

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1251

Introduced by

Representatives Monson, D. Johnson

Senators Luick, Rust

1 A BILL for an Act to create and enact two new sections to chapter 15.1-16 of the North Dakota
2 Century Code, relating to school district negotiations; and to amend and reenact sections
3 15.1-15-04 and 15.1-16-13 of the North Dakota Century Code, relating to school district contract
4 renewals and negotiations.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-15-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-15-04. Contracts - Renewals - Notice.**

- 9 1. a. If the board of a school district elects not to renew the contract of a teacher, a
10 principal, or an assistant or associate superintendent for the ensuing school year,
11 the board shall provide written notification of the decision to the individual.
- 12 b. The board may not notify the individual under this section earlier than March first
13 nor later than May first of the school year in which the individual has been
14 employed.
- 15 c. The failure of a board to provide written notice under this subsection constitutes
16 an offer to renew the individual's contract for the ensuing school year, under the
17 same terms and conditions as the individual's current contract.
- 18 2. a. No earlier than March first nor later than May first, the board of a school district
19 shall ~~notify~~provide to each individual offered a contract renewal ~~of a contract~~
20 notification of the date by which the individual must accept or reject the contract.
- 21 b. At least ~~thirty~~fourteen calendar days must pass between the notification ~~of each~~
22 ~~individual~~, as required by this subsection, and the date by which the individual
23 must accept or reject the contract.

- 1 3. a. In order to accept an offer to renew a contract, including an offer generated by
2 the failure of a board to provide written notice as required by subsection 1, an
3 individual shall provide written notification of acceptance to the board on or
4 before the date required by the board or ~~June first~~May fifteenth, whichever is
5 earlier. An individual accepting an offer to renew a contract is entitled to a written
6 contract for the ensuing school year.
- 7 b. In order to reject an offer to renew a contract, including an offer generated by the
8 failure of a board to provide written notice as required by subsection 1, an
9 individual shall provide written notification of rejection to the board on or before
10 the date required by the board or ~~June first~~May fifteenth, whichever is earlier.
- 11 c. If an individual fails to provide notification of acceptance or rejection of an offer to
12 renew a contract, the board is relieved of any continuing contract provisions.
- 13 4. a. If negotiations are being carried on pursuant to chapter 15.1-16, the provisions of
14 this section requiring the board of a school district to give an individual notice and
15 requiring that the individual respond to the notice are suspended until the
16 negotiations are completed.
- 17 b. If negotiations do not begin as required by subsection 5 of section 15.1-16-13,
18 the board of a school district may provide notification to each individual offered a
19 contract renewal.

20 **SECTION 2. AMENDMENT.** Section 15.1-16-13 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15.1-16-13. Good-faith negotiations.**

- 23 1. The board of a school district or its representatives and the representative
24 organization or its representatives shall, if requested by either entity, meet at
25 reasonable times and negotiate in good faith regarding:
- 26 a. The terms and conditions of employment.
- 27 b. Employer-employee relations.
- 28 c. Formation of a contract, which may contain a provision for binding arbitration.
- 29 d. The interpretation of an existing contract.
- 30 2. The board of a school district and the representative organization, at the request of
31 either party, shall execute a written contract incorporating any agreement reached.

3. Either the board of a school district or the representative organization may modify or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate the contract to the other party not less than sixty days before the annual anniversary date.
4. Nothing in this section compels either the board of a school district or a representative organization to agree to a proposal or to make a concession.
5. Good-faith negotiations must begin no later than the thirtieth day after the representative organization is recognized by the board of the school district, in accordance with section 15.1-16-11, unless otherwise agreed to by the board of the school district and the representative organization.

SECTION 3. A new section to chapter 15.1-16 of the North Dakota Century Code is created and enacted as follows:

Negotiated salary increase - Effective date.

If negotiations have not been concluded before the first day of the school calendar, any salary increase agreed to thereafter may not be applied retroactively. If a salary increase is agreed to on or after the first day of the school calendar, the increase may take effect no earlier than the first day of the month following the conclusion of the negotiations.

SECTION 4. A new section to chapter 15.1-16 of the North Dakota Century Code is created and enacted as follows:

Negotiation strategy and instructions - Executive session.

The board of a school district, or any authorized subcommittee of the board, may hold an executive session under section 44-04-19.2 to discuss negotiating strategies or to provide to its representative negotiating instructions, which are applicable to anticipated or pending:

1. Litigation;
2. Adversarial administrative proceedings; or
3. Contracts.