CHAPTER 15.1-06
SCHOOLS

15.1-06-01. Schools free and accessible - School ages.

1. Each public school must be free, open, and accessible at all times to any child provided:
   a. The child may not enroll in grade one unless the child reaches the age of six before August first of the year of enrollment;
   b. The child may not enroll in kindergarten unless the child reaches the age of five before August first of the year of enrollment; and
   c. The child has not reached the age of twenty-one before August first of the year of enrollment.
2. Notwithstanding subsection 1, a school district may not enroll in grade one a child who is not six years old before August first, unless the child will be six years old before December first and:
   a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate academic, social, and emotional readiness; or
   b. The child has completed an approved kindergarten program.
3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before August first unless the child will be five years old before December first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate superior academic talents or abilities and social and emotional readiness.
4. The requirements of this section are not applicable to the children of military families, to the extent that the requirements conflict with enrollment provisions otherwise agreed to by the state in the compact on educational opportunity for military children.

15.1-06-02. School holidays.

1. Schools may not be in session on the following holidays:
   a. Any Sunday.
   b. New Year's Day, the first day of January.
   c. Good Friday, the Friday preceding Easter Sunday.
   d. Memorial Day, the last Monday in May.
   e. The anniversary of the Declaration of Independence, the fourth day of July.
   f. Labor Day, the first Monday in September.
   g. Veteran's Day, the eleventh day of November.
   h. Thanksgiving Day, the fourth Thursday in November.
   i. Christmas Day, the twenty-fifth day of December.
   j. Any day declared to be a public holiday by the President of the United States or the governor.
2. Notwithstanding the provisions of subsection 1, if the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December is a Sunday, the school district shall observe the holiday on the following Monday.
3. Notwithstanding the provisions of subsection 1, if the eleventh day of November is a Saturday, the school district shall observe the holiday on the preceding Friday.
4. The board of a school district may direct that classes not be held on the day of a statewide election if the school is used as a polling place on that day.

15.1-06-03. School year - Definition.

The school year begins on July first and ends on June thirtieth the following year.

15.1-06-04. School calendar - Length.

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

a. At least one hundred seventy-five days of instruction;
b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
c. No more than two days for:
   (1) Parent-teacher conferences; or
   (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
d. At least two days of professional development.

2. a. A day of professional development must consist of:
   (1) Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
   (2) Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
   (3) Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
   b. If a school district offers a four-hour period of professional development, as permitted in this subsection, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subdivision does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.
3. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.
4. For purposes of this section, a full day of instruction consists of:
   a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
   b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

15.1-06-04.1. School district calendar - Limitation.

1. A school district may not schedule school-sponsored, school-directed, or school-related activities, including instructional time, during any day that the superintendent of public instruction declares is in conflict with a professional development conference directed toward all teachers or all administrators and hosted by an educational organization in this state.
2. The declaration permitted by subsection 1 is limited to two days during a school year.

15.1-06-05. Instructional days - Reconfiguration - Application.

1. A school district may apply to the superintendent of public instruction for permission to reconfigure the number of instructional days required by section 15.1-06-04.
2. The superintendent of public instruction may approve an application under subsection 1 only if the reconfiguration of the required number of instructional days:
   a. Makes available to each of the school district's elementary students at least nine hundred fifty-one and one-half hours of instructional time and makes available to each of the district's high school students at least one thousand thirty-eight hours of instructional time; and
   b. (1) Encourages innovation;
      (2) Provides improved educational opportunities or enhanced academic opportunities for the students;
      (3) Provides for greater flexibility in the use of a school by current students;
      (4) Provides for greater flexibility in the use of a school by individuals or groups other than current students; or

(5) Results in significant cost-savings to the district.

3. A reconfiguration of instructional days approved by the superintendent of public instruction under this section is valid for one school year. A school district may apply to the superintendent for permission to extend the reconfiguration. If granted, the first extension after the initial year is valid for one school year. All extensions thereafter are valid for five school years.
4. If the superintendent of public instruction approves a district's application for reconfiguration of instructional time under this section, the district is eligible to receive the per student payments provided under chapter 15.1-27.
5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.
6. A reconfiguration of instructional days approved by the superintendent of public instruction under this section satisfies the requirements for school operation and instructional time required by law.
7. A reconfiguration of instructional days approved by the superintendent of public instruction under this section does not affect the accrual of teachers' benefits provided by law.

15.1-06-06. Approval of public schools.

1. In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:
   a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
   b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
   c. The school meets all curricular requirements set forth in chapter 15.1-21;
   d. The school participates in and meets the requirements of a review process that is:
      (1) Designed to improve student achievement through a continuous cycle of improvement; and
      (2) Approved by the superintendent of public instruction;
   e. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
      (1) Has no unremedied deficiency; or
      (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and
   f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:
      (1) Undergone a criminal history background check requested by the employing school district; or
      (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board.
2. The compliance report required by subsection 1 must:
   a. Be signed by the school principal and the superintendent of the school district;
   b. Be formally approved by the board of the school district; and
   c. Be filed with the superintendent of public instruction before five p.m. on the:
      (1) First day of October; or
      (2) The date of the extension provided under subsection 6.
3. On the tenth day of September and on the twenty-fifth day of September, the superintendent of public instruction shall provide to each school principal, school

district superintendent, and school board member, electronic notification that the compliance report is due on the first day of October.

4. If a school's compliance report is not submitted at the time and in the manner required by subsection 2, the superintendent of public instruction shall designate the school as unapproved. No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the superintendent of public instruction shall post a notice on the department's website, indicating whether a school is approved or unapproved.
5. If a public school does not meet the approval requirements of this section, the superintendent of public instruction shall:
   a. Notify the parents of students enrolled in the school, either directly or through the local media outlets, that the school is unapproved; and
   b. Subtract from any state aid otherwise payable to the school district the prorated amount attributable to the students in attendance at the unapproved school for each day that the school's compliance report is not on file with the superintendent of public instruction.
6. If because of unforeseen or other extenuating circumstances a school district superintendent is unable to file a school's compliance report with the superintendent of public instruction before five p.m. on October first, the school district superintendent may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.
7. Upon receipt of a school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.
8. If after being certified as approved a school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the superintendent of the school district in which the school is located shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time.
9. If a school district does not employ a superintendent, the duties required of a school district superintendent by this section must be performed as provided for in chapter 15.1-11.

15.1-06-06.1. Approval of nonpublic schools.

1. In order to obtain certification that a nonpublic school is approved, the administrator of a nonpublic school shall submit to the superintendent of public instruction a compliance report verifying that:
   a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
   b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
   c. The school meets all curricular requirements set forth in chapter 15.1-21;
   d. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-10 and:
      (1) Has no unremedied deficiency; or
      (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and
   e. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:

(1) Undergone a criminal history background check requested on behalf of the employing school; or
(2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board.

2. The compliance report required by subsection 1 must:
   a. Be signed by the school administrator;
   b. Be formally approved by the governing board of the school; and
   c. Be filed with the superintendent of public instruction before five p.m. on:
      (1) The first day of October; or
      (2) The date of the extension provided under subsection 5.
3. On the tenth day of September and on the twenty-fifth day of September, the superintendent of public instruction shall provide to each school administrator and member of the governing board, electronic notification that the compliance report is due on the first day of October.
4. If a nonpublic school's compliance report is not submitted at the time and in the manner required by subsection 2, the superintendent of public instruction shall designate the school as unapproved. No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the superintendent of public instruction shall post a notice on the department's website, indicating whether a nonpublic school is approved or unapproved.
5. If a nonpublic school does not meet the approval requirements of this section, the superintendent of public instruction shall notify the parents of students enrolled in the school, either directly or through the local media outlets, that the school is unapproved and that the parents may be in violation of the state's compulsory attendance provisions.
6. If because of unforeseen or other extenuating circumstances the administrator of a nonpublic school is unable to file the school's compliance report with the superintendent of public instruction before five p.m. on October first, the school administrator may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.
7. Upon receipt of a nonpublic school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.
8. If after being certified as approved a nonpublic school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the administrator of the nonpublic school shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time.

15.1-06-06.2. Compliance report - Impossibility of timely submission.

The superintendent of public instruction may delay imposing the sanctions set forth in section 15.1-06-06 in the case of a public school and may delay imposing the sanctions set forth in section 15.1-06-06.1 in the case of a nonpublic school, until a time certain, if:

1. The required submission of a school's compliance report is an impossibility due to:
   a. A natural disaster or act of God, including fire, earthquake, or tornado;
   b. An unauthorized or illegal act by a third party, including terrorism, sabotage, riot, or vandalism;
   c. Death;
   d. A medical or personal emergency;
   e. Operational interruption, including electrical failure, and computer hardware or software failures; or

f. Governmental action, including an emergency order or judicial or law enforcement action; and

2. The superintendent of public instruction determines that the report, had it been submitted, would have demonstrated compliance with the approval requirements of section 15.1-06-06 in the case of a public school and compliance with the approval requirements of section 15.1-06-06.1 in the case of a nonpublic school.

15.1-06-06.3. Required records - Verification of information - Site visits.

1. The superintendent of public instruction shall notify each school and school district of the records that must be maintained in order to allow the superintendent of public instruction to verify the information contained in each compliance report. The superintendent of public instruction shall establish the length of time that the records must be maintained.
2. a. The superintendent of public instruction may examine the records of any public school at any time and may conduct site visits to ensure the accuracy of information provided on the compliance report. The site visits may be scheduled or unscheduled.
   b. The superintendent of public instruction may examine the records of any nonpublic school upon request.

15.1-06-07. Nonpublic high schools - Approval criteria.

The superintendent of public instruction shall approve any nonpublic high school having an enrollment of fifty students or fewer, provided:

1. The school meets all statutory requirements regarding the subjects to be taught, the length of the school year, and health, fire, and safety standards;
2. If the school uses telecommunications or other electronic means to deliver curricular programs, the programs are prepared by individuals holding at least baccalaureate degrees and delivered in the presence of an individual who holds a North Dakota professional teaching license or who meets or exceeds the average cutoff scores of states that have normed the national teacher's examination;
3. The school employs at least one state-licensed high school teacher to serve in a supervisory capacity for each twenty-five students;
4. The average composite scholastic achievement test scores of students enrolled in the school or the students' scores achieved on comparable standardized tests meet or exceed the national average test scores; and
5. The school and its employees are governed by a board of directors that includes parental representation.

15.1-06-08. Rules for school accreditation - Waiver.

1. A school or school district may apply to the superintendent of public instruction for a waiver of any rule governing the accreditation of schools, provided the waiver:
   a. Encourages innovation; and
   b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
2. The initial waiver must be for a specific period of time, but may not exceed one year. A school or a school district for which a waiver has been approved under this section may apply for one extension of the waiver. The extension may not exceed one year.
3. If the superintendent of public instruction, after receipt and consideration of an application for a waiver of a rule governing the accreditation of schools under this section approves the waiver, the superintendent shall file a report with the legislative council. The report must cite the accreditation rule that was waived, provide a detailed account of the reasons for which the rule was waived, and state the time period for which the rule was waived. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of

denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver.

4. Any waiver granted by the superintendent of public instruction prior to August 1, 2001, is void as of August 1, 2001. Any school or school district operating under a waiver granted by the superintendent prior to August 1, 2001, may apply for a new waiver under this section.

15.1-06-08.1. Statutes - Waiver.

1. The superintendent of public instruction may not waive any statute, in whole or in part, except as provided for in this section.
2. A school or school district may apply to the superintendent of public instruction for a waiver of section 15.1-21-03, provided the waiver:
   a. Encourages innovation; and
   b. Has the potential to result in improved educational opportunities or enhanced academic opportunities for the students.
3. The initial waiver must be for a specific period of time but may not exceed one year. The school district may apply for extensions of the waiver. The first extension may not exceed a period of one year. Additional extensions may not exceed periods of two years.
4. If the superintendent of public instruction, after receipt and consideration of an application for a waiver under this section, approves the waiver, the superintendent shall file a report with the legislative council. The report must provide a detailed account of the reasons for which the waiver was granted and the specific time period for the waiver. If the superintendent of public instruction denies an application for a waiver under this section, the superintendent shall file a notice of denial with the legislative council. If requested, the superintendent shall appear and respond to questions regarding the approval or denial of any application for a waiver under this section.
5. The superintendent of public instruction shall adopt rules governing the submission and evaluation of applications and the monitoring of any school or school district that receives a waiver under this section.

15.1-06-09. Inspection of public schools - Submission of inspection report - Correction of deficiencies.

1. The state fire marshal or the state fire marshal's designee shall inspect each public school in this state at least once every three years, prepare an inspection report, and provide copies of the report to the superintendent of the school district and the superintendent of public instruction.
2. a. If a deficiency is noted, the superintendent of the school district shall submit a plan of correction to the state fire marshal or the state fire marshal's designee and shall remedy the deficiency within a time period acceptable to the state fire marshal or the state fire marshal's designee and the school board affected by the deficiency, but not later than the next budget period.
   b. If the report discloses an imminent fire hazard, the state fire marshal or the state fire marshal's designee shall immediately notify the school board, the school district superintendent, and the superintendent of public instruction. Upon a recommendation of immediate closure by the superintendent of public instruction, the school board and the school district superintendent may immediately close some or all of the school until the fire hazard is eliminated. In the case of a closure, the school district superintendent shall cooperate with the superintendent of public instruction to make adequate arrangements for the interim education of all affected students.

15.1-06-10. Inspection of nonpublic schools - Submission of inspection report - Correction of deficiencies.

1. The state fire marshal or the state fire marshal's designee shall inspect each nonpublic school in this state at least once every three years, prepare an inspection report, and provide copies of the report to the administrator of the school and the superintendent of public instruction.
2. a. If a deficiency is noted, the administrator of the school shall submit a plan of correction to the state fire marshal or the state fire marshal's designee and shall remedy the deficiency within a time period acceptable to the state fire marshal or the state fire marshal's designee.
   b. If the report discloses an imminent fire hazard, the state fire marshal or the state fire marshal's designee shall immediately notify the administrator of the school and the superintendent of public instruction. Upon a recommendation of immediate closure by the superintendent of public instruction, the administrator may immediately close some or all of the school until the fire hazard is eliminated. In the case of a closure, the administrator shall cooperate with the superintendent of public instruction to make adequate arrangements for the interim education of all affected students.

15.1-06-11. Exit doors - Free of obstructions.

A school principal shall ensure that, during all hours students are in school, any door or doorway that could be used as an exit in case of fire or other emergency remains free of all obstruction and free of any device or mechanism which may impede immediate egress through the door or doorway. This section does not include doors that provide access solely to private offices, supply rooms, or storage rooms.

15.1-06-12. Emergency and disaster drills - Implementation.

Each public and nonpublic school shall conduct fire, tornado, and other emergency or disaster drills, including lockdown drills.

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.

The superintendent of each school district shall ensure that the schools in the district comply with all health, safety, and sanitation requirements.

15.1-06-14. Use of schools for purposes other than education.

The board of a school district may permit the district's schools and facilities to be used for purposes other than the education of students, provided the usage does not interfere with the education of students. The board may impose restrictions on the usage provided the restrictions are nondiscriminatory and may impose a charge for the usage.

15.1-06-15. Solicitations and sales in schools - Permission required - Accounting for proceeds - Penalty.

1. No person may sell, solicit for sale, or advertise the sale of any merchandise, product, or service on school premises, or organize students for any such purpose, without first obtaining the permission of the school board, the school district superintendent, or the school principal. This section does not apply to a student or school district employee who sells or attempts to sell a single item of personal property or a limited number of personal property items.
2. The proceeds of any sale, by students or student groups, made for school activities must be accounted for to the school board not more than thirty days after the sale.
3. Any person who violates any provision of this section is guilty of an infraction.

15.1-06-16. Disturbance of a public school - Penalty.

It is a class B misdemeanor for any person to:

1. Willfully disturb a public school that is in session;

2. Willfully interfere with or interrupt the proper order or management of a public school by an act of violence, boisterous conduct, or threatening language; or
3. Rebuke, insult, or threaten a teacher in the presence of a student.

15.1-06-17. United States flag - Display.

The board of a school district shall display a United States flag on the grounds of each school in the district during each schoolday in seasonable weather.

15.1-06-17.1. Religious objects or documents - Display.

A religious object or document of cultural, legal, or historical significance which has influenced the legal and governmental systems of the United States and this state may be displayed in a public school building together with other objects or documents of cultural, legal, or historical significance, which have influenced the legal and governmental systems of the United States and this state. The display of a religious object or document under this section must be in the same manner and appearance generally as other objects and documents displayed and may not be presented or displayed in any fashion that results in calling attention to the religious object or document apart from the other displayed objects or documents. A school board shall develop a policy for the proper display of any religious objects or documents.

15.1-06-17.2. National motto - Display in schools.

The motto of the United States of America "IN GOD WE TRUST" may be displayed in each public school.

15.1-06-18. School report - Review.

1. Annually, each public school principal shall complete a school report on forms provided by the superintendent of public instruction and submit the report to the school district superintendent.
2. The school district superintendent shall collect the completed reports and forward them to the superintendent of public instruction, who shall submit the reports to the governor.
3. Upon receiving the completed reports, the governor shall convene an ad hoc committee to review the information and to make any necessary changes in the information-gathering format.
4. The governor or a designee of the governor shall serve as the chairman of the ad hoc committee.
5. The membership of the ad hoc committee must include:
   a. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota council of educational leaders.
   b. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota education association.
   c. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota school boards association.
   d. Two individuals selected by the governor from a list of five nominees proposed by the North Dakota parent-teachers association.
   e. Two parents of school-age children selected by the governor.
   f. Two high school students selected by the governor.
   g. The superintendent of public instruction or a designee of the superintendent.

15.1-06-19. Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.
2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 15-20.1-24 or an individual who is provisionally approved by the department of career and technical education under section 15-20.1-25 to serve as a career advisor.

15.1-06-20. Career advisor - Duties.

A career advisor shall provide sequential career development activities, current career information, and related career exploration opportunities to students in grades seven through twelve. A career advisor shall use computer-assisted career guidance systems and work at the direction and under the supervision of the school district counseling staff.