NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-24

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, to date, the Centers for Disease Control and Prevention (CDC) reports more than 132,000 confirmed COVID-19 cases in 123 countries worldwide and more than 1600 confirmed cases in the United States; and,

WHEREAS, on March 13, a state of emergency was declared in the State of North Dakota through Executive Order 2020-03, in response to the public health crisis resulting from the novel coronavirus (COVID-19); this Order activated the North Dakota State Emergency Operations Plan (SEOP) to assist local and tribal officials, to prevent injuries and save lives, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and,

WHEREAS, in response to the COVID-19 declared emergency, to implement the recommendations and preventative measures issued by federal and state public health authorities all students attending K-12 public schools have been successfully transitioned to distance learning, under plans developed by each school district and approved by the Superintendent of Public Instruction and the Governor.

WHEREAS, to support and facilitate distance learning and to support the teachers, principals and superintendents engaged in this process, it may be necessary to temporarily suspend certain provisions of North Dakota Century Code (NDCC) § 15.1-15-01 (2), relating to performance reviews for teachers, principals and assistant or associate superintendents.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, and in consultation with the Superintendent of Public Instruction, hereby suspends the operation of North Dakota Century Code (NDCC) § 15.1-15-01 (2) relating to a school district's obligation to conduct a written performance review for every teacher, principal and an assistant or associate superintendent employed for more than 3 years. This Order does not impact a school district's obligation under NDCC 15.1-15-01(1), to conduct written performance reviews for any teacher, principal or assistant or associate superintendent employed for less than 3 years.

This order is issued based upon the following authority and under the following conditions:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution.

2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a public health emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

This order is in effect immediately and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 7th day of April, 2020.

Doug Burgum, Governor

ATTEST:

Secretary of State