

Introduced by

Education Committee

(At the request of the Education Standards and Practices Board)

1 A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota
2 Century Code, relating to grounds for the automatic denial or revocation of teaching certificates;
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 15-36 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Crimes against a child and sexual offenses - Denial of or immediate revocation of**
8 **teaching certificate.**

- 9 1. Notwithstanding any other law, the education standards and practices board shall
10 deny an application for a teaching certificate and shall revoke immediately the
11 teaching certificate of an individual, other than an administrator, who has been
12 found guilty of a crime against a child or a sexual offense. Notwithstanding any
13 other law, the administrator's professional practices board shall revoke
14 immediately the teaching certificate of an administrator who has been found guilty
15 of a crime against a child or a sexual offense.
- 16 2. An individual, other than an administrator, who is denied a teaching certificate or
17 who has had a teaching certificate revoked under subsection 1 may file a request
18 with the education standards and practices board for a due process hearing under
19 chapter 28-32. The hearing must be held within ten days of the request. An
20 administrator who has had a teaching certificate revoked under subsection 1 may
21 file a request with the administrator's professional practices board for a due
22 process hearing under chapter 28-32. The hearing must be held within ten days of
23 the request. The scope of the hearing is limited to determining whether the

individual was convicted of a crime against a child or a sexual offense and whether the conviction has been overturned on appeal.

3. A final decision denying a teaching certificate or revoking a teaching certificate under this section is appealable pursuant to chapter 28-32. A court may not stay the decision pending an appeal. A court shall affirm the decision denying a teaching certificate or revoking a teaching certificate unless the court finds that the individual was not convicted of a crime against a child or a sexual offense or that the conviction was overturned on appeal.

4. The education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, may impose a fee against a certificate holder to reimburse the education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, for all or part of the costs of administrative actions that result in disciplinary action against the certificate holder.

5. As used in this section:

a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt overturned on appeal.

b. "Crime against a child" means violation of chapter 12.1-16, 12.1-17, 12.1-18, or 12.1-29, or an equivalent ordinance, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt to commit these offenses.

c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, or 12.1-22-03.1, or chapter 12.1-27.2, or an equivalent ordinance.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.