Authorizing North Dakota Charters for High-Quality Outcomes and Results

NORTH DAKOTA PUBLIC CHARTER SCHOOL APPLICATION GUIDANCE

Applicant Handbook and Resource Guide

2026-27 Application Cycle

Issued by the North Dakota Department of Public Instruction, Office of School Approval and Operations

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PART 1. ABOUT THIS GUIDANCE

1.1 Purpose

The North Dakota Department of Public Instruction (NDDPI) issues this Application Guidance under North Dakota Century Code (NDCC) Chapter 15.1-40 and North Dakota Administrative Code (NDAC) Chapter 67-36. It governs the charter school application cycle identified on the cover of this document and applies to every applicant that submits a proposal during that cycle. Guidance issued for a prior or future cycle does not apply to this cycle unless the Department states otherwise in writing.

This guidance is the authoritative source for questions about the application process, including eligibility, timelines, submission requirements, required attachments, the review and interview process, and how decisions are communicated. Applicants should read it in full before beginning an application and refer to it throughout the cycle. Where this guidance and the application template or scoring rubric appear to differ on a process question, this guidance controls. Where this guidance and state law or administrative rule appear to differ, NDCC Chapter 15.1-40 and NDAC Chapter 67-36 control.

This guidance explains how the Department will carry out its statutory responsibilities. It does not create rights, obligations, or approval standards beyond those established in statute and rule, and it does not replace the advice of the applicant's own legal counsel. Questions not answered in this document should be submitted in writing to the Office of School Approval and Operations at DPICharterschools@nd.gov. The Department will respond to process questions in writing and may publish responses for the benefit of all applicants in the cycle.

1.2 How this guidance fits with the rest of the authorization documents

North Dakota's charter authorization framework is a connected set of documents. Each does independent work. An applicant should understand what each one is for and when it applies.

Document	What it does	When it applies
New School Written Application	Poses the 56 questions the founding team must answer and lists required attachments.	Application stage
Application appendices	Appendix A (Enrollment Projection Template), Appendix B (Charter School 5 Year Budget, SFN 9149), and Appendix C (Governing Board Member Statement of Assurances). The applicant completes each and submits it with the application.	Application stage
This Application Guidance	Explains the rules, the process, the evaluation standards, and where to find resources.	Throughout
New School Application Scoring Rubric	Sets the criteria and rating bands reviewers use to evaluate each application section.	Application review
Charter Performance Agreement (CPA)	The binding contract between NDDPI and an approved school. Carries the school's outcome targets forward from the application.	Within 60 days of approval
Academic, Financial, and Organizational Performance Frameworks	Define how NDDPI measures a school's performance every year of the charter term.	Post-approval and ongoing
Ready-to-Open (RTO) Checklist	Verifies with documented evidence that an approved school is prepared to serve students.	Between approval and opening

Note. *An approved application is not a charter. Authorization is complete only when the Charter Performance Agreement is executed and the Ready-to-Open process is satisfied.*

1.3 Legal authority

This guidance is issued under the authority of NDCC Chapter 15.1-40 (Public Charter Schools) and NDAC Chapter 67-36 (Public Charter Schools). Where this guidance and either the statute or the administrative rules differ, the statute and rules control.

Resource or document	Type	Why applicants need it	Link or location
NDCC 15.1-40 (Public Charter Schools)	State statute	Establishes application requirements, review and approval decisions, performance agreements, and renewal	North Dakota Century Code t15.1c40
NDAC 67-36 (Public Charter Schools)	Administrative Rule	Sets application submission and review procedures, monitoring, audit reporting, enrollment lottery, closure, state aid, and special education requirements	North Dakota Administrative Code 67-36-01
NDCC 15.1-06-06 (Approval of Public Schools)	State statute	Public school approval requirements that apply to charter schools as public schools	North Dakota Century Code t15.1c06
North Dakota State ESSA Plan	Federal accountability plan	Statewide accountability system used in the academic performance framework	ESSA Consolidated State Plan (MS Word)
NDDPI Public Charter Schools	NDDPI web page	Current application materials, timelines, and announcements	NDDPI Charter School webpage

1.4 How to read the icons in this document

Marker	Meaning
Required	A statutory, regulatory, or federal obligation. Non-negotiable.
Permitted	Allowed but not required. The school chooses whether to do it.
Recommended	Not required by law. Reflects NACSA guidance or the practice of high-performing authorizing states.
Verified at RTO	Not required at application. Will be verified with documented evidence before the school may open.

PART 2. BEFORE YOU APPLY

2.1 What a public charter school is in North Dakota

A public charter school is a public school. It is tuition free, open to all eligible students, nonsectarian, publicly funded, and publicly accountable. What distinguishes it is the exchange at the center of the charter model: the school receives autonomy over its educational program, staffing, and operations, and in exchange it accepts a level of performance accountability that no other public school carries. If the school does not produce the results it committed to, its charter can be revoked or not renewed.

Applicants should understand this bargain before they begin. The North Dakota application is built around it. The questions ask first whether the proposed school is likely to produce strong, measurable student outcomes, and second whether the founding team has the capacity to deliver and sustain those outcomes.

2.2 Who may apply

An application is submitted by the organizer of a proposed public charter school. This cycle accepts two applicant types:

- New Operator. A founding team creating a school that does not currently exist.
- Conversion Operator. An existing public school converting to charter status. A conversion applicant must attach evidence of support from most teachers and most parents or guardians (NDCC 15.1-40-07(2)).

Applications from existing operators are not accepted in this application cycle.

2.3 Legal status, LEA status, and what that means

Public school status:

A public charter school is a public school within North Dakota's public education system (NDCC 15.1-40-02(1)). It is established by a charter performance agreement between its governing board and the Superintendent of Public Instruction, and it operates under the control of that board (NDCC 15.1-40-02(4) and (5)). The school may receive and disburse funds, enter agreements for services, and sue and be sued in its own name (NDCC 15.1-40-02(8), (9), and (10)).

Which laws apply:

Except as provided in Chapter 15.1-40, a public charter school is not subject to state or local laws, rules, policies, or procedures related to education (NDCC 15.1-40-03(1)). This flexibility is narrower than many founding teams assume. Chapter 15.1-40 applies several state requirements directly, including public school approval under NDCC 15.1-06-06, teacher licensure under NDCC Chapter 15.1-18, state assessments under NDCC 15.1-21-08, generally accepted accounting principles and semiannual independent audits under NDCC 15.1-40-20, and enrollment certification under NDCC 15.1-27-02. All federal laws related to education apply in full (NDCC 15.1-40-03(2)). The exemption covers education laws only. Laws governing employment, taxation, workplace safety, and business entities are not affected by it.

Special education and LEA status:

A public charter school is a local education agency for purposes related to the funding of special education services (NDCC 15.1-40-17(1)). It must provide services to its students as required by federal, state, and local law and its charter performance agreement (NDCC 15.1-40-17(2)), and it must comply with all state and federal special education laws and regulations (NDAC 67-36-01-09). In practice, this means the school, and not a host district, is responsible for child find, evaluation, IEP development and implementation, procedural safeguards, dispute resolution, and federal special education reporting. This is one of the most consequential facts in this guidance, and it is routinely underestimated by founding teams. The school may contract with public or nonpublic entities for special education services (NDCC 15.1-40-02(9)) but contracting a service does not transfer legal responsibility for it.

Liability and immunity:

A public charter school may sue and be sued in its own name (NDCC 15.1-40-02(10)). Chapter 15.1-40 does not state whether a public charter school is a political subdivision for purposes of NDCC Chapter 32-12.1 or whether the liability limits in that chapter apply to it. NDDPI does not make that determination. Applicants should not assume any immunity or limit on damages and should obtain advice from their own legal counsel.

Governing board obligations:

The governing board is a public entity under NDCC Chapter 44-04 (NDCC 15.1-40-18(1)(e)) and must comply with North Dakota open meetings and open records law. The board must also adopt a conflict-of-interest policy and code of ethics and a nepotism policy (NDCC 15.1-40-18(1)(b) and (c)). An individual compensated by an education service provider may not serve as a voting member of a board that contracts with that provider unless approved by the Superintendent (NDCC 15.1-40-18(2)). NDDPI encourages founding boards to follow open meeting and record-keeping practices during the application stage so that the board's governance record is in place before approval.

2.4 Funding overview

Public charter schools receive state aid distributed under NDCC 15.1-27-01 (NDAC 67-36-01-08(1)). A public charter school generates weighted student units in the same manner as a school district, except for any weighting factor that uses square miles (NDAC 67-36-01-08(3)). The per-student amount is based on the statewide average under NDCC 15.1-40-21(2), calculated using the prior year's foundation aid weighted student units and state funding (NDAC 67-36-01-08(4)). A public charter school certifies its enrollment under NDCC 15.1-27-02 (NDCC 15.1-40-21(1)).

Payment schedule. State aid, including transportation aid, is distributed monthly from August through April. Most factors used to calculate state aid and transportation aid are based on prior-year enrollment and transportation data, with an on-time funding adjustment for schools that are increasing in enrollment.

First-year funding. A new school has no prior-year data. In its first year, a public charter school may receive state aid only through the on-time funding adjustment, beginning in November. Other weighting factors are not calculated until the second year. Build this timing into the Year 1 monthly cash flow projection.

Withholding. State aid is held beginning in October if the school has not submitted its Compliance Report, Employee Compensation Report, or Fall Enrollment Report, and beginning in November if it has not submitted its financial report, Licensed Personnel Report, or Non-Licensed Personnel Report. State aid may be reduced if the school does not complete its annual compliance report, and it may be withheld for failure to comply with state law, rule, or the charter performance agreement (NDAC 67-36-01-08(2)).

Resource or document	Type	Link or location
Charter School 5 Year Budget (SFN 9149)	Template	Appendix B of the New School Written Application
NDCC 15.1-27	Reference	North Dakota Century Code
NDCC 15.1-40	Reference	North Dakota Century Code
Accounting Manual	Reference	NDSFARM
School Finance Webpage	Reference	Finance & Operations | North Dakota Department of Public Instruction

2.5 Timeline for this application cycle

The Superintendent of Public Instruction has 90 days from the filing deadline to approve or deny each application. The application submission window is no less than 90 days. All application materials, required templates, and submission procedures are published no less than 30 days before the window opens (NDAC 67-36-01-03(1)).

Milestone	Date	Notes
Application materials published	November 2, 2026	No less than 30 days before window opens
Prerecorded applicant information session posted online	November 16, 2026	
Application window opens	December 2, 2026	
Notice of Intent due	January 4, 2027	Optional. See 2.6
Deadline for questions for inclusion in the public Q&A	February 2, 2027, by 5:00 p.m. Central Time	
Application filing deadline	March 2, 2027, by 5:00 p.m. Central Time	Starts the 90-day decision clock
Completeness and eligibility screen	March 3-12, 2027	NDAC 67-36-01-03(2) and (3)
Challenge Scenarios	Early April 2027	May be conducted by email or Teams meeting
Public interview with applicant team	Late April 2027	Required. NDCC 15.1-40-09(1); NDAC 67-36-01-03(4)
Superintendent decision	Mid-May 2027	No later than 90 days after the filing deadline
Charter Performance Agreement executed	Within 60 days of approval	NDCC 15.1-40-10(1)
Ready-to-Open evidence collection	Following approval, late spring through summer 2027	
First day of operations	Fall 2027	
Next round of charter school application window	Early Fall 2027	

2.6 Notice of Intent

A Notice of Intent to Apply is not required to apply, but NDDPI **strongly** encourages every prospective applicant to submit one by **January 4, 2027**, using the ND ANCHOR Intent to Apply form on the NDDPI charter school webpage.

NDDPI uses the notices to plan the application cycle, including review team size and reviewer capacity, webinar and Q&A topics, and technical assistance. The form asks for basic information about the proposed school and founding group. It does not require any part of the written application.

The notice is non-binding. It is not part of the application, is not scored, and does not affect eligibility. An application filed without a notice is accepted and reviewed on the same terms as every other application.

2.7 Technical assistance: what NDDPI will and will not do

NDDPI provides process clarity and technical assistance. NDDPI does not write, edit, pre-review, or score applications in advance, and does not advise an applicant on how to answer a question in a way that would improve its rating. This boundary protects the fairness of the competition and the integrity of every approval decision.

NDDPI will	NDDPI will not
Answer questions about process, deadlines, formatting, and submission	Review or comment on draft application content
Explain what a statute, rule, or framework requires	Tell an applicant what to write or how to phrase an answer
Point applicants to published resources, templates, and toolkits	Predict how a reviewer would score a response
Publish every substantive question and answer to the FAQ log so all applicants receive identical information	Provide information to one applicant that is not available to all
Explain the evaluation criteria and rating bands	Recommend consultants, vendors, education service providers, or facilities

Applicant Information Webinar

NDDPI will post a pre-recorded Applicant Information Webinar on **November 16, 2026** on the NDDPI Charter School webpage. The webinar gives interested applicants an overview of the application, NDDPI's expectations, and the application process.

Questions?

Submit clarifying questions about the Charter School Application by email only to the ND Charter School Inbox at **dpicharterschools@nd.gov**. NDDPI will accept questions at any time up to **5:00 p.m. Central Time on February 2, 2027**, and will not answer questions received after that deadline. To ensure all applicants have equal access to clarifying information, NDDPI will not respond to questions through any other channel. Please do not call or contact individual staff with questions.

NDDPI does not hold office hours or operate a help desk. Questions and answers are posted to the FAQ log on the NDDPI Charter School webpage. NDDPI will post responses within 2-3 business days of receipt. Questions are posted without identifying the applicant, and similar questions may be combined.

Only written answers published to the FAQ log are authoritative. Verbal statements, informal email exchanges, and responses to individual applicants do not change or interpret application requirements.

Resource	Type	Link or location
Submit a question	Email	dpicharterschools@nd.gov
FAQ log (questions and answers)	NDDPI Website	NDDPI Charter School webpage
Deadline to submit questions	Email	February 2, 2027, 5:00 p.m. Central Time
Applicant Information Webinar (pre-recorded)	NDDPI website	NDDPI Charter School webpage; posted November 16, 2026

PART 3. PREPARING AND SUBMITTING YOUR APPLICATION

3.1 Submission mechanism

Email the complete application to dpicharterschools@nd.gov by 5:00 PM CT on March 2, 2027, with the subject line "Charter Application – [School Name]." No portal or account is required. Submit the narrative as one searchable PDF and NDDPI templates in their original Excel format. Submit attachments as PDFs labeled to match the Supplemental Attachments Checklist. Each email may not exceed 50MB. Larger applications may be sent in numbered emails (e.g., "1 of 3"), and all of them must arrive by the deadline. An application is on time only if it is received in NDDPI's inbox by the deadline; the time it was sent does not count, and late applications will not be accepted. NDDPI will confirm receipt within one business day; applicants who do not receive confirmation should contact Angie Thomas at afthomas@nd.gov or (701) 328-2597. If email fails on deadline day, contact Angie before the deadline to arrange a Secure File Transfer, or hand-deliver the application on a USB drive to NDDPI, 600 E. Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440, before the deadline.

3.2 Format requirements

The application specifies a maximum narrative length for each section. Attachments and NDDPI templates do not count toward narrative page limits. Excess narrative that does not respond to the question will not strengthen an application. Narrative must be single-spaced on 8½" × 11" pages with 1-inch margins, in a standard 11-point font such as Times New Roman, Arial, or Calibri. Narrow or condensed fonts are not permitted. Tables, charts, and footnotes may use 10-point font, and they count toward the section's page limit. All pages, including attachments, must be numbered consecutively. Responses must use the application's section headers and question numbers (1–56), without combining, reordering, or renumbering questions. If a question does not apply, list its number and briefly explain why. Attachments must be labeled to match the Supplemental Attachments Checklist and may not contain narrative responses. Page limits are enforced section by section. Reviewers will not read or score material beyond a section's limit, or narrative placed in attachments to avoid a limit. Exceeding a limit will not by itself disqualify an application.

3.3 Completeness and eligibility screen

Every application receives a completeness and eligibility check before substantive review begins (NDAC 67-36-01-03(2) and (3)). The screen confirms that all required components were submitted. It does not assess quality or score any response. Failure to provide required documentation may result in an application being deemed incomplete.

Notice and cure period. NDDPI will email the applicant's primary contact if an application is missing required items. The notice will list each missing item. The applicant will then have a short cure period to submit only those items.

- NDDPI will send deficiency notices by **March 5, 2027**.
- Missing items must be submitted to dpicharterschools@nd.gov by **5:00 p.m. Central Time on March 10, 2027** (three business days).
- NDDPI will issue final screening determinations by **March 12, 2027**.

What the cure period allows. Applicants may submit only the items listed in the notice. NDDPI will not accept revised responses, replacement narratives, or additional materials. Applications are not cured by edits to content already filed.

If a deficiency is not cured. The application is deemed incomplete and does not advance to substantive review. NDDPI will send written notice stating the reason. An applicant may apply in a future application cycle.

Eligibility. If the screen shows that an applicant or proposal does not meet a statutory eligibility requirement, NDDPI will notify the applicant in writing with the reason. Eligibility deficiencies are not subject to a cure period.

Late applications. The cure period does not extend the March 2, 2027 filing deadline. Applications not filed by 5:00 p.m. Central Time on March 2, 2027 will not be accepted.

Consistency. NDDPI applies the same screening checklist, notice, and cure period to every applicant.

PART 4. HOW YOUR APPLICATION WILL BE EVALUATED

4.1 The review process

The Superintendent shall grant charters to applicants demonstrating competence, with all decisions based on documented evidence collected through the review process. Charter granting policies are transparent, merit based, and structured to avoid conflicts of interest or the appearance of conflicts of interest.

Stage	What happens	What the applicant should expect
1	Notice of Intent (optional)	See Part 2.6
2	Completeness and eligibility check	Administrative review against the attachments checklist
3	Written application evaluation	Independent evaluation by trained reviewers against the published rubric
4	Request for clarifications	Written questions from NDDPI with a defined response deadline
5	Challenge Scenarios	Realistic situations requiring the founding team to demonstrate judgment, problem solving, strategic focus on mission, and reflective learning
6	Public interview	At least one public interview with the applicant team, required by NDCC 15.1-40-09(1) and NDAC 67-36-01-03(4)
7	Recommendation and decision	Written decision from the Superintendent stating reasons and any conditions

4.2 The scoring rubric

Applications are evaluated using a standardized rubric approved by the Superintendent. The rubric follows the application in the same order (Executive Summary, then Sections 1 through 7, question by question), so an applicant can read the criteria for a section alongside the questions in that section. The rubric is published separately on the NDDPI Charter School webpage. Applicants should review it before drafting.

How sections are rated. Reviewers weigh all of a section's questions together and assign one rating for the section based on the totality of the evidence:

Rating	What it means
Meets the Standard	Evidence is multi-faceted and shows the application and team, as a whole, substantially meet the criteria.
Partially Meets the Standard	Evidence meets the criteria in some respects but is insufficient in others.
Does Not Meet the Standard	Evidence is wholly insufficient or significantly lacking.

Reviewers cite specific evidence from the application, including page and appendix references. The Executive Summary is reviewed for clarity and coherence. The claims in it are scored in the sections that follow.

Gateway sections. Three sections carry the most weight in the recommendation: Section 2 (Mission and Outcomes), Section 5 (Founding Team and Governance Capacity), and Section 6.5 (Financial Plan and Sustainability). These sections are marked with a star (★) in the rubric. A Gateway section rated Does Not Meet after all touchpoints supports a recommendation of denial.

After the written review. Every application that passes the completeness and eligibility screen proceeds to Challenge Scenarios and the public interview (NDCC 15.1-40-09(1); NDAC 67-36-01-03(4)). If a section is rated Partially Meets or Does Not Meet on the written application, NDDPI issues a Request for Clarifications before the Challenge Scenarios and interview (NDAC 67-36-01-03). Ratings are updated after each touchpoint.

Using the rubric. The rubric lists the criteria for each section and describes what each rating tends to look like. Applicants should use it to check that responses are specific, evidence-based, and consistent across sections. NDDPI does not pre-review drafts or predict ratings (see 2.7).

4.3 Challenge Scenarios

Challenge Scenarios present the founding team with realistic situations a new school is likely to face. They assess judgment, problem solving, decision making, commitment to student outcomes under pressure, and the team's ability to learn from a difficult result. They are not a test of legal knowledge and cannot be prepared for by memorization.

Who participates. The applicant's founding team or governing board members who would lead the school.

Participants should include the proposed school leader (if identified) and members with governance, academic, and financial responsibility.

Format and timing. Challenge Scenarios are conducted in early April 2027, after the written review. NDDPI may use email or a Teams meeting. NDDPI will tell each applicant the format, the response window, and the submission method in its scheduling notice. Each applicant receives the same scenarios, format, and time allowance.

Advance preparation. Scenarios are provided at the start of the response window, not before. They cannot be prepared for in advance, and NDDPI does not publish them.

Conferring. The founding team may work together on its response but may not consult outside advisors, consultants, or an education service provider. NDDPI expects each response to reflect the team that will lead the school.

How results are used. Reviewers rate scenario responses using the same rubric criteria applied to the written application. Results are evidence for the section ratings, especially for the Founding Team and Governance Capacity gateway, and they inform the recommendation to the Superintendent. A strong scenario response does not replace a deficient written application, and a weak response can be considered alongside other evidence.

What reviewers look for. Sound judgment, clear reasoning, a focus on student outcomes, accountability to families and the public, and honest reflection on what could go wrong. Responses are not graded on legal citations or a single correct answer. Concise, specific responses are better than long ones.

Technical assistance. NDDPI will not preview scenarios, comment on draft responses, or advise on how to respond (see 2.7).

4.4 The public interview

The application review process must include a thorough evaluation of the application and an in-person interview with the applicant at a public meeting (NDCC 15.1-40-09(1); NDAC 67-36-01-03(4)). The interview is held in person at the State Capitol in Bismarck. The meeting is open to the public.

When and where. Interviews are scheduled in late April 2027. NDDPI will notify each applicant of its date, time, and room at least 15 days in advance.

Who must attend from the applicant team. The applicant must send members of the proposed governing board and the proposed school leader, if identified. NDDPI expects attendance from members who can speak to the academic program, governance, and the financial plan. Consultants and education service providers may attend but may not answer on the team's behalf.

Format and length. Each interview runs approximately 60 to 90 minutes:

- A brief opening statement by the applicant team.
- Questions from the NDDPI charter school review team, drawn from the written application, Requests for Clarifications, and Challenge Scenario responses.
- A short closing opportunity for the applicant.

Members of the NDDPI charter school review team attend and ask questions. The interview is an evidence-gathering session, not a hearing on a decision. No decision is made at the interview, and the Superintendent does not render a decision there. Public comment is not taken.

Public notice. NDDPI will publish the date, time, location, agenda, and applicant's name on the NDDPI Charter School webpage at least 15 days before the meeting. The notice and agenda will also be posted on the Secretary of State's website.

Attending. Members of the public may attend and observe. Seating is limited by room capacity.

Recording and documentation. NDDPI records the interview and keeps the recording, the agenda, and reviewer notes as part of the application record. Interview results are documented and maintained in the public record (NDAC 67-36-01-03(5)). Applicants should assume everything said at the interview is public.

Exempt or Confidential Information. If the application materials contain information that may be confidential or exempt under NDCC chapter 44-04, discussion of those materials may occur in an executive session held in accordance with NDCC chapter 44-04.

How results are used. Reviewers use the interview as evidence under the same rubric criteria applied to the written application, especially for the Founding Team and Governance Capacity section. The interview informs the recommendation to the Superintendent, who issues the decision no later than 90 days after the filing deadline (NDCC 15.1-40-09(3)).

Technical assistance. NDDPI will not provide the questions in advance, rehearse the team, or comment on how to answer (see 2.7).

4.5 The decision

The Superintendent will approve, conditionally approve, or deny each application. If an application is conditionally approved or denied, the Superintendent will clearly state the reasons in writing. Approval decisions may include reasonable conditions the applicant must meet before a Charter Performance Agreement may be executed. Reasonable conditions may not include enrollment caps. All application decisions are publicly noticed and published, and NDDPI maintains a chronological list of approved applications by date of approval.

An approved application is not a Charter Performance Agreement.

Denial of an Application and Request for Reconsideration

If an application for a public charter school is denied, the Superintendent of Public Instruction shall provide notice of the denial in writing. The written notice of denial must state the reason for the denial (NDCC 15.1-40-09(5)). The notice of denial must be physically or electronically mailed to the applicant at the address provided in the application.

The notice of denial must notify the applicant of the opportunity to request reconsideration of the denial. A request for reconsideration must be in writing and must be received by the Superintendent within three weeks of the date of physical or electronic mailing by the Department. Late requests for reconsideration may not be considered.

The request for reconsideration must state the following:

1. The facts, laws, or rules the applicant believes were erroneously interpreted or applied; and
2. The applicant's arguments on how the facts, laws, or rules should have been applied, giving specific reasons and thorough analysis.

A request for reconsideration is limited to the record before the Superintendent at the time of the decision. New material, revised responses, and information not submitted with the application will not be considered unless specifically requested by the Superintendent.

The Superintendent shall issue a final written response on the applicant's request for reconsideration within three weeks after receiving a complete reconsideration request.

An applicant whose application is denied may apply in a future application cycle.

PART 5. RESOURCES AND GUIDANCE BY APPLICATION SECTION

5.1 School Overview

What this section must accomplish

The School Overview establishes the basic identity of the proposed school and triggers several downstream requirements. Applicant type determines whether conversion evidence is required. The ESP answer determines whether Section 6.4 applies.

5.2 Executive Summary

What this section must accomplish

The Executive Summary is the reviewer's first impression and the only place in the application where the whole proposal appears in one piece. It should be cohesive, strategic, and focused on measurable student outcomes. It is not a place for implementation or operational detail.

5.3 Section 1: Community Need and Justification

What this section must accomplish

This section must demonstrate that the proposed school addresses a defined and documented community need, and that the community was genuinely engaged in defining what the school is for. Responses must be evidence based and connected to measurable student outcomes. Philosophical or general statements of interest do not satisfy this section.

5.4 Section 2: Mission and Outcomes

What this section must accomplish

This is the most consequential section of the application. The outcome goals and annual performance targets written here are carried directly into the Charter Performance Agreement and become the standard against which the school is renewed or not renewed. Applicants should write this section knowing they will be held to it for five years.

NDDPI resources and links

Resource or document	Type	Link or location
ND A+ page of NDDPI's website	Website	North Dakota Academic Progression of Learning and Understanding of Students or ND A-PLUS webpage
ND A+ Portal	Website	ND A+ Portal
North Dakota School Accountability Calculation Guide	Guidance	ND School Accountability Calculation Guide.pdf
Choice Ready	Website	Choice Ready webpage
North Dakota ESSA State Plan	Resource	North Dakota ESSA State Plan.pdf
ND Insights	Website	ND Insights
K-12 Reporting & Analytics Portal	Website	K-12 Reporting & Analytics Portal

5.5 Section 3: Performance Management and Accountability

What this section must accomplish

This section describes how the school will know whether it is achieving the outcomes it committed to in Section 2, and what it will do when it is not. It must demonstrate internal accountability systems specific to the charter's performance commitments, beyond compliance with state testing requirements.

NDDPI resources and links

Resource or document	Type	Link or location
Dyslexia Screener List	website	Dyslexia | North Dakota Department of Public Instruction (under dyslexia screener)
Educator's Guide to ND Dyslexia Law	One-pager	Educator Guide to North Dakota Dyslexia Law 12.2025.pdf
Dyslexia Screening and Intervention Guidance	One-pager	Dyslexia Screening and Intervention Guidance.pdf
MISO1 Reporting for Dyslexia screener	One-pager	Dyslexia Screener MIS01 Report Guidance.pdf

Resource or document	Type	Link or location
Dyslexia Screener guidance	One-pager	Dyslexia Approved Screening Guidance 6.2024.pdf
Dyslexia Law and Report Requirements	Webinar	Dyslexia Webinar 12.15.2025.pdf
ND A+ Portal	Website	ND A+ Portal
Assessment Test Windows	Website	Assessment Test Windows
LaunchPad User Help Guide	Guidance	Appendix C: LaunchPad User Help Guide in ND A+ Summative Assessment Test Administration Manual

5.6 Section 4: Educational Model (Theory of Action)

What this section must accomplish

This section must demonstrate that the educational model is coherent, research informed, and actually designed to produce the outcomes named in Section 2. The connection between model and outcomes is the substance of the section. A well-described program that has no stated mechanism for producing the promised results does not satisfy it.

NDDPI resources and links

Resource or document	Type	Link or location
EL Toolkit		EL Tool Kit for LEAs
Guidelines for service Students with disabilities	Guidance Documents	Special Education | North Dakota Department of Public Instruction (Federal and State Regulations, Laws and Policies: Eligibility Category)
Special Education Procedural Safeguards	Guidance document	Procedural Safeguards Prior Written Notice.pdf
IDEA Procedural Safeguards	Federal Regulation document	Procedural_Safeguards-Surrogates_Notice_and_Consent_10-4-06.pdf
Office of Special Education Programs Dispute Q&A	Federal Regulation document	OSEP Dispute Resolution Q&A 23JUL13.pdf
IEPs, Eval and Reeval Guidance	Federal Q&A document	IEP.QA_._September_2011_FINAL.pdf
FERPA	Federal Guidance document	A Parent Guide to the Family Educational Rights and Privacy Act (FERPA) | Protecting Student Privacy

Resource or document	Type	Link or location
SPP/APR	Sped APR recent report	ND SPP 2026.pdf
IDEA Law, guidance, resources and TA	Federal Website	Individuals with Disabilities Education Act (IDEA) | U.S. Department of Education
NDCC for Special education		t15-1c32.pdf
NDAC for Special education		67-23-01.pdf
ND Educational Standards	Website	North Dakota Education Content Standards | North Dakota Department of Public Instruction
ND Science of Reading	Webpage	ND Science of Reading | North Dakota Department of Public Instruction
ND Mathematics	Webpage	Mathematics | North Dakota Department of Public Instruction

5.7 Section 5: Founding Team and Governance Capacity

What this section must accomplish

This section must demonstrate that the team has the experience and capacity to execute the proposed model. Reviewers weigh evidence of measurable prior results more heavily than credentials or enthusiasm, and they expect an honest identification of capacity gaps with a credible plan to close them.

Each proposed governing board member submits a signed Governing Board Member Statement of Assurances (Appendix C) and a signed conflict-of-interest disclosure in the applicant's own format.

5.8 Section 6.1: Governance and Accountability

What this section must accomplish

This section must show governance systems that produce accountability for student outcomes, board independence, and a real commitment to transparent, ethical, public governance. The board of a public charter school is a public body with public obligations from day one.

5.9 Section 6.2: Leadership and Staffing

What this section must accomplish

This section must show that the leadership and staffing model can deliver the outcomes committed to in Section 2, and that the school understands North Dakota licensure requirements and educator evaluation obligations.

5.10 Section 6.3: Facilities and Operations

What this section must accomplish

This section must show operational readiness: a facility strategy with identified risks and contingencies, credible launch milestones, a recruitment plan capable of reaching enrollment targets, and enrollment and lottery procedures that comply with North Dakota law. Facilities are the most common cause of delayed charter school openings nationally.

NDDPI resources and links

Resource or document	Type	Link or location
Transportation as a Related Service in the IEP	website	Transportation as a Related Services in the IEP

5.11 Section 6.4: Education Service Provider (If Applicable)

What this section must accomplish

This section applies only to applicants that intend to contract with an education service provider to manage the educational program and operations of the school without holding the charter directly. NDCC 15.1-40-08 sets out specific disclosure requirements because ESP arrangements create predictable risks: conflicts of interest, breakdowns in communication, loss of board independence, and difficulty terminating a non-performing provider.

5.12 Section 6.5: Financial Plan and Sustainability

What this section must accomplish

This section must show a financially viable plan aligned to the educational model and the enrollment projections, with stated assumptions, oversight systems, and contingency planning. The five-year budget is submitted on the Charter School 5 Year Budget (SFN 9149), Appendix B of the application. The Year 1 monthly cash flow projection is submitted in the applicant's own format and must tie to the Year 1 column of Appendix B. Neither counts toward page limits. Part 2.4 explains how state aid is calculated and when it is paid.

PART 6. ENROLLMENT, ADMISSIONS, AND LOTTERY GUIDANCE

Open, fair, and verifiable admissions are the foundation of the charter school bargain. A charter school receives public funds and public autonomy on the condition that it is genuinely open to every eligible student. Enrollment practice is the first place a public charter school demonstrates that it is a public school, and it is one of the first things NDDPI will examine, both at Ready-to-Open and every year thereafter under the Organizational Performance Framework.

This part states what North Dakota law requires, what it permits, and what NDDPI recommends based on national authorizing practice. Applicants should build their admissions policy from this part and should expect the policy itself to be reviewed.

6.1 Legal foundation

Authority	Requirement
NDCC 15.1-40-05(1)	A prospective student is eligible to enroll in a public charter school if the student resides in the state.
NDCC 15.1-40-05(2)(a)	The school shall enroll all students who wish to attend, unless the number of students exceeds the enrollment capacity of a program, class, grade level, or building.
NDCC 15.1-40-05(2)(b)	The school shall determine admission by lottery if initial capacity is insufficient to enroll all students who timely submit an application. The selection process must take place in a public setting. An applicant must have a fair opportunity to be selected. The lottery must be randomized and conducted competently, transparently, and impartially.
NDCC 15.1-40-05(2)(c)	The school may not base admissions on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability, except as provided in the section.
NDCC 15.1-40-05(2)(d)	The school may limit enrollment to a given age group or grade level, or pursuant to a special emphasis stated in the school's application for a charter performance agreement.
NDCC 15.1-40-05(2)(e)	The school shall give enrollment preference to students, and the siblings of students, enrolled in the school the previous school year.
NDCC 15.1-40-05(2)(f)	The school may give enrollment preference to children of the school's employees, if those students constitute no more than ten percent of the total student population.
NDAC 67-36-01-06	The school must develop, publish, and implement written enrollment and lottery procedures consistent with NDCC Chapter 15.1-40, and must maintain written policies governing application timelines, lottery procedures, and waiting list management.
NDCC 15.1-40-02(12)	The school may not charge tuition or fees for any services provided for students, except fees for field trips, clubs, organizations, and athletic participation.

Important. *Two mandatory items are frequently treated as optional. First, the preference for students enrolled the previous school year is required, not permitted. The sibling preference attaches to those returning students. Second, written enrollment, lottery, and waiting list policies are required by rule, not merely recommended. Both must be reflected in the school's adopted admissions policy.*

6.2 Open enrollment and eligibility

Any student who resides in North Dakota is eligible. A charter school does not have an attendance boundary and may not create one. A school may limit enrollment to the grade levels it is authorized to serve and to any age group or special emphasis stated in its approved application, but those limits must be stated in the approved charter and applied uniformly.

A school may not require, as a condition of applying or enrolling, any of the following: an entrance test or academic assessment, an audition or tryout, an interview, an essay, a recommendation, a records release, disclosure of disability or IEP status, disclosure of English proficiency or immigration status, disclosure of income, a family volunteer commitment, a fee or deposit, or attendance at a mandatory information session.

6.3 Nondiscrimination

Admissions may not be based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in English, or academic or athletic ability. Beyond the statutory list, federal civil rights law applies in full, including Title VI, Title IX, Section 504, the ADA, and the Equal Educational Opportunities Act.

Access obligations that support nondiscrimination

- Recruitment and application materials must be available in the languages of the community the school intends to serve, and in accessible formats on request.
- Interpretation must be available for families with limited English proficiency at any point in the application or enrollment process.
- A paper application pathway must exist alongside any online system.
- Outreach must be broad enough to reach the full community described in Section 1 of the application, including families who are not already connected to the founding team.
- The Home Language Survey is administered at enrollment, after admission. It may never be used to screen, sort, or deny an applicant.
- Children/Youth experiencing homelessness and students in foster care must be enrolled immediately under the McKinney-Vento Act and ESSA, without records, immunization documentation, or proof of residency, and outside the lottery where enrollment rights attach.

6.4 Determining capacity

A lottery is triggered only when applications exceed capacity. Capacity must therefore be defined in advance and in writing, at the level the statute recognizes: program, class, grade level, or building.

- Required: state the number of seats available by grade level before the application window opens.
- Required: state the number of seats reserved for returning students and their siblings, and the number of seats therefore open to new applicants.

> **Important.** *First come, first served admission is not permitted when applications exceed capacity. Timely applications enter the lottery on equal footing regardless of submission date.*

6.5 Preferences

Preference	Status	How it works
Students enrolled in the school the previous school year	Required	Returning students retain their seats and are not entered in the lottery. Their seats are removed from available capacity before the lottery is run.
Siblings of students enrolled the previous school year	Required	Admitted ahead of the general applicant pool. If sibling applicants exceed available seats, run a separate sibling lottery for that grade level and place unselected siblings at the top of the waiting list in draw order.
Children of school employees	Permitted	May not exceed ten percent of the total student population. Define employee in the policy, define when employment status is measured, and track the ten percent cap continuously, not only at the lottery.
Any other preference	Not permitted	North Dakota law does not authorize preferences beyond those listed. Founder, board member, donor, district of residence, and previous-applicant preferences are not permitted.

6.6 Conducting the lottery

The statute requires that the selection process take place in a public setting, that every applicant have a fair opportunity to be selected, and that the lottery be randomized and conducted competently, transparently, and impartially.

6.7 Waiting lists

- Required: written policies governing waiting list management (NDAC 67-36-01-06).
- The waiting list is ordered by the lottery draw and may not be reordered for any reason.
- When a seat becomes available, it is offered to the next student on the waiting list for that grade level, subject to the sibling preference if the policy applies it to waiting list movement.

Important. *Skipping a student on the waiting list, or holding seats open for a preferred applicant, is a material compliance failure. If a family cannot be reached, document the attempts before moving to the next student.*

6.8 Records, publication, and retention

- Required: the admissions policy, including the lottery procedure, must be published and publicly available.
- Student application data is an education record subject to FERPA once the student enrolls. Protect it accordingly and do not publish names.

PART 7. SPECIAL POPULATIONS AND EQUITY

A public charter school in North Dakota acts as its own local education agency for purposes of IDEA. It is directly responsible for identifying, evaluating, and serving every student with a disability who enrolls, and for the full range of civil rights obligations that attach to a public school. This part exists because founding teams routinely underestimate these obligations, and because a school that cannot serve every student is not open to every student. In this part, requirements stated for school districts apply equally to a public charter school as its own local education agency.

> **Important.** *Applicants should read this part before writing Section 4 of the application and before building the budget. Special education and English learner capacity are among the largest cost drivers in a new charter school and the most common source of early compliance failure.*

7.1 Students with disabilities (IDEA and Section 504)

LEA status and what it means in practice

"Local education agency" means a school district, public charter school, multidistrict special education unit organized under North Dakota Century Code chapter 15.1-33, or other legally constituted public authority for administrative control or direction of, or to perform a service function for, public elementary or secondary schools. (NDAC 67-23-01-01)

School districts and multidistrict special education units are deemed to be local education agencies for purposes related to the funding of special education services within the limits of legislative appropriations. (NDCC 15.1-32-21. Federal aid for special education.)

Child find, evaluation, and eligibility

School districts must conduct activities for creating public awareness of special education services, advising the public of the rights of children and parents, and alerting community residents to the need for identifying and serving children who are in need of special education and related services.

As part of child find responsibilities school districts can conduct screening activities. Screening activities assist in identifying students who are at risk of not progressing according to expectations or who are suspected of needing additional supplemental services. The result of the screening process is a systematic collection of information for every student screened. The professional(s) that review the results of the screening need to determine: 1) whether the student should be screened again at a later time; 2) referred for follow-up services by the school or another agency; or 3) referred for a comprehensive evaluation.

School districts and other agencies involved in providing services to children with disabilities are responsible for having a written referral process in place. The procedures for parental and agency referral must be part of the school's written referral process. This process must include the written policies, procedures, and forms required to ensure a comprehensive referral process.

The district must evaluate a referred child within sixty calendar days after obtaining parental consent for the evaluation unless: An extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather condition is documented; or Either party establishes to the satisfaction of the department that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial sixty days. Completion of the initial evaluation process must include procedures to determine if a child is a child has been identified as having one or more of the disability categories and to determine the educational needs of the child.

The reevaluation procedure confirms the student has a disability and assures the student's total needs have been identified and are being met. (Evaluation Process 9-2017.pdf)

IEP development, implementation, and least restrictive environment

An individualized Education Plan is a "a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 300.320 through 300.324." The individualized education program, or IEP, is the result of a process that is essential to ensure that individuals with disabilities have appropriate educational planning to accommodate their unique instructional needs, and that these needs are met in an appropriate learning environment over the course of a full school year. The Individuals with Disabilities Education Improvement Act (IDEA 2004) requires that a free appropriate public education (FAPE) be made available to all children and youth with a disability, ages 3 through 21. The IDEA further states that students with disabilities be educated in the least restrictive environment (LRE) with students who are nondisabled to the maximum extent appropriate. To accomplish the requirements of the LRE Mandate, each school district or public agency must provide a continuum of alternative placements to meet the needs of students with disabilities.

A meeting to develop the initial IEP for a child must be conducted within 30 calendar days from the date of the meeting during which it was determined that the child has a disability, and an IEP meeting must be initiated and conducted at least once every twelve months.

Procedural safeguards and dispute resolution

Children with disabilities and their parents are guaranteed certain educational rights, known as procedural safeguards, from ages 3 through 21. The procedural safeguards must be given to you once a year and also the first time the child is referred for a special education evaluation, the first time a complaint is filed or a due process hearing is requested, if a disciplinary action has or will be taken that would constitute a change in placement; whenever parents request a copy.

The IDEA 2004 and NDDPI recognizes that parents and schools occasionally disagree and provides several options to help solve these disagreements. Dispute resolution options in ND include IEP Facilitation, Mediation, State Complaint and Due Process Hearing.

Key deadlines

Each school district and public charter school in the state shall have a comprehensive general plan for the education of students with disabilities between the ages of three and twenty-one who reside in that district or attend the public charter school. The plan must: 1. Be filed with the superintendent of public instruction; and Describe the multidistrict special education unit organizational and services plan or the organization of services for a single-district special education unit, including: Description of the organization, including participating school districts in multidistrict special education units; Structure and organization of the board; Powers and duties of the board; Monetary policies including fiscal management and method of apportioning administrative and program costs; Procedures for withdrawing from or joining a multidistrict unit, not including single district units; Services description; Unit or district policies and procedures for implementing the provisions of state law and the Individuals With Disabilities Education Act; and two Letters of agreement from participating school districts, not including single-district units.

Resources and links

Resource or document	Type	Link or location
Special Education Evaluation	Guidance	Evaluation Process 9-2017.pdf
Federal Child Find Regs	Federal Reg	Sec. 300.111 Child find - Individuals with Disabilities Education Act
Evaluation Procedures	Federal Reg	Sec. 300.304 Evaluation procedures - Individuals with Disabilities Education Act
Dynamic Assessment	Guidance	Dynamic Assessment Guidance 6.19.26.pdf
Individualized Educational Evaluation	Guidance	FAQ_IEE_NDDPI Website.pdf
Individualized Education Program Planning Process	Guidance	IEP Guide 8-2019.pdf
FAPE	Federal Reg	Sec. 300.101 Free appropriate public education (FAPE) - Individuals with Disabilities Education Act
Development, Review and Revision of IEP	Federal Reg	Sec. 300.324 Development, review, and revision of IEP - Individuals with Disabilities Education Act
LRE Requirements	Federal Reg	Sec. 300.114 LRE requirements - Individuals with Disabilities Education Act
Continuum of alternative placements	Federal Reg	Sec. 300.115 Continuum of alternative placements - Individuals with Disabilities Education Act
ND Dispute Resolution Options	One pager	Special Education Dispute Resolution Options.pdf
IEP Facilitation	Guidance	NDDPI FIEP Procedure Manual, June 2025 .pdf
Mediation	Guidance	NDDPI Mediation Procedure Manual July 2025.pdf
State Complaint	Guidance	State Complaint Procedure Manual2023.pdf
Due Process Hearing	Guidance	2024 Due Process Procedure Manual.pdf
Exception to sixty-day time frame for initial evaluation	NDAC 67-23-02-03	67-23-01.pdf
District's general plan requirements	NDAC 67-23-01-02	67-23-01.pdf

7.2 English learners

NDDPI lead	Sashay Schettler, ssschettler@nd.gov; 701-328-1876

Identification and the Home Language Survey

Home Language Survey requirement [ESEA § 3113(b)(2); 34 C.F.R. § 200.16; ND EL Identification and Placement Guidance]: Every North Dakota school must have on file a completed statewide ND Home Language Survey (HLS), or the ND comprehensive Student Information Form, for **every** enrolled student. A parent or guardian completes it as part of initial enrollment/registration. A school may use its own form or an online process only if it captures all required HLS information. The EL Coordinator or designee reviews each HLS for a heritage language other than English.

Follow-up inquiry [ND Guidance]: If a language other than English is listed, the EL Coordinator makes further inquiry before screening. The student is screened if both of these are true:

- The student was not born in the U.S., the native language is not English, or the student is Native American/Alaska Native (from an environment where another language has significantly affected English proficiency) or a migrant student whose native language is not English; **and**
- The student has difficulty speaking, reading, writing, or understanding English sufficient to deny academic success or full participation. If there is significant evidence the student is succeeding in the classroom, the student does not qualify for English language development (ELD) services and screening is not necessary.

Prohibition on using the HLS to screen applicants [Title VI, 42 U.S.C. § 2000d; *Plyler v. Doe*, 457 U.S. 202 (1982); NDCC 15.1-40-05]: North Dakota public charter schools must be open to all students regardless of where they live, prior academic performance, or special needs. The HLS is an **identification tool for enrolled students, not an admissions tool.** Therefore:

- The HLS must not be part of the charter application, lottery, waitlist, or any admissions or eligibility decision.
- Schools must not ask about, or deny or delay enrollment based on, a student's or family's language, national origin, citizenship, or immigration status.
- The HLS is administered **after** a student is admitted, as part of enrollment/registration paperwork, and it is the same for all families.
- Schools must provide the HLS and enrollment materials in a language the family understands (Title VI; ESEA § 1112(e)(4)).

Identification and notification timelines [ESEA § 3113(b)(2); ESEA § 3302 (parent notification); ND Guidance]:

- Students must be identified for the EL program within 30 days of enrollment.
- For students screened at the start of the year, the Parent Notification of Program Eligibility is due within 30 days of the first day of school.
- For students who enroll after the school year begins, notification is due within two weeks of identification.
- Schools must ensure parents understand the notice, using translation or interpretation as needed.

Screening, placement, and program models

Screener [34 C.F.R. § 200.16; ND Guidance]: North Dakota's approved English language proficiency screener for grades K-12 is the **WIDA Screener**.

- The online version is free in WIDA AMS. Paper is at district cost.
- In the first semester, administer the previous year's grade-level screener.
- For second-semester pre-K and first-semester kindergarten students, administer only listening and speaking.
- Students with disabilities must receive appropriate accommodations. The **WIDA Alternate Screener** applies only to students whose IEP documents participation in alternate assessments and who meet ND's general EL identification criteria.
- Once a student is identified as an EL with a validated screener, the student **cannot be re-screened.**

Eligibility cut scores [ND Guidance]: A student is identified as an EL if the screener shows an overall composite below **4.5** or any single domain (listening, speaking, reading, writing) below **3.5**. For first-semester kindergarten and second-semester pre-K students, use the oral language score. Identified students are entered in Infinite Campus and STARS.

Test administrator requirements [ND Guidance]: Only certified teachers may administer ELP assessments, and they must complete annual WIDA training and certification. Administering the WIDA Screener, Kindergarten ACCESS, ALT ACCESS, ACCESS for ELLs (grades 1-3), or any paper-based ELP assessment also requires an **EL Endorsement.** The school must keep documentation of credentials and training.

Placement criteria [ND Guidance]: Placement considers previous educational experience (including interrupted schooling), prior EL services, screener scores, and age-appropriate grade level. Students with limited or interrupted formal education (SLIFE) are flagged in Infinite Campus. This status does not change identification criteria but informs instructional flexibility.

Individualized Language Plan (ILP) [ND Guidance]: For each identified student, the EL Teacher/Coordinator convenes a language support team (classroom/content teacher, administrator, parent or guardian, and the SPED teacher when applicable) to develop an ILP, and shares it with the family and relevant teachers.

Language Instruction Educational Program (LIEP) [ESEA Title III; *Castañeda v. Pickard*, 648 F.2d 989 (5th Cir. 1981); EEOA, 20 U.S.C. § 1703(f); ND Guidance]: The school must run a research-based, effective LIEP for all ELs. It may choose the model that fits its EL population, provided the model is grounded in sound educational theory and has adequate resources and qualified staff. The ND EL Program Advisory Committee recommends these daily ELD service levels, delivered by an EL-endorsed teacher:

ELP level	Recommended ELD service
Newcomer	4-6 units
1 - Entering	3-4 units
2 - Emerging	2-3 units
3 - Developing	1-2 units
4 - Expanding	1 unit, targeting lower domains
5 - Bridging / 6 - Reaching	up to 1 unit, targeting lower domains

Service models for a small school:

- Push-in or co-taught support in the general classroom.
- Small-group pull-out ELD.
- Sheltered content instruction.
- A shared or contracted EL-endorsed teacher, in person or virtual. NDCC 15.1-40-02(9) allows a public charter school to cooperate with public or nonpublic entities for EL services.
- Applicants should describe how they will meet the EL-endorsed staffing expectation if enrollment is too low for a full-time EL teacher.

Parent opt-out [ND Guidance; ESEA § 1112(e)(3)]: Parent consent is not required to screen a student. Parents may decline pull-out ELD services and may separately decline the annual ELP assessment. The school must make sure families understand the implications. If services are declined, the school must still provide English language development in the general classroom, keep administering the annual ELP assessment (**WIDA ACCESS**), and keep monitoring the student.

Ongoing obligations [ESEA § 1111(b)(2)(G); 34 C.F.R. § 300.304(c)(1)(ii); ND Guidance]:

- Annual ACCESS testing.
- Monitoring of exited ELs (2 years).
- Evaluation of LIEP effectiveness.
- Language-vs-disability safeguards for suspected dual-identified students.

Resources and links

Resource or document	Type	Link or location
ND Home Language Survey	Form	Home Language Survey] Guidance on Identification and Screening
Guidance on Identification and Screening	Guidance	[ND Identification, Exit Criteria and Reclassification ACCESS for ELLs
ND EL Identification and Placement Guidance 2026-27	Guidance	https://wida.wisc.edu/sites/default/files/id-placement/ND-ID-Placement-Guidance.pdf
ND LIEP Program Models	Guidance	Guidance on English Learner Programming
ND Identification, Exit Criteria and Reclassification / ACCESS for ELLs	Guidance	ACCESS for ELLs | North Dakota Department of Public Instruction

7.3 Children/Youth experiencing homelessness and students in foster care

NDDPI lead	Jen Withers, jwithers@nd.gov; 701-328-4612

McKinney-Vento obligations

The LEA must comply with the McKinney-Vento Homeless Education Assistance Act. Compliance items are listed below.

Liaison Designation [42 U.S.C. §11432(g)(1)(J)(ii)]: Annually, each LEA must designate a Homeless Liaison. The designation needs to be approved by the schoolboard annually. The Homeless Liaison must be named and Title included in the schoolboard minutes (i.e. Jane Doe, School Counselor, will serve as the Homeless Liaison for the 2026-2027 school year). It cannot be a blanket statement such as our School Counselor serves in the Liaison role. Per Federal Law [42 U.S.C. §11432(g)(1)(J)(ii)], LEA Homeless Liaisons are responsible to:

- Identify homeless children and youths by school personnel through outreach and coordination with other agencies;
- Ensure homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in school;

- Ensure homeless families, children, and youths have access to and receive educational services for which they are eligible, including Head Start programs, early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA), and other preschool programs administered by the district;
- Ensure homeless families, children, and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
- Confirm parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- Confirm public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians and unaccompanied youth;
- Ensure enrollment disputes are mediated according to 42 U.S.C. § 11432(g)(3)(E);
- Confirm the parent or guardian of a homeless child or youth, and any unaccompanied homeless youth, is fully informed of all transportation services, including transportation to the school of origin;
- Ensure school personnel who serve homeless children and youths receive professional development and other support;
- Ensure unaccompanied homeless youths are enrolled in school, have opportunities to meet the same challenging State academic standards established for other students, and are informed of their status as independent students and assisted to receive verification of their status for completing the Free Application for Federal Student Aid (FAFSA);
- Knowledge of the exact language of the McKinney Vento Act; demonstrate sufficient time and capacity to carry out the required duties based on needs of homeless children, youth and unaccompanied homeless youth; and
- Knowledge of trends in poverty and homelessness, the amount of support from community agencies and other entities serving homeless families and youth, the level of awareness in both the schools and the community of homeless student needs and related legal requirements, and the level of implementation that has occurred in the district.

This is not an exhaustive list to the position, just what is required.

Homeless Education Policy [42 U.S.C. §11431; 42 U.S.C. §11432(g)(3)(A)]: Students experiencing homelessness shall have equal access to public-school education programs and services (FAPE - Free Appropriate Public Education), allowing them to meet the same challenging state academic standards to which all students are held. Comparable Services will be provided to any student experiencing homelessness that are offered to other students in the school of selection. Students experiencing homelessness are not required to attend a separate school or program for students experiencing homelessness and will not be stigmatized by school personnel.

Immediate Enrollment [42 U.S.C. §11432(g)(3)(C); 42 U.S.C. §11434a(1)]: In the state of North Dakota, immediate enrollment means within 24-hours of notification that a student wants to be enrolled. Enrollment means full participation in school and extracurricular activities. When experiencing homelessness, enrollment cannot be denied or delayed because required records and documentation is unable to be produced. The enrolling school must immediately contact the student's previously enrolled school to obtain relevant records and documentation. The previous school should immediately transfer those records and documentation. Title I-A and McKinney-Vento Subgrant funds can assist with the fees of obtaining required records and documentation.

School of Origin [42 U.S.C. §11432(g)(3)(B)(i)-(ii)]: The school the student experiencing homelessness last attended when permanently housed or the school in which the student was last enrolled, including preschool. In the event a student is switching schools due to academic progression

(i.e. preschool to elementary school, elementary to middle school, middle to high school, etc.) the student would attend the school in which their school of origin would attend.

Best Interest Determination [42 U.S.C. §11432(g)(3)(B)(i)-(ii)]: The LEA shall seek to eliminate barriers to school attendance for students experiencing homelessness as defined by law. When feasible the student experiencing homelessness must be immediately enrolled in their school of origin and transportation must be provided in accordance with the law. When not feasible as determined by the Superintendent in consultation with the parent/guardian, student, and Homeless Liaison, the student must be placed in a school that is in the "best interest of the student." Placement decisions must be given to the parent/guardian or student, in writing, along with the LEAs notice of rights to appeal and dispute resolutions policy and process.

Dispute Resolution [11432(g)(3)(E); 11432(g)(3)(B)(iii)]: To the extent feasible and appropriate, when a dispute arises, the LEA must ensure that a student experiencing homelessness be immediately enrolled in the school in which enrollment is sought, pending a resolution. The parent/guardian or student may file an appeal of a determination. They should notify the Liaison and follow the dispute resolution process created by the LEA. The district shall make reasonable efforts to collaborate with aggrieved parties to resolve the dispute at the local level in the 15-day timeframe.

Transportation [42 U.S.C. §11432(g)(4)(A); 42 U.S.C. §11432(g)(1)(I), (g)(7)]: The LEA shall collaborate with entities, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportation will be provided, arranged, and funded for a student experiencing homelessness to remain at their school of origin, when in their best interest, for the duration of their time being homeless.

Foster care

Liaison Designation [ESEA § 1112(c)(5)(A); ESSA § 1111(g)(1)(E)]: Annually, each LEA must designate a Foster Care Liaison. The designation needs to be approved by the schoolboard annually. The Foster Care Liaison must be named and Title included in the schoolboard minutes (i.e. Jane Doe, School Counselor, will serve as the Foster Care Liaison for the 2026-2027 school year). It cannot be a blanket statement such as our School Counselor serves in the Liaison role. Per Federal Law [ESEA § 1112(c)(5)(A)], Foster Care Liaisons are responsible for:

- Coordinating with the corresponding child welfare agency point of contact on the implementation of the Title I, Part A provisions;
- Coordinating with the Foster Care Program Supervisor at NDDPI;
- Attending training and professional development opportunities to improve district implementation efforts;
- Facilitating training at district level for administration, educators, and school personnel;
- Serving as the primary contact person for custodial agencies;
- Participating in and documenting the best interest determinations;
- Facilitating the transfer of records;
- Facilitating immediate enrollment;
- Facilitating data sharing with the child welfare agencies, consistent with FERPA and other privacy protocols;
- Developing and coordinating local transportation procedures;
- Managing best interest determinations and transportation cost disputes;
- Ensuring that children in foster care are enrolled in and regularly attending school;

- Providing professional development and training to school staff on the Title I, Part A provisions and educational needs of children in foster care, as needed.

Immediate Enrollment [ESSA § 1111(g)(1)(E)]: If a move from the school of origin is deemed necessary through a Best Interest Determination meeting, immediate enrollment in the new school is required, without delays for records or documentation. Immediate enrollment in North Dakota means within 24-hours of notification.

School of Origin [ESSA § 1111(g)(1)(E)]: School the student was enrolled in at the time of foster care placement. It is always in the best interest of the student to remain in at the school of origin unless deemed necessary to move in the best interest of the child through a Best Interest Determination Meeting.

Best Interest Determination [ESEA § 1111(g)(1)(E)]: LEA must coordinate with Child Welfare Agency so the foster student remains in their school of origin unless a determination is made that it is not in the child's best interest. Considerations include:

- Appropriateness of current education setting
- Proximity to the school in which the child was enrolled prior to placement
- Parent/guardian preference
- Safety issues

Dispute Resolution [ESSA § 1111(g)(1)(E); ESSA § 1112(c)(5)(A)]: To the extent feasible and appropriate, when a dispute arises the LEA must ensure that a student in foster care remains in the school of origin and promptly receives transportation in a cost-effective manner, pending resolution of the dispute. The LEA will make reasonable efforts to collaborate with appropriate agencies and aggrieved parties to resolve the dispute at the local level as expeditiously as possible. The aggrieved party wishing to file an appeal of a determination shall notify the LEA's Foster Care Liaison and follow the LEA dispute resolution procedure.

Transportation [Title IV-B/Title IV-E - 42 U.S.C. § 672 et seq.]: The LEA shall collaborate with state, local, and tribal child welfare agencies, as appropriate, to implement a written transportation procedure by which prompt, cost-effective transportations will be provided, arranged, and funded for a student to remain in their school of origin, when in their best interest, for the duration of their time in foster care.

Resources and links

Resource or document	Type	Link or location
NDDPI Homeless Education Website	Federal Law, Resources	Title VII, Part B - Homeless - McKinney-Vento | North Dakota Department of Public Instruction
NDDPI Foster Care Education Website	Federal Law, Resources	Foster Care | North Dakota Department of Public Instruction

7.4 Discipline of students with disabilities

Resources and links

Resource or document	Type	Link or location
IDEA Discipline Regulations for Students with Disabilities	Guidance	Discipline Policy Paper 6-19.pdf
Functional Behavioral Assessments and Behavior Intervention Plan	Guidance	FBA-BIP Guide 7.28.2020.pdf

PART 8. SCHOOL OPERATIONS

8.1 Food and nutrition

NDDPI lead	Lynelle Johnson, lynellejohnson@nd.gov

State law: NDCC chapter 15.1-35.

Federal regulations:

Program	Federal regulation	Assistance Listing
National School Lunch Program	7 CFR part 210	10.555
School Breakfast Program	7 CFR part 220	10.553
Special Milk Program	7 CFR part 215	10.556
Child and Adult Care Food Program	7 CFR part 226	10.558
Summer Food Service Program	7 CFR part 225	10.559
Food Distribution Program	7 CFR part 250	10.567
Determining eligibility for free and reduced-price meals	7 CFR part 245	Not applicable
Uniform Grant Guidance for federal programs	2 CFR part 200	Not applicable

Whether and how a charter school participates in child nutrition programs

The first step to taking on any new responsibility is to educate yourself. There are many ways that schools can offer meals to students. We want to introduce you to a variety of meal service and administrative models so you can choose the one that works best for your school or district. Also operating the National School Lunch Program (NSLP) is a significant administrative task. We want to ensure you understand all aspects and requirements of the program before taking on this responsibility.

- **Start by taking the free online Introduction to School Nutrition Programs learning module from the Child Nutrition and Food Distribution office for an overview of the program. Save an electronic copy of your participation certificate.**
- **Complete our New Sponsor Request Intake form :** This will collect some basic information about you and your school which we will use to help guide you through the process.
- **Submit your "New Sponsor Request" to our office:** Email the participation certificate from Introduction to School Nutrition Programs along with your New Sponsor Request Intake form to: rhondaamundson@nd.gov
- **Participate in a phone meeting:** After you submit your New Sponsor Request, a representative from the Child Nutrition and Food Distribution office will schedule a phone meeting to discuss your path to participation.

If you have specific questions about these initial steps please feel free to reach out to the Child Nutrition and Food Distribution office at dpicnfd@nd.gov or 701-328-2294.

2. Submit a letter of intent

After you have spoken with a member of CNFD you will have a clear idea of what participation in the NSLP looks like for your school or district. You will be ready to officially begin the process of applying to be a Sponsor by mailing/emailing a letter stating your intent to participate in NSLP. This letter must be on official letterhead and signed by the school leader. In this letter be sure to include the following information:

- Which School Nutrition Programs you would like to participate in.
- List of location(s) where meals will be served.
- Identify a primary contact.

Application and approval process and timeline

The next steps will be to complete Administrative Requirements
After your letter of intent is received you will receive a New Sponsor Application packet. This packet will contain a variety of forms that need to be completed and returned to our office. These forms will require that you coordinate with many different professionals in your district. When these documents are completed, you will submit them to CNFD for review and feedback. Two important documents are the Program Agreement (SFN 5908), and Free and Reduced-Price Policy Statement (SFN 9184/9185) and Attachments. These documents, along with the Sponsor and Site applications, will be located in the NDFoods system, and they constitute your agreement with the State Agency.
The Program Agreement is permanent and must be pulled forward each school year. This agreement covers all school nutrition and USDA food programs. It is a legally binding agreement. Review the terms carefully.

Free and reduced price meal eligibility, verification, and reporting

Establishing free and reduced-price meal eligibility and completing verification are two of the most important financial/record keeping functions in the foodservice program. This information is a deciding factor in the amount of federal reimbursement received by a sponsor. Sponsors must ensure that there is documentation of direct certification or an application on file for meals served to students claimed in the free or reduced-price categories. This is an area closely reviewed by state agency staff members under federal monitoring guidelines. Sponsors are required to submit verification summary reports to the State agency. Sponsors must collect and summarize three data points for each verified application – the number of students approved for benefits on the application, the original basis for approval of the application, and the status of the application after verification. Districts must complete their verification by November 15 of each school year. The report is due to the State agency by December 15 of the school year.

Facility and equipment requirements

After the Administrative Requirements are completed you will now want to focus on implementing your plan to serve food. This step will look different for every school and will likely require a hiring process for new staff.

The USDA regulations outline the requirements for the National School Lunch Program meal pattern and the School Breakfast Program meal pattern. Section B.2(b) of the Administrative Manual provides additional directions for menu planning. Menus must meet the Dietary Guidelines for Americans (DGAs) and various menu and food production records must be maintained for all meals claimed for reimbursement.
The school foodservice department must adhere to state and local health and food safety requirements. These requirements are outlined in the manual, North Dakota Requirements for Food Establishments.
The lead worker of each sponsor food preparation/service site must undergo initial and continuing training regarding the safe handling, preparation, and service of food. This comprehensive 8-hour course is important to all foodservice employees. Employees may complete this requirement either by completing the ServSafe training, or completing the 8 hour Institute of Child Nutrition Sanitaiton Course.
When you are ready to serve meals, you can work with CNFD to schedule a pre-approval visit. During this visit we will observe a meal service and ensure that everything is operating safely and smoothly. Once all the administrative requirements have been completed and a compliant meal service has been observed you are eligible to be approved as a School Nutrition Program Sponsor. Once approved you will be able to submit claims for reimbursement for complete meals served to eligible students!
Take note: Reimbursement cannot be provided for meals prior to your approval date. Please work with your CNFD *contact to ensure you understand when you can begin claiming for the meals that you serve.*

Resources and links

Resource or document	Type	Link or location
ND Administrative Manual		SNP Policies / Manuals / Guidance | North Dakota Department of Public Instruction
School Nutrition Programs portion of NDDPI Website		School Nutrition Program | North Dakota Department of Public Instruction

8.2 Transportation

What is and is not required

If a student has an IEP and the team agrees transportation is required as a related service, the IDEA regulations (34 CFR § 300.34(c)(16) can include travel to and from school and between schools. The team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. According to ND Century Code 15.1-32-16, the student's IEP team should consider the transportation strategies that are most prudent and appropriate given each individual's disability and needs. The team must consider and document the distance of the commute and its impact on the student's education and/or special needs, as well as any safety concerns. The full IEP team must arrive at a consensus of who is responsible for the implementation of transportation and any costs. This must be documented in the adaptations section and related services section of the IEP. When the serving school is different from the local education agency (LEA), the rationale for this decision must be documented in the IEP under least restrictive environment section. Failure to provide the above documentation in the IEP may result in transportation cost reimbursement being denied.

Resources and links

Resource or document	Type	Link or location
Transportation as a Related Service in the IEP	website	Transportation as a Related Services in the IEP

PART 9. AFTER APPROVAL: WHAT COMES NEXT

Approval is the beginning of the authorization process, not the end of it. Applicants should understand the full arc before they apply, because the commitments made in the application become binding obligations within weeks of approval.

9.1 The Charter Performance Agreement

The Charter Performance Agreement is the binding contract between NDDPI and the approved school. It must be executed within sixty days of charter approval. The student outcome goals and annual targets written in Section 2 of the application transfer directly into the agreement and become the standard for renewal.

9.2 The Ready-to-Open process

The Ready-to-Open process verifies, through documented evidence, that an approved school is prepared to serve students safely, legally, and effectively on the first day of operation. It is a verification phase, not a second application. It requires documented evidence rather than plans or assurances, and it must be completed before any students are served. Evidence collection and verification takes place in early spring through summer 2027 for schools opening in Fall 2027.

The Ready-to-Open Checklist covers governance; community and enrollment; mission, outcomes, and performance management; the educational program; student services and special populations; equity and compliance; school culture and safety; staffing and human resources; facilities and operations; food service; and the remaining operational and financial areas.

> **Note.** *Applicants should read the Ready-to-Open Checklist during application development, not after approval. Many of its requirements have long lead times, and several have fixed deadlines in the pre-opening year.*

PART 10. RESOURCES AND CONTACTS

10.1 Master resource index

This index lists the documents and resources referenced in this guidance and where each is discussed.

Resource	Type	Link or location	Section
NDCC Chapter 15.1-40	Statute	North Dakota Century Code	Throughout
NDAC Chapter 67-36	Administrative rule	North Dakota Administrative Code	Throughout
New School Written Application	Application	NDDPI Charter School webpage	Parts 3 and 5
New School Application Scoring Rubric	Evaluation	NDDPI Charter School webpage	Part 4.2
Appendix A: Enrollment Projection Template	Template	NDDPI Charter School webpage	Part 5.3

Resource	Type	Link or location	Section
Appendix B: Charter School 5 Year Budget (SFN 9149)	Template	NDDPI Charter School webpage	Parts 2.4 and 5.12
Year 1 Monthly Cash Flow Projection	Applicant's own format	Not applicable	Parts 2.4 and 5.12
Appendix C: Governing Board Member Statement of Assurances	Form	NDDPI Charter School webpage	Part 5.7
Conflict-of-Interest Disclosure	Applicant's own format	Not applicable	Part 5.7
Charter Performance Agreement	Contract	Provided to approved applicants	Part 9.1
Ready-to-Open Checklist	Checklist	NDDPI Charter School webpage	Part 9.2
Organizational Performance Framework	Framework	NDDPI Charter School webpage	Part 1.2
Academic and Financial Performance Frameworks	Framework	NDDPI Charter School webpage, when published	Part 1.2
NDSFARM 2024	Manual	NDDPI School Finance webpage	Part 2.4
ND School Accountability Calculation Guide	Guide	NDDPI website	Part 5.4
ND A+ resources	Website	ND A+ Portal	Parts 5.4 and 5.5
Insights.ND	Data system	NDDPI website	Part 5.4
Special education resources	Guidance	NDDPI Special Education webpage	Parts 5.6 and 7.1
English learner resources	Guidance	NDDPI English Learner webpage	Part 7.2
Home Language Survey	Form	NDDPI English Learner webpage	Parts 6.3 and 7.2
Homeless education and foster care resources	Guidance	NDDPI Homeless Education and Foster Care webpages	Part 7.3
School Nutrition Program resources	Manual	NDDPI School Nutrition Program webpage	Part 8.1
FAQ log	Web page	NDDPI Charter School webpage	Part 2.7

10.2 Contacts

Submit every question about the application, the review process, or this guidance to DPICharterschools@nd.gov (see Part 2.7). The content-area offices below can answer general questions about state programs. They do not answer questions about the application or how to respond to it.

Area	Office or team	Contact	Phone or email
Assessment	Assessment	Kara Welk	kwelk@nd.gov
Educator licensure	ESPB		espbinfo@nd.gov
English learners	Title III	Sashay Schettler	ssschettler@nd.gov
Enrollment reporting	School Approval and Operations	Steve Snow	fsnow@nd.gov
Food and nutrition	Child Nutrition & Food Distribution	Lynelle Johnson	lynellejohnson@nd.gov
Foster care	Educational Opportunity & Support	Michelle Siegfried	mlsiegfried@nd.gov
General questions about application or authorization process	School Approval and Operations	Charter School Inbox	DPICharterschools@nd.gov
Homeless	Educational Opportunity & Support	Jennifer Withers	jwithers@nd.gov
ND Education Standards	Educational Opportunity & Support	Davonne Eldredge	deldredge@nd.gov
School finance	School Approval and Operations	Adam Tescher	atescher@nd.gov
Special education	School Approval and Operations	Morgan Edmundson	mjedmundson@nd.gov
Title I	Educational Opportunity & Support	Angie Richter	amrichter@nd.gov