

Fifty-fifth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2173**

Introduced by

Senators Freborg, Andrist, O'Connell

Representatives Grosz, Monson

1 A BILL for an Act to amend and reenact sections 15-40.1-09, 15-40.1-09.1, 15-47-04, and  
2 15-47-33 of the North Dakota Century Code, relating to the length of the school term.

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

4 **SECTION 1. AMENDMENT.** Section 15-40.1-09 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **15-40.1-09. Application for payments - Verification and determination of**  
7 **payments for high school students - Report of county superintendent of schools -**

8 **Appeal.** Immediately upon the completion of the registration of students at the beginning of  
9 each school term and in no event later than September tenth of each year, the business  
10 manager of each school district within or without this state which is claiming payments from  
11 state funds under the provisions of this chapter shall file with the county superintendent of  
12 schools a claim on a form prescribed by the superintendent of public instruction stating the  
13 number of students registered in high school and elementary grades for which payments are  
14 claimed, and such other information as may be reasonably requested by the superintendent of  
15 public instruction. Not later than December first, the superintendent of public instruction shall  
16 certify to the office of management and budget a list of the school districts and schools not  
17 operated by school districts entitled to payments from state funds, together with the amounts to  
18 which the several districts and schools are entitled. Per student aid as provided under sections  
19 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's  
20 average daily membership less the number of students attending school during the current  
21 school year in another district under the provisions of open enrollment or the current year's fall  
22 enrollment, whichever provides the greatest payment, for all current grade levels. Adjustments  
23 must be made in the subsequent year according to a comparison between the average daily  
24 membership for the year for which the adjusted payment is being made and the year preceding

the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. For purposes of this chapter, "average daily membership" ~~shall mean~~ means the total days all students in a given school are in attendance, including two days set aside for the North Dakota education association ~~convention, plus any instructional conference~~, three holidays ~~selected from those~~ listed in subsections 2 through 10 of section 15-38-04.1 which have been ~~decided upon after~~ selected by the school board in consultation with the teachers, ~~the total days all students are absent, and the~~ up to two full days during which parent-teacher ~~conference days~~ authorized in section 15-47-33 conferences are held or up to two full days as hour-for-hour compensatory time if parent-teacher conferences are held outside normal school hours and the total days all students are absent, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one hundred eighty-day school term.

Immediately upon the termination of the school ~~term~~ year, and in no event later than July fifteenth of each year, the business manager of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. The statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement. The county superintendent shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students in each district in the county for the previous school year upon which any adjustment may be based as provided in this section. If any statement is disallowed in whole or in part, notice of the disallowance and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before

September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

**SECTION 2. AMENDMENT.** Section 15-40.1-09.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-09.1. Emergency resulting from acts of God - Foundation program payment eligibility.** The existence of a state of emergency may be proclaimed by the governor if ~~he~~ the governor finds that an act of God has occurred and that the safety and welfare of the inhabitants of the state or of any portion ~~thereof~~ of the state require the closing of schools or any particular school. ~~Any such~~ The emergency terminates upon the proclamation of the termination ~~thereof~~ by the governor. ~~Any school district which is located within the boundaries of the territory included within the governor's proclamation of a state of emergency or designated by it may include days actually lost, not to exceed five days, during which school was not held because of such state of emergency for purposes of the foundation program as provided in this chapter. Any school district in which schools are closed for in excess of five days in any school year because of such a state of emergency shall receive two days of credit for foundation program purposes for each additional day school is held to make up for such lost days.~~ Nothing in this section affects the length of the school year as provided for in section 15-47-33.

**SECTION 3. AMENDMENT.** Section 15-47-04 of the North Dakota Century Code is amended and reenacted as follows:

**15-47-04. "School year", "~~month~~", and "~~week~~" defined.** The school year must begin on the first day of July and must close on the thirtieth day of June of the following year. ~~A school month consists of twenty days, and a school week consists of five days.~~

**SECTION 4. AMENDMENT.** Section 15-47-33 of the North Dakota Century Code is amended and reenacted as follows:

**15-47-33. Length of elementary and secondary school year term.**

1. All elementary and secondary schools in this state shall provide for a school term ~~of at least one hundred eighty days of classroom instruction during each school term.~~ Any three apportioned as follows:

- 1           a. One hundred seventy-three full days of instruction;
- 2           b. Three holidays selected from those listed in subsections 2 through 10 of  
3           section 15-38-04.1 which have been decided upon after selected by the  
4           school board in consultation with the district teachers; any two days, or  
5           fractions of days not to exceed a total of two days, which are devoted to;
- 6           c. Two days for the attendance of teachers at the North Dakota education  
7           association instructional conference; and
- 8           d. Up to two full days during which parent-teacher conferences and which are  
9           selected by the local school board after consultation with the teachers, and  
10          any day in which classes cannot be held because of acts of God, epidemic, or  
11          failure of physical facilities must be included in the one hundred eighty days  
12          provided for in this section and teachers must be paid therefor are held or up  
13          to two full days as hour-for-hour compensatory time if parent-teacher  
14          conferences are held outside of normal school hours.
- 15       2. A full day of instruction:
- 16           a. Consists of at least five and one-half hours of instruction time for elementary  
17           students;
- 18           b. Consists of at least six hours of instruction time for high school students; and
- 19           c. May conclude no earlier than 2:30 p.m.