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

SENATE BILL NO. 2152
(Senators Schaible, Luick, Rust)
(Representatives B. Koppelman, Meier, Rohr)

AN ACT to amend and reenact sections 15.1-09-33 and 15.1-15-09 of the North Dakota Century Code, relating to the suspension of school district personnel.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33. School board - Powers.

The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.

2. Organize, establish, operate, and maintain elementary, middle, and high schools.

3. Have custody and control of all school district property and, in the case of the board of education of the city of Fargo, have custody and control of all public school property within the boundaries of the Fargo public school district and to manage and control all school matters.

4. Acquire real property and construct school buildings and other facilities.

5. Relocate or discontinue schools and liquidate the assets of the district as required by law; provided no site may be acquired or building constructed, or no school may be organized, established, operated, maintained, discontinued, or changed in location without the approval of the state board of public school education if outside the boundary of the district.

6. Purchase, sell, exchange, and improve real property.

7. Lease real property for a maximum of one year except in the case of a career and technical education facility constructed in whole or in part with financing acquired under chapter 40-57, which may be leased for up to twenty years.

8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real property for school purposes.

9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture, supplies, and textbooks.

10. Recruit or contract with others to recruit homes and facilities which provide boarding care for special education students.

11. Provide dormitories for the boarding care of special education students.

12. Insure school district property.

13. Independently or jointly with other school districts, purchase telecommunications equipment or lease a telecommunications system or network.

14. Provide for the education of students by another school district.

15. Contract with federal officials for the education of students in a federal school.

16. Prescribe courses of study in addition to those prescribed by the superintendent of public instruction or by law.

17. Adopt rules regarding the instruction of students, including their admission, transfer, organization, grading, and government.

18. Join the North Dakota high school activities association and pay membership fees.

19. Adopt alternative curricula for high school seniors who require fewer than four academic units.

20. Contract with, employ, and compensate school district personnel.

21. Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.

22. a. Suspend school district personnel;

    b. Delegate to the superintendent of the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10; or

    c. In the case of a district that does not employ a superintendent, delegate to the individual charged with administering the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10.

23. Dismiss school district personnel.

24. Participate in group insurance plans and pay all or part of the insurance premiums.

25. Contract for the services of a district superintendent, provided that the contract, which may be renewed, does not exceed a period of three years.

26. Contract for the services of a principal.

27. Employ an individual to serve as the school district business manager or contract with any person to perform the duties assigned to a school district business manager by law.

28. ~~Suspend or dismiss~~Dismiss a school district business manager for cause without prior notice.

29. ~~Suspend or dismiss~~Dismiss a school district business manager without cause with thirty days' written notice.

30. Defray the necessary and contingent expenses of the board.

31. Levy a tax upon property in the district for school purposes, as permitted in accordance with chapter 57-15.

32. Amend and certify budgets and tax levies, as provided in title 57.

33. Pay dues allowing for the board to hold membership in city, county, state, and national organizations and associations.

34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.

SECTION 2. AMENDMENT. Section 15.1-15-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-15-09. Alleged child abuse - Discharge - Nonrenewal of contract - Limitations.

1. The board of a school district may not discharge or refuse to renew the contract of a teacher, a principal, or an assistant or associate superintendent solely because a report of suspected child abuse or neglect under section 50-25.1-05 alleges participation by the individual.

2. If a report of suspected child abuse or neglect under section 50-25.1-05 alleges participation by a teacher, a principal, or an assistant or associate superintendent, ~~the board of a school district may suspend~~ the individual may be suspended pending the outcome of the case by:

   a. The board of the employing school district;

   b. The superintendent of the employing school district, if authorized in accordance with subdivision b of subsection 22 of section 15.1-09-33; or

   c. An individual charged with administering the district, if authorized in accordance with subdivision c of subsection 22 of section 15.1-09-33.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2152.

Senate Vote:	Yeas 46	Nays 0	Absent 1
House Vote:	Yeas 48	Nays 37	Absent 9

Secretary of the Senate

Received by the Governor at 8:45 A.M. on March 12, 2015.

Approved at 1:27 P.M. on March 12, 2015.

Governor

Filed in this office this 12th day of March, 2015,

at 425 o'clock P M.

Secretary of State