

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1346**

Introduced by

Representatives Zubke, Mitskog, Schreiber-Beck

1 A BILL for an Act to amend and reenact sections 15.1-06-04, 15.1-27-23, and 15.1-27-35 of the  
2 North Dakota Century Code, relating to required number of hours of instruction by school  
3 districts, average daily membership calculation, and weather emergencies.

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

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

7 **15.1-06-04. School calendar - Length.**

8 1. A school district shall provide for a school calendar that includes:

9 a. At least ~~one hundred seventy five days~~ ~~nine hundred sixty two and one-half hours~~  
10 of instruction for elementary school students and one thousand fifty hours of  
11 instruction for middle and high school students;

12 b. Three holidays, as selected by the board in consultation with district teachers  
13 from the list provided for in subdivisions b through j of subsection 1 of section  
14 15.1-06-02;

15 c. No more than two days for:

16 (1) Parent-teacher conferences; or

17 (2) Compensatory time for parent-teacher conferences held outside of regular  
18 school hours; and

19 d. At least two days of professional development.

20 2. a. AFor the first two days of professional development required under subdivision d  
21 of subsection 1, a day of professional development must consist of:

22 (1) Six hours of professional development, exclusive of meals and other breaks,  
23 conducted within a single day;

- 1                   (2) Six hours of cumulative professional development conducted under the  
2                   auspices of a professional learning community; or  
3                   (3) Two four-hour periods of professional development, exclusive of meals and  
4                   other breaks, conducted over two days.
- 5                   b. If a school district offers a four-hour period of professional development, as  
6                   permitted in this subsection, the school district may schedule instruction during  
7                   other available hours on that same day and be credited with providing one-half  
8                   day of instruction to students. This subdivision does not apply unless the one-half  
9                   day of instruction equals at least one-half of the time required for a full day of  
10                  instruction, as defined in this section.
- 11                 3. If because of weather a school must dismiss before completing a full day of  
12                  instruction, the school is responsible for making up only those hours and portions of an  
13                  hour between the time of early dismissal and the conclusion of a full day of classroom  
14                  instruction.
- 15                 4. For purposes of this section, a full day of instruction consists of:
- 16                   a. At least five and one-half hours for kindergarten and elementary students, during  
17                   which time the students are required to be in attendance for the purpose of  
18                   receiving curricular instruction; and
- 19                   b. At least six hours for high school students, during which time the students are  
20                   required to be in attendance for the purpose of receiving curricular instruction.
- 21                 5. If a school district intends to operate under a school calendar that consists of four days  
22                  of instruction per week, the school district shall apply to and be approved for a waiver  
23                  by the superintendent of public instruction.

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

26                 **15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid**  
27                 **payments to school districts.**

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

- 1       2.   a.   ~~The number of days required under subsection 1 must equal the average number~~  
2           ~~of days per school year, as calculated using the previous five school years,~~  
3           ~~during which the school district remained closed or provided less than a full day~~  
4           ~~of instruction because of severe weather or other emergency conditions.~~
- 5       b.   ~~The number of days determined under subdivision a may be included within the~~  
6           ~~calendar no earlier than the month of January.~~
- 7       3.   ~~If the number of days during which a public school or school district is closed or~~  
8           ~~provides less than a full day of instruction exceeds the number of days determined~~  
9           ~~under subdivision a of subsection 2, the public school or school district shall make~~  
10          ~~every effort to reschedule the remaining classes, so that students receive at least the~~  
11          ~~number of full instructional days required by section 15.1-06-04 or an equivalent~~  
12          ~~period of instructional time, as determined by the superintendent of public~~  
13          ~~instruction. establish the length of a period, day, and week in accordance with the~~  
14          ~~requirements of section 15.1-06-04. If a public school or school district is closed or~~  
15          ~~provides less than a full day of instruction, the public school or school district shall~~  
16          ~~reschedule those hours to ensure students receive at least the minimum number of~~  
17          ~~instructional hours required by subdivision a of subsection 1 of section 15.1-06-04.~~
- 18       4.2. Any public school or school district for which the rescheduling of classes would create  
19           undue hardship may request that, for purposes of calculating state aid payments to the  
20           school district, the governor waive the rescheduling in whole or in part.
- 21       5.   ~~The governor may not grant a waiver for less than a full day of instruction. However, if~~  
22           ~~a public school or school district closes for only a portion of its regular schoolday, the~~  
23           ~~hours during which the school or school district is closed may be added together to~~  
24           ~~determine the number of additional full days of instruction that may be waived under~~  
25           ~~this section.~~

26       **SECTION 3. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is  
27       amended and reenacted as follows:

28       **15.1-27-35. Average daily membership - Calculation.**

- 29       1.   Average daily membership is calculated at the conclusion of the school year by adding  
30           the total number of days that each student in a given grade, school, or school district is  
31           in attendance during a school calendar and the total number of days that each student

- 1           in a given grade, school, or school district is absent during a school calendar, and then  
2           dividing the sum by the ~~greater of:~~
- 3           a. ~~The school district's calendar;~~  
4           b. ~~One hundred eighty-two.~~
- 5           2. For purposes of calculating average daily membership, all students are deemed to be  
6           in attendance on:
- 7           a. The three holidays listed in subdivisions b through j of subsection 1 of section  
8           15.1-06-02 and selected by the school board in consultation with district  
9           teachers;
- 10          b. The two days set aside for professional development activities under section  
11          15.1-06-04; and
- 12          c. The two full days, or portions thereof, during which parent-teacher conferences  
13          are held or which are deemed by the board of the district to be compensatory  
14          time for parent-teacher conferences held outside regular school hours.
- 15          3. For purposes of calculating average daily membership:
- 16          a. A student enrolled full time in any grade from one through twelve may not exceed  
17          an average daily membership of 1.00. The membership may be prorated for a  
18          student who is enrolled less than full time.
- 19          b. A student enrolled full time in an approved regular education kindergarten  
20          program may not exceed an average daily membership of 1.00. The membership  
21          may be prorated for a student who is enrolled less than full time.
- 22          c. A student enrolled full time, as defined by the superintendent of public instruction,  
23          in an approved early childhood special education program may not exceed an  
24          average daily membership of 1.00. The membership may be prorated for a  
25          student who is enrolled less than full time.