

**HOUSE BILL NO. 1315**

Introduced by

Representative Monson

Senator Luick

1 A BILL for an Act to amend and reenact section 15.1-16-21 of the North Dakota Century Code,  
2 relating to salary increases for unfillable teaching positions; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-16-21 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-16-21. Salary increase - Unfillable position.**

7 ~~1. a. If, after the conclusion of a school calendar, the board of a school district has a~~  
8 ~~teaching position vacant and if the board, having done all things necessary and~~  
9 ~~proper, is unable to fill that position by the forty-fifth day prior to the start of the~~  
10 ~~district's school calendar with an individual who is highly qualified and who meets~~  
11 ~~reasonable criteria established by the board, the board shall notify the~~  
12 ~~superintendent of public instruction that:~~

13 ~~(1) A teaching position is vacant;~~

14 ~~(2) The board has done all things necessary and proper after learning of the~~  
15 ~~vacancy to find a suitable and highly qualified candidate; and~~

16 ~~(3) The board will be unable to meet the statutory requirements for school~~  
17 ~~approval if the position remains unfilled.~~

18 ~~b. Unless the superintendent of public instruction has reason to believe that the~~  
19 ~~information contained in the notice as provided in subdivision a is not accurate,~~  
20 ~~the superintendent shall authorize the board, notwithstanding the terms of any~~  
21 ~~agreement negotiated under this chapter, to increase the compensation offered~~  
22 ~~for that position to the extent deemed necessary by the board in order to attract a~~  
23 ~~suitable and highly qualified individual. The compensation paid to a successful~~  
24 ~~applicant under this section may not be reduced in future years.~~

- 1           2.   a.   If a teaching position becomes vacant during a school calendar or less than  
2                   forty-five days prior to the start of the school calendar, the board of a school  
3                   district shall do all things necessary and proper to ensure that the vacancy  
4                   causes only minimal disruption to the instruction of students and that the position  
5                   becomes filled as quickly as possible by a highly qualified individual who meets  
6                   the reasonable criteria established by the board. The board shall notify the  
7                   superintendent of public instruction that the vacancy exists and that the board will  
8                   be unable to meet the requirements for school approval if the position remains  
9                   unfilled.
- 10           b.   Upon receipt of the notice as provided in subdivision a, the superintendent of  
11                   public instruction shall contact the several education associations in this state  
12                   and ask that they assist the board of the school district in any way possible to  
13                   locate and employ an individual under the terms of the district's existing  
14                   negotiated agreement. Only when the superintendent determines that all  
15                   reasonable efforts have been unsuccessful may the superintendent authorize the  
16                   board, notwithstanding the terms of any agreement negotiated under this chapter,  
17                   to offer the level of compensation it deems necessary in order to attract a suitable  
18                   and highly qualified individual for the duration of the school calendar.
- 19           1.   If the board of a school district is unable to fill a vacant teaching position with an  
20                   individual who is highly qualified and who meets reasonable criteria established by the  
21                   board and if the vacancy would cause the board to be in violation of the school  
22                   approval requirements set forth in section 15.1-06-06, the board shall notify the  
23                   superintendent of public instruction ~~and. If the superintendent determines that all~~  
24                   ~~reasonable efforts have been unsuccessful, the superintendent may authorize the~~  
25                   ~~board to increase the level of compensation for the vacant position in order to attract a~~  
26                   ~~suitable and highly qualified individual, notwithstanding the terms of any agreement~~  
27                   ~~negotiated under this chapter, may increase the level of compensation for the vacant~~  
28                   ~~position in order to attract a suitable and highly qualified individual.~~ The level of  
29                   compensation paid to an individual hired under this section may not be reduced in  
30                   future years.

- 1     ~~3-2.~~ If an individual resigns from a teaching position with a district, the individual may be  
2           rehired by the board of that district to fill a vacancy, but the individual is not eligible to  
3           receive a level of compensation greater than that provided for in the district's  
4           negotiated agreement.
- 5     ~~4.~~ If an individual has taught in this state during the preceding twelve months, the  
6           individual is not eligible to receive a level of compensation greater than that provided  
7           for in the district's negotiated agreement.
- 8     ~~5.~~ This section is applicable to contracts that are negotiated under this chapter and which  
9           take effect after July 31, 2007.

10    **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.