

## **CHAPTER 15-20.2 AREA CAREER AND TECHNOLOGY CENTERS**

### **15-20.2-01. Area centers - Definition of terms.**

In this chapter, unless the context otherwise requires:

1. "Area career and technology center" means a program of career and technical education conducted at one or more attendance centers by three or more participating public school districts.
2. "Center board" means the governing board of an area career and technology center.
3. "Participating district" means a public school district whose students are attending an area career and technology center.
4. "School board" means a participating public school district board.
5. "State board" means the state board for career and technical education.
6. "Virtual area career and technology center" means a career and technical education program approved by the department of career and technical education which is used by three or more school districts and which utilizes online or interactive television technology as the primary course content delivery method.

### **15-20.2-02. Submission of plan for area center - Approval by state board.**

The school boards of three or more school districts may submit to the state board a proposed plan to establish an area career and technology center. Such proposal must be consistent with the state plan for career and technical education and meet the requirements, rules, standards, and procedures as adopted by the state board. The state board upon receipt of a proposed plan to establish an area career and technology center shall examine such plan and receive testimony for the purpose of examining supporting and nonsupporting evidence submitted therewith. The state board shall process the proposed plan according to procedures consistent with the state plan. Nothing in this chapter may be interpreted to prohibit school districts from entering into other kinds of administrative structures for career and technology centers approved by the state board pursuant to other provisions of law.

### **15-20.2-03. Agreement of participation in area center - Resolution of agreement.**

After approval of a plan pursuant to this chapter, all participating school districts of an area career and technology center shall enter into an agreement of participation which must receive a vote of approval of the school board of each participating school district. Prior to the effective date of an approved plan, a resolution of agreement must be adopted by a majority vote of each participating school board and such resolution must be published once in the official newspaper of each county or counties of the participating school districts.

### **15-20.2-04. Center boards - Appointment of members - Terms - Compensation - Vacancies.**

1. An area career and technology center must be operated by a center board of at least five members. No more than one member for each participating district provided, however, that each participating school district with three hundred or more high school students must be allowed one member for each three hundred high school students or fraction thereof with no more than three members from any one school district. If a school district has one center board member, that member must be a school board member. If a school district has more than one center board member, one member must be a school board member and any other center board member may be a designee. The terms of office of the school district members of center boards must be for at least one year and terminate upon the expiration of the member's terms on the member's respective school boards. Members are eligible for reappointment to center boards.
2. A center board may appoint up to five community board members in addition to the school district members permissible under subsection 1. The number of community board members appointed under this subsection must be fewer than the number of

school district members permissible under subsection 1. Subject to the limitations in this subsection, the center board may appoint:

- a. No more than one community board member from an institution of higher education, including an institution under the control of the state board of higher education, a North Dakota nonpublic accredited institution of higher education, or a tribally controlled community college.
  - b. No more than one community board member from a parochial or private school.
  - c. One or more community board members from a private sector entity, with each community board member representing a different private sector.
3. The terms of office of the community board members of center boards must be three years.
  4. Center board members shall receive the same compensation and expenses for attending center board meetings or for otherwise engaging in official business for the center as provided in section 15.1-09-06 for members of school boards. Compensation and expenses of center board members must be paid out of center funds.
  5. School district member vacancies on a center board must be filled by the school board whose representation was lost when the vacancy occurred. Community member vacancies on a center board may be filled by the center board pursuant to subsection 2.

**15-20.2-05. Special board plan for small or large centers.**

1. If four or fewer school districts comprise an area career and technology center and if enrollment within the school district is insufficient to provide five members in accordance with section 15-20.2-04, the boards of the school district shall agree upon the number and manner of selection of members of the center board and shall submit their plan of selection for approval by the state board pursuant to section 15-20.2-02.
2. If a center board is comprised of twenty or more members, the boards of those school districts may create a representative board with equitable representation from the school districts and shall submit the representative board for approval by the state board under section 15-20.2-02. A majority of the representative board must be school board members.

**15-20.2-06. Meetings of center boards - Election of officers - Quorum.**

The initial organizational meeting of a center board must be called and conducted by the chairman of the state board, and thereafter a center board shall meet monthly. Virtual area career and technology center boards shall meet at least quarterly. At the next meeting following the annual meeting of the school boards, the officers of a center board for the current school year must be selected. The officers of a center board must be a chairman and a vice chairman, who may not be from the same school district. The chairman shall preside at all meetings of a center board and in the chairman's absence the vice chairman shall preside. Each center board member is entitled to one vote. A majority of the members of a center board constitutes a quorum. Any motion or resolution may be adopted only by a majority vote of the members of the center board.

**15-20.2-07. Powers and duties of center boards.**

The powers and duties of a center board are as follows:

1. To supervise, manage, and control an area career and technology center established by the cooperating school districts pursuant to this chapter.
2. To provide career and technical education programs approved by the state board.
3. To contract with, employ, or pay personnel to administer the affairs and to teach in the area career and technology center, and to remove for cause any personnel when the interests of the area career and technology center may require it; provided, that personnel employed by a center board shall have the same statutory rights as provided by law for personnel employed by public school districts.

4. To lease, acquire, or purchase career and technical education equipment for an area career and technology center.
5. To lease, acquire, purchase, or sell career and technical education facilities, including real property, for an area career and technology center; provided, that any purchase or sale of real property must first be approved by two-thirds of the school boards of the participating school districts.
6. To receive and administer any private, local, state, or federal funds provided for the operation and maintenance of an area career and technology center.
7. To enter into contracts consistent with the other powers and duties provided for by this chapter.
8. To accept real or personal property available for distribution by the United States or any of its departments or agencies and also to accept federal grants that may be made available in the field of career and technical education.

**15-20.2-08. Assessment of participating districts for proportionate share of center expenses - Allocation of students - Civil penalty for failure to remit payment.**

A center board shall, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess each participating school district its proportionate share based upon its high school enrollment as compared to the total high school enrollment of all participating school districts in the area career and technology center and shall assess each nonparticipating school district receiving services its proportionate share based upon its utilization of programs. A center board shall, as nearly as possible, allocate the number of students from each participating district to be served in an area career and technology center on the same proportionate basis as is used for the assessment of expenses.

A center board utilizing mobile units solely shall, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess each participating school district its proportionate share based upon its utilization of programs as compared to total program utilization of all participating school districts in such center. A center board utilizing mobile units solely shall, as nearly as possible, determine the program utilization of each participating school district to be served based upon its high school enrollment as compared to the total high school enrollment of all participating school districts in such center and the school's accessibility to those programs.

Each participating school district shall remit payment of the assessment of its share of expenses to the center board promptly after receipt of the assessment notice, or within a period of time determined by the center board, but no later than sixty days after the official date of receipt as noted on the assessment notice. A civil penalty of one percent per month must accrue on all assessments not paid when due.

**15-20.2-09. Distribution of state funds to area centers - Rules and regulations.**

Funds which may be made available to the state board for distribution to area career and technology centers must be apportioned and distributed by the state board to the area career and technology centers to assist such centers in defraying the cost involved in maintaining and operating such centers. The use of such funds is subject to such rules and regulations as may be prescribed by the state board and must be in accordance with the approved state plan for career and technical education.

**15-20.2-10. Appropriated and federal funds used for distribution.**

The funds distributed to the area career and technology centers under the provisions of section 15-20.2-09 must be paid out of moneys appropriated to the state board for career and technical education, including federal funds allotted to the state to promote and attain the purposes of state and federal legislation on career and technical education.

**15-20.2-11. District becoming participant in established center - Procedure.**

After an area career and technology center has been established, any other school district may become a participant in the center and may be governed by the provisions of this chapter

upon following a process similar to that pursued by the school districts originally forming the center, including approval of the vote of the district board, the center board, and the state board according to the procedure set forth in sections 15-20.2-12 and 15-20.2-13.

**15-20.2-12. District board resolution to participate in established center - Publication.**

A school district board may request that the state board and the center board approve such school district as a participating district in an established area career and technology center upon approval of a resolution by the school district board. When such resolution has been adopted by the school district board, it must be published once in the official newspaper of the county or counties in which the district is located.

**15-20.2-13. Referendum on district participation in area center - Majority required for approval.**

A school district board may not proceed to obtain approval as a participating district in an area career and technology center if a petition for referendum of the question of said school district participating in an area career and technology center signed by twenty percent of the qualified electors of said school district voting at the last annual school election is filed with the school board within sixty days of the publication of the resolution provided for in section 15-20.2-12. When such petition is filed, the school board may not obtain approval as a participating district in an area career and technology center until the question of whether the district shall enter into an area career and technology center has been submitted to the qualified electors of the district. If a majority of the total number of votes cast on the question within the school district is in favor of the question, the school board may proceed to obtain approval as a participating district in an area career and technology center.

**15-20.2-14. Withdrawal of district from participation in center - Submission to voters - Effect of withdrawals.**

The procedure for withdrawal is the same as for joining as provided for in sections 15-20.2-11 through 15-20.2-13, except that when a participating district is unable to obtain an approval of withdrawal from the center board, or the state board, or both, the participating district may submit the question to withdraw from the area career and technology center to the voters of the school district. If a majority of the total number of votes cast on the question is in favor of withdrawal, the participating school district must be released from the area career and technology center. Such withdrawal may become effective at the end of the next school year or on such a date as determined by the state board, but such withdrawal does not affect the liability of the withdrawing school district for obligations incurred during its participation.

**15-20.2-15. Dissolution of established center.**

An established area career and technology center may be dissolved in accordance with rules and procedures adopted by the state board.

**15-20.2-16. Rules, regulations, and standards for area centers.**

The state board is authorized and empowered to establish and adopt rules, regulations, standards, and procedures set forth in the state plan pertaining to the creation, operation, control, supervision, and approval of area career and technology centers.