

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED 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.~~

Sixty-fourth
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- 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. 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. The level of compensation paid to an individual hired
28 under this section may not be reduced in future years.
- 29 ~~3-2.~~ If an individual resigns from a teaching position with a district, the individual may be
30 rehired by the board of that district to fill a vacancy, but the individual is not eligible to

1 receive a level of compensation greater than that provided for in the district's
2 negotiated agreement.

3 4. ~~If an individual has taught in this state during the preceding twelve months, the~~
4 ~~individual is not eligible to receive a level of compensation greater than that provided~~
5 ~~for in the district's negotiated agreement.~~

6 5. ~~This section is applicable to contracts that are negotiated under this chapter and which~~
7 ~~take effect after July 31, 2007.~~

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