

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, and 15.1-27-35 of the North Dakota Century
4 Code, relating to professional development days and school approval; and to repeal section
5 15.1-09-42 of the North Dakota Century Code, relating to conference attendance by school
6 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;

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

29 d. Up to two full days during which parent-teacher conferences are held or which
30 are deemed by the school board to be compensatory time for parent-teacher
31 conferences held outside regular school hours.

- 1 2. A full day of instruction consists of:
- 2 a. At least five and one-half hours for elementary students, during which time
- 3 the students are required to be in attendance for the purpose of receiving
- 4 curricular instruction; and
- 5 b. At least six hours for high school students, during which time the students are
- 6 required to be in attendance for the purpose of receiving curricular instruction.
- 7 3. a. A full day of professional development consists of eight hours of activities,
- 8 which may occur in no less than one-half day increments of four hours.
- 9 b. By June thirtieth of each year, each school district shall submit a report to the
- 10 department of public instruction containing the following information from the
- 11 most recent school year:
- 12 (1) A description of all professional development activities provided for
- 13 teachers;
- 14 (2) The name and position of activity leaders; and
- 15 (3) The name and position of each activity participant.
- 16 c. The superintendent of public instruction shall provide information from the
- 17 district reports to appropriate legislative committees.
- 18 4. If a school's calendar provides for an extension of each schoolday beyond the
- 19 statutorily required minimum number of hours, and if the extensions when
- 20 aggregated over an entire school year amount to more than eighty-four hours of
- 21 additional classroom instruction during the school year, the school is exempt from
- 22 having to make up six hours of instruction time lost as a result of weather-related
- 23 closure. In order to make up lost classroom instruction time beyond the six hours,
- 24 the school must extend its normal school calendar day by at least thirty minutes.
- 25 ~~4.~~ 5. A school that does not qualify under the provisions of subsection ~~3~~ 4 must extend
- 26 its normal schoolday by at least thirty minutes to make up classroom instruction
- 27 time lost as a result of weather-related closure.
- 28 ~~5.~~ 6. If because of weather a school must dismiss before completing a full day of
- 29 instruction, the school is responsible for making up only those hours and portions
- 30 of an hour between the time of early dismissal and the conclusion of a full day of
- 31 classroom instruction.

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

3 **15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic
4 school in this state offering elementary or secondary education to students must be approved
5 by the superintendent of public instruction. Except as otherwise provided by law, the
6 superintendent may not approve a school unless:

- 7 1. Each classroom teacher holds a valid teaching certificate issued by the education
8 standards and practices board;
- 9 2. The students are offered all subjects required by law; ~~and~~
- 10 3. The school is in compliance with all laws regarding school calendars; and
- 11 4. The school is in compliance with all local and state health, fire, and safety laws.

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, 2005, 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 15.1-27-35 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-27-35. Average daily membership - Calculation.** Average daily membership is
21 calculated by adding the total number of days that each student in a given classroom, school,
22 or school district is in attendance during a school calendar and the total number of days that
23 each student in a given classroom, school, or school district is absent during a school calendar,
24 and then dividing the sum by one hundred eighty. For purposes of calculating average daily
25 membership, all students are deemed to be in attendance on:

- 26 1. The three holidays listed in subdivisions b through j of subsection 1 of section
27 15.1-06-02 and selected by the school board in consultation with district teachers;
- 28 2. The two days set aside for ~~the attendance of teachers at the North Dakota~~
29 ~~education association instructional conference~~ professional development activities
30 under section 15.1-06-04; and

1 3. The two full days, or portions thereof, during which parent-teacher conferences are
2 held or which are deemed by the board of the district to be compensatory time for
3 parent-teacher conferences held outside regular school hours.

4 **SECTION 6. REPEAL.** Section 15.1-09-42 of the North Dakota Century Code is
5 repealed.