

# **NORTH DAKOTA ADMINISTRATIVE CODE**

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**Prepared by the Legislative Council staff  
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## TABLE OF CONTENTS

Attorney General.....	1
Board of Nursing.....	23
Education Standards and Practices Board.....	29

**TITLE 10**  
**ATTORNEY GENERAL**



**JULY 2025**

**CHAPTER 10-16-02**

**10-16-02-06. Duties.**

A retailer shall:

1. Comply with the lottery law, rules, promotional rules, and terms of a license agreement prescribed by the lottery;
2. Display a lottery license in an area visible, but not accessible, to the public where a ticket is sold and redeemed. A retailer shall prominently display signage and promotional and point-of-sale items provided by the lottery. A retailer may advertise and use, display, or make available other appropriate promotional and point-of-sale items. On request of the lottery, a retailer shall discontinue an advertisement or promotion that the lottery determines is in noncompliance with subsections 2 and 3 of section 10-16-01-02;
3. Display a problem gambling helpline telephone number;
4. Provide a secure operating space for a terminal at a location approved by the lottery or its online gaming system vendor. A retailer may not move the terminal to a different location at a site without written authorization from the lottery. If the retailer desires to have the terminal relocated at the site, only a qualified representative of the lottery's online gaming system vendor may relocate the terminal;
5. Provide dedicated alternating current to a duplex electrical receptacle for lottery equipment, including a terminal. Only lottery equipment may be on the circuit. A retailer shall pay the installation cost of the receptacle and monthly costs of electricity to operate the lottery equipment. The lottery shall provide the retailer with a schematic of the required amperage, voltage, and wiring of the receptacle;
6. As requested by the lottery, have an employee attend a training session sponsored by the lottery, review training material, complete a terminal-based tutorial, or notify the lottery if a new employee needs training on operating a terminal;
7. Exercise care in operating a terminal and immediately notify the lottery's online gaming system vendor of a terminal malfunction, including the issuance of an invalid ticket, inability to sell or redeem a ticket, and nonissuance of a ticket. Except to clear a paper jam, the retailer may not perform mechanical or electrical maintenance on the terminal. Unless approved by the lottery, a retailer may not attach or adhere any stickers, decals, or advertisements on a terminal;
8. Replace ticket stock and clear a paper jam as necessary in a terminal;

9. Monitor the supply of game brochures, point-of-sale items, ticket stock, and play slips and notify the lottery or its online gaming system vendor when an item is in short supply;
10. Actively promote and sell a ticket and redeem a winning ticket during the retailer's core business hours on the days that the retailer is open and when a terminal is operating. If the retailer's core business hours are earlier or later, or both, than the hours that the terminal is operating, the retailer shall post the hours during which an individual may redeem a winning ticket;
11. Prohibit an individual under age eighteen from buying a ticket or redeeming a winning ticket;
12. Not extend credit to a player ~~or accept a credit card from a player~~ for the purchase of a ticket or accept a food stamp or food coupon as consideration for a ticket. A player shall pay for a ticket when the ticket is bought from a retailer. If a retailer delivers a ticket to a player's residence, the player shall prepay or pay for the ticket upon delivery. A retailer may not loan money to or accept a postdated check from a player;
13. Accept credit cards and debit cards through the lottery system or the retailer's point-of-sale system. If a retailer chooses to use its point-of-sale system, the retailer will be responsible for related processing fees;
- ~~13.~~14. Maintain a level of ticket sales set by the lottery based on a minimum sales program;
- ~~14.~~15. Be financially responsible and personally liable to the lottery for money derived from the sale of a ticket, less money related to a sales commission and money paid on a redeemed winning ticket. The retailer shall allow money from the sale of a ticket that is deposited by the retailer in a bank account to be transferred to the lottery by electronic funds transfer on a weekly basis or other period prescribed by the lottery;
- ~~15.~~16. Store ticket stock, supplies, terminal, and related equipment in a safe place to prevent loss, theft, or damage;
- ~~16.~~17. Prominently post the winning numbers for a draw and estimated grand prize of the next draw of a game where a ticket is sold as soon as reasonably possible after the draw for the game;
- ~~17.~~18. Redeem a winning ticket and may pay a prize of up to five hundred ninety-nine dollars in cash or by business check, regardless of which retailer sold the ticket. The retailer may not charge a fee for redeeming a ticket and may not refuse to redeem a winning ticket sold by another retailer;
- ~~18.~~19. File a claim for credit for a printed defective ticket as prescribed by the lottery;
- ~~19.~~20. Permit an employee or agent of the lottery who has first shown proper identification to the retailer to review the retailer's accounting records and inspect, maintain, replace, or remove lottery equipment, supplies, ticket stock, or a record or recorded video from the site without prior notice during the retailer's normal hours of operation;
- ~~20.~~21. Notify the lottery in writing thirty days before there is a change of the bank account maintained for electronic funds transfer;
- ~~21.~~22. Make it convenient for the public to buy and redeem a ticket. A retailer may sell a ticket through a drive-up window;
- ~~22.~~23. Have a copy of the lottery law and rules at the site available near the terminal for review by any individual;
- ~~23.~~24. Incur the loss from theft of a ticket ~~or gift certificate~~;

- ~~24-25.~~ Defend, indemnify, and hold harmless the lottery and state of North Dakota from any claim of any nature, including all costs, expenses, and attorney's fees, that may result from or arise out of an agreement with the lottery, except for a claim that results from or arises out of the state's sole negligence;
- ~~25-26.~~ Upon revocation, relinquishment, or nonrenewal of a license, immediately return all lottery-related equipment and supplies, including unused ticket stock. The retailer is liable for money still owed the lottery; and
- ~~26-27.~~ Maintain complete and accurate records and retain them for one year related to the sale and redemption of a lottery ticket. Records must include weekly terminal-issued reports of electronic funds transfers transactions.

**History:** Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; July 6, 2014; July 1, 2019; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-13

#### **10-16-02-07. Sales commission and bonus.**

1. The lottery shall credit a retailer's account for:
  - a. A sales commission of five percent of the retail price of a ticket sold or otherwise issued by the retailer;
  - b. A sales commission of five percent of the amount of an online play sale that is transacted through the North Dakota Lottery Players Club® when a player chooses a specific retailer. The retailer must be currently licensed when the online play is purchased; and
  - c. A sales bonus for selling a ticket with a winning play, for a game as stated below. However, the retailer must be currently licensed when a draw is conducted that results in the winning play of a ticket. If the winning play for POWERBALL® has the power play option, ~~or the winning play for MEGA MILLIONS® has the Megaplier® option,~~ or the winning play for LOTTO AMERICA® has the All Star Bonus® option, the retailer's account must also be credited for an additional bonus as stated below:

<u>Prize</u>	<u>Bonus</u>	<u>Additional Bonus</u>
<b>POWERBALL®</b>		
Grand prize	\$50,000	Additional \$50,000 with power play
\$1,000,000	\$5,000	Additional \$5,000 with power play
\$50,000	\$1,000	Additional \$1,000 with power play
<b>MEGA MILLIONS®</b>		
Grand prize	<del>\$50,000</del> <u>\$100,000</u>	<del>Additional \$50,000 with Megaplier®</del>
\$1,000,000	<del>\$5,000</del> <u>\$10,000</u>	<del>Additional \$5,000 with Megaplier®</del>
\$10,000	<del>\$500</del> <u>\$1,000</u>	<del>Additional \$500 with Megaplier®</del>
<b>LUCKY FOR LIFE®</b>		
\$7,000/week for life	\$25,000	
\$25,000/year for life	\$2,500	
\$5,000	\$250	

2BY2®

Grand prize

\$22,000

\$500

\$44,000\*

\$1,000

\*Tuesday draw double grand prize winning play on a qualifying multi-draw ticket.

LOTTO AMERICA®

Grand prize

\$5,000 Additional \$5,000 with All Star Bonus®

\$20,000

\$500 Additional \$500 with All Star Bonus®

2. The lottery may credit a retailer's account for a fixed or graduated sales commission or bonus for a special promotion, including power play, ~~Megaplier®~~, and All Star Bonus®, that the lottery conducts for a certain period of time based on parameters set by the lottery.

**History:** Effective February 1, 2004; amended effective January 1, 2006; January 3, 2008; January 31, 2010; January 15, 2012; October 19, 2013; July 6, 2014; October 4, 2015; February 25, 2016; October 29, 2017; May 14, 2018; July 1, 2019; [July 1, 2025](#).

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-13



## CHAPTER 10-16-03

### 10-16-03-05. Sale or gift of a ticket.

1. ~~Only a~~A retailer may sell a ticket ~~and only~~ at the site listed on a license. The sales price of a ticket is exempt from sales tax. Except as authorized by the lottery or for a lottery promotion, or delivery of a ticket by a retailer, a complete sales transaction between the retailer and a player must occur at a terminal or a player-activated terminal, including the exchange of money, exchange of a play slip if the player uses it, and exchange of the ticket. The retailer shall accept cash ~~and a lottery gift certificate and may, at its option, accept a check or~~ debit card, or credit card and may accept a check from a player. The retailer may not extend credit to a player or accept a food stamp or food coupon as consideration for a ticket. A player shall pay for a ticket when the ticket is bought from a retailer. A retailer may not loan money to a player or accept a postdated check from the player. A retailer is responsible for a check that is not collectible for any reason. This subsection does not prevent an individual who may lawfully buy a ticket from giving a gift of the ticket to another individual, or prevent a business or organization from purchasing a ticket and providing it as a gift or prize to an individual, except to an individual under age eighteen or an ineligible player according to section 10-16-03-02.
2. An individual may buy a ticket on behalf of another individual or group of individuals, provided that the individual provides the ticket without charging a procurement fee and the other individual is not, or the group of individuals does not include, an individual under age eighteen or an ineligible player according to section 10-16-03-02.
3. ~~A~~Except for a subscription, a player shall place a play through a retailer ~~who~~that acts as an agent for the player in entering the play. The player shall place a play by using and hand-marking a play slip provided by the retailer or requesting the retailer to place a quick pick. The retailer may assist and train a player how to complete a play slip. It is the sole responsibility of the player to verify the accuracy of a game play and other data printed on a ticket. The retailer may not use a copy of a play slip or other material in a terminal's play slip reader or permit ~~anya~~ device to be connected to a terminal to enter a play.
4. A retailer shall use a terminal to issue a ticket containing the selected sets of numbers, letters, or symbols each set of which is a play. A retailer's sale of a ticket is final. A player may not void or cancel a ticket by returning the ticket to the retailer and the retailer may not buy back a ticket from a player. If data printed on a ticket is incorrect, a ticket is printed in error, an employee, volunteer, or agent of a retailer steals a ticket from the retailer, or if any other issued ticket can be used to claim a prize, the retailer cannot void or cancel the ticket or return the ticket to the lottery for credit. If the retailer cannot sell the ticket, the retailer owns the ticket and may redeem a winning ticket. However, the lottery may credit a retailer's account for a ticket that is illegible, mutilated, or otherwise defective as it was printed and that because of its physical condition cannot be sold. A retailer shall comply with a policy of the lottery related to criteria for sending a claim for credit of a defective ticket to the lottery. The retailer may not send a defective ticket to the lottery until after the draw for the game for which the ticket was issued.
5. A retailer shall sell a ticket only for the standard price of the ticket. However, a retailer may do a promotion for a period not to exceed ninety consecutive days in any six-month period in which a retailer offers a ticket for sale through a discount provided that the retailer accounts for the standard price of the ticket to the lottery. A discount includes, for example, selling six tickets for the price of five tickets, selling two tickets for the price of one ticket, and selling a ticket for one-half price. A retailer may buy a ticket for the standard price of the ticket and offer it, at no charge, to an individual. A recipient of a ticket in a promotion may not be under age eighteen or an ineligible player according to section 10-16-03-02. A retailer may conduct other promotions, including:

- a. Second chance drawings of winning or nonwinning tickets or other entry forms provided that an individual may not be required to purchase anything to participate in the drawing;
  - b. Giving away a ticket with the purchase of a product or service;
  - c. Giving away or discounting a product or service with the sale of a ticket or return of a number of nonwinning tickets; and
  - d. With the purchase of a ticket, an individual ~~may spin~~ spinning a wheel, for example, to select a free prize, product, or service.
6. An individual who buys or accepts a ticket, attempts to redeem a ticket for a prize, or otherwise participates in a draw agrees to comply with and abide by the lottery law, rules, procedures, policy, MUSL or game group rule or game rule, and decision of the lottery.
  7. An individual who buys or accepts a ticket, attempts to redeem a ticket for a prize, or otherwise participates in a draw agrees to accept the decision of the lottery regarding the validity of the ticket, and any prize payment determinations relating to that ticket, and to release the state, lottery, MUSL, game group, and their officers, employees, agents, representatives, and contractors from any liability regarding that ticket or payment of that prize and are not responsible or liable for:
    - a. A lost or stolen ticket or incorrectly read play slip; or
    - b. Paying a prize related to a damaged, destroyed, erroneous, illegible, or mutilated ticket.

**History:** Effective February 1, 2004; amended effective November 8, 2005; July 1, 2008; July 6, 2014; July 1, 2019; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-07, 53-12.1-08, 53-12.1-13, 57-39.2-04

#### **10-16-03-07. Validation of a ticket or cash voucher.**

1. A retailer shall use a terminal to validate a ticket or cash voucher before the retailer may pay a prize on the ticket or cash voucher. A retailer that pays a player a prize without first validating the ticket or cash voucher assumes the financial risk that the ticket is not an actual winning ticket, the ticket was previously redeemed, or that the cash voucher was previously redeemed. The lottery may not reimburse a retailer for a prize paid in error by the retailer. A ticket that does not pass validation is invalid and ineligible for a prize. A cash voucher that does not pass validation is invalid for cashing. Except as provided by subsection 18 of section 10-16-03-08, an original ticket is the only proof of a game play and submitting a winning ticket to the retailer or lottery is the only method of claiming a prize. A play slip, a copy or photo of a winning ticket, or a copy or photo of a cash voucher ~~has no~~ do not have monetary or prize value and ~~is~~ are not evidence of a ticket bought or of numbers selected for a draw. A ticket must have been bought from a North Dakota retailer and meet ~~all of these~~ the following validation requirements:
  - a. A retailer must have issued the ticket in an authorized manner;
  - b. The play, including the combination of numbers, letters, or symbols selected by a player or quick picked, evidenced by the ticket, must reach and be accepted and recorded by the lottery's online gaming system before the cutoff time for a draw. The draw for a game is held on the days determined by the game group. Even if a player intends for a retailer to enter the player's play before the cutoff time for the present draw, the play is only eligible for the draw that is printed on the ticket;
  - c. The ticket or cash voucher must not have been previously paid or voided by the lottery;

- d. The ticket or cash voucher must not have been stolen, or be counterfeit, altered, mutilated, reconstructed, unreadable, illegible, irregular, partly blank, incomplete, defective, or an exact duplicate of another winning ticket. The game group, MUSL, and lottery are not responsible for a ticket that is altered in any manner;
  - e. A ticket or cash voucher is void unless the ticket is printed on a paper stock roll that was validly issued to and used by the retailer that sold the ticket;
  - f. The ticket or cash voucher validation number must be legible, intact, presented in its entirety, and correspond, based on the lottery's computer validation file, exactly to the date and selected numbers printed on the apparent winning ticket that was sold at a specific site;
  - g. The ticket or cash voucher may not be marked in any way, except by a player to place a signature on the back side of the ticket to claim a prize or by a retailer to deface or void the ticket after it was redeemed, with the intent to commit fraud;
  - h. If the total prize value of all plays of a winning ticket is five thousand dollars or more, the ticket must pass a confidential security check by the lottery;
  - i. Upon request by the lottery, a claimant of an apparent winning ticket shall disclose to the lottery the name of the retailer from whom the claimant bought the ticket, date of purchase, and approximate time; and
  - j. A validation requirement adopted by the MUSL or game group.
2. After a retailer validates a winning ticket or cash voucher, the retailer shall, if sufficient funds are available, pay the player the prize value. However, a retailer shall redeem a winning ticket or cash voucher that has a prize value of fifty dollars or less. A retailer shall return the winning ticket or cash voucher and the player copy of the terminal receipt to the player and retain the retailer copy of the terminal receipt for recordkeeping purposes. After a retailer validates a nonwinning ticket, the retailer shall return the nonwinning ticket and player copy of the terminal receipt to the player. The player may discard a redeemed winning or nonwinning ticket and player copy of the terminal receipt.
  3. The lottery shall credit a retailer's account for a prize actually paid by the retailer on a validated redeemed winning ticket or cash voucher.
  4. The lottery's determination on a contested validation is final.

**History:** Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; July 6, 2014; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-09, 53-12.1-13

#### **10-16-03-08. Claim of a prize.**

A prize for a validated winning ticket must be claimed as follows:

1. ~~No~~A prize may not be awarded ~~nor is~~and the lottery is not liable for a ticket not submitted for validation or for an announcement or dissemination by the lottery or any other individual of an incorrect number, letter, or symbol drawn.
2. A ticket bought or used to claim a prize in violation of federal or state law, or bought in violation of the lottery law or rules, is void and may not be used to claim a prize.

3. A ticket for a prize must be ~~actually~~ received or, ~~if mailed, postmarked,~~ presented at the lottery office within one hundred eighty days after the date of a draw for the game for which the ticket was issued. If the final day of the claim period is a Saturday, Sunday, or state holiday, the claim period is extended to the next business day. An unclaimed prize is forfeited and retained by the lottery. However, if the grand prize for the game of POWERBALL®, MEGA MILLIONS®, or LOTTO AMERICA® is unclaimed, then MUSL shall administer the grand prize money. If the top prize or second prize for LUCKY FOR LIFE® is unclaimed, the lottery's liability for that prize expires and no settlement of funds will be scheduled. If a lower tier prize for LUCKY FOR LIFE® is unclaimed, the lottery's liability for that prize expires and is allocated back to the lottery in relation to the sale's percent for the specific drawing.
4. An individual who owns or redeems a winning ticket:
  - a. Agrees to be bound by the lottery law, rules, procedure, policy, validation requirements, dispute resolution, and game group game rules related to the game for which the ticket was issued; and
  - b. Agrees that the state, lottery, the MUSL, game group, and their officers, employees, agents, representatives, and contractor are discharged from any liability upon payment of a prize on a ticket.
5. The owner of a winning ticket may win ~~only~~ one prize per play for the winning numbers, letters, or symbols drawn and is entitled ~~only~~ to the prize won by those numbers in the highest matching prize category.
6. A retailer may redeem a ticket ~~only~~ at the business address listed on the license. The retailer may pay a prize in cash or by business check, certified or cashier's check, money order, or combination of methods.
7. An individual may redeem a winning ticket for a prize ~~only~~ during the normal business hours of a retailer provided that the lottery's online computer system is operating and a ticket may be validated. If the retailer is normally open for business before or after the hours when the lottery's on-line computer system operates, the retailer shall post the hours at the site when an individual may redeem a ticket.
8. To claim a prize for an apparent winning ticket of less than six hundred dollars, a player may:
  - a. Present the ticket to a retailer, regardless of which retailer sold the ticket; or
  - b. Complete the back side of the ticket by entering the individual's full name and address and signing the ticket, and present or mail the ticket to the lottery's office.
9. If a ticket has a prize value of less than six hundred dollars, is owned by one individual, and is presented to a retailer, the retailer may redeem the ticket and pay the prize to the individual who physically possesses an unsigned ticket or to the individual whose signature is shown on the ticket. If an individual desires to redeem a winning ticket that is signed, the retailer shall request evidential proof of identity from the player before the retailer may validate or pay the prize. If the player does not provide proof of identity, the retailer may not validate the ticket or pay the player a prize and shall return the ticket to the player. For an unsigned ticket or a signed ticket in which the ticket holder is the identified owner, the retailer shall validate the ticket and, for a winning ticket, pay the prize to the player. If the retailer is unable to validate a ticket, the retailer shall provide the ticket holder with a prize claim form and instruct the ticket holder how to file a claim with the lottery.
10. If an apparent winning ticket has a total prize value of all plays of six hundred dollars or more and one individual signed or claims ownership of the ticket, a retailer may not redeem the

ticket and shall provide the ticket holder with a prize claim form and instruct the ticket holder how to file a claim with the lottery. The ticket holder shall complete and sign the form and back side of the ticket and present or mail the form and ticket to the lottery. For a validated winning ticket, the lottery shall present or mail a check to the player for the amount of the prize, less withholding of income tax required by federal or state law and any debt setoff according to section 10-16-01-03, unless the payment is delayed according to section 10-16-03-12. The lottery shall pay the prize to the individual whose name is on the ticket, notwithstanding the name on the claim form. For a nonwinning ticket, the lottery shall deny the claim, notify the claimant, and return the ticket.

11. If more than one individual signed or claims ownership of an apparent winning ticket, the retailer shall provide the claimant with a prize claim form and instruct the claimant how to file a claim with the lottery, as follows:
  - a. Each individual who claims part ownership of the ticket ~~must~~shall complete and sign the prize claim form and designate the individual's percentage of ownership and, if subdivision d applies, the one authorized payee;
  - b. At least one of the individuals who claim ownership ~~must~~shall sign the ticket and that signature must be on the prize claim form;
  - c. The prize claim form and ticket must be presented or mailed to the lottery;
  - d. For a validated ticket, if the amount of the prize allocated to each claimant is six hundred dollars or more, the lottery shall present or mail a separate prize check to each claimant. The lottery shall present or mail a check to each claimant for the amount of each player's prize, less withholding of income tax required by federal or state law and any debt setoff according to section 10-16-01-03, unless the payment is delayed according to section 10-16-03-12. If the prize allocated to each claimant is less than six hundred dollars, at the claimant's request, the lottery shall issue a single prize check to the individual designated and authorized on the prize claim form to receive payment of the prize on behalf of all the claimants or present or mail a check to each claimant for the amount of each player's prize; and
  - e. Notwithstanding subdivision d, if the claimants desire to designate one individual in whose name the entire claim may be made and list the individuals to whom the winnings are taxable, the claimants may file, along with a claim prize form, internal revenue service form 5754 (statement by person(s) receiving gambling winnings) with the lottery.
12. The lottery shall pay a prize to a player within a reasonable time after the player's winning ticket is validated by the lottery.
13. Except as provided by rule, if two or more plays win the grand prize, the prize money must be divided equally among the players whose tickets won. Except as provided by rule, for a set prize, each player wins the set amount of a prize regardless of whether two or more players have winning tickets for the prize.
14. The lottery is not liable for a ticket not delivered to the correct address of the lottery or a delay in delivery of a ticket or damage to a ticket while being delivered to the lottery.
15. A player who redeems a winning ticket is solely responsible for any federal or state income tax liability related to the prize.
16. An individual's right to a prize is assignable and payment of a prize may be made to an individual pursuant to an appropriate judicial order.

17. A prize may not be payable to a trust until after the lottery conducts a debt setoff on the beneficiaries of the trust.
18. If a player redeems an original multi-draw ticket before the ticket's last draw and a retailer returns the original ticket, rather than an issued exchange ticket, to the player, the lottery may not pay another prize on the original ticket until after the exchange ticket expires and has not been redeemed.
19. A winning ticket with a total prize value of all plays of six hundred dollars or more may not be paid to an individual who is identified as being in the United States illegally.

**History:** Effective February 1, 2004; amended effective April 1, 2006; April 1, 2008; January 31, 2010; January 1, 2011; October 19, 2013; January 31, 2016; February 25, 2016; October 29, 2017; July 1, 2019; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-02, 53-12.1-03, 53-12.1-08, 53-12.1-09, 53-12.1-13

#### **10-16-03-08.1. Pick & Click online play.**

1. A player shall purchase an online play only from, and the financial transaction for that online play must be only with, the lottery through the North Dakota Lottery Players Club® website and payment processor. A player may use automated clearinghouse, debit card, or authorized credit card to pay for an online play.
2. An individual must be at least eighteen years of age.
3. An individual ~~must~~shall provide the following information when registering as a player, or a member of a group, for the lottery online play service:
  - a. Name;
  - b. Address;
  - c. Date of birth;
  - d. Telephone number;
  - e. Valid email address; and
  - f. Last four digits of their social security number.
4. An individual, whether individually or as a member of a group, ~~must have a North Dakota mailing address,~~ must be physically located within the borders of North Dakota, and ~~must~~shall pass all verification processes used by the lottery during the player's registration process.
5. A player may purchase one or more online plays for one or more games. Each online play is limited to one play for a draw for one game. A player may purchase an online play for up to fifty-two weeks. An online play is not refundable or cancelable by a player unless the game group makes a matrix change to the game at which time, the online play would be canceled by the lottery and funds used to purchase the online play would be refunded to the player's deposit account through the lottery's online play service, based on the number of draws actually held under the former game matrix in relation to the total number of draws purchased.
6. To be valid, an online play must be properly and validly registered with the lottery on its player data base at its central computer site which meets the requirements established by the product group and MUSL security and integrity committee. All data on a player is confidential.



7. The owner of an online play is the individual whose name is validly and properly registered with the lottery. However, the lottery may split a prize among two or more individuals who are registered members of a group play.
8. After the lottery properly and validly registers an online play, the lottery shall send a confirmation email to the player. The confirmation email is the player's evidence of an actual play in a draw and there is no actual ticket. The confirmation email must include:
  - a. Name of game. For the game of POWERBALL®, indication of whether the play has the power play option. ~~For the game of MEGA MILLIONS®, indication of whether the play has the Megaplier® option.~~ For the game of LOTTO AMERICA®, indication whether the play has the All Star Bonus® option;
  - b. Number of and starting and ending dates of the draws;
  - c. Numbers, letters, or symbols of the play;
  - d. The player is responsible for ensuring that all player information and game play numbers, letters, or symbols are correct; and
  - e. Explanation of how a prize will be awarded.
9. Except as provided by subsection 10, an online play is valid for only the date range of draws specified in the confirmation email. The effective date of a new online play will be valid for the present draw in the game, if it is purchased by 8:30 p.m. central time for LUCKY FOR LIFE® or by 8:58 p.m. central time for POWERBALL®, LOTTO AMERICA®, MEGA MILLIONS®, and 2BY2®.
10. If the value of a prize on a winning POWERBALL®, LOTTO AMERICA®, MEGA MILLIONS®, LUCKY FOR LIFE®, or 2BY2® online play for a draw is:
  - a. Less than six hundred dollars, the lottery shall automatically deposit the funds into the player's winning account.
  - b. Equal to or more than six hundred dollars, the lottery shall contact the player by email and phone to arrange payment of the prize, less withholding of income tax required by federal or state law and any debt setoff according to North Dakota Century Code section 53-12.1-12.
11. If the owner of an online play changes the owner's name, the owner shall provide the lottery with a notarized letter of the change. If the owner of an online play dies, the lawful representative of the owner's estate shall provide the lottery with a notarized statement of the death and the lottery shall change the ownership of the online play to "The Estate of" the owner.

**History:** Effective November 8, 2005; amended effective January 3, 2008; November 1, 2008; July 1, 2010; October 19, 2013; July 6, 2014; January 31, 2016; February 1, 2016; October 29, 2017; May 14, 2018; July 1, 2019; July 1, 2025.

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## CHAPTER 10-16-08 MEGA MILLIONS GAME

### Section

10-16-08-01	Game Description
10-16-08-02	Expected Prize Pool Percentages and Odds
10-16-08-03	Prize Pool and Payment
10-16-08-04	Megaplier Option <u>[Repealed]</u>
<u>10-16-08-05</u>	<u>Random Multiplier, Frequency and Odds</u>

### 10-16-08-01. Game description.

To play MEGA MILLIONS®, a player selects five different white numbers, between one and seventy, and one additional gold number (Mega Ball®) between one and ~~twenty-five~~twenty-four. The additional number may be the same as one of the first five numbers selected. The price of a play is ~~two~~five dollars. With a purchase, each play must be randomly assigned a multiplier that must be used to increase potential winnings of nongrand prize wins by two, three, four, five, or ten times over the base prize amount. Multipliers do not apply to the grand prize. A grand prize is paid, at the election of a winning player or by a default election made according to these rules, either on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for the prize pool on a pari-mutuel basis. A set prize (cash prize of ~~one-million~~ten million dollars or less) is paid on a single-payment cash basis. Draws are held every Tuesday and Friday.

**History:** Effective January 31, 2010; amended effective October 19, 2013; October 28, 2017; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

### 10-16-08-02. Expected prize pool percentages and odds.

The grand prize will be determined and announced by the game group. The grand prize is paid on a pari-mutuel basis. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts with these expected prize payout percentages:

<u>Matches Per Play</u>	<u>Base Prize</u>	<u>Range of Prize Win**</u>	<u>Prize Pool Percentage Allocated to PrizePools</u>	<u>Odds**Game Odds***</u>
5 white + 1 gold	Grand prize*	<u>Grand prize</u>	<del>75.30%</del> <u>55.26%</u>	<del>1:302,575,350</del> <u>1:290,472,336</u>
5 white + 0 gold	\$1,000,000	<u>\$2,000,000 to \$10,000,000</u>	<del>7.93%</del> <u>9.50%</u>	<del>1:12,607,306</del> <u>1:12,629,232</u>
4 white + 1 gold	\$10,000	<u>\$20,000 to \$100,000</u>	<del>1.07%</del> <u>1.34%</u>	<del>1:931,001</del> <u>1:893,761</u>
4 white + 0 gold	\$500	<u>\$1,000 to \$5,000</u>	<del>1.29%</del> <u>1.54%</u>	<del>1:38,792</del> <u>1:38,859</u>
3 white + 1 gold	\$200	<u>\$400 to \$2,000</u>	<del>1.37%</del> <u>1.72%</u>	<del>1:14,547</del> <u>1:13,965</u>
3 white + 0 gold	\$10	<u>\$20 to \$100</u>	<del>1.65%</del> <u>1.98%</u>	<del>1:606</del> <u>1:607</u>
2 white + 1 gold	\$10	<u>\$20 to \$100</u>	<del>1.44%</del> <u>1.80%</u>	<del>1:693</del> <u>1:665</u>
1 white + 1 gold	\$4	<u>\$14 to \$70</u>	<del>4.48%</del> <u>9.79%</u>	<del>1:89</del> <u>1:86</u>
0 white + 1 gold	\$2	<u>\$10 to \$50</u>	<del>5.46%</del> <u>17.06%</u>	<del>1:37</del> <u>1:35</u>



Overall odds of winning a prize on a ~~two~~five dollar play are ~~1:24~~1:23.07.

- \* The grand prize is pari-mutuel and will be divided equally by the number of plays winning the grand prize.

\*\* The range of prize wins is determined by the randomly assigned multiplier applied to each play.

\*\*\*\* Reflects the odds of winning and probable distribution of winning tickets in and among each prize tier, based on the total number of possible combinations.

**History:** Effective January 31, 2010; amended effective October 19, 2013; October 28, 2017; April 8, 2020; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

#### 10-16-08-04. Megaplier option.

Repealed effective July 1, 2025.

- ~~1. The Megaplier® option is a limited extension of the MEGA MILLIONS® game and is conducted according to the game group's game rules. The option offers the owner of a qualifying play a chance to multiply or increase the amount of a set prize.~~
- ~~2. A qualifying play is a single MEGA MILLIONS® play for which the player pays an extra one dollar for the Megaplier® option. Megaplier® does not apply to the grand prize.~~
- ~~3. A qualifying play which wins one of the set prizes will be multiplied by the number selected, two through five, in a separate random Megaplier® drawing.~~
- ~~4. A single number from a series of fifteen numbers is selected according to the following frequency: five number 2s, six number 3s, three number 4s, and one number 5. The game group may change one or more of the multiplier numbers for a special promotion.~~
- ~~5. A prize awarded must be paid as a lump sum set prize. Instead of the normal set prize amount, a qualifying Megaplier® will pay the amounts shown below when matched with the Megaplier® number drawn:~~

#### MEGA MILLIONS® Pays Instead

##### Prize Amounts With Megaplier® Purchase and Multiplier

<u>Matches Per Play</u>	<u>Set Prize Amount</u>	<u>5X</u>	<u>4X</u>	<u>3X</u>	<u>2X</u>
<del>5 white + 0 gold</del>	<del>\$1,000,000</del>	<del>\$5,000,000</del>	<del>\$4,000,000</del>	<del>\$3,000,000</del>	<del>\$2,000,000</del>
<del>4 white + 1 gold</del>	<del>\$10,000</del>	<del>\$50,000</del>	<del>\$40,000</del>	<del>\$30,000</del>	<del>\$20,000</del>
<del>4 white + 0 gold</del>	<del>\$500</del>	<del>\$2,500</del>	<del>\$2,000</del>	<del>\$1,500</del>	<del>\$1,000</del>
<del>3 white + 1 gold</del>	<del>\$200</del>	<del>\$1,000</del>	<del>\$800</del>	<del>\$600</del>	<del>\$400</del>
<del>3 white + 0 gold</del>	<del>\$10</del>	<del>\$50</del>	<del>\$40</del>	<del>\$30</del>	<del>\$20</del>
<del>2 white + 1 gold</del>	<del>\$10</del>	<del>\$50</del>	<del>\$40</del>	<del>\$30</del>	<del>\$20</del>
<del>1 white + 1 gold</del>	<del>\$4</del>	<del>\$20</del>	<del>\$16</del>	<del>\$12</del>	<del>\$8</del>
<del>0 white + 1 gold</del>	<del>\$2</del>	<del>\$10</del>	<del>\$8</del>	<del>\$6</del>	<del>\$4</del>

~~Multiplier numbers do not apply to the grand prize.~~

~~Rarely, under the game group's limitation of liability rules, a set prize amount may be less than the amount shown. In that case, a Megaplier® prize will be a multiple of two through five for the new set prize amount. For example, if the match 4+1 set prize amount of ten thousand dollars becomes two thousand dollars under the game group's rules, a Megaplier® player winning that prize amount when a "4" has been drawn would win eight thousand dollars (\$2,000 x 4).~~

~~6. The following table reflects the probability of the Megaplier® numbers being drawn:~~

<u>Megaplier®</u>	<u>Probability of Prize Increase</u>
5X--Prize won times 5	1 in 15
4X--Prize won times 4	3 in 15
3X--Prize won times 3	6 in 15
2X--Prize won times 2	5 in 15

~~**History:** Effective January 31, 2010; amended effective September 14, 2010; December 1, 2010; October 19, 2013; October 28, 2017.~~

~~**General Authority:** NDCC 53-12.1-13~~

~~**Law Implemented:** NDCC 53-12.1-13~~

#### 10-16-08-05. Random multiplier, frequency and odds.

1. A randomly determined multiplier must be applied to all prize levels except the grand prize.
2. The multiplier must be printed directly on a ticket sold by a retailer or be applied on each Pick & Click online play. Multipliers may repeat due to frequency and limited multiplier levels.
  - a. Multi-draw tickets must receive the same multiplier for a play for the duration of the draws purchased from a retailer.
  - b. A series of plays in a Pick & Click online play must receive a new multiplier with each play as each play is entered individually prior to the draw.
3. The multiplier frequency and odds are as follows:

<u>Multiplier</u>	<u>Frequency</u>	<u>Odds</u>
<u>10X</u>	<u>1</u>	<u>32.00</u>
<u>5X</u>	<u>2</u>	<u>16.00</u>
<u>4X</u>	<u>4</u>	<u>8.00</u>
<u>3X</u>	<u>10</u>	<u>3.20</u>
<u>2X</u>	<u>15</u>	<u>2.13</u>
<u>Field of:</u>	<u>32*</u>	<u>3.00**</u>

\* Total of frequencies.

\*\* Average multiplier value.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 53-12.1-13



## CHAPTER 10-16-09

### 10-16-09-01. General.

1. The North Dakota Lottery and its designated agents Scientific Games International, Inc., and MDI Entertainment, LLC, a subsidiary of Scientific Games International, Inc., ~~will~~shall operate the Points for Prizes® program.
2. Points for Prizes® program is a rewards program that is part of the North Dakota Lottery's North Dakota Lottery Players Club®. Players ~~can~~may earn points by becoming registered members of the program and submitting valid tickets at club.lottery.nd.gov. Players ~~can~~may redeem their points for items at the Points for Prizes® store ~~at store.lottery.nd.gov~~on the North Dakota Lottery Players Club® website.
3. The Points for Prizes® program is void where prohibited by law.
4. The North Dakota Lottery reserves the right to change Points for Prizes® in any way and at any time or to terminate Points for Prizes® entirely upon reasonable and appropriate public notice.
5. By submitting a ticket to earn Points for Prizes® points, an entrant agrees to and is bound by the Points for Prizes® rules, the North Dakota Lottery Players Club® terms of service, all other applicable North Dakota Lottery rules and laws, and the laws of the state of North Dakota.
6. The North Dakota Lottery may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, North Dakota Lottery websites, without compensation or additional release.
7. An individual player's data, including point balance, point earnings, and use of points for Points for Prizes® merchandise, promotions, and drawings is confidential except for purposes outlined in the chapter, unless otherwise released by the player. Aggregated point data of multiple players may be disclosed. Player names and addresses are confidential except as authorized in this chapter.
- ~~7-8.~~ The North Dakota Lottery reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.

**History:** Effective July 6, 2014; amended effective October 4, 2015; May 14, 2018; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

### 10-16-09-06. Points for Prizes store.

1. Points may be redeemed for items listed at store.lottery.nd.gov in the Points for Prizes® store. Points may also be used to purchase Points for Drawings™ entries.
2. Points required for redemptions vary. The number of points required to be redeemed for a particular item shall be determined by the North Dakota Lottery and be posted ~~at store.lottery.nd.gov~~on the North Dakota Lottery Players Club® website. The North Dakota Lottery may, in its sole discretion, change the points required for redemption of any item at any time.
3. The North Dakota Lottery may, in its sole discretion, discontinue offering an item at any time.

4. If an item is not readily available for any reason, the North Dakota Lottery reserves the right, in its sole discretion, to substitute another item of similar value, or credit a player's account at its sole discretion.
5. Prizes are nontransferable and nonrefundable unless otherwise authorized by the North Dakota Lottery.
6. The awarding of all prizes is subject to eligibility verification.

**History:** Effective July 6, 2014; amended effective July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

## CHAPTER 10-16-10

### 10-16-10-01. General.

1. The North Dakota Lottery and its designated agents Scientific Games International, Inc., and MDI Entertainment, LLC, a subsidiary of Scientific Games International, Inc., ~~will~~shall operate the Points for Drawings™ program.
2. Points for Drawings™ is part of the Points for Prizes® program that is part of the North Dakota Lottery's North Dakota Lottery Players Club®. Players ~~can~~may enter drawings by using some or all points received from submission of eligible tickets or online play purchases at club.lottery.nd.gov.
3. Drawing entries may be submitted ~~at store.lottery.nd.gov~~on the North Dakota Lottery Players Club® website.
4. The Points for Drawings™ program is void where prohibited by law.
5. The North Dakota Lottery reserves the right to change Points for Drawings™ in any way and at any time or to terminate Points for Drawings™ entirely upon reasonable and appropriate public notice.
6. By submitting an entry into Points for Drawings™, an entrant agrees to and is bound by the Points for Drawings™ rules, the Points for Prizes® rules, the North Dakota Lottery Players Club® terms of use, all other applicable North Dakota Lottery rules and laws, and the laws of the state of North Dakota.
7. North Dakota Lottery may use, without limitation, an entrant's name, hometown, likeness, and/or voice in any promotions, research, marketing, publications, or other advertising media including, but not limited to, North Dakota Lottery websites, without compensation or additional release.
- ~~8.~~ An individual player's data, including point balance, point earnings, and use of points for Points for Drawings™ promotions, and drawings is confidential except for purposes outlined in the chapter, unless otherwise released by the player. Aggregated point data of multiple players may be disclosed. Player names and addresses are confidential except as authorized in this chapter.
- ~~8:9.~~ The North Dakota Lottery reserves the right to use the names, addresses, and telephone numbers of all entrants for research and marketing purposes.

**History:** Effective July 6, 2014; amended effective October 4, 2016; May 14, 2018; July 1, 2025.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

### 10-16-10-04. Additional conditions.

1. The North Dakota Lottery does not warrant or guarantee product quality or availability of products.
2. The North Dakota Lottery is not responsible for any prizes lost, damaged, or stolen during shipment, pickup, or use.
3. The North Dakota Lottery is not responsible for any damages, injury, or loss of life resulting from any item awarded.

4. The North Dakota Lottery is not responsible for the electronic misdelivery, late delivery, or failure to receive entry information entered electronically, risk of loss remains with the entrant regardless of the cause of the transmission failure.
5. If required, a player will receive a W-2G form for prizes, either cash or merchandise.
6. The prize winner is responsible for all applicable state and federal taxes.
7. Winners' cash prizes are subject to debt setoff of certain governmental debts. Unless otherwise noted on the North Dakota Lottery Players Club® website, if a winner fails to satisfy an outstanding debt within thirty days of notification of the debt, the North Dakota Lottery may, at its sole discretion, disqualify the winner, and the next alternate will become the winner.
8. Players are solely responsible for maintaining and keeping account information current and accurate. The North Dakota Lottery assumes no responsibility or liability whatsoever for technical or computer malfunctions or for the player's failure to keep account information current.
9. By accepting the prize, each winner, their heirs, legal representatives, and assignees agree to indemnify and hold harmless, defend, release, and discharge the North Dakota Lottery, Scientific Games International, Inc., MDI Entertainment LLC, the state of North Dakota, their employees, officers, and directors, from and against any loss, claim, damage, suit, or injury arising out of or relating to the acceptance of the prize.
10. The North Dakota Lottery is not responsible for any rules, regulations, or restrictions imposed by its promotional partners. The North Dakota Lottery is not responsible for and has no obligation regarding the condition, quality, defects, or other attributes of the prizes awarded during a promotion and expressly disclaims all warranties, expressed or implied, including, but not limited to, all implied warranties of merchantability and fitness for particular purpose.
11. The North Dakota Lottery reserves the right, in its sole discretion, to modify, suspend, postpone, or cancel, with or without notice, any portion of this promotion at any time and for any reason, including the award of any prize with the approval of the North Dakota Lottery's director or the director's designee.
12. In the event that interpretation of these rules is necessary, the decision of the North Dakota Lottery's director or designee, after legal consultation with the assistant attorney general, if necessary, will be final.
13. No one under eighteen years of age and no one otherwise prohibited by North Dakota Century Code section 53-12.1-08 from playing North Dakota Lottery games are eligible to participate in this promotion or win any prize.
14. A Points for Drawings™ winner's name, city, and state of residence must be released to the public. Subdivision d of subsection 1 of North Dakota Century Code section 53-12.1-11 does not apply to cash, merchandise, an online play, gift certificate, or ticket that the North Dakota Lottery awards as a prize in a promotion.

**History:** Effective July 6, 2014; amended effective May 14, 2018; [July 1, 2025](#).

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13





**TITLE 54**  
**BOARD OF NURSING**



**JULY 2025**

**ARTICLE 54-02  
NURSE LICENSURE**

Chapter	
54-02-01	Licensure by Examination
54-02-02	Reexamination
54-02-03	Proctored Examinations [Repealed]
54-02-04	Roster of Inactive Nurses [Repealed]
54-02-05	Relicensure
54-02-06	License by Endorsement
54-02-07	Disciplinary Action
54-02-08	Temporary License [Repealed]
54-02-08.1	Transitional License [Repealed]
54-02-09	Limited License
54-02-10	RN and LPN Nurse Licensure Compact [Repealed]
54-02-11	Short-Term Clinical Education <u>[Repealed]</u>
54-02-12	Criminal History Record Checks for Licensure

**CHAPTER 54-02-11  
SHORT-TERM CLINICAL EDUCATION**

[Repealed effective July 1, 2025]

**Section**

~~54-02-11-01 — Short-Term Clinical Education~~

**ARTICLE 54-04.1  
NURSING EDUCATION LOANS**

[Repealed effective July 1, 2025]

Chapter

- ~~54-04.1-01 — Nursing Education Loan Program~~
- ~~54-04.1-02 — Qualifications~~
- ~~54-04.1-03 — Disbursements~~
- ~~54-04.1-04 — Repayment by Employment~~
- ~~54-04.1-05 — Monetary Repayment~~

**ARTICLE 54-04.2**  
**NURSING EDUCATION SCHOLARSHIP PROGRAM**

Chapter  
54-04.2-01        Nursing Education Scholarship Program

**CHAPTER 54-04.2-01**  
**NURSING EDUCATION SCHOLARSHIP PROGRAM**

Section  
54-04.2-01-01    Nursing Education Scholarship and Separation of Funds  
54-04.2-01-02    Qualifications  
54-04.2-01-03    Disbursements

**54-04.2-01-01. Nursing education scholarship and separation of funds.**

To the extent funds are available, the nursing education scholarships may be funded by:

1.    A separate nursing education scholarship fund, consisting of ten dollars of each licensed practical nurse and registered nurse biennial renewal fee.
2.    Donations from individuals wishing to further the intent of nursing education.
3.    Additional funds as designated by the board.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 43-12.1

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-04.2-01-02. Qualifications.**

To qualify for a nursing education scholarship, the applicant shall:

1.    Submit a completed application and required forms by the designated due date; and
2.    Demonstrate the applicant is one of the following:
  - a.    A resident of North Dakota who is accepted and enrolled in a North Dakota board-approved undergraduate nursing education program for practical nurses or registered nurses;
  - b.    A resident of North Dakota who has a current North Dakota license and is accepted and enrolled in an educational program that is accredited by a United States department of education-recognized regional or national accreditation entity, which is acceptable to the board; or
  - c.    A resident of North Dakota and is accepted in a refresher course that meets board requirements.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 43-12.1

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**54-04.2-01-03. Disbursements.**

Funds from the nurse education scholarship program must be disbursed directly to the educational institution or as otherwise approved by the board.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 43-12.1

**Law Implemented:** NDCC 43-12.1-08(2)(g)

**TITLE 67.1**  
**EDUCATION STANDARDS AND PRACTICES BOARD**





**JULY 2025**

**CHAPTER 67.1-02-01**

**67.1-02-01-06. Preservice teacher authorization. ~~(Effective through June 30, 2025)~~**

A student teacher may be eligible for a preservice teacher authorization to be the teacher of record for one semester upon completion of the following:

1. Teacher education coursework;
2. Evidence of a positive evaluation from a field experience;
3. Letter of recommendation from the university or college; ~~and~~
4. Letter of request from a district indicating they were not able to find a regularly licensed individual, and evidence of an onsite collaborating teacher, including the name and role of the onsite collaborating teacher; and
5. A detailed plan of support, including release time for the teacher to observe another classroom.

~~—This section is effective through June 30, 2025, and after that date is ineffective.~~

**History:** Effective August 9, 2023; amended effective July 1, 2025.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

## CHAPTER 67.1-02-02 EDUCATOR'S PROFESSIONAL LICENSE

### Section

67.1-02-02-01	Life Certificates
67.1-02-02-02	Initial Licenses
67.1-02-02-03	Distance Learning Instructor - Definition - Qualifications - Licensure [Repealed]
67.1-02-02-04	Two-Year and Five-Year Renewals
67.1-02-02-05	Professional Development for License Renewal
67.1-02-02-06	Denial and Appeal
67.1-02-02-07	Human Relations and Cultural Diversity
67.1-02-02-08	State Model for Inservice Education and Professional Development [Repealed]
67.1-02-02-09	Re-entry
67.1-02-02-10	Substitute Teachers
67.1-02-02-11	Members of the Military and Military Spouses - Licensure Applications
67.1-02-02-12	Teaching Permits - Application of Laws and Rules - Discipline
67.1-02-02-13	Special Education Authorization
67.1-02-02-14	Special Education Authorization - Application of Laws and Rules - Discipline
67.1-02-02-15	Collegiate License

### **67.1-02-02-04. Two-year and five-year renewals.**

#### **1. Two-year renewal license.**

- a. A two-year renewal license ~~will~~must be issued to applicants with less than eighteen months of successful contracted teaching in North Dakota who have completed all of the requirements on the application form and pay the required fee of sixty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and ~~will~~ expire after a minimum of two years after the applicant's birth date.
- b. A two-year re-entry license ~~will~~must be issued to an applicant re-entering the profession after an absence of five years who has completed all of the requirements on the application form. Prior to applying for the re-entry license, the applicant ~~must~~shall submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14. An applicant re-entering the profession ~~must~~shall complete eight semester hours of re-education credit during the applicant's first two years of contracted employment as stated in this section and in section 67.1-02-02-09. The fee for the re-entry license is eighty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and ~~will~~ expire after a minimum of two years on the applicant's birth date.
- c. A two-year re-entry license ~~will~~must be issued to an applicant from out of state who has had an absence from the profession of more than five years, or to an applicant who cannot submit six semester hours of credit taken during each of the past two five-year periods if employed in education out of state. ~~Such an~~The applicant ~~must~~shall meet the requirements of North Dakota initial licensure as stated in section 67.1-02-02-02 and must also complete the requirements for re-entry education as stated in this section and in section 67.1-02-02-09. The fee for the re-entry license is eighty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and ~~will~~ expire after a minimum of two years on the applicant's birth date.
- d. A two-year renewal license ~~will~~must be issued for substitute teaching to those applicants who have completed all of the requirements on the application form. A substitute teacher ~~must~~shall maintain a valid teaching license using the two-year renewal cycle, but is not required to submit re-education hours unless the person signs a contract. The fee for this

two-year renewal is sixty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and ~~will~~ expire after a minimum of two years on the applicant's birth date.

- e. In extraordinary circumstances, the board may waive or extend the time for completion of the re-education credits.
- f. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, ~~will need to~~ shall complete the elementary test and pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience ~~will~~ must be accepted from all other states toward the requirements of this subdivision. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.

## 2. Five-year renewal license.

- a. The first five-year renewal ~~will~~ must be issued to those applicants who have successfully been contracted for eighteen months within the past five years in the state on a valid North Dakota license and who have completed all of the requirements on the application form. Applications for renewal may only be submitted six months prior to the expiration of the current license and ~~will~~ expire after a minimum of five years on the applicant's birth date.
  - (1) All five-year license applications must be accompanied by a fee of ~~one hundred thirty-five~~ one hundred forty dollars.
  - (2) Succeeding five-year renewals require evidence of thirty teaching days of contracted service and completion of ~~a minimum of four semester hours of re-education credit to avoid reverting to entry status. As licenses are renewed, after July 1, 2011, six semester hours of re-education credit will be required for the new five-year period.~~ All re-education credit must be documented by college or state-approved alternative program transcripts.
  - (3) For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the elementary test and pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience ~~will~~ must be accepted from all other states toward the requirements of this paragraph. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.
- b. A renewal applicant who has completed the six semester hours of credit but has not been contracted for at least thirty days under the five-year license ~~will~~ shall revert to the two-year renewal cycle.
- c. Probationary license. An applicant who has failed to complete the six semester hours of re-education credit, whether the application has been contracted or not, will either not be renewed, or may agree to be placed on a two-year probationary license. Eight semester hours of re-education semester credit must be supplied as a condition of the two-year probationary license. A second probationary license ~~will~~ may not be issued.
- d. In extraordinary circumstances, the board may waive or extend the time for completion of the re-education credits.
- e. Once the requirements have been met for the probationary license, a two-year renewal license ~~will~~ must be issued.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2012; July 1, 2012; October 1, 2014; April 1, 2018; October 1, 2020; January 1, 2024; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

#### **67.1-02-02-10. Substitute teachers.**

1. **Qualifications.** A substitute teacher must hold a valid North Dakota educator's professional license based upon the same qualifications as a contracted teacher. A substitute teacher holding a regular license may substitute in any area requiring regular elementary or secondary licensure. ~~An individual with a restricted license may substitute only in the individual's area of restriction.~~
2. **Reeducation.** A substitute teacher who has not been under contract at any time during the person's current license does not need to submit reeducation hours to renew licensure. A substitute teacher who has been under part-time or full-time contract at any time during the person's current license, or who enters into a contract, ~~must~~shall meet the reeducation requirements for contracted teachers.
3. **Shortages.** Interim licensure may be granted for substitute teachers as detailed in section 67.1-02-04-02 when a shortage of regularly licensed substitutes exists.
4. **Student teachers.** A student teacher ~~will be~~is eligible for a forty-day provisional license upon completion of all requirements for the student teacher's bachelor's degree minus the awarding of the degree and the official transcript as documented by the institution of higher education registrar. Once the degree has been awarded and the official transcript has been received, the student teacher ~~will~~must receive the initial two-year license.

**History:** Effective October 16, 1998-April 14, 1999; amended effective June 1, 1999; March 1, 2000; July 1, 2008; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10

#### **67.1-02-02-15. Collegiate license.**

An individual may be eligible for a collegiate license upon providing evidence of completion of the following:

1. Five years of full-time teaching at an accredited institution of higher education in the academic subject for which licensure is sought.
2. A minimum of a master's degree in the academic subject where licensure is sought.
3. Passing the praxis content and pedagogy test for the desired content area.
4. Coursework in Native American studies, cultural diversity, strategies for creating learning environments that contribute to positive human relationships, strategies for teaching and assessing diverse learners, and a mental health competency.
5. A background check under North Dakota Century Code section 15.1-13-15.
6. An application online at [www.nd.gov/espb](http://www.nd.gov/espb) and payment of a fee of eighty-five dollars.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

| **Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-18-02

## CHAPTER 67.1-02-03

### 67.1-02-03-02. Kindergarten endorsement.

1. Reeducation of elementary teachers for kindergarten schoolteaching may be accomplished by presenting a minimum of twelve semester hours of kindergarten coursework in foundations of early childhood, kindergarten methods and materials, early language and literacy, observation, and assessment for the kindergarten child. The applicant must have a minimum of one year full-time equivalent successful teaching experience in prekindergarten, kindergarten, or grade one or sixty field experience hours student teaching of four semester hours or six quarter hours or a minimum of five consecutive weeks applicable to the endorsed area. Re-education for the kindergarten endorsement must be completed prior to or within two years of assignment to teach at the kindergarten level; or
2. State-approved test endorsement - kindergarten. Re-education of a licensed teacher for kindergarten schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license and successful completion of the pedagogical test birth through grade three and early childhood content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Re-education for the kindergarten endorsement must be completed prior to assignment to teach in the kindergarten content area.
3. A kindergarten endorsement shall be issued to those applicants for a North Dakota other state educator license who hold a regular teaching license in early childhood, elementary, middle, or secondary education from another state and:
  - a. ~~Hold a regular teaching license in early childhood, elementary, middle, or secondary education from another state;~~
  - ~~b.~~ Have a kindergarten endorsement from another state; or
  - ~~c.~~ b. Provide verification of two years of successful teaching of kindergarten students.

The applicant must apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach; and submit official transcripts; and the review fee of eighty-five dollars.

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; October 1, 2014; April 1, 2018; October 1, 2022; January 1, 2024; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-02

## CHAPTER 67.1-02-05

### 67.1-02-05-03. Reserve officers training corps instructors.

Reserve officers training corps instructors must submit verification to the board that they meet the military requirements for junior ROTC instructors, submit to the initial licensure background check, and pay all relevant fees. An individual meeting these requirements shall receive a license with a restriction to that area.

1. **Military program teachers.** Individuals teaching courses within the military program must meet all the following criteria:

a. **Military knowledge.**

- (1) **Meet the military requirements for a junior ROTC instructor;**
- (2) **Complete one hundred eighty hours of direct training aligned with military program standards; or**
- (3) **Earn twelve semester hours in content aligned with military program standards.**

b. **Experience.**

- (1) **Have at least two years of military experience and be actively serving or honorably discharged; or**
- (2) **Demonstrate applied content knowledge by submitting a military-approved portfolio assessment documenting experience aligned with military program standards.**

c. **Teaching preparation.**

- (1) **Hold a valid North Dakota teaching license issued by the education standards and practices board; or**
- (2) **Complete a state-approved teacher preparation program or equivalent state-approved training focused on pedagogy, classroom management, and instructional methods within two years of employment in the military program.**

d. **Additional requirements.**

- (1) **Submit to the initial licensure background check.**
- (2) **Pay all relevant fees. If fees are incurred in determining eligibility to teach military program courses, the applicant is responsible for such costs.**

2. **Licensure restriction.**

- a. **Licenses issued under this section are restricted to teaching courses classified as military science or career and technical education within the military program.**
- b. **Credentials issued under this process may be restricted to specific military program courses based on the applicant's training and experience.**

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; October 1, 2020; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

#### 67.1-02-05-04. Endorsements, added degrees, and restrictions.

The North Dakota educator's professional license is issued as described in section 67.1-02-02-02. This license qualifies the holder for regular classroom teaching or for functioning in areas with the proper endorsements and restrictions as assigned. Degrees and endorsements in content areas of elementary, middle level, or secondary schools, educational pedagogy, or educational leadership must be obtained through regional or state-approved teacher education programs and meet North Dakota program approval standards for the content area.

1. **Endorsements.** An individual holding a valid North Dakota teaching license may request endorsements in early childhood, kindergarten, elementary, middle school, bilingual, secondary, or content area minor equivalency endorsements or any other endorsement issued by the board. Specific requirements appear in chapter 67.1-02-03, regarding re-education. A one-time, nonrefundable review fee of eighty dollars must accompany the request to add an endorsement.
2. **New degrees.** A newly acquired major, minor, or new degree may be added between renewal periods by submitting official transcripts, a complete application form, including part six, completed by the college or university, and paying the regular renewal fee for those renewing two-year licenses or five-year licenses. An additional two-year or five-year extension, respectively, is added to the license expiration date at the time of the addition of the new major, minor, or degree.
3. **Added qualifications on life certificates.** An individual who holds a life certificate under section 67.1-02-02-01 may add degrees or endorsements to the board licensure records by submitting official transcripts and paying the review fee pursuant to subsection 2. An official duplicate of the life certificate showing the added degree will be issued to the life certificate holder at the time of the addition. ~~Official duplicate copies of lost life certificates or renewable licenses will be provided at a cost to the holder of twenty dollars.~~
4. **Restricted licenses.** Programs ~~that include~~including a specialized rather than a regular professional education core are issued initial two-year licenses that restrict the holder to teaching in that specialty area. Applicants ~~must~~shall submit the completed application form, original transcripts, fees, and fingerprint cards to the education standards and practices board prior to licensure. National certification may be used for re-education credits for as long as the certification is current.
  - a. Restricted licenses are issued to applicants with specialist or master's degrees in:
    - (1) School psychology. The prekindergarten through grade twelve school psychology restricted license ~~will~~must be issued to those applicants who have:
      - (a) Obtained a specialist degree in school psychology from a national association of school psychology-accredited institution;
      - (b) Achieved the national certification of school psychologist certification. To qualify for the national certification of school psychologist license, the candidate must have successfully met the standards for training and field placement programs in school psychology, standards for the credentialing of school psychologist, standards for the provision of school psychological services, and principles of professional ethics; or
      - (c) Obtained a specialist degree in school psychology with the expectation of obtaining national certification within two years.

The board of psychologist examiners must be given, each year, a list of names of individuals with a school psychologist credential.



- (2) School psychologist intern. A school psychologist who does not have the school psychologist requirements in subparagraph a, b, or c of paragraph 1 may qualify for an intern license. The school psychologist intern license ~~will~~must be issued for one year, or on an annual basis until the specialist degree has been completed, for applicants who have:
  - (a) Obtained a master's degree in school psychology (minimum 30 credits) from a national association of school psychology-accredited institution;
  - (b) A recommendation of the advisor of an accredited school psychology training instruction stating the applicant is eligible for enrollment in the internship program; and
  - (c) An outline of remaining coursework with specified dates for completion, including completion of a thesis or equivalent.
- (3) Speech-language pathology. The prekindergarten through grade twelve speech-language pathology restricted license ~~will~~must be issued to those applicants who have a master's degree in speech-language pathology or communication disorders, one hundred hours of school-based practicum, and have graduated from a program accredited by the council on academic accreditation of the American speech and hearing association. Applications for renewal of the bachelor level speech-language pathology license ~~will~~must be denied after July 1, 2010.
- (4) School counseling. The prekindergarten through grade twelve professional school counseling restricted license ~~will~~must be issued to those applicants who have professional education coursework in educational psychology; instructional planning, methods, and assessment; classroom management; and school-based field experience or practicum and completed one of the following master's programs from a state-approved counselor education program:
  - (a) Master's degree in school counseling;
  - (b) Master's degree in counseling with emphasis in school counseling;
  - (c) Master's degree and graduate coursework equivalent to a master's degree in school counseling; or
  - (d) Master's degree in counseling and a program of study from an approved school counselor education program to complete the coursework requirements for the equivalent of a master's degree in school counseling, educational coursework in educational psychology, instructional planning, methods, and assessment, classroom management, and the school-based field experience or practicum within four years. Two 2-year licenses ~~will~~must be issued to those applicants while the requirements are being completed.
- b. Restricted licenses are issued to applicants with baccalaureate degrees in the following areas who do not also meet qualifications for regular early childhood, elementary, middle level, secondary, or kindergarten through grade twelve licenses as stated in section 67.1-02-02-02 ~~that~~who have completed the application form and submitted fees and transcripts, background investigation, and praxis II tests:
  - (1) Intellectual disabilities education (19006). The intellectual disabilities prekindergarten through grade twelve restricted license ~~will~~must be issued to ~~those~~ people qualifying for a valid North Dakota teaching license in special education who hold a bachelor of science degree major in intellectual disabilities. The applicant ~~will~~only shall provide only consultative services.

- (2) Hearing-impaired education (19920). The hearing-impaired prekindergarten through grade twelve restricted license ~~will~~must be issued to ~~those~~ applicants who have a bachelor of science degree major in education of the deaf with thirty-two hours of hearing-impaired qualifying coursework. The applicant ~~will-only~~shall provide only consultative services.
- (3) Visually impaired education (19945). The visually impaired prekindergarten through grade twelve restricted license ~~will~~must be issued to ~~those~~ applicants who have a bachelor of science degree with a major in visually impaired and twenty-one through twenty-three semester hours in qualifying visually impaired coursework. The applicant ~~will-only~~shall provide only consultative services.
- (4) Early childhood special education (19937). The early childhood special education restricted license birth through grade three ~~will~~must be issued to ~~those~~ applicants who have a baccalaureate degree in early childhood special education. The applicant will only provide consultative services.
- (5) All other special education categories require regular early childhood, elementary, middle, or secondary qualifications.
- (6) Career and technical education. The trade, industry, technical, and health occupations restricted license ~~will~~must be issued to applicants holding a baccalaureate level degree in career and technical education, if that degree does not include the general education or regular professional education core as required for regular licensure under section 67.1-02-02-02, and is restricted to teaching in grades seven through grade twelve.
- (7) Reserve officers training corps. The reserve officers training corps license ~~will~~must be issued pursuant to section 67.1-02-05-03.
- (8) Native American language instruction.
  - (a) The Native American language restricted kindergarten through grade twelve license ~~will~~must be issued to ~~those~~ applicants holding a baccalaureate level degree in Native American language, if that degree does not include the general education or regular professional education core as required for regular licensure under section 67.1-02-02-02 and the applicant has completed a three semester hour course in classroom instruction at a tribal college or other institution of higher education.
  - (b) The Native American language restricted kindergarten through grade twelve licensed ~~will~~must be issued to ~~those~~ applicants holding a baccalaureate level degree and a Native American language endorsement, including three semester hours in classroom instruction.
- (9) Theological studies instruction (50040). The theological studies kindergarten through grade twelve license ~~will~~must be issued to ~~those~~ applicants holding a baccalaureate degree ~~and-is~~who are recommended for approval as an instructor of theological studies by the governing board or administration of a nonpublic school offering a theological studies course.

c. Restricted licenses are issued to those nondegreed applicants in:

- (1) Career and technical education. Restricted licenses are issued for trade, industry, technical, and health occupations in accordance with section 67.1-02-04-06 and are restricted to teaching in grades nine through twelve.

- (2) North Dakota American Indian language ~~as pursuant to~~under North Dakota Century Code section 15.1-13-22 to ~~those~~ applicants who display competence in North Dakota American Indian languages and culture and are recommended for licensure to teach North Dakota native languages kindergarten through grade twelve by an indigenous language board created by a tribal government in this state and have completed a three semester hour course in classroom instruction at a tribal college or other institution of higher education.

d. Teachers with restricted licenses may teach only in the restricted specified area.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; July 1, 2012; October 1, 2020; October 1, 2021; January 1, 2024; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12.1, 15.1-13-22, 15.1-18-02, 15.1-18-03; S.L. 2001, ch. 173, § 16

## CHAPTER 67.1-02-06

### 67.1-02-06-01. Out-of-state reciprocal licensure.

North Dakota has conditional reciprocity with other states. To receive out-of-state reciprocal licensure, an applicant must hold at least a bachelor's degree in education, which includes student teaching from an accredited university from another state, province, or similar jurisdiction, or have completed a state-approved teacher education program and submit a completed application.

1. **Out-of-state reciprocal entrance requirements.** Those who apply to the board, meet the minimum reciprocity requirements, and submit a satisfactory plan for competing the remaining North Dakota requirements ~~will~~must be issued a two-year out-of-state reciprocal license which has a fee of ~~eighty~~eighty-five dollars. The minimum reciprocity qualifications are:
  - a. A four-year bachelor's degree ~~that includes~~, including a major ~~that meets~~meeting the issuing jurisdiction's requirements in elementary education, middle level education, or a content area taught in public high school;
  - b. Completion of a professional education sequence from a state-approved teacher education program, including supervised student teaching;
  - c. Fingerprint background check as required of all initial applicants; and
  - d. Submission and education standards and practices board approval of a plan to complete all remaining requirements for full North Dakota licensure as stated in section 67.1-02-02-02. ~~That~~The plan ~~will~~must include the successful completion of the state-approved test content test in the transcribed major area of early childhood, elementary, middle level, or the core academic areas. The state-approved test must be completed within the first two-year license period.
2. **Remaining North Dakota requirements.** An applicant ~~will~~must be notified of remaining requirements for full North Dakota licensure by the board. All out-of-state applicants shall submit transcripts for review by the same criteria as North Dakota applicants. The applicant ~~must~~shall provide official copies of transcripts from all the institutions of higher education the applicant has attended. The nonrefundable fee for the transcript review process is one hundred seventy-five dollars.
3. **Renewals.** The out-of-state reciprocal license is valid for two years and is renewable twice for three additional years, provided adequate progress toward completing the remaining requirements is documented and approved by the education standards and practices board. The interim reciprocal license ~~will expire~~expires on the applicant's birthdate.

**History:** Effective July 1, 2012; amended effective April 1, 2018; October 1, 2020; October 1, 2021; January 1, 2024; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14, 15.1-13-20, 15.1-13-21

## CHAPTER 67.1-03-01

### CODE OF PROFESSIONAL CONDUCT FOR EDUCATORS

#### Section

- 67.1-03-01-01 Preamble  
67.1-03-01-01.1 Definitions  
67.1-03-01-02 Principle I - Commitment to the Student  
67.1-03-01-03 Principle II - Commitment to the Profession  
67.1-03-01-04 Principle III - Commitment to the Community

#### 67.1-03-01-01.1. Definitions.

For the purposes of this chapter:

1. "Board" means the education standards and practices board.
2. "Educator" means an individual licensed by the board.
3. "Grooming" means any of the following:
  - a. Engaging in a pattern of flirtatious behavior.
  - b. Making an effort to gain unreasonable access to, or time alone with, a student with no discernible educational purpose.
  - c. Engaging in behavior that reasonably may be construed as involving an inappropriate or overly personal or intimate relationship with, conduct toward, or focus on a student.
  - d. Engaging in other individualized, special treatment not in compliance with generally accepted educational practices.
4. "Local education agency" or "LEA" means a local education agency and an educational building, facility, or program that employs educators licensed by the board which offers grades from kindergarten through grade twelve.
5. "Sexual conduct" means any of the following:
  - a. Telling explicit sexual jokes and stories.
  - b. Engaging in sexual kidding or teasing.
  - c. Engaging in sexual innuendos or making comments with double entendre.
  - d. Inappropriate physical touching.
  - e. Using spoken, written, or electronic communication to importune, invite, participate with, or entice an individual to expose or touch the individual's own or another individual's intimate body parts or to observe the individual's intimate body parts via computer network or system, social media platform, telephone network, or data network or by text message or instant messaging.
  - f. Sexual advances or requests for sexual favors.
  - g. Physical or romantic relationships, including sexual intercourse or oral sexual intercourse.
  - h. Discussion of one's personal romantic or sexual feelings or activities.

- i. Discussion, outside of a professional teaching or counseling context endorsed or required by an employing school district, of a student's romantic or sexual feelings or activities.
- j. Displaying, sharing, or transmitting pornographic or sexually explicit materials.
- k. Physical contact the student previously has indicated is unwelcome, unless the contact is professionally required (e.g. to teach a sport or other skill, or to protect the safety of the student or others).
- l. Other than for purposes of addressing student dress code violations or concerns, referencing the physical appearance or clothes of a student in a way that could reasonably be interpreted as sexual.
- m. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.

6. "Sexually explicit" means communication, language, or material, including a photographic or video image, relating to or describing sexual conduct, as defined by subsection 5.

7. "Student" means an individual enrolled in any LEA.

**History:** Effective July 1, 2025.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

#### **67.1-03-01-02. Principle I - Commitment to the student.**

In fulfilling obligations to students, the North Dakota educator:

- 1. ~~Shall~~May not, without just cause, deny the student access to varying points of view;
- 2. ~~Shall not intentionally~~Intentionally may not suppress or distort subject matter relevant to a student's academic program;
- 3. Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being;
- 4. ~~Shall~~May not engage in physical abuse of a student or sexual conduct with a student and shall report to the education standards and practices board knowledge of such an act by an educator;
- 5. ~~Shall~~May not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
- 6. ~~Shall~~May not use professional relationships with a student for personal advantage or gain by soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, emotional, or physical relationship with a student;
- 7. May not engage in sexual conduct with or make an effort to groom a student which results from the educator's affiliation with an LEA in an official capacity. It is not a defense to an alleged violation of this section that the student consented to the conduct. The prohibitions described in this section extend at least twenty-four months after the date of the student's graduation or the date the student otherwise ceases enrollment in an LEA.

8. Shall disclose confidential information about individuals, in accordance with state and federal laws, ~~only when~~if a compelling professional purpose is served or when required by law; and

~~8-9.~~ Shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

**History:** Effective July 1, 1995; amended effective August 1, 2002; October 1, 2020; July 1, 2025.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

### **67.1-03-01-03. Principle II - Commitment to the profession.**

In fulfilling obligations to the profession, the North Dakota educator:

1. Shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
2. ~~Shall~~May not, on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, nor discriminate in employment practice, assignment, or evaluation of personnel;
3. ~~Shall~~May not sexually harass a fellow employee;
4. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;
5. Shall present complete and accurate information on the application for licensure and employment;
6. Shall present complete and accurate information on any document in connection with professional responsibilities;
7. Shall present evaluations of and recommendations for colleagues fairly, accurately, and professionally;
8. Shall cooperate with the ~~education standards and practices~~ board in inquiries and hearings and shall not file false complaints or shall not seek reprisal against any individuals involved with the complaint;
9. ~~Shall~~May not ~~knowingly~~ distort knowingly, withhold, or misrepresent information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
10. ~~Shall~~May not breach a professional employment contract;
11. ~~Shall~~May not ~~knowingly~~ assign knowingly professional duties for which ~~a professional~~an educator's license is required;
12. ~~Shall~~May not accept a gratuity, gift, or favor that might influence or appear to influence professional judgement, nor offer a gratuity, gift, or favor to obtain special advantage; and
13. Shall exhibit professional conduct in safeguarding and maintaining the confidentiality of test materials and information.

**History:** Effective July 1, 1995; amended effective August 1, 2002; July 1, 2025.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

#### 67.1-03-01-04. Principle III - Commitment to the community.

In fulfilling these obligations to the public, the North Dakota educator:

1. Shall distinguish between personal views and the views of the employing ~~educational agency~~ LEA;
2. ~~Shall~~ May not distort or misrepresent the facts concerning educational matter; and
3. ~~Shall~~ May not interfere in the exercise of political and citizenship rights and responsibilities of others.

**History:** Effective July 1, 1995; amended effective August 1, 2002; July 1, 2025.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10



## CHAPTER 67.1-04-03

### 67.1-04-03-01. National board certification.

#### 1. Definitions.

- a. "Board" means the education standards and practices board.
- b. "Certification" means national board certification as provided by the national board.
- c. "National board" means the national board for professional teaching standards.

#### 2. Board duties. Based upon receiving state dollars, the board shall:

- a. Inform teachers of the national board certification program and the scholarships and services the national board provides to teachers seeking certification.
- b. Collect and review in the order received scholarship applications from individuals who are licensed to teach by the board or approved to teach by the board.
- c. Approve first-time applicants based on funding availability.
- d. During each year of the biennium, reserve three of the available scholarships until October first for individuals teaching at low-performing schools. At that time, the three slots, if not filled, become available to other applicants.
- e. Require the recipient to serve during the school year as a full-time classroom teacher in a public or nonpublic school.
- f. Require the recipient to participate in mentoring developed and implemented in the employing school or district.
- g. Ensure that all scholarship recipients receive adequate information regarding level of commitment required to acquire certification.

~~h.~~ If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship.

#### 3. Recertification process.

- a. Collect and review in the order received scholarship applications for national board recertification from individuals who are licensed to teach by the board or approved to teach by the board;
- b. Approve recertification applications, based upon availability of state funds, applications will be accepted and funded on a first-come, first-served basis;
- c. Require each recipient for a scholarship under this subsection serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
- d. If available, require each recipient of a scholarship under this subsection to participate in mentoring programs developed and implemented in the employing school or school district.

#### 4. Stipends.

a. ~~The board shall pay to any individual who received national board certification before July 1, 2007, one thousand dollars for each year the individual has maintained and continues to maintain national board certification, provided the individual continues to be employed by a school district in this state. An individual may not receive more than four thousand dollars under this subsection.~~

~~b.~~ At the conclusion of each school year after the individual received national board certification, the board shall pay to an individual an additional ~~one thousand~~ one thousand five hundred state dollars for the life of the national board certificate, if:

(1) The individual was employed during the school year as a full-time classroom teacher by a school district in this state.

(2) If available, require the participant for a scholarship under this section to participate in ~~any~~ efforts of the employing school district to develop and implement teacher mentoring programs.

~~e.b.~~ The payment provided for in this subsection is available beginning with the 2007-08 school year.

~~d.c.~~ ~~As a prerequisite~~ To qualify for funding, the applicant must:

(1) Have acquired a baccalaureate degree from a state-approved or accredited teacher education program;

(2) Hold a valid North Dakota educator's professional license; and

(3) ~~Have successfully completed three years of teaching at one or more elementary, middle, or secondary schools in North Dakota; and~~

~~(4)~~ Currently be a North Dakota kindergarten through grade twelve public or nonpublic classroom ~~instructors~~ instructor.

~~e.d.~~ The applicant may apply for the guide to national board certification, which includes the application process by contacting the education standards and practices board, and for one-half of the application fee by submitting the completed application to the education standards and practices board by December first. Based upon availability of state funds, applications ~~will~~ must be accepted and funded on a first-come, first-served basis.

5. ~~**Successful completion.** Upon documented successful completion, the national board for professional teaching standards certification may be added between renewal periods for a fee as pursuant to the five-year renewal fee in section 67.1-02-02-04, and additional years equivalent to the number of years left of national certification is also added to the license expiration date at the time of the addition of national board for professional teaching standards certification.~~

~~6.~~ **Renewal.** The board recognizes the national board certification as fulfilling the requirement for license renewal until expiration of the national board certificate.

**History:** Effective July 1, 2012; amended effective October 1, 2020; January 1, 2024; July 1, 2025.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12.1, 15.1-13-22, 15.1-18-02, 15.1-18-03