

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED HOUSE BILL NO. 1490**

Introduced by

Representatives D. Johnson, Delmore, Monson, Nowatzki

Senators Tomac, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota  
2 Century Code, relating to the closure of schools in weather emergencies; to amend and reenact  
3 section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact  
4 section 15.1-06-04 of the North Dakota Century Code, relating to length of the school year; and  
5 to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of  
6 schools due to emergencies.

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

8 **SECTION 1.** A new section to chapter 15-40.1 of the North Dakota Century Code is  
9 created and enacted as follows:

10 **Weather or other emergency conditions - Closure of schools - Foundation aid.** If  
11 because of severe weather or other emergency conditions a school or school district remains  
12 closed or provides less than a full day of instruction, the school or school district shall make  
13 every effort to reschedule classes so that students receive at least one hundred seventy-three  
14 full days of instruction. Any school or school district for which the rescheduling of classes  
15 would create undue hardship may request that, for purposes of foundation aid, the governor  
16 waive the rescheduling in whole or in part. The governor may not grant a waiver for less than a  
17 full day of instruction.

18 **SECTION 2. AMENDMENT.** If House Bill No. 1034 does not become effective, section  
19 15-47-33 of the 1997 Supplement to the North Dakota Century Code is amended and  
20 reenacted as follows:

21 **15-47-33. Length of elementary and secondary school year term.**

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

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

- 1           b. Three holidays listed in subsections 2 through 10 of section 15-38-04.1  
2           selected by the school board in consultation with district teachers;
- 3           c. Two days for the attendance of teachers at the North Dakota education  
4           association instructional conference; and
- 5           d. Up to two full days during which parent-teacher conferences are held, or  
6           which are deemed by the school board to be compensatory time for  
7           parent-teacher conferences held outside normal school hours.
- 8           2. A full day of instruction:
- 9           a. Consists of at least five and one-half hours ~~of instruction time~~ for elementary  
10           students, during which time the students are required to be in attendance for  
11           the purpose of receiving curricular instruction; and
- 12           b. Consists of at least six hours ~~of instruction time~~ for high school students,  
13           during which time the students are required to be in attendance for the  
14           purpose of receiving curricular instruction.
- 15           3. If a school's calendar provides for an extension of each schoolday beyond the  
16           statutorily required minimum number of hours, and if the extensions when  
17           aggregated over an entire school year amount to more than eighty-four hours of  
18           additional classroom instruction during the school year, the school is exempt from  
19           having to make up six hours of instruction time lost as a result of weather-related  
20           closure. In order to make up lost classroom instruction time beyond the six hours,  
21           the school must extend its normal school calendar day by at least thirty minutes.
- 22           4. A school that does not qualify under the provisions of subsection 3 must extend its  
23           normal schoolday by at least thirty minutes to make up classroom instruction time  
24           lost as a result of weather-related closure.

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

28           **15.1-06-04. School calendar - Length.**

- 29           1. During each school year, a school district shall provide for a school calendar of at  
30           least one hundred eighty days, apportioned as follows:
- 31           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 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          during which time the students are required to be in attendance for the  
12          purpose of receiving curricular instruction; and
- 13          b. At least six hours ~~of instruction time~~ for high school students, during which  
14          time the students are required to be in attendance for the purpose of receiving  
15          curricular instruction.
- 16          3. If a school's calendar provides for an extension of each schoolday beyond the  
17          statutorily required minimum number of hours, and if the extensions when  
18          aggregated over an entire school year amount to more than eighty-four hours of  
19          additional classroom instruction during the school year, the school is exempt from  
20          having to make up six hours of instruction time lost as a result of weather-related  
21          closure. In order to make up lost classroom instruction time beyond the six hours,  
22          the school must extend its normal school calendar day by at least thirty minutes.
- 23          4. A school that does not qualify under the provisions of subsection 3 must extend its  
24          normal schoolday by at least thirty minutes to make up classroom instruction time  
25          lost as a result of weather-related closure.

26           **SECTION 4. REPEAL.** Section 15-40.1-09.1 of the North Dakota Century Code is  
27 repealed.