

**HOUSE BILL NO. 1170**

Introduced by

Representatives Grueneich, Blum, Dockter, Headland, Satrom, Vigesaa

Senator Wanzek

1 A BILL for an Act to amend and reenact subsection 3 of section 15.1-06-04 and section  
2 15.1-27-23 of the North Dakota Century Code, relating to school calendar days on days of  
3 inclement weather.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 15.1-06-04 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 3. If because of weather a school must cancel a full day of instruction or dismiss before  
8 completing a full day of instruction, the school is responsible for making up a full day of  
9 instruction for school cancellations or only those hours and portions of an hour  
10 between the time of early dismissal and the conclusion of a full day of classroom  
11 instruction, except a school district may submit and the superintendent of public  
12 instruction may approve an application to allow the school district to offer instruction  
13 through a virtual education plan as provided under subsection 4 of section 15.1-27-23.

14 **SECTION 2. AMENDMENT.** Section 15.1-27-23 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid**  
17 **payments to school districts.**

18 1. The board of each school district shall include in the school calendar days that may be  
19 used for the rescheduling of instructional time lost as a result of severe weather or  
20 other emergency conditions.

21 2. a. The number of days required under subsection 1 must equal the average number  
22 of days per school year, as calculated using the previous five school years,  
23 during which the school district remained closed or provided less than a full day  
24 of instruction because of severe weather or other emergency conditions.

1           b. The number of days determined under subdivision a may be included within the  
2           calendar no earlier than the month of January.

3           3. If the number of days during which a public school or school district is closed or  
4           provides less than a full day of instruction exceeds the number of days determined  
5           under subdivision a of subsection 2, the public school or school district shall make  
6           every effort to reschedule the remaining classes, so that students receive at least the  
7           number of full instructional days required by section 15.1-06-04 or an equivalent  
8           period of instructional time, as determined by the superintendent of public instruction.

9           4. If the number of days a public school or school district is closed or provides less than a  
10          full day of instruction due to inclement weather exceeds the number of days required  
11          under subdivision a of subsection 2, the school or school district may submit and the  
12          superintendent of public instruction may approve an application to allow the school or  
13          school district to offer instruction through a virtual education plan, without making up  
14          the hours. The superintendent of public instruction may adopt rules governing the  
15          submission, evaluation, and approval of applications, and the monitoring of any school  
16          or district receiving a waiver under this subsection. To be eligible to receive a waiver  
17          under this subsection, a school or school district must have at least ninety-five percent  
18          student participation in the virtual education plan on any day or part of a day school is  
19          dismissed due to inclement weather, and provide evidence that at least ninety-five  
20          percent of the school's teachers and administration were actively instructing,  
21          facilitating, and engaging students through the virtual education plan.

22          5. Any public school or school district for which the rescheduling of classes would create  
23          undue hardship may request that, for purposes of calculating state aid payments to the  
24          school district, the governor waive the rescheduling in whole or in part.

25          ~~5-6.~~ The governor may not grant a waiver for less than a full day of instruction. However, if  
26          a public school or school district closes for only a portion of its regular schoolday, the  
27          hours during which the school or school district is closed may be added together to  
28          determine the number of additional full days of instruction that may be waived under  
29          this section.