

**SENATE BILL NO. 2245**

Introduced by

Senators Andrist, Freborg, Wanzek

Representative Devlin

1 A BILL for an Act to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota  
2 Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North  
3 Dakota Century Code, relating to school holidays; and to repeal sections 15-38-04.1 and  
4 15.1-06-02 of the North Dakota Century Code, relating to mandatory school holidays.

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

6 **SECTION 1. AMENDMENT.** Section 15-40.1-09 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **15-40.1-09. Application for payments - Verification and determination of**  
9 **payments for high school students - Report of county superintendent of schools -**  
10 **Appeal.** Immediately upon the completion of the registration of students at the beginning of  
11 each school term and in no event later than September tenth of each year, the business  
12 manager of each school district within or without this state which is claiming payments from  
13 state funds under the provisions of this chapter shall file with the county superintendent of  
14 schools a claim on a form prescribed by the superintendent of public instruction stating the  
15 number of students registered in high school and elementary grades for which payments are  
16 claimed, and such other information as may be reasonably requested by the superintendent of  
17 public instruction. Not later than December first, the superintendent of public instruction shall  
18 certify to the office of management and budget a list of the school districts and schools not  
19 operated by school districts entitled to payments from state funds, together with the amounts to  
20 which the several districts and schools are entitled. Per student aid as provided under sections  
21 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's  
22 average daily membership less the number of students attending school during the current  
23 school year in another district under the provisions of open enrollment or the current year's fall  
24 enrollment, whichever provides the greatest payment, for all current grade levels. Adjustments

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

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

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

5 **SECTION 2. AMENDMENT.** If House Bill No. 1034 does not become effective, section  
6 15-47-33 of the 1997 Supplement to the North Dakota Century Code is amended and  
7 reenacted as follows:

8 **15-47-33. Length of elementary and secondary school year term.**

9 1. All elementary and secondary schools in this state shall provide for a school term  
10 of at least one hundred eighty days apportioned as follows:

- 11 a. One hundred seventy-three full days of instruction;
- 12 b. ~~Three holidays listed in subsections 2 through 10 of section 15-38-04.1~~ Five  
13 days selected by the school board in consultation with district teachers;
- 14 e. ~~Two days for the attendance of teachers at the North Dakota education~~  
15 association instructional conference for holidays, instructional conferences,  
16 and school activities; and
- 17 ~~e.~~ c. Up to two full days during which parent-teacher conferences are held, or  
18 which are deemed by the school board to be compensatory time for  
19 parent-teacher conferences held outside normal school hours.

20 2. A full day of instruction:

- 21 a. Consists of at least five and one-half hours of instruction time for elementary  
22 students; and
- 23 b. Consists of at least six hours of instruction time for high school students.

24 **SECTION 3. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code as  
25 created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended  
26 and reenacted as follows:

27 **15.1-06-04. School calendar - Length.**

28 1. During each school year, a school district shall provide for a school calendar of at  
29 least one hundred eighty days, apportioned as follows:

- 30 a. One hundred seventy-three full days of instruction;

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Legislative Assembly

- 1           b. ~~Three holidays listed in subdivisions b through j of subsection 1 of section~~  
2           ~~15.1-06-02 and~~ Five days selected by the school board in consultation with  
3           district teachers;
- 4           e. ~~Two days for the attendance of teachers at the North Dakota education~~  
5           ~~association instructional conference~~ for holidays, instructional conferences,  
6           and school activities; and
- 7           e. c. Up to two full days during which parent-teacher conferences are held or which  
8           are deemed by the school board to be compensatory time for parent-teacher  
9           conferences held outside regular school hours.
- 10          2. A full day of instruction consists of:
- 11           a. At least five and one-half hours of instruction time for elementary students;  
12           and
- 13           b. At least six hours of instruction time for high school students.

14           **SECTION 4. REPEAL.** Section 15-38-04.1 of the North Dakota Century Code and  
15           section 15.1-06-02 of the North Dakota Century Code as created by House Bill No. 1034, as  
16           approved by the fifty-sixth legislative assembly, are repealed.