

**FIRST ENGROSSMENT  
with House Amendments**Fifty-ninth  
Legislative Assembly  
of North Dakota**ENGROSSED SENATE BILL NO. 2358**

Introduced by

Senators G. Lee, Christmann, Kringstad

Representatives Drovdal, Grande, Thoreson

1 A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota  
2 Century Code, relating to conference attendance by school personnel; to amend and reenact  
3 sections 15.1-06-02, 15.1-06-04, 15.1-06-06, 15.1-21-12, and 15.1-27-35 of the North Dakota  
4 Century Code, relating to professional development days and school approval; and to repeal  
5 section 15.1-09-42 of the North Dakota Century Code, relating to conference attendance by  
6 school personnel.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-06-02 of the North Dakota Century Code is  
9 amended and reenacted as follows:

**10 15.1-06-02. School holidays.**

- 11 1. Schools may not be in session on the following holidays:
- 12 a. Any Sunday.
  - 13 b. New Year's Day, the first day of January.
  - 14 c. Good Friday, the Friday preceding Easter Sunday.
  - 15 d. Memorial Day, the last Monday in May.
  - 16 e. The anniversary of the Declaration of Independence, the fourth day of July.
  - 17 f. Labor Day, the first Monday in September.
  - 18 g. Veteran's Day, the eleventh day of November.
  - 19 h. Thanksgiving Day, the fourth Thursday in November.
  - 20 i. Christmas Day, the twenty-fifth day of December.
  - 21 j. Any day declared to be a public holiday by the President of the United States  
22 or the governor.
- 23 2. a. School may not be held on the two days in October that coincide with the  
24 North Dakota education association conference.

1           b. The professional development days required by section 15.1-06-04 may not  
2           be held on the two days in October that coincide with the North Dakota  
3           education association conference.

4           c. No other school-sponsored, school-directed, or school-sanctioned  
5           professional development activities may be held on the two days in October  
6           that coincide with the North Dakota education association conference.

7           3. Notwithstanding the provisions of subsection 1, if the first day of January, the  
8           fourth day of July, the eleventh day of November, or the twenty-fifth day of  
9           December is a Sunday, the school district shall observe the holiday on the  
10          following Monday.

11         ~~3.~~ 4. Notwithstanding the provisions of subsection 1, if the eleventh day of November is  
12          a Saturday, the school district shall observe the holiday on the preceding Friday.

13         4. 5. The board of a school district may direct that classes not be held on the day of a  
14          statewide election if the school is used as a polling place on that day.

15                 **SECTION 2. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is  
16          amended and reenacted as follows:

17                 **15.1-06-04. School calendar - Length.**

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

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

21                 b. Two full days of professional development activities for all individuals  
22                 employed by the district and licensed to teach by the education standards and  
23                 practices board;

24                 c. Three holidays listed in subdivisions b through j of subsection 1 of section  
25                 15.1-06-02 and selected by the school board in consultation with district  
26                 teachers, however, the school board of a nonpublic school may choose three  
27                 alternate days as holidays;

28                 e. ~~Two days for the attendance of teachers at the North Dakota education~~  
29                 ~~association instructional conference; and~~

- 1           d. Up to two full days during which parent-teacher conferences are held or which  
2           are deemed by the school board to be compensatory time for parent-teacher  
3           conferences held outside regular school hours.
- 4           2. A full day of instruction consists of:
- 5           a. At least five and one-half hours for elementary students, during which time  
6           the students are required to be in attendance for the purpose of receiving  
7           curricular instruction; and
- 8           b. At least six hours for high school students, during which time the students are  
9           required to be in attendance for the purpose of receiving curricular instruction.
- 10          3. A full day of professional development consists of eight hours of activities, which  
11          may occur in no less than one-half day increments of four hours.
- 12          4. If a school's calendar provides for an extension of each schoolday beyond the  
13          statutorily required minimum number of hours, and if the extensions when  
14          aggregated over an entire school year amount to more than eighty-four hours of  
15          additional classroom instruction during the school year, the school is exempt from  
16          having to make up six hours of instruction time lost as a result of weather-related  
17          closure. In order to make up lost classroom instruction time beyond the six hours,  
18          the school must extend its normal school calendar day by at least thirty minutes.
- 19          ~~4.~~ 5. A school that does not qualify under the provisions of subsection ~~3~~ 4 must extend  
20          its normal schoolday by at least thirty minutes to make up classroom instruction  
21          time lost as a result of weather-related closure.
- 22          ~~5.~~ 6. If because of weather a school must dismiss before completing a full day of  
23          instruction, the school is responsible for making up only those hours and portions  
24          of an hour between the time of early dismissal and the conclusion of a full day of  
25          classroom instruction.

26           **SECTION 3. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic  
29 school in this state offering elementary or secondary education to students must be approved  
30 by the superintendent of public instruction. Except as otherwise provided by law, the  
31 superintendent may not approve a school unless:

- 1           1.    Each classroom teacher ~~holds a valid teaching certificate issued~~ is licensed to  
2                    teach by the education standards and practices board or approved to teach by the  
3                    education standards and practices board;
- 4           2.    ~~The students are offered all subjects required by law~~ Each classroom teacher is  
5                    teaching only in those course areas or fields for which the teacher is licensed or for  
6                    which the teacher has received an exception under section 2 of House Bill No.  
7                    1076, as approved by the fifty-ninth legislative assembly; and
- 8           3.    The school is in compliance with all laws regarding school calendars;
- 9           4.    The school is in compliance with all local and state health, fire, and safety laws;  
10                    and
- 11          5.    The students are offered all subjects required by law.

12           **SECTION 4.** A new section to chapter 15.1-09 of the North Dakota Century Code is  
13 created and enacted as follows:

14           **Attendance at conference - Compensation - Reimbursement.** Notwithstanding any  
15 contract entered before August 1, 2006, the board of a school district is not obligated to  
16 compensate or reimburse employees of the district for attending the North Dakota education  
17 association conference.

18           **SECTION 5. AMENDMENT.** Section 15.1-21-12 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **15.1-21-12. Professional development - ~~Use of available funds~~ Annual report.**

- 21          1.    On or before ~~October first~~ June thirtieth of each year, each school district shall file  
22                    a report with the superintendent of public instruction indicating:
  - 23                  a.    The amount and source of funds that were made available to the district for  
24                            professional development during the preceding school year;
  - 25                  b.    The amount and source of funds that were expended by the district for  
26                            professional development during the preceding school year; and
  - 27                  c.    A separate list of the professional development activities in which the district  
28                            participated during the preceding school year and the amount of time  
29                            committed to the activities.
- 30          2.    ~~The superintendent of public instruction shall compile the information submitted~~  
31                    under this section to determine how much of the available funding for professional

1           ~~development was used by school districts in this state and, beginning with the~~  
2           ~~reports due on or before October 1, 2002, whether the expenditure correlated with~~  
3           ~~increased student achievement on the reading and mathematics tests required by~~  
4           ~~section 15.1-21-08~~ The superintendent of public instruction shall provide  
5           information from the district reports to appropriate legislative committees.

6           **SECTION 6. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **15.1-27-35. Average daily membership - Calculation.** Average daily membership is  
9 calculated by adding the total number of days that each student in a given classroom, school,  
10 or school district is in attendance during a school calendar and the total number of days that  
11 each student in a given classroom, school, or school district is absent during a school calendar,  
12 and then dividing the sum by one hundred eighty. For purposes of calculating average daily  
13 membership, all students are deemed to be in attendance on:

- 14           1. The three holidays listed in subdivisions b through j of subsection 1 of section  
15           15.1-06-02 and selected by the school board in consultation with district teachers;
- 16           2. The two days set aside for ~~the attendance of teachers at the North Dakota~~  
17           ~~education association instructional conference~~ professional development activities  
18           under section 15.1-06-04; and
- 19           3. The two full days, or portions thereof, during which parent-teacher conferences are  
20           held or which are deemed by the board of the district to be compensatory time for  
21           parent-teacher conferences held outside regular school hours.

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