



— State of —
North Dakota

Office of the Governor

Jack Dalrymple
Governor

April 7, 2011

Dear School Superintendent:

Greetings! Dr. Sanstead and I wanted to take this opportunity to update you and clarify the issue of school closures due to weather or other emergency conditions.

A school must provide one hundred seventy-four (174) full days of instruction. The legislature considers a full day of instruction to be: (1) 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 (2) 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. N.D.C.C. § 15.1-06-04(2)

If a school district aggregates over the entire school year more than 84 hours of additional classroom instruction, the school is exempt from having to make up 1 six hour day of instructional time lost as a result of weather-related closure. A school must extend its normal school calendar day by at least 30 minutes for any additional lost time beyond the six hour credit. See N.D.C.C. § 15.1-06-04(8).

Schools that have lost days of instruction due to weather related issues should first use any designated weather related make-up days or school breaks built into its school calendar to make up instructional time. North Dakota law states the Governor can only waive school days if rescheduling classes would create undue hardship for the school district. If the school district does not have any weather-related make-up days or school breaks remaining in its calendar, and if the rescheduling of classes would create undue hardship for the school district, the Governor may waive the additional full days of lost instructional time. State law requires that a school "make every effort to reschedule classes so that students receive at least one hundred seventy-four full days of instruction." In short, the statute does not provide for any automatic or formula waivers.

Please use the Department of Public Instruction's form number SFN 51826, which is located on its website, if you request a waiver for lost instructional time.

The education, well being, and safety of our state's children must be top priorities. The Governor and the State Superintendent recognizes the importance of local control in making the important decisions regarding school closures and appreciates your discretion in helping to ensure the safety of the children and your employees. If you have any further questions about the Governor's authority to waive an instructional day, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kayla Effertz".

Kayla Effertz
Senior Policy Advisor

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