

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.