Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1251
(Representatives Monson, D. Johnson)
(Senators Luick, Rust)

AN ACT to create and enact a new section to chapter 15.1-16 of the North Dakota Century Code, relating to school district negotiations; and to amend and reenact sections 15.1-15-04 and 15.1-16-13 of the North Dakota Century Code, relating to school district contract renewals and negotiations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-15-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-15-04. Contracts - Renewals - Notice.

1. a. If the board of a school district elects not to renew the contract of a teacher, a principal, or an assistant or associate superintendent for the ensuing school year, the board shall provide written notification of the decision to the individual.

   b. The board may not notify the individual under this section earlier than March first nor later than May first of the school year in which the individual has been employed.

   c. The failure of a board to provide written notice under this subsection constitutes an offer to renew the individual's contract for the ensuing school year, under the same terms and conditions as the individual's current contract.

2. a. No earlier than March first nor later than May first, the board of a school district shall ~~notify~~provide to each individual offered a contract renewal ~~of a contract~~ notification of the date by which the individual must accept or reject the contract.

   b. At least ~~thirty~~fourteen calendar days must pass between the notification ~~of each individual, as~~ required by this subsection, and the date by which the individual must accept or reject the contract.

3. a. In order to accept an offer to renew a contract, including an offer generated by the failure of a board to provide written notice as required by subsection 1, an individual shall provide written notification of acceptance to the board on or before the date required by the board or ~~June first~~May fifteenth, whichever is earlier. An individual accepting an offer to renew a contract is entitled to a written contract for the ensuing school year.

   b. In order to reject an offer to renew a contract, including an offer generated by the failure of a board to provide written notice as required by subsection 1, an individual shall provide written notification of rejection to the board on or before the date required by the board or ~~June first~~May fifteenth, whichever is earlier.

   c. If an individual fails to provide notification of acceptance or rejection of an offer to renew a contract, the board is relieved of any continuing contract provisions.

4. a. If negotiations are being carried on pursuant to chapter 15.1-16, the provisions of this section requiring the board of a school district to give an individual notice and requiring that the individual respond to the notice are suspended until the negotiations are completed.

b. If negotiations do not begin as required by subsection 5 of section 15.1-16-13, the board of a school district may provide notification to each individual offered a contract renewal.

SECTION 2. AMENDMENT. Section 15.1-16-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-13. Good-faith negotiations.

1. The board of a school district or its representatives and the representative organization or its representatives shall, if requested by either entity, meet at reasonable times and negotiate in good faith regarding:

   a. The terms and conditions of employment.

   b. Employer-employee relations.

   c. Formation of a contract, which may contain a provision for binding arbitration.

   d. The interpretation of an existing contract.

2. The board of a school district and the representative organization, at the request of either party, shall execute a written contract incorporating any agreement reached.

3. Either the board of a school district or the representative organization may modify or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate the contract to the other party not less than sixty days before the annual anniversary date.

4. Nothing in this section compels either the board of a school district or a representative organization to agree to a proposal or to make a concession.

5. Good-faith negotiations must begin no later than the thirtieth day after the representative organization is recognized by the board of the school district, in accordance with section 15.1-16-11, unless otherwise agreed to by the board of the school district and the representative organization.

SECTION 3. A new section to chapter 15.1-16 of the North Dakota Century Code is created and enacted as follows:

Negotiation strategy and instructions - Executive session.

The board of a school district, or any authorized subcommittee of the board, may hold an executive session under section 44-04-19.2 to discuss negotiating strategies or to provide to its representative negotiating instructions, which are applicable to anticipated or pending:

1. Litigation;

2. Adversarial administrative proceedings; or

3. Contracts.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1251.

House Vote:	Yeas 58	Nays 34	Absent 2
Senate Vote:	Yeas 28	Nays 17	Absent 2

Chief Clerk of the House

Received by the Governor at 8:25 A.M. on March 26, 2015.

Approved at 1:55 P.M. on March 27, 2015.

Governor

Filed in this office this 27th day of March, 2015,

at 3:03 o'clock P. M.

Secretary of State