

CHAPTER 67-36
PUBLIC CHARTER SCHOOLS

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67-36-01-01. Definitions

For the purpose of this chapter:

1. “Public charter school” means a public school operating to achieve specific educational objectives according to the charter performance agreement as authorized and overseen by the superintendent of public instruction, as defined in NDCC 15.1-40-01(4).
2. “Department” means the department of public instruction.
3. “Superintendent” means the superintendent of public instruction.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-02. Purpose.

The purpose of this chapter is to provide a framework that enables the establishment and operation of public charter schools as part of North Dakota’s public education system. This chapter is designed to ensure that public charter schools operate with autonomy while remaining accountable for academic, financial, and operational performance.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-03. Application submission and review procedures.

1. Application deadlines and format.
 - a. The department shall publish annual application deadlines, required templates, and submission procedures on its website.
 - b. Applications must be submitted in the department-approved format and include all required attachments.
2. Review process.
 - a. The department shall conduct completeness and quality reviews using a standardized rubric approved by the superintendent.
 - b. The department shall hold at least one public interview with the applicant team before making a recommendation.
 - c. Application materials and interview results must be documented and maintained in the public record.
3. The department shall issue written notice of approval, conditional approval, or denial stating the reasons and any required conditions prior to execution of a charter performance agreement.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-04. Monitoring, reporting, and corrective action.

1. The department shall conduct ongoing monitoring. When monitoring, the department may use data reports, site visits, and documentation reviews.
2. Each public charter school must submit annual academic, operational, and fiscal reports on forms prescribed by the department.
3. When noncompliance or performance concerns are identified, the department shall issue a written notice outlining corrective actions and required evidence of remediation within specified timelines.
4. Failure to complete required corrective actions within the established period may result in revocation or nonrenewal, as described in NDCC 15.1-40-15.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-05. Fiscal management and audit reporting.

Audit reports required under NDCC 15.1-40-20 must be submitted to the superintendent electronically by the public charter school within thirty days of receiving a final copy of the report from the certified public accountant or public accountant.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-06. Enrollment lottery procedures.

Public charter schools must develop, publish, and implement written enrollment and lottery procedures consistent with North Dakota Century Code Chapter 15.1-40. Each public charter school must also maintain written policies governing application timelines, lottery procedures, and waiting list management.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-07. Closure and dissolution procedures.

1. When a public charter school intends to close, the governing board of the public charter school shall submit a closure plan to the department within ten days of the decision, including:
 - a. Timelines for student record transfer to the students' resident home districts and notification to families; and
 - b. Asset disposition consistent with NDCC 15.1-40-16.
2. The department shall verify completion of the closure plan before final dissolution.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-08. State aid funding related to public charter schools.

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

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

67-36-01-09. Special education for public charter schools.

Public charter schools shall comply with all state and federal laws, rules, and regulations related to special education.

History: Effective April 1, 2026

General Authority: NDCC 15.1-40-04, 28-32-02

Law Implemented: NDCC 15.1-40

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