

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2052

Introduced by

Senators Andrist, Tollefson

1 A BILL for an Act to amend and reenact section 15-40.1-09 and subsection 1 of section
2 15.1-06-04 of the North Dakota Century Code or in the alternative to amend and reenact
3 section 15.1-27-35 of the North Dakota Century Code, relating to professional development
4 days; to repeal section 15.1-09-42 of the North Dakota Century Code, relating to annual
5 instructional conferences; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
8 15-40.1-09 of the 1999 Supplement to the North Dakota Century Code is amended and
9 reenacted as follows:

10 **15-40.1-09. Application for payments - Verification and determination of**
11 **payments for high school students - Report of county superintendent of schools -**

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

1 school year in another district under the provisions of open enrollment or the current year's fall
2 enrollment, whichever provides the greatest payment, for all current grade levels. Adjustments
3 must be made in the subsequent year according to a comparison between the average daily
4 membership for the year for which the adjusted payment is being made and the year preceding
5 the year for which the adjusted payment is being made, whichever is greater, for grade levels
6 that existed in both years. The greater of the two preceding years' average daily membership
7 must be used in computing any adjustment in a district's foundation aid payments. For
8 purposes of this chapter, "average daily membership" means the total days all students in a
9 given school are in attendance, including ~~two~~ three days ~~set aside for the North Dakota~~
10 ~~education association instructional conference, three holidays listed in subsections 2 through~~
11 ~~40 of section 15-38-04.1~~ which have been selected by the school board in consultation with the
12 teachers for national or state holidays, two days for professional development activities, and up
13 to two full days during which parent-teacher conferences are held, divided by one hundred
14 eighty days. School districts educating children of agricultural migratory workers or offering
15 high school summer school programs during the months of June, July, and August shall not be
16 restricted to payments for a one hundred eighty-day school term.

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

1 instruction from the determination of the county superintendent of schools on or before
2 September fifteenth in the year in which the determination is made. The superintendent of
3 public instruction may change or modify the determination of the county superintendent if the
4 evidence submitted by the district warrants a modification. The judgment of the superintendent
5 of public instruction shall be final.

6 **SECTION 2. AMENDMENT.** Subsection 1 of section 15.1-06-04 of the 1999
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 8 1. During each school year, a school district shall provide for a school calendar of at
9 least one hundred eighty days, apportioned as follows:
- 10 a. One hundred seventy-three full days of instruction;
 - 11 b. Three national or state holidays ~~listed in subdivisions b through j of~~
12 ~~subsection 1 of section 15.1-06-02~~ and selected by the school board in
13 consultation with district teachers;
 - 14 c. Two days for ~~the attendance of teachers~~ professional development activities,
15 which may be provided at the North Dakota education association
16 instructional conference; and
 - 17 d. Up to two full days during which parent-teacher conferences are held or which
18 are deemed by the school board to be compensatory time for parent-teacher
19 conferences held outside regular school hours.

20 **SECTION 3. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code as
21 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
22 amended and reenacted as follows:

23 **15.1-27-35. Average daily membership - Calculation.** Average daily membership is
24 calculated by adding the total number of days that each student in a given classroom, school,
25 or school district is in attendance during a school calendar and the total number of days that
26 each student in a given classroom, school, or school district is absent during a school calendar,
27 and then dividing the sum by one hundred eighty. For purposes of calculating average daily
28 membership, all students are deemed to be in attendance on:

- 29 1. The three ~~holidays listed in subdivisions b through j of subsection 1 of section~~
30 ~~15.1-06-02~~ and days selected by the school board in consultation with district
31 teachers for national or state holidays;

- 1 2. The two days set aside for ~~the attendance of teachers at the North Dakota~~
2 ~~education association instructional conference~~ professional development activities;
3 and
4 3. The two full days, or portions thereof, during which parent-teacher conferences are
5 held or which are deemed by the board of the district to be compensatory time for
6 parent-teacher conferences held outside regular school hours.

7 **SECTION 4. REPEAL.** Section 15.1-09-42 of the North Dakota Century Code is
8 repealed.

9 **SECTION 5. EFFECTIVE DATE.** This Act becomes effective on July 1, 2002.