CHAPTER 67-15-02
RECONFIGURATION OF INSTRUCTIONAL DAYS

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67-15-02-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Applicant" means a school seeking approval for reconfiguration of instructional days.

2. "Curricular instruction", as used in subsection 2 of North Dakota Century Code section 15.1-06-04, means the actual class period, including study hall, but does not include time to pass between classes, lunch periods, or other time that is not devoted directly to student instruction.

3. "School" means a public school located in North Dakota and subject to the regulatory authority of the state of North Dakota.

History: Effective June 1, 2002; amended effective October 1, 2006.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05

67-15-02-02. Eligibility for reconfigured school calendar.

Upon approval by the superintendent, any school may reconfigure the number of school days required by North Dakota Century Code section 15.1-06-04 if the reconfiguration complies with this chapter and North Dakota Century Code sections 15.1-21-03, 15.1-21-04, and 15.1-06-03.

History: Effective June 1, 2002.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-03. Application.

Application for a reconfigured calendar must be made on SFN 58170 which is available on the department of public instruction's web site. The application must include the school name, signatures of the administrator and board chairman, and the information that is responsive to the considerations to be made by the superintendent, including how the proposed reconfigured school calendar relates to the criteria listed in section 67-15-02-05. At a minimum, each applicant shall include the following in the application:

1. The goals and objectives of the reconfiguration program;

2. Documentation of community input into the proposed program, including written correspondence on the subject, summaries of oral contacts, and a summary of any discussions at public meetings or hearings;

3. A cost-benefit study, including potential for savings in transportation and energy costs;

4. The number of hours of instructional time for the most recent school year completed prior to the application;

5. A proposed school calendar that will assure high school students will receive one thousand thirty-eight hours of instructional time and elementary students will receive nine hundred fifty-one and one-half hours of instructional time;

6. A class schedule for each grade level;

7. A contingency plan for makeup days and allowances for storms and other school closings;

8. A professional development plan; and

9. An evaluation plan, including specific plans to evaluate:

   a. Student performance;

   b. Student use of facilities;

   c. Community use of facilities;

   d. The success rate of any innovations;

   e. The change in educational opportunities for students;

   f. The change in academic opportunities for students; and

   g. Any costs savings attributable to the reconfiguration, including savings in staffing, energy, transportation, and maintenance costs.

History: Effective June 1, 2002; amended effective October 1, 2006.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-04. Application process.

1. A completed SFN 58170 must be submitted to:

   Superintendent of Public Instruction
   Department of Public Instruction
   600 East Boulevard Avenue, Dept. 201
   Bismarck, ND 58505-0440

2. To be considered by the superintendent, an application under this chapter must be received in the department on or before March first of the year prior to the year for which a reconfigured school calendar is sought.

3. The superintendent will review each application and approve, approve with modifications as provided under section 67-15-02-06, or deny the application.

4. Notice of the superintendent's decision will be mailed by first-class mail to the applicant on or before April fifteenth of the year prior to the year for which a reconfigured school calendar is sought.

History: Effective June 1, 2002; amended effective October 1, 2006.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-05. Evaluation of applications.

Each application for a reconfigured school calendar must be evaluated by the superintendent using the following criteria:

1. The impact of the reconfiguration plan on the period of instructional time. Under this criterion the superintendent will consider:

    a. Whether the elementary students will receive at least nine hundred fifty-one and one-half hours each year under the plan; and

    b. Whether the high school students will receive at least one thousand thirty-eight hours of instructional time.

2. The superintendent must also find one of the following to be a likely result of the reconfiguration:

    a. That the proposed plan encourages innovation. Under this criterion the superintendent will consider:

        (1) Educational trends relevant to the proposed reconfiguration;

        (2) Research relevant to the proposed reconfiguration; and

        (3) The likelihood that instructional staff will develop and use innovative means of instruction.

    b. That the proposed plan will improve educational opportunities for students. Under this criterion the superintendent will consider:

        (1) Educational opportunities available to students under the existing configuration; and

        (2) Educational opportunities available to students if the reconfiguration plan is adopted.

    c. That the proposed plan will enhance the academic opportunities of the students attending the school. Under this criterion the superintendent will consider:

        (1) Academic opportunities available to students under the existing configuration; and

        (2) Academic opportunities available to students if the reconfiguration plan is adopted.

    d. That the proposed plan will allow current students greater flexibility in the use of the school facilities. Under this criterion the superintendent will consider:

        (1) Existing facility use by current students;

        (2) The flexibility in use of school facilities available to current students under the existing configuration; and

        (3) The flexibility in use of school facilities available to current students if the reconfiguration plan is adopted.

    e. That individuals or groups other than current students will have greater flexibility in the use of the school facilities. Under this criterion the superintendent will consider:

        (1) Existing facility use by individuals and groups other than current students;

(2) The flexibility in use of school facilities available to individuals or groups other than current students under the existing configuration; and

(3) The flexibility in use of school facilities available to individuals or groups other than current students if the reconfiguration plan is adopted.

f. That the reconfiguration plan will result in significant cost-savings to the district applying. Under this criterion the superintendent will consider:

(1) Present costs of the district;

(2) Proposed reductions in the district's costs; and

(3) The difference between the present costs to the district and the proposed costs under the reconfigured plan will be considered significant if the present costs are anticipated to exceed the proposed costs by forty dollars per student.

History: Effective June 1, 2002; amended effective October 1, 2006.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-06. Modifications to applications.

At any time prior to March first of the year prior to the school year the proposed reconfiguration plan is to take effect, an applicant may submit additional information to the superintendent for consideration as part of the application.

History: Effective June 1, 2002.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-07. Term of reconfiguration plan - Application for extension.

If approved, a school's reconfiguration plan is valid for one year. A school may request the superintendent to extend the reconfiguration plan for an additional year. If granted, the first extension after the initial year is valid for one school year. All extensions thereafter are valid for five school years. A request for extension will be granted only if:

1. The application for extension is received by the superintendent prior to July first of the year after the year in which the reconfiguration was implemented;

2. The school followed the reconfiguration plan as approved by the superintendent; and

3. The school can demonstrate:

a. The requisite number of instructional hours for elementary and high school students has been delivered; and

b. Under the reconfiguration plan either:

(1) Innovation occurred in the school;

(2) Enhanced educational or academic opportunities were provided to the students;

(3) There was greater flexibility in the use of the school by students, nonstudents, or organizations; or

(4) The school had substantial financial savings as a result of the reconfiguration.

A request for extension of a reconfiguration plan may also be granted if a school demonstrates that the program has not resulted in a negative outcome in any of the four evaluation criteria set out in subdivision b of subsection 3 and more time is needed to assure a sufficient evaluation period.

History: Effective June 1, 2002; amended effective October 1, 2006.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-08. Reconsideration.

If the applicant's request for reconfiguration of the school calendar program is denied, the denial must be in writing. The denial must state the reason for the denial. The notice of denial must be mailed to the applicant at the address provided for in the application and must include a notice of the opportunity to request a reconsideration. A request for reconsideration must be in writing and must be received by the superintendent within three weeks of the date of mailing by the department. Late requests for reconsideration will not be considered. The reconsideration request must state the following:

1. The facts, law, or rule the applicant believes was erroneously interpreted or applied; and

2. The applicant's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction shall issue a final written response on the reconsideration request within three weeks after receiving a complete reconsideration request.

History: Effective June 1, 2002.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04

67-15-02-09. Monitoring.

The superintendent will monitor the reconfiguration programs of applicants whose programs are approved. The program of monitoring at a minimum will include periodic reports from the applicant setting forth:

1. The number of hours of instructional time provided to high school and elementary students respectively;

2. The enhanced educational and academic opportunities for students;

3. Any innovations resulting from the reconfiguration of the school calendar;

4. The use of school facilities by students;

5. The use of school facilities by nonstudents and organizations;

6. Any cost-savings attributable to the reconfiguration; and

7. Any modifications to the approved reconfiguration program.

History: Effective June 1, 2002.
General Authority: NDCC 15.1-06-05, 28-32-02
Law Implemented: NDCC 15.1-06-05, 15.1-21-03, 15.1-21-04