

May 6, 1970 (OPINION)

Mr. H. J. Snortland

Assistant Superintendent

Department of Public Instruction

RE: Schools - Teachers - Attendance at NDEA Conventions

This is in reply to your letter of April 27, 1970, in which you set forth the following facts and questions:

State law requires the school board to allow teachers to attend the NDEA Convention. School districts are also paid from the foundation program for these two days.

A question has arisen as to whether teachers who are not members of the association should be permitted to be absent from school during the NDEA Convention. We respectfully request your opinion as to whether teachers who are not members of the association may be excused from school during the convention or if these teachers must report to school for work."

As you have noted in your letter, <15-47-14 of the North Dakota Century Code, as amended, provides:

EDUCATION ASSOCIATION MEETINGS, - ATTENDANCE BY SUPERINTENDENTS, PRINCIPALS, AND TEACHERS. The school board of any school district shall allow the superintendent, principal, and teachers of the schools, without loss of salary, to attend any meeting of the North Dakota education association and other educational associations held within the state while the schools of the district are in session. Be it further provided that the period during which teachers are in attendance at a North Dakota education association meeting not to exceed two days shall be included as days of classroom instruction for purposes of sections 15-47-33, 15-41-06, and subsection 1 of 15-29-08."

We note the above cited section does not require membership in NDEA or other educational association as a condition precedent to attendance at an NDEA or other educational association convention. It may be that NDEA or other educational associations do require membership therein as a condition precedent to attendance at a convention of such association. However, this is a fact not within our knowledge.

Insofar as teachers not attending the convention are concerned, it appears to make little difference whether the teacher is a member of the association holding a convention or not. The statute provides the teachers are to be permitted to attend the convention without loss of salary. If the teachers do not attend the convention, it would appear they may be expected to report for work in the normal

manner, whether or not they are members of the association. If they do not attend the convention and are not excused from teaching and do not report for work, they would not be entitled to their salary for those days.

In direct response to your question, it is our opinion that teachers, whether or not they are members of the educational association holding a convention, must report to school for work if they do not attend the convention, unless the school board determines the teachers need not report.

HELGI JOHANNESON

Attorney General