

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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 days set aside for the North Dakota education
8 association instructional conference, three ~~holidays listed in subsections 2 through 10 of~~
9 ~~section 15-38-04.1 which have been~~ days selected by the school board in consultation with ~~the~~
10 district teachers, and up to two full days during which parent-teacher conferences are held or
11 which are deemed by the school board to be compensatory time for parent-teacher
12 conferences held outside normal school hours, divided by one hundred eighty days. School
13 districts educating children of agricultural migratory workers or offering high school summer
14 school programs during the months of June, July, and August shall not be restricted to
15 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
19 with 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
21 number of units of high school work taken by each high school student enrolled during the
22 previous school year. The statement shall be attested to by the county superintendent of
23 schools. The county superintendent shall investigate the validity of the statement and shall
24 determine the residence and other qualifications of each student named in the statement. The
25 county superintendent shall certify to the superintendent of public instruction on or before
26 September first of each year the number of enrolled students in each district in the county for
27 the previous school year upon which any adjustment may be based as provided in this section.
28 If any 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~~ days
13 selected by the school board in consultation with district teachers;
 - 14 c. Two days for the attendance of teachers at the North Dakota education
15 association instructional conference; and
 - 16 d. Up to two full days during which parent-teacher conferences are held, or
17 which are deemed by the school board to be compensatory time for
18 parent-teacher conferences held outside normal school hours.
- 19 2. A full day of instruction:
- 20 a. Consists of at least five and one-half hours of instruction time for elementary
21 students; and
 - 22 b. Consists of at least six hours of instruction time for high school students.

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

26 **15.1-06-04. School calendar - Length.**

- 27 1. During each school year, a school district shall provide for a school calendar of at
28 least one hundred eighty days, apportioned as follows:
- 29 a. One hundred seventy-three full days of instruction;

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

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