

**Kirsten Baesler**  
State Superintendent



**NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201  
Bismarck, ND 58505-0440  
Phone (701) 328-2260  
Fax (701) 328-2461  
[www.nd.gov/dpi](http://www.nd.gov/dpi)

August 1, 2019

Ms. Vonette Richter  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard Ave., 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Richter:

I am writing to submit the Notice of Intent to Repeal and Create Administrative Rules. We propose to create 67-21-09, 67-21-10, 67-11-03.4, 67-11-03.5; repeal 67-11-09, 67-11-10, 67-11-11, 67-11-12, 67-11-13, 67-11-16, 67-11-17, 67-11-18, and 67-11-19; revise 67-08-01, 67-11-14, 67-13-01-05, 67-21-01, 67-21-02, 67-21-03, 67-21-04, 67-21-05, 67-21-06, 67-21-07, 67-21-08, and 67-23-01. A have included a copy of the proposed rules as required by NDCC 28-32-10(1), as well as the Full Notice of Intent. Please contact me should you have questions.

Sincerely,

Jim Upgren  
Assistant Director  
Office of School Approval and Opportunity  
North Dakota Department of Public Instruction  
701-328-2244  
[jimupgren@nd.gov](mailto:jimupgren@nd.gov)

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**FULL NOTICE OF INTENT TO REVISE ADMINISTRATIVE RULES RELATING TO SCHOOL DISTRICT COOPERATIVE AGREEMENTS, SCHOOL FOOD PROGRAMS, HOMELESS CHILDREN EDUCATION, CERTIFICATE OF COMPLETION FOR PARAPROFESSIONALS, EARLY CHILDHOOD SPECIAL EDUCATION TEACHER CREDENTIAL, EMOTIONAL DISTURBANCE TEACHER CREDENTIAL, GIFTED AND TALENTED TEACHER CREDENTIAL, PHYSICAL DISABILITIES TEACHER CREDENTIAL, SPECIFIC LEARNING DISABILITIES TEACHER CREDENTIAL, SPECIAL EDUCATION STRATEGIST CREDENTIAL, MENTAL RETARDATION TEACHER CREDENTIAL, CREDENTIAL FOR TEACHERS OF THE VISUALLY IMPAIRED, CREDENTIAL FOR TEACHERS OF STUDENTS WHO ARE DEAF OR HARD OF HEARING, TITLE I CREDENTIALS, AND DEFINITION OF CHILDREN WITH DISABILITIES**

TAKE NOTICE that the North Dakota Department of Public Instruction (NDDPI) will hold a public hearing to address proposed changes to N.D. Admin. Codes 67-08, Homeless Children Education; 67-11, Education Professional Credentials; 67-13, School District Cooperative Agreements; 67-21, School Food Programs; and 67-23, Special Education, at 1:30 PM on Wednesday, September 11, 2019, in the Peace Garden Room at the State Capitol, 600 E. Boulevard Ave., Bismarck, ND 58505. The purpose of the proposed changes is to revise 67-08-01, Homeless Children Education, to align with federal statutes; to revise 67-11-14, Certificate of Completion for Paraprofessionals, to require paraprofessionals paid with Title I funds to be certified immediately upon hire; to revise 67-13-01-05, School District Cooperative Agreements, to align with changes made in HB 1125 by the 66<sup>th</sup> Legislative Assembly to North Dakota Century Code (NDCC) 15.1-27-16; to revise 67-21-01, School Lunch Program, 67-21-02, School Breakfast Program, 67-21-03, Special Milk Program, 67-21-04, Children and Adult Care Food Program, 67-21-05, Summer Food Service Program, 67-21-06, Food Distribution Program, 67-27-07, Food Distribution on Indian Reservations, and 67-21-08, Emergency Food Assistance Program, to align with federal statutes; to create 67-21-09, Commodity Supplemental Food Program, and 67-21-10, Fresh Fruit and Vegetable Program, to align with federal statutes; to repeal 67-11-09, Early Childhood Special Education Teacher Credential, 67-11-10, Emotional Disturbance Teacher Credential, 67-11-11, Gifted and Talented Teacher Credential, 67-11-12, Physical Disabilities Teacher Credential, 67-11-13, Specific Learning Disabilities Teacher Credential, 67-11-16, Special Education Strategist Credential, 67-11-17, Mental Retardation Teacher Credential, 67-11-18, Credential Requirement for Teachers of the Visually Impaired, and 67-11-19, Credential Requirement for Teachers of Students Who are Deaf or Hard of Hearing, to reflect that these credentials are no longer issued by NDDPI; to create 67-11-03.4, Reading and Math Credentials, and 67-11-03.5, Title I Coordinator Credential, to implement changes made in SB 2265 by the 66<sup>th</sup> Legislative Assembly to North Dakota Century Code (NDCC) 15.1-02; and to revise 67-23-01; Comprehensive General Plan Requirements for Special Education Programs, to change the age cutoff dates in the definition of children with disabilities from September to August to align with school ages in NDCC 15.1-06-01. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the NDDPI Office of School Approval and Opportunity, ND State Capitol, 600 E. Boulevard Avenue, Bismarck, ND 58505-0440. A copy of the proposed rules may be requested in writing to the above address, to the attention of Jim Upgren, emailing

ND School for the Deaf/RCDHH  
Devils Lake, ND  
(701) 665-4400

ND State Library  
Bismarck, ND  
(701) 328-2492

ND Vision Services/School for the Blind  
Grand Forks, ND  
(701)795-2700

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[jimupgren@nd.gov](mailto:jimupgren@nd.gov), or calling 701-328-2244. Written and oral comments may be sent to the above address or telephone number until 4:00 p.m. on Monday, September 23, 2019.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the NDDPI at the above telephone number or address at least five days prior to the public hearing.

Dated this 1<sup>st</sup> day of August, 2019.

Jim Upgren, Assistant Director  
Office of School Approval and Opportunity  
North Dakota Department of Public Instruction

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