effective on July 1, 2028.

Approved May 8, 2023

Filed May 9, 2023

CHAPTER 174

HOUSE BILL NO. 1386

(Representatives Timmons, Bosch, Jonas, Mock, Murphy, Pyle, Richter, Sanford)
(Senators Conley, Lemm, Meyer)

AN ACT to create and enact a new section to chapter 15.1-18.2 of the North Dakota Century Code, relating to local boards of school districts' discretion to designate educational professional development content areas; and to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to youth behavioral health professional development.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-34. Youth behavioral health training to teachers, administrators, and ancillary staff.

1. Every two years, each school district ~~shall~~may provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district ~~shall~~may encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours ~~must~~may be designated from the following categories:
 - a. Trauma;
 - b. Social and emotional learning, including resiliency;
 - c. Suicide prevention;
 - d. Bullying;
 - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
 - f. Knowledge of behavioral health symptoms, and risks;
 - g. Awareness of referral sources and evidence-based strategies for appropriate interventions;
 - h. Other evidence-based strategies to reduce risk factors for students; or
 - i. Current or new evidence-based behavior prevention or mitigation techniques.
2. ~~Each school district shall report the professional development hours required under subsection 1 to the department of public instruction.~~

3. Each school within a district shall designate an individual as a behavioral health resource coordinator.
- 4.3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training and instructional materials, and notice of training opportunities to school districts and nonpublic schools. This training must qualify for continuing education credits that count toward license renewal.
- 5.4. The superintendent of public instruction shall maintain the contact information of the behavioral health resource coordinator in each school.

SECTION 2. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Professional development - Discretionary.

A school administrator shall recommend professional development content areas appropriate for a public school or school district to the board of a school district. The board of a school district may designate professional development for a school district. Professional development may include content areas, including behavioral, physical, or mental health. Professional development must include the professional development training required under section 15.1-21-12.1.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 175

HOUSE BILL NO. 1521

(Representatives Murphy, Dyk, Longmuir, Sanford)
(Senator Meyer)

AN ACT to amend and reenact section 15.1-07-35 of the North Dakota Century Code, relating to alternative curriculum outside of a classroom.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-35. School districts - Policy - Alternative curriculum outside the classroom - Participation - Report to legislative management.

1. For purposes of this section:
 - a. "Educational opportunity" means instruction outside the classroom which meets course content standards, as determined by the superintendent of public instruction. The term includes work-based learning, pre-apprenticeships, apprenticeships, internships, industry certifications, and community programs.
 - b. "Sponsoring entity" means a business, for-profit organization, nonprofit organization, trade association, parent of a student, teacher, or administrator that partners with a school district or governing board of a nonpublic school to provide educational opportunities for students.
2. The superintendent of public instruction shall adopt rules to administer this section.
3. The board of a school district or governing board of a nonpublic school may adopt a policy to allow students enrolled in grades six through twelve to earn course credit through educational opportunities with a sponsoring entity.
4. A policy adopted under this section must provide criteria for:
 - a. The submission, approval, and evaluation of proposals for educational opportunities by sponsoring entities for which a student may earn course credit;
 - b. Sponsoring entity eligibility; and
 - c. Educational opportunity accountability.
5. The board of a school district or governing board of a nonpublic school may ~~accept~~approve a proposal from any eligible sponsoring entity. To be approved, a proposal must:
 - a. Provide increased educational opportunities for students;

- b. Improve the academic success of students; and
 - c. Identify a teacher of record who is employed by the school district or nonpublic school, is licensed under chapter 15.1-18, and has approved the proposal.
- ~~6. Upon approval by the board of a school district or governing board of a nonpublic school, the proposal must be submitted to the kindergarten through grade twelve education coordination council for review and to the superintendent of public instruction for approval before implementation. The superintendent of public instruction shall approve or deny a proposal under this section within ninety days of submission.~~
 - ~~7. If a proposal is denied under subsection 6, the superintendent shall provide the board of a school district or governing board of a nonpublic school with a written explanation, including the reasons for denial.~~
 - ~~8. If a proposal is approved by the superintendent of public instruction, the board of a school district or governing board of a nonpublic school shall implement the proposal and allow students to participate in the educational opportunity for course credit.~~
 - 9-6. Upon approval by the board of a public school district or governing board of a nonpublic school, the proposal must be submitted to the superintendent of public instruction.
 7. Any school district or nonpublic school participating in the program shall provide evaluation data to the superintendent of public instruction at the time and in the manner requested by the superintendent of public instruction.
 - ~~10-8. The superintendent of public instruction may revoke proposal/program approval if the superintendent of public instruction determines the school district, nonpublic school, or sponsoring entity failed to comply with the agreed upon terms of the educational opportunity proposal or the school district policy, or failed to meet the requirements of this section.~~
 - ~~11. If approval of a proposal is revoked under subsection 10, the superintendent of public instruction shall provide a report to the legislative management regarding the revocation.~~
 - 12-9. The superintendent of public instruction shall provide information on the superintendent of public instruction's website and in a biennial reports/report to the legislative management regarding proposals under this section.

Approved March 23, 2023

Filed March 23, 2023

CHAPTER 176

SENATE BILL NO. 2223

(Senators Meyer, Burckhard, Kreun)
(Representatives Hagert, Heinert, M. Ruby)

AN ACT to amend and reenact section 15.1-08-02 of the North Dakota Century Code, relating to the residency requirement for military installation school board members; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-08-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-08-02. Military installation - School board members - Terms of office - Qualifications - Vacancies.

The board of a school district formed under this chapter consists of five members. The superintendent of public instruction shall adopt rules providing appointment procedures. The superintendent, after consultation with the base commander and with the approval of the state board of public school education, shall appoint board members in April of each year. The A board members member must reside on be an active member or spouse of an active member of the military installation, or a retired member or spouse of a retired member of the military installation whose permanent residence is located within the state and is no greater than twenty miles from the military installation. An individual who serves on the board of a school district in the district where they reside may not simultaneously be appointed to the board of a military installation. The school board members shall serve three-year terms except ~~that~~ the superintendent of public instruction shall designate two of the members initially appointed to serve two-year terms and two of the members initially appointed to serve one-year terms. If a vacancy occurs, the school board shall appoint an individual to serve for the remainder of the unexpired term.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 4, 2023

Filed April 5, 2023

CHAPTER 177

HOUSE BILL NO. 1257

(Representatives Conmy, Dyk, Hanson, Heinert, Murphy, Schneider, Schreiber-Beck, Swiontek)
(Senators Beard, Braunberger)

AN ACT to amend and reenact sections 15.1-09-08, 16.1-08.1-02.3, and 16.1-08.1-05 of the North Dakota Century Code, relating to campaign contribution statements for candidates seeking a school district office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-08. School district elections - Candidate filings.

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether or not the election is held in conjunction with a statewide election, these documents all statements of interest must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall also file a campaign contribution statement as required by section 16.1-08.1-02.3.

SECTION 2. AMENDMENT. Section 16.1-08.1-02.3 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, and nonstatewide political parties.

1. Prior to the thirty-first day before a primary, general, or special election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, or a political party other than a statewide political party soliciting or accepting contributions shall file a campaign disclosure statement that includes all contributions received from January first through the fortieth day before the election. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not endorsed or nominated any candidate in the election is not required to file a statement under this subsection. The statement may be submitted for filing beginning on the thirty-ninth day before the election. The statement must include:
 - a. For each aggregated contribution from a contributor which totals in excess of two hundred dollars received during the reporting period:
 - (1) The name and mailing address of the contributor;
 - (2) The total amount of the contribution; and

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- (3) The date the last contributed amount was received;
 - b. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;
 - c. The total of all contributions received from contributors that contributed two hundred dollars or less each during the reporting period; and
 - d. For a statewide candidate, a candidate committee formed on behalf of a statewide candidate, and a statewide multicandidate committee, the balance of the campaign fund on the fortieth day before the election and the balance of the campaign fund on January first.
2. Beginning on the thirty-ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty-eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor which is in excess of five hundred dollars. The statement must include:
 - a. The name and mailing address of the contributor;
 - b. The total amount of the contribution received during the reporting period; and
 - c. The date the last contributed amount was received.
 3. Prior to February first, a candidate or candidate committee, a multicandidate political committee, or a nonstatewide political party soliciting or accepting contributions shall file a campaign disclosure statement that includes all contributions received and expenditures, by expenditure category, made from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The statement must include:
 - a. For a statewide candidate, a candidate committee formed on behalf of a statewide candidate, and a statewide multicandidate committee, the balance of the campaign fund on January first and on December thirty-first;
 - b. For each aggregated contribution from a contributor which totals in excess of two hundred dollars received during the reporting period:
 - (1) The name and mailing address of the contributor;
 - (2) The total amount of the contribution; and
 - (3) The date the last contributed amount was received;
 - c. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;
 - d. The total of all contributions received from contributors that contributed two hundred dollars or less each during the reporting period; and

- e. The total of all other expenditures made during the previous year, separated into expenditure categories.
4. A person required to file a statement under this section, other than a candidate for judicial office, county office, or city office, or school district office, or a candidate committee for a candidate exempted under this subsection, shall report each aggregated contribution from a contributor which totals five thousand dollars or more during the reporting period. For these contributions from individuals, the statement must include the contributor's occupation, employer, and the employer's principal place of business.
 5. A candidate for city office in a city with a population under five thousand and a candidate committee for the candidate are exempt from this section. A candidate for school district office in a school district with a fall enrollment of fewer than one thousand students and a candidate committee for the candidate are exempt from this section.
 6. A candidate for county office and a candidate committee for a candidate for county office shall file statements under this chapter with the county auditor. A candidate for city office who is required to file a statement under this chapter and a candidate committee for such a candidate shall file statements with the city auditor. A candidate for school district office who is required to file a statement under this chapter and a candidate committee for such a candidate shall file statements with the school district business manager. Any other person required to file a statement under this section shall file the statement with the secretary of state.
 7. The filing officer shall assess and collect fees for any reports filed after the filing deadline.
 8. To ensure accurate reporting and avoid commingling of campaign and personal funds, candidates shall use dedicated campaign accounts that are separate from any personal accounts.

SECTION 3. AMENDMENT. Section 16.1-08.1-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-05. Audit by secretary of state - Requested audits - Reports.

1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, to be performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be paid for by the secretary of state.
2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state, upon written request by any interested party made to the

secretary of state within thirty days following receipt of a statement by the secretary of state. The request must be made in writing, recite a substantial irregularity and a lawful reason for requesting an audit, and be accompanied by a bond in an amount established by the secretary of state sufficient to pay the cost of the audit. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, or political committee filing the statement shall pay a fine to the secretary of state equal to two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater, and the bond shall be returned to the person submitting it. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be satisfied from the bond filed with the secretary of state.

3. An audit may not be made or requested of a statement for the sole reason that it was not timely filed with the secretary of state. An audit made or arranged according to this section must audit only those items required to be included in any statement, registration, or report filed with the secretary of state according to this chapter. The secretary of state may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer. Any remaining moneys collected by the secretary of state after an audit is paid for under this section must be deposited in the state's general fund. This section does not apply to statements filed by candidates or candidate committees for candidates for county or city, or school district offices.

Approved April 6, 2023

Filed April 10, 2023

CHAPTER 178

HOUSE BILL NO. 1270

(Representatives Frelich, K. Anderson, Dyk, Heilman, Murphy, Strinden)

AN ACT to amend and reenact section 15.1-09-30 of the North Dakota Century Code, relating to recording, publishing, and archiving of school district board meetings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁰ **SECTION 1. AMENDMENT.** Section 15.1-09-30 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-30. School boards - Meetings.

1. Each school board shall hold an initial meeting during the month of July following the annual election. The president of the school board shall select a meeting date that is convenient to the other board members and shall provide board members with written notice of the meeting.
2. Once during each month thereafter, a board shall hold a regular meeting for the transaction of business. The board of any school district having only one-room and two-room schools may meet as often as the board deems necessary, but not less than four times in each year.
3. Special meetings may be called by the president or by any two members of a board. Written notice of a special meeting must be given to each member of a board.
4. The attendance of a board member at any meeting, without objection, constitutes a waiver of the notice requirement for that member.
5. A board of a school district operating under an academic cooperative agreement approved by the superintendent of public instruction may participate in multiboard meetings in addition to, instead of, or in conjunction with the regular board meetings required by this section. Multiboard meetings must be for the purpose of pursuing joint academic or cooperative activities and must be held at the times and locations agreed to by the presidents of the participating boards. In addition to any other requirements set forth in section 44-04-20, the presidents of each school board shall ensure that notice of each multiboard meeting in which the school board will participate is published in the local newspapers of general circulation at least one week before the meeting date.
6. At the request of a resident of the school district, a school district shall record the school district's regular or special meeting, archive the recording, and make the recording available to the public. A request must be submitted to the school district no later than seven days prior to the meeting. A school district shall publish on its website a link to the recording of a board meeting. The

¹⁰⁰ Section 15.1-09-30 was also amended by section 2 of House Bill No. 1120, chapter 111.

recording must be available on the school districts' website for no fewer than three months from seven days after the meeting. This section does not apply to executive sessions nor work sessions held as part of a regular or special meeting.

7. If a school district provides a livestream of a regular or special meeting of the board, the school district shall notify the public of the location of the link to access the livestream.

Approved April 10, 2023

Filed April 11, 2023

CHAPTER 179

HOUSE BILL NO. 1187

(Representatives Louser, Fegley, Hoverson, Longmuir, Mock, Novak, Thomas,
VanWinkle)
(Senator Elkin)

AN ACT to amend and reenact section 15.1-09-33.1 of the North Dakota Century Code, relating to the authority of a school district to pay signing bonuses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-33.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33.1. School board authority - Payment of signing bonuses.

1. The board of a school district may offer ~~and, upon the signing of the contract by both parties,~~ pay a signing bonus to an individual who:
 - a. Is licensed ~~to teach~~ by the education standards and practices board or approved ~~to teach~~ by the education standards and practices board;
 - b. Has signed a contract of employment ~~to serve as a classroom teacher in the district;~~ and
 - c. ~~Was not~~Has never been employed ~~as a classroom teacher in the newly assigned role~~ by the board of a school district ~~in this state during the previous school year.~~
2. The board may pay to the individual the signing bonus authorized by subsection 1 in:
 - a. One lump sum upon the individual signing a contract of employment; or
 - b. Installments over a period of time not to exceed ~~three~~five years from the date the individual signed a contract of employment.
3. A signing bonus paid under this section:
 - a. Is in addition to any amount payable under a negotiated teachers' contract;;
 - b. May not be included in the district's negotiated salary schedule;~~and~~;
 - c. May not be included as salary for continuing contract purposes~~;~~;
 - d. May not be paid until the individual is licensed and qualified for the newly assigned role by the education standards and practices board.

- e. May not be used for an individual employed the prior year by another school district in the state until the individual has been employed in the district for two years.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 180**SENATE BILL NO. 2099**

(Senator Schaible)

AN ACT to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to information regarding minors in disciplinary records of the education standards and practices board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Information identifying a minor - Exempt.

Information that reasonably may identify a minor child, including name, date of birth, address, parent name, and an image of a minor, obtained by the board during the course of a disciplinary action is exempt from section 44-04-18.

Approved March 20, 2023

Filed March 21, 2023

CHAPTER 181

HOUSE BILL NO. 1259

(Representatives Novak, Hauck)

AN ACT to create and enact subsection 5 of section 15.1-15-12 of the North Dakota Century Code, relating to individuals under short-term contracts with a school district.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Subsection 5 of section 15.1-15-12 of the North Dakota Century Code is created and enacted as follows:

5. Any individual employed by a school district in a position substantially funded by grant funds, overloads, or a temporary funding source, or an individual replacing a school district employee and who is employed by a school district in a position substantially funded by grant funds, overloads, or a temporary funding source, if the individual received advance notice of the defined contract term before accepting employment with the school district.

Approved March 22, 2023

Filed March 23, 2023

CHAPTER 182

SENATE BILL NO. 2070

(Senators Rust, Davison, Schaible)
(Representatives Longmuir, Monson, Richter)

AN ACT to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to criteria for teacher permits; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰¹ **SECTION 1. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-10. Specialty areas - Teacher qualification. (Effective through July 31, 20232031)

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
 - a. Is licensed to teach by the education standards and practices board;
 - b. Is approved to teach in that area by the education standards and practices board; and
 - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
 - a. Has a permit issued by the board and has a high school diploma;
 - b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught; or

¹⁰¹ Section 15.1-18-10 was also amended by section 1 of House Bill No. 1304, chapter 183.

- (2) Possesses a certificate, permit, or degree in the subject area to be taught; and
- c. Enrolls in the North Dakota teacher support system approved mentor program, expensed to the sending district.
5. The board of a school district may authorize an individual to teach under subsection 4 for one year, up to a maximum of three years, if:
 - a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
 - b. The individual successfully completes a background check conducted by the education standards and practices board; and
 - c. The education standards and practices board issues a permit to the individual.
6. For an individual authorized to teach under subsection 5, the board of a school district may authorize the individual to teach for an additional four years, up to a maximum of seven years, if the individual also is enrolled in a teacher education program.
7. The board may adopt rules to administer teaching permits under this section.
- ~~7-8.~~ The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

Specialty areas - Teacher qualification. (Effective after July 31, 20232031)

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
 - a. Is licensed to teach by the education standards and practices board;
 - b. Is approved to teach in that area by the education standards and practices board; and
 - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:

- a. Has a permit issued by the board and has a high school diploma;
- b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught; or
 - (2) Possesses a certificate, permit, or degree in the subject area to be taught; and
- c. Enrolls in the North Dakota teacher support system approved mentor program, expensed to the sending district.

Approved March 27, 2023

Filed March 28, 2023

CHAPTER 183

HOUSE BILL NO. 1304

(Representative Schreiber-Beck)

AN ACT to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to a special education teaching authorization; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰² **SECTION 1. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-10. Specialty areas - Teacher qualification. (Effective through July 31, 2023)

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
 - a. Is licensed to teach by the education standards and practices board;
 - b. Is approved to teach in that area by the education standards and practices board; and
 - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
 - a. Has a permit issued by the board and has a high school diploma;
 - b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught; or

¹⁰² Section 15.1-18-10 was also amended by section 1 of Senate Bill No. 2070, chapter 182.

- (2) Possesses a certificate, permit, or degree in the subject area to be taught; and
- c. Enrolls in the North Dakota teacher support system approved mentor program, expensed to the sending district.
5. An individual may teach special education using a teaching authorization under this subsection for a time not exceeding two years. An individual may obtain a special education teaching authorization if the individual:
- a. Is currently enrolled in a bachelor's program with a major in special education;
- b. Has successfully completed all professional education coursework, special education major-specific coursework, and student teaching; and
- c. Has passed the tests required by the education standards and practices board, including the content area test.
6. The board of a school district may authorize an individual to teach under subsection 4 for one year, up to a maximum of three years, if:
- a. The administrator of a school within the district submits a written request to the education standards and practices board which indicates the administrator is unable to locate a qualified applicant and requests the education standards and practices board issue a permit;
- b. The individual successfully completes a background check conducted by the education standards and practices board; and
- c. The education standards and practices board issues a permit to the individual.
- ~~6-7.~~ The board may adopt rules to administer teaching permits under this section.
- ~~7-8.~~ The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

Specialty areas - Teacher qualification. (Effective after July 31, 2023)

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
- a. Is licensed to teach by the education standards and practices board;
- b. Is approved to teach in that area by the education standards and practices board; and
- c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.

3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
 - a. Has a permit issued by the board and has a high school diploma;
 - b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught; or
(2) Possesses a certificate, permit, or degree in the subject area to be taught; and
 - c. Enrolls in the North Dakota teacher support system approved mentor program, expensed to the sending district.
5. An individual may teach special education using a teaching authorization under this subsection for a time not exceeding two years. An individual may obtain a special education teaching authorization if the individual:
 - a. Is currently enrolled in a bachelor's program with a major in special education;
 - b. Has successfully completed all professional education coursework, special education major-specific coursework, and student teaching; and
 - c. Has passed the tests required by the education standards and practices board, including the content area test.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 10, 2023

Filed April 11, 2023

CHAPTER 184

HOUSE BILL NO. 1144

(Representatives Schauer, Hanson, O'Brien, Pyle, Satrom, Schreiber-Beck, Steiner, Strinden)
(Senators Hogan, K. Roers, Weber)

AN ACT to create and enact a new section to chapter 15.1-19, section 50-11.1-02.4, and a new subsection to section 50-11.1-03 of the North Dakota Century Code, relating to required training for mandated reporters of child abuse and neglect.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Mandated reporter of suspected child abuse or neglect - Training.

1. Each public and nonpublic school teacher, administrator, and counselor annually shall provide documentation to the department of public instruction of the individual's completion of the online interactive training module provided by the department of health and human services for mandated reporters of suspected child abuse or neglect.
2. This training must qualify for continuing education credits that count toward license renewal.

SECTION 2. Section 50-11.1-02.4 of the North Dakota Century Code is created and enacted as follows:

50-11.1-02.4. Early childhood services providers - Mandated reporter of suspected child abuse or neglect - Training.

1. An early childhood services provider annually shall provide documentation to the department of the provider's and the provider's staff members' completion of the online interactive training module provided by the department for mandated reporters of suspected child abuse or neglect.
2. This training must qualify for continuing education credits that count toward license renewal.

¹⁰³ **SECTION 3.** A new subsection to section 50-11.1-03 of the North Dakota Century Code is created and enacted as follows:

Any hours of department-approved training related to child care which an applicant completes after submitting the fees and application as required under subsection 8 must be counted toward the licensing annual requirements for the following year.

¹⁰³ Section 50-11.1-03 was also amended by section 4 of Senate Bill No. 2104, chapter 435.

Approved April 11, 2023

Filed April 12, 2023

CHAPTER 185

HOUSE BILL NO. 1156

(Representatives Schreiber-Beck, D. Johnson, Jonas, Longmuir, Pyle, Sanford)
(Senators Cleary, Hogan, Kreun, Rust)

AN ACT to amend and reenact subsection 3 of section 15-19-01 and section 15.1-22-01 of the North Dakota Century Code, relating to services provided by the center for distance education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁴ **SECTION 1. AMENDMENT.** Subsection 3 of section 15-19-01 of the North Dakota Century Code is amended and reenacted as follows:

3. The center for distance education may provide services to persons who are not North Dakota residents, including entering an agreement with a regionally accredited postsecondary institution to provide high school and postsecondary credit for the completion of an academic course.

SECTION 2. AMENDMENT. Section 15.1-22-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-22-01. Kindergarten - Establishment by board –~~Request by parent.~~

The board of a school district shall ~~either provide:~~

1. Provide at least a half-day kindergarten program for any student enrolled in the district ~~or pay;~~ or
2. Pay the tuition required for the student to attend a kindergarten program in another school district or, if requested by a parent or guardian, through the center for distance education.

Approved April 11, 2023

Filed April 12, 2023

¹⁰⁴ Section 15-19-01 was also amended by section 1 of House Bill No. 1376, chapter 186, and section 2 of Senate Bill No. 2269, chapter 161.

CHAPTER 186

HOUSE BILL NO. 1376

(Representatives Strinden, Meier, Monson, Pyle, Richter, Satrom, Schreiber-Beck)
(Senators Davison, Meyer)

AN ACT to amend and reenact sections 15-19-01, 15.1-07-25.4, 15.1-31-01, 15.1-31-06, 15.1-31-07, and 15.1-31-08 of the North Dakota Century Code, relating to virtual instruction of students and open enrollment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁵ **SECTION 1. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is amended and reenacted as follows:

15-19-01. North Dakota center for distance education courses - Establishment - Enrollment of students - Courses of instruction.

The state shall provide kindergarten through grade twelve courses, comprehensive educational support, and high school diplomas through the center for distance education under the following provisions:

1. A complete curriculum prescribed by state-mandated education accreditation entities which meets the requirements for digital education the superintendent of public instruction has determined to be appropriate.
2. ~~A superintendent or an administrator of a school may deny the enrollment of a student in that district at the center for distance education except as provided in subsection 5.~~
3. The center for distance education may provide services to persons who are not North Dakota residents.
4. ~~3. Center~~ A center for distance education ~~students~~ student's school district of residence shall pay fees as may be prescribed by the state board for career and technical education.
5. ~~4. Students exempt from the compulsory school attendance laws pursuant to subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education courses offered through the center for distance education. These students may study their center for distance education lessons in their learning environment under the supervision of a parent.~~

SECTION 2. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

¹⁰⁵ Section 15-19-01 was also amended by section 1 of House Bill No. 1156, chapter 185, and section 2 of Senate Bill No. 2269, chapter 161.

1. The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. A resident school district may not deny open enrollment to an approved virtual school.
2. A student or a student's family member may not receive any item, service, or thing of value not given in exchange for fair market consideration from a vendor providing instruction or support under this section.
3. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction.
4. The superintendent of public instruction shall provide ~~biennial reports~~ an annual report to either the legislative management regarding or the legislative assembly. In odd-numbered years, the report must be made to the legislative assembly. In even-numbered years, the report must be made to the legislative management. The annual report must:
 - a. Contain a comparison of the academic performance metrics of students participating in virtual instruction against students not participating in virtual instruction under this section; and
 - b. Use the statewide prekindergarten through grade twelve strategic vision framework goals.
5. If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of the low group size, the district shall provide the annual report required under this section for the district's comparison data.
6. Students enrolled in an approved virtual school do not generate school district sized weighting factors pursuant to section 15.1-27-03.2.

SECTION 3. AMENDMENT. Section 15.1-31-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-01. Open enrollment - Procedure.

1. By March 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 admitting district and shall file a copy of the application with the student's district of residence. The superintendent of public instruction shall make the application forms available in each school district.
2. 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.
3. 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.

4. A parent who wishes to enroll a student in a school district other than the student's district of residence shall file an application for approval with the board of the admitting district. All applications must be reviewed in the order they are received.
5. 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.
6. A child placed for purposes other than education in a group or residential care facility or in a psychiatric residential treatment facility is not eligible for open enrollment under this section.
7. The board of a school district of residence and the board 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.
8. The board of a school district of residence and the board 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 into this state from out of state and who wishes to enroll in a school district other than the district to which the student moved.

SECTION 4. AMENDMENT. Section 15.1-31-06 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The board of each school district shall set standards for the acceptance and denial of applications for admittance under open enrollment as provided in section ~~15.1-31-04~~15.1-31-08. The standards may address the capacity of a program, ~~class,~~ grade level, or school building. The standards may not address previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency, or previous disciplinary proceedings.
2. A board may ~~also~~ determine that applications for admittance under open enrollment, in accordance with this chapter, will not be considered only if there is a lack of capacity in a program, grade level, or school.
3. a. A school district participating in an open enrollment program may not give or offer to give a student remuneration, or directly exert influence on the student or the student's family, in order to encourage participation in the open enrollment program. The actions prohibited under this subdivision do not include providing informational materials about the program.

- b. ~~For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.~~
- e. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the state aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final.

SECTION 5. AMENDMENT. Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-07. Students not subject to this chapter.

4. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district.

2. ~~If a student resides in a district other than the one the student is enrolled in for purposes of receiving virtual instruction, the student is not subject to this chapter unless a cost-sharing agreement is established between the school district of residence and the receiving district.~~

SECTION 6. AMENDMENT. Section 15.1-31-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-08. Open enrollment - Transfer of students - Responsibility of district of residence.

1. ~~Notwithstanding the provisions of chapter 15.1-31, a~~ student's parent may apply to a ~~contiguous~~ another school district for admission of the student at any time during the school year if:
- The student was a victim of violence occurring within the school in which the student was enrolled and the violence was documented;
 - The superintendent of public instruction has declared the school in which the student was enrolled to be an unsafe school; or
 - The superintendent of public instruction has identified the school in which the student was enrolled as one that requires program improvement for six consecutive years.
2. The school district receiving an application under subsection 1 shall review the application to ensure compliance with the provisions of subsection 1 and shall notify the student's parent and the student's school district of residence of the arrangements for the student's transfer within five days from the date the application was received.

3. The student's school district of residence shall consider the student transferred as of the date of enrollment by the admitting district.
4. Upon transfer of a student under this section, the board of the admitting district and the board of the student's school district of residence shall enter into a tuition agreement. The student's school district of residence shall reimburse the admitting district for all costs incurred by the admitting district in providing education for the student.
5. The student's school district of residence shall transport the student to school in the admitting district or shall reimburse the admitting district for all costs incurred in transporting the student or providing for the transportation of the student to school in the admitting district. These transportation costs are not reimbursable through state transportation funds.
6. ~~The provisions of this~~This section applies to a student until the student's parent or legal guardian decides to enroll the student in another school, or in the case of a student who has been transferred for the student's safety or due to a school's improvement status under subsection 1, until the conclusion of the school year in which the superintendent of public instruction declares that the school in the student's district of residence is no longer an unsafe school or that the school no longer requires program improvement.

Approved May 8, 2023

Filed May 9, 2023

CHAPTER 187

HOUSE BILL NO. 1265

(Representatives K. Anderson, Dyk, Heilman, Prichard, Rohr, Steiner)
(Senator Myrdal)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to growth and development and human sexuality curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Growth and development and human sexuality curriculum - Content.

1. As used in this section:
 - a. "Human growth and development discussion" means an oral, written, or digital lesson, lecture, or presentation about human biology related to pregnancy and human development inside the womb.
 - b. "Human sexuality instruction" means an oral, written, or digital lesson, lecture, or presentation about sexual activity and pregnancy in the context of student health or healthy relationships.
2. A school district's health curriculum must include human growth and development discussion. The human growth and development discussion must include:
 - a. A high-definition ultrasound video, at least three minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
 - b. A high-quality, computer-generated rendering or animation showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.
3. A school district offering human sexuality instruction shall ensure human sexuality instruction includes:
 - a. A high-definition ultrasound video, at least three minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
 - b. A high-quality, computer-generated rendering or animation showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.

4. The superintendent of public instruction shall ensure the requirements of this section are included in the North Dakota health content standards.

Approved April 6, 2023

Filed April 10, 2023

CHAPTER 188

HOUSE BILL NO. 1398

(Representatives Lefor, Bosch, Novak, O'Brien, Schreiber-Beck)
(Senators Rummel, Rust, Veda)

AN ACT to create and enact a new section to chapter 15.1-26 of the North Dakota Century Code, relating to computer science and cybersecurity instruction for adult learners; to amend and reenact sections 15.1-21-01, 15.1-21-02, and 15.1-21-02.2 of the North Dakota Century Code, relating to mandatory computer science and cybersecurity instruction and minimum requirements for high school graduation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-01. Elementary and middle schools - Required instruction.

~~In order to~~To be approved by the superintendent of public instruction, each public and nonpublic elementary and middle school shall ~~provide~~:

1. Provide to students instruction in:

- ~~1-a.~~ English language arts, including reading, composition, creative writing, English grammar, and spelling.
- ~~2-b.~~ Mathematics.
- ~~3-c.~~ Social studies, including:
 - ~~a-(1)~~ The United States Constitution;
 - ~~b-(2)~~ United States history;
 - ~~c-(3)~~ Geography;
 - ~~d-(4)~~ Government; and
 - ~~e-(5)~~ North Dakota studies, with an emphasis on geography, history, the federally recognized Indian tribes in the state, and agriculture of this state, in the fourth and eighth grades.
- ~~4-d.~~ Science, including agriculture.
- ~~5-e.~~ Physical education.
- ~~6-f.~~ Health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.
- g. Computer science, including cybersecurity.

2. Develop a computer science and cybersecurity integration plan to ensure introduction to foundational computer science and cybersecurity knowledge. The board of a public school or school district shall approve a plan by July 1, 2024.

SECTION 2. AMENDMENT. Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. ~~In order to~~To be approved by the superintendent of public instruction, each public and nonpublic high school shall provide instruction in or make available to each student:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Four units of mathematics, including:
 - (1) One unit of algebra II; and
 - (2) One unit for which algebra II is a prerequisite;
 - c. Four units of science, including:
 - (1) One unit of physical science; and
 - (2) One unit of biology;
 - d. Four units of social studies, including:
 - (1) One unit of world history;
 - (2) One unit of United States history, including Native American tribal history; and
 - (3) (a) One unit of problems of democracy; or
(b) One-half unit of United States government and one-half unit of economics;
 - e. One-half unit of health;
 - f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;
 - g. Two units of fine arts, at least one of which must be music;
 - h. Two units of the same foreign or native American language;
 - i. One unit of an advanced placement course or one unit of a dual-credit course; ~~and~~

- j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and
 - k. One unit of computer science or cybersecurity.
2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make:
 - a. Make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state; and
 - b. Develop a computer science and cybersecurity integration plan to ensure introduction to computer science and cybersecurity knowledge. The board of a public school or school district shall approve a plan by July 1, 2024.
3. Each unit which must be made available under this section must meet or exceed the state content standards, unless a school district or governing board of a nonpublic high school has adopted a mastery framework policy and awards units based on the successful completion of the relevant portions of the North Dakota learning continuum. A mastery framework policy adopted by a school district or governing board of a nonpublic high school must identify the portions of the North Dakota learning continuum which must be mastered for a student to attain units necessary for high school graduation under section 15.1-21-02.2.
4. For purposes of this section, unless the context otherwise requires, "make available" means that:
 - a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;
 - b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and
 - c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.
5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.
6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:
 - a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and

- b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.
7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.
8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

SECTION 3. AMENDMENT. Section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.2. High school graduation - Minimum requirements. (Effective through July 31, 2025)

1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 - c. Three units of science, consisting of:
 - (1) (a) One unit of biology;
 - (b) One unit of chemistry; and
 - (c) One unit of physics; or
 - (2) (a) One unit of biology;
 - (b) One unit of physical science; and
 - (c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;
 - d. Three units of social studies, including:
 - (1) One unit of United States history;
 - (2) (a) One-half unit of United States government and one-half unit of economics; or
 - (b) One unit of problems of democracy; and
 - (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 - e. (1) One unit of physical education; or

- (2) One-half unit of physical education and one-half unit of health;
- f. Three units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses; and
- g. Any five additional units.
- 2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.

High school graduation - Minimum requirements. (Effective after July 31, 2025)

- 1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 - c. Three units of science, consisting of:
 - (1) (a) One unit of biology;
 - (b) One unit of chemistry; and
 - (c) One unit of physics; or
 - (2) (a) One unit of biology;
 - (b) One unit of physical science; and
 - (c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;
 - d. Three units of social studies, including:
 - (1) One unit of United States history, including Native American tribal history;
 - (2) (a) One-half unit of United States government and one-half unit of economics; or

- (b) One unit of problems of democracy; and
- (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
- e. (1) One unit of physical education; or
- (2) One-half unit of physical education and one-half unit of health;
- f. Three units of:
- (1) Foreign languages;
- (2) Native American languages;
- (3) Fine arts; or
- (4) Career and technical education courses; and
- g. Any five additional units; and
- h. One unit of computer science or cybersecurity whether under subdivision b, c, or both.
- i. The requirements of subdivision h of subsection 1 are waived if the student has completed a computer science and cybersecurity integration plan approved by the school board.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.

SECTION 4. A new section to chapter 15.1-26 of the North Dakota Century Code is created and enacted as follows:

Authority - Adult learning - Computer operations and cybersecurity instruction.

The superintendent of public instruction shall provide grants not to exceed three hundred thousand dollars total to school districts, nonpublic schools, area career and technology centers, job service North Dakota workforce centers, public libraries, adult education centers and learning centers that qualify as nonprofit entities under section 501(c)(3) of the federal Internal Revenue Code [26 U.S.C. 501(c)(3)] to offer computer operations and cybersecurity courses for adults, for the biennium beginning July 1, 2023, and ending June 30, 2025.

School districts, nonpublic schools, public libraries, area career and technology centers, job service North Dakota workforce centers, adult education centers and learning centers that qualify as nonprofit entities under section 501(c)(3) of the federal Internal Revenue Code [26 U.S.C. 501(c)(3)] shall use all or part of the grant money to pay a stipend to a teacher of the course.

The superintendent of public instruction shall create guidance to implement the grant program.

SECTION 5. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 2025, and after that date is ineffective.

Approved March 24, 2023

Filed March 24, 2023

CHAPTER 189

HOUSE BILL NO. 1131

(Representatives Pyle, Jonas, Schreiber-Beck, Swiontek)
(Senators Davison, Rust)

AN ACT to amend and reenact subsection 1 of section 15.1-21-02.3 of the North Dakota Century Code, relating to optional high school curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-21-02.3 of the North Dakota Century Code is amended and reenacted as follows:

1. If after completing at least two years of high school, a student has failed to pass at least one-half unit from three subdivisions in subsection 1 of section 15.1-21-02.2, has failed to demonstrate proficiency in a standards-based grading system, or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine whether the student should be permitted to pursue an optional high school curriculum, in place of the requirements ~~set forth~~ in section 15.1-21-02.2. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Two units of mathematics;
 - c. Two units of science;
 - d. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;
 - e. (1) One unit of physical education; or
(2) One-half unit of physical education and one-half unit of health;
 - f. Two units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses; and
 - g. Any seven additional units.

Approved March 14, 2023

Filed March 15, 2023

CHAPTER 190

HOUSE BILL NO. 1382

(Representatives Boschee, Davis, Heinert, Jonas, Nathe, Richter, Schreiber-Beck)
(Senators Braunberger, Wobbema)

AN ACT to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to scholarships for registered apprenticeship program participants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁶ **SECTION 1. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability. (Effective through July 31, 20242030)

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;
 - (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and

¹⁰⁶ Section 15.1-21-02.6 was also amended by section 11 of House Bill No. 1030, chapter 156.

(3) A payment schedule.

2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5.
 - a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4, section 15.1-21-02.5, or section 15.1-21-02.10 and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;

- (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.
8. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
- a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

15.1-21-02.6. North Dakota scholarship - Amount - Applicability. (Effective after July 31, 2024~~2030~~)

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
 - b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
 - c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;
 - (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and
 - (3) A payment schedule.
2. The state board shall monitor each scholarship recipient to ensure the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.

3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5.
 - a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
6. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.10 and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
7.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.
8. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher

education. The state board of higher education shall determine the conversion of:

- a. Clock hours to credit hours; and
- b. Percentage-based grading to grade point average.

Approved April 11, 2023

Filed April 12, 2023

CHAPTER 191

HOUSE BILL NO. 1305

(Representatives Schreiber-Beck, D. Johnson, Jonas, Longmuir)

AN ACT to amend and reenact section 15.1-21-02.10 of the North Dakota Century Code, relating to incorporating additional and different requirements for the North Dakota scholarship.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.10. North Dakota scholarship.

Any resident student who meets the requirements of section 15.1-21-02.6 is eligible to receive a North Dakota scholarship if the student:

1. Completed an individual consultative process or a nine-week course under subsection 2 of section 15.1-21-18;
2. Completed the civics test under section 15.1-21-27;
3. Completed a four-year rolling plan, as determined by the superintendent of public instruction;
4. Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1;
5. Completed the requirements in at least four of the following while enrolled in grades nine through twelve:
 - a. Twenty-five hours of community service;
 - b. A ninety-five percent attendance rate as determined under section 15.1-20-02.1, not including any school-related absences;
 - c. A career exploration experience, as determined by the superintendent of public instruction;
 - d. At least two years in organized cocurricular activities;
 - e. At least two years in organized extracurricular activities;
 - f. A capstone project, as determined by the superintendent of public instruction;
 - g. An online learning course; and

-
- h. Successful demonstration of competency in twenty-first century skills, as determined by the superintendent of public instruction; and
6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
- a. (1) Received:
- (a) A composite score of at least twenty-four on an ACT; or
 - (b) A score of at least 1180 on an SAT; and
- (2) Completed the requirements in at least two of the following:
- (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (e)(f) A score of at least four on an international baccalaureate examination; and
 - (f)(g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;
- b. (1) ~~Earned four:~~
- (a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; or
 - (b) Three units of the same world language, indigenous language, or sign language;
- (2) Received:
- (a) A composite score of at least twenty-four on an ACT; ~~or~~
 - (b) A score of at least 1180 on an SAT; or

- (c) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- (3) Successfully completed the requirements in at least two of the following:
- (a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;
 - (c) A technical assessment or industry credential, as determined by the department of career and technical education;
 - (d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;
 - (e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and
 - (f) Received:
 - [1] A score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or
 - [2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or
- c. (1) Received:
- (a) ~~A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military; or~~
 - (~~b~~) A score of at least ~~eighty-five~~fifty on an ASVAB test; or
 - (~~b~~) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;
- (2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and
- (3) Completed any:

- (a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;
- (b) Two units of junior reserve officers' training corps; or
- (c) Phase one of the cadet civil air patrol program.

Approved April 11, 2023

Filed April 12, 2023

CHAPTER 192

SENATE BILL NO. 2028

(Legislative Management)
(Education Policy Committee)

AN ACT to create and enact section 15.1-21-17.1 of the North Dakota Century Code, relating to interim assessment of students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 15.1-21-17.1 of the North Dakota Century Code is created and enacted as follows:

15.1-21-17.1. Interim assessment - State-provided or state-approved list.

1. Each public school district shall administer annually to students in grades kindergarten through ten at least two assessments in mathematics and reading. In administering the assessment, a public school district shall use:
 - a. The state-provided interim assessment; or
 - b. An interim assessment from a state-approved list created and maintained by the superintendent of public instruction.
2. The superintendent of public instruction shall contract with an interim assessment vendor to create a state-provided interim assessment and distribute the assessment to each public school district, at no charge to the districts, for the grade levels and subjects provided in subsection 1.
3. If a district chooses to use an assessment from the state-approved list, the district is responsible for any assessment-related costs.
4. To qualify as a state-provided or state-approved vendor of interim assessments, a vendor must share the assessment data electronically with the statewide longitudinal data system for the purposes of statewide aggregated data results. Individual district level data may be shared at the discretion of the local district.
5. The superintendent shall adopt rules to develop the selection and approval criteria for a state-approved interim assessment vendor.

Approved March 20, 2023

Filed March 21, 2023

CHAPTER 193

SENATE BILL NO. 2167

(Senators Kannianen, Elkin, Paulson)
(Representatives Fegley, Finley-DeVille, J. Olson)

AN ACT to amend and reenact sections 15.1-23-02 and 15.1-23-15 of the North Dakota Century Code, relating to home education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-23-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-02. Statement of intent to supervise home education.

At least ~~fourteen~~five days before beginning home education or within fourteen days of establishing a child's residence in a school district, and once each year thereafter, a parent intending to supervise or supervising home education shall file a statement, reflecting that intent or fact, with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's county of residence.

1. The statement must include:
 - a. The name ~~and~~, address, date of birth, and grade level of the child receiving home education;
 - b. ~~The child's date of birth;~~
 - c. ~~The child's grade level;~~
 - d. The name ~~and~~, address, and qualifications of the parent who will supervise the home education;
 - e. ~~The qualifications of the parent who will supervise the home education;~~
 - f.c. Any public school courses in which the child intends to participate and the school district offering the courses; and
 - g.d. Any extracurricular activities in which the child intends to participate and the school district or approved nonpublic school offering the activities.
2. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity as required by section 12-60-26.
3. The superintendent of the child's school district of residence or if no superintendent is employed, the county superintendent of schools for the child's county of residence shall report the number of statements of intent that have been filed in accordance with this section to the superintendent of public instruction at the time and in the manner required by the superintendent of public instruction.

SECTION 2. AMENDMENT. Section 15.1-23-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-15. Child with a developmental disability - Home education - Progress reports.

1. On or before November first, February first, and May first of each school year, a parent supervising home education for a child with a developmental disability under section 15.1-23-14 shall file with the superintendent of the child's school district of residence progress reports prepared by the services plan team selected under section 15.1-23-14. If at any time the services plan team agrees that the child is not benefiting from home education making adequate progress or maintaining progress made based on academic ability, the team shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team appointed by the superintendent of the child's school district of residence.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction.

Approved March 20, 2023

Filed March 21, 2023

CHAPTER 194

HOUSE BILL NO. 1337

(Representatives Koppelman, Dyk, Heilman, Longmuir, Marschall)
(Senator Clemens)

AN ACT to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to school safety and security measures; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School safety and security measures - Report to superintendent of public instruction and legislative management.

1. As used in this section, "school safety and security measures" include:
 - a. Security planning;
 - b. Purchasing security-related technology, including metal detectors, protective lighting, surveillance and monitoring equipment, alarms, special emergency communications equipment, electronic locksets, deadbolts, theft control devices, building access controls, and other similar security devices;
 - c. Training in the use of security-related technology;
 - d. Instituting student, staff, and visitor identification systems, including criminal background check software;
 - e. Updating and exercising school emergency preparedness plans;
 - f. Strengthening partnerships with public safety officials and local law enforcement;
 - g. Modifying, improving, updating, or strengthening the interior or exterior of any school building to prevent unauthorized access to the school; and
 - h. Installing or constructing any barrier on or around school property to prevent unauthorized access to the school.
2. Each school district shall provide an annual report to the superintendent of public instruction before December first, providing the categories and amount spent on school safety and security measures during the previous school year. The superintendent of public instruction shall provide the annual report to the legislative management.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 195

SENATE BILL NO. 2380

(Senator Davison)

AN ACT to amend and reenact section 15.1-27-16 of the North Dakota Century Code, relating to administrative cost-sharing for cooperating districts and special education units; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating districts and special education units. (Effective through June 30, 2024/2026)

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
 - a. Provide unduplicated grade level services; or
 - b. Share administrative personnel.
3. If any school district in the state receiving payments under this chapter or any special education unit in the state cooperates with another school district or special education unit to jointly employ or contract with both a superintendent and/or a school district business manager, or both, or to jointly employ or contract with both a special education unit director and/or a special education unit business manager, or both, the superintendent of public instruction shall provide partial reimbursement of the ~~combined salaries~~ salary of the superintendent and/or the school district business manager, or both, or partial reimbursement of the ~~combined salaries~~ salary of the special education unit director and/or the special education unit business manager, or both, as follows:

- a. If the ~~combined salaries exceed three~~salary exceeds two hundred thousand dollars, the amount of the reimbursement must be calculated based upon ~~three~~two hundred thousand dollars. Each cooperating school district or special education unit shall receive a prorated share of the reimbursement percentages listed below each year for four years. The prorated reimbursement is based on the percentage of full-time equivalency that the superintendent ~~and~~school district business manager, or both, or the special education unit director ~~and~~special education unit business manager, or both, are employed or contracted by each district or special education unit. The percentage of reimbursement for the ~~combined salaries~~salary of the jointly hired superintendent ~~and~~school district business manager, or both, or of the jointly hired special education unit director ~~and~~special education unit business manager, or both, must be as follows:
- (1) If two schools or special education units are cooperating, ten percent of the ~~combined salaries~~salary;
 - (2) If three schools or special education units are cooperating, fifteen percent of the ~~combined salaries~~salary;
 - (3) If four schools or special education units are cooperating, twenty percent of the ~~combined salaries~~salary; and
 - (4) If five or more schools or special education units are cooperating, twenty-five percent of the ~~combined salaries~~salary.
- b. To be eligible for reimbursement under this subsection, the cooperating school districts or special education units must:
- (1) Have been approved by the superintendent of public instruction and have implemented their administrative cost-sharing program after June 30, 2022; and
 - (2) Submit the ~~salaries~~salary of the superintendent ~~and~~school district business manager, or both, or the ~~salaries~~salary of the special education unit director ~~and~~special education unit business manager, or both, to the superintendent of public instruction by June first of each year.

Per student payments - Cooperating districts. (Effective after June 30, 20242026)

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and

which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:

- a. Provide unduplicated grade level services; or
- b. Share administrative personnel.

SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - COOPERATING SCHOOL DISTRICT AND SPECIAL EDUCATION UNIT ADMINISTRATIVE COST-SHARING REIMBURSEMENT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$125,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing administrative cost-sharing reimbursements to eligible cooperating school districts and special education units in the state, for the biennium beginning July 1, 2023, and ending June 30, 2025.

Approved April 21, 2023

Filed April 24, 2023

CHAPTER 196

HOUSE BILL NO. 1238

(Representatives Schreiber-Beck, Nathe)
(Senators Elkin, Kreun)

AN ACT to amend and reenact section 15.1-27-35.3 of the North Dakota Century Code, relating to extending the moratorium on the unobligated general fund balance deductions from state aid formula payments; and to provide for a legislative management study regarding the impact of the ending fund balance on school credit and school efficacy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. Payments to school districts - Unobligated general fund balance.

1. a. Except as provided in subdivision b, beginning July 1, ~~2023~~2027, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus fifty thousand dollars.
- b. The superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus one hundred thousand dollars if the school district is in a cooperative agreement with another school district to share academic resources, and the school districts are considering reorganization under chapter 15.1-12. An eligible school district may receive payments under this provision for a maximum of two years.
2. For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2, but does not include federal impact aid funding.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - IMPLEMENTATION OF PARAMETERS FOR SCHOOL DISTRICT ENDING FUND BALANCES.

1. During the 2023-24 interim, the legislative management shall study the implementation of effective parameters for the ending fund balance for a school district so a school district is able to achieve credit scores sufficient to bond at a reduced cost to taxpayers while ensuring equitable and adequate education. The study must include:
 - a. Identification of efficient ways to analyze information on district expenditures;

- b. A review of the ending fund balance's impact on a district's short- and long-range planning, related facilities, staffing, and programming;
 - c. An evaluation of possible trends between state investment, district expenditures, and student performance; and
 - d. A review of the dramatic increase in behavioral and mental health issues of students, which are addressed by schools with school budgets, in addition to the traditional scope of academic preparation.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 197

HOUSE BILL NO. 1161

(Representatives Klemin, Motschenbacher, Novak, Schreiber-Beck)
(Senators Axtman, Elkin, Patten)

AN ACT to amend and reenact subsection 3 of section 15.1-36-08 of the North Dakota Century Code, relating to eligibility for school construction loans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁷ **SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

3. To be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a new construction or remodeling project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. (1) Publish in the official newspaper of the district the information regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along with the notice of the election ~~to authorize the school construction bond issuance~~ in accordance with section 21-03-12 or along with the initial resolution in accordance with subsection 7 of section 21-03-07; and
(2) Post the information on the school district's website ~~preceding before the date of the election to authorize the school construction bond issuance~~ or during the protest period in accordance with chapter 21-03;
 - d. Receive authorization for a bond issue in accordance with chapter 21-03; and
 - e. Submit a completed application to the Bank of North Dakota.

Approved March 14, 2023

Filed March 15, 2023

¹⁰⁷ Section 15.1-36-08 was also amended by section 12 of Senate Bill No. 2233, chapter 95, and section 11 of Senate Bill No. 2284, chapter 173.

CHAPTER 198

HOUSE BILL NO. 1249

(Representatives Koppelman, Cory, Kasper, Louser, Meier, Novak, VanWinkle)
(Senators Boehm, Estenson, Larson, Myrdal, Paulson)

AN ACT to create and enact chapter 15.1-39 of the North Dakota Century Code, relating to requiring schools to designate their athletic teams and sports for male, female, or coed participation and limitations on use of governmental property for athletic events.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

108 SECTION 1. Chapter 15.1-39 of the North Dakota Century Code is created and enacted as follows:

15.1-39-01. Definitions.

As used in this chapter:

1. "School" means a public school or a not-for-profit nonpublic school whose athletic teams compete against a public school.
2. "Sex" means the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.
3. "Student" means an individual enrolled at a school.

15.1-39-02. Designation of athletic teams.

1. An interscholastic or intramural athletic team or sport sponsored by a school must be expressly designated as one of the following based on the sex of the intended participants:
 - a. "Males", "men", or "boys";
 - b. "Females", "women", or "girls"; or
 - c. "Coed" or "mixed".
2. An athletic team or sport designated for "females", "women", or "girls" may not be open to students of the male sex.
3. This section may not be construed to restrict the eligibility of a student to participate in interscholastic or intramural athletic teams or sports designated as "males", "men", or "boys" or designated as "coed" or "mixed".

15.1-39-03. Adverse action against school prohibition.

¹⁰⁸ Section 15.1-39-01 was amended by section 4 of House Bill No. 1474, chapter 66.

A government entity, a licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

15.1-39-04. Cause of action.

1. A student who is deprived of an athletic opportunity or who suffers direct or indirect harm as a result of a school knowingly violating this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the school.
2. A student subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of this chapter to an employee or representative of the school or athletic association or organization, or to a state or federal agency with oversight of schools in the state has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or athletic association or organization.
3. A school that suffers direct or indirect harm as a result of a violation of this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.
4. A civil action must be initiated within two years after the harm occurred. A person that prevails on a claim brought pursuant to this section is entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.

Approved April 11, 2023

Filed April 12, 2023