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Sixty-second Legislative Assembly of North Dakota

Introduced by

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12-60-24.

FIRST DRAFT:

Prepared by the Legislative Council staff for the Education Committee

June 2010

1	A BILL for an Act to amend a	nd reenact sections 15	5.1-06-06.	15.1-13-18	. 15.1-13-19	. and

2 15.1-13-25 of the North Dakota Century Code, relating to school approval.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

3	BE II ENA	CIED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAROTA:			
4	SEC	TION 1. AMENDMENT. Section 15.1-06-06 of the North Dakota Century Code is			
5	amended and reenacted as follows:				
6	15.1-06-06. Approval of public and nonpublic schools. Each public and nonpublic				
7	school in this state offering elementary or secondary education to students must be approved				
8	by the superintendent of public instruction. Except as otherwise provided by law, the				
9	superintendent may not approve a school unless:				
10	1.	To be certified as an approved school by the superintendent of public instruction,			
11		the principal of each school shall submit to the superintendent of public instruction			
12		a compliance report verifying that:			
13		<u>a.</u> Each classroom teacher is licensed to teach by the education standards and			
14		practices board or approved to teach by the education standards and			
15		practices board;			
16	2.	<u>b.</u> Each classroom teacher is teaching only in those course areas or fields for			
17		which the teacher is licensed or for which the teacher has received an			
18		exception under section 15.1-09-57;			
19	3.	The students are offered all subjects required by law;			
20	4 .	The school is in compliance with all local and state health, fire, and safety laws;			
21		and			

The school has conducted all criminal history record checks required by section

The school meets all curricular requirements set forth in chapter 15.1-21;

1		<u>d.</u>	d. The school has been inspected by the state fire marshal or the state fire	
2			mars	hal's designee in accordance with section 15.1-06-09 or 15.1-06-10 and:
3			<u>(1)</u>	Has no unremedied deficiency; or
4			<u>(2)</u>	Has deficiencies that have been addressed in a plan of correction which
5				was submitted to and approved by the state fire marshal or the state fire
6				marshal's designee; and
7		<u>e.</u>	All in	dividuals hired after August 1, 2011, and having unsupervised contact
8			with s	students at the school, have:
9			<u>(1)</u>	Undergone a criminal history background check requested by the
10				employing school district or requested on behalf of the employing
11				nonpublic school; or
12			<u>(2)</u>	Undergone a criminal history background check in order to be licensed
13				by the education standards and practices board or by any other state
14				licensing board.
15	<u>2.</u>	The	comp	liance report required by subsection 1 must:
16		<u>a.</u>	(1)	In the case of a public school, bear the signatures of the school
17				principal, the superintendent of the school district, and the president of
18				the school board; or
19			<u>(2)</u>	In the case of a nonpublic school, bear the signatures of the school
20				principal, the superintendent of the school if one is employed, and the
21				president of the school's governing board; and
22		<u>b.</u>	Be fil	ed with the superintendent of public instruction before five p.m. on the:
23			<u>(1)</u>	Fifteenth day of September; or
24			<u>(2)</u>	Date of the extension provided under subsection 4.
25	<u>3.</u>	<u>lf a s</u>	school	fails to submit its compliance report at the time and in the manner
26		requ	<u>iired b</u>	y subsection 2, the superintendent of public instruction shall designate
27		the school as unapproved. The superintendent of public instruction shall post a		
28		current list of all approved and unapproved schools on the department's website.		
29		<u>a.</u>	In the	e case of a public school, the superintendent of public instruction shall
30			subtr	act from any state aid otherwise payable to the school district the
31			prora	ted amount attributable to the students in attendance at the unapproved

1 school for each day that the school's compliance report is not on file with the 2 superintendent of public instruction. 3 In the case of a nonpublic school, the superintendent of public instruction shall b. 4 notify the parents of students enrolled in the school, either directly or through 5 local media outlets, that the school is unapproved and that the parents may 6 therefore be in violation of the state's compulsory attendance provisions. 7 If because of unforeseen or other extenuating circumstances a school is unable to 4. 8 file its compliance report with the superintendent of public instruction before 9 five p.m. on September fifteenth, the school principal may request one extension 10 from the superintendent of public instruction. The superintendent of public 11 instruction shall grant the extension provided the request was received before 12 five p.m. on September fifteenth. An extension under this section terminates at 13 five p.m. on September thirtieth. 14 Upon receipt of a school's compliance report, as required by this section, the 5. 15 superintendent of public instruction shall certify the school as being approved. A 16 certification of approval under this subsection expires at the conclusion of the 17 regular school calendar. 18 If after being certified as approved a school experiences circumstances or events <u>6.</u> 19 that would render the information contained in its compliance report inaccurate, the 20 principal of the school shall notify the superintendent of public instruction and work 21 with the superintendent of public instruction to address the circumstances or 22 events at the earliest possible time. 23 SECTION 2. AMENDMENT. Section 15.1-13-18 of the North Dakota Century Code is 24 amended and reenacted as follows: 25 15.1-13-18. Teaching license - Presentation to business manager. 26 Before being employed to teach by a public school district, an individual shall 27 present to the school district business manager a teaching license or other 28 evidence of approval to teach issued by the board. 29 2<u>.</u> Before being employed to teach by a nonpublic school, an individual shall present 30 to the school business manager a teaching license or other evidence of approval to 31 teach issued by the board.

1	SEC	ا١١٥١ ز	N 3. AMENDMENT. Section 15.1-13-19 of the North Dakota Century Code is		
2	amended and reenacted as follows:				
3	15.1-13-19. Teaching license - Expiration. Notwithstanding any other law, an				
4	individual whose if an individual's teaching license expires within the final six weeks of a school				
5	year may continue teaching under the expired license district's or nonpublic school's calendar,				
6	that individual's license is deemed to be extended and in effect until the completion of the				
7	school year <u>district's or nonpublic school's calendar</u> .				
8	SECTION 4. AMENDMENT. Section 15.1-13-25 of the North Dakota Century Code is				
9	amended and reenacted as follows:				
10	15.1-13-25. Teaching license - Action by board - Causes.				
11	1.	Afte	er holding a public hearing in accordance with chapter 28-32, the board may		
12		issu	ue a written warning or reprimand to the individual, suspend the individual's		
13	teaching license, or revoke the individual's teaching license if:				
14		a.	The individual obtained a license by means of fraud, misrepresentation, or		
15			concealment of facts.		
16		b.	The board becomes aware of any fact or circumstance that would have		
17			caused the board to deny licensure had the board known of the fact or		
18			circumstance at the time of initial licensure.		
19		C.	The individual is incompetent, immoral, intemperate, or cruel.		
20		d.	The individual has been convicted of, has pled guilty to, or has pled		
21			nolo contendere to an offense deemed by the board to have a direct bearing		
22			upon an individual's ability to serve as a teacher or an administrator.		
23		e.	The board believes that the individual, having been convicted of an offense,		
24			has not been sufficiently rehabilitated under section 12.1-33-02.1.		
25		f.	The individual has refused to perform the duties of a teacher or an		
26			administrator.		
27		g.	The individual has breached a contract with a school district or nonpublic		
28			school.		
29		h.	The individual knowingly taught in violation of chapter 15.1-18.		

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1		i. The individual is <u>an administrator in</u> a school district administrator <u>or a</u>
2		nonpublic school and knowingly permitted another individual to teach in
3		violation of chapter 15.1-18.
4		j. The individual has violated this chapter or any rule adopted by the board.
5	2.	Any action of the board taken under this section may be appealed to the distric

2. Any action of the board taken under this section may be appealed to the district court of Burleigh County in accordance with chapter 28-32.