

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1029

Introduced by

Legislative Management

(Education Committee)

1 A BILL for an Act to create and enact ~~a new section to chapter 15.1-06 and~~ sections  
2 15.1-06-06.1, 15.1-06-06.2, and 15.1-06-06.3 of the North Dakota Century Code, relating to  
3 school approval ~~and safety requirements~~; to amend and reenact sections 15.1-02-11,  
4 15.1-06-06, 15.1-13-18, 15.1-13-19, and 15.1-13-25 of the North Dakota Century Code, relating  
5 to school approval; to repeal sections 15.1-27-08 and 15.1-27-09 of the North Dakota Century  
6 Code, relating to payment reductions for unaccredited schools; to provide an effective date; and  
7 to declare an emergency.

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

9 **SECTION 1. AMENDMENT.** Section 15.1-02-11 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-02-11. Superintendent of public instruction - Accreditation of schools - Rules.**

12 The superintendent of public instruction may adopt rules governing the accreditation of  
13 public and nonpublic schools. Any rule adopted under this section must incorporate measures  
14 of student achievement and bear a direct relationship to improving student achievement.

15 **SECTION 2. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **15.1-06-06. Approval of public and nonpublic schools.**

18 ~~Each public and nonpublic school in this state offering elementary or secondary education~~  
19 ~~to students must be approved by the superintendent of public instruction. Except as otherwise~~  
20 ~~provided by law, the superintendent may not approve a school unless:~~

- 21 1. ~~To be certified as an approved school by the superintendent of public instruction, the~~  
22 ~~principal of each public school shall submit to the superintendent of public instruction a~~  
23 ~~compliance report verifying that:~~ In order to obtain certification that a public school is

approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:

a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;

~~2. b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;~~

~~3. The students are offered all subjects required by law;~~

~~4. The school is in compliance with all local and state health, fire, and safety laws; and~~

~~5. The school has conducted all criminal history record checks required by section 12-60-24.~~

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

d. The school participates in and meets the requirements of a review process that is:

(1) Designed to improve student achievement through a continuous cycle of improvement; and

(2) Approved by the superintendent of public instruction;

e. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:

(1) Has no unremedied deficiency; or

(2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; and

f. All individuals hired after ~~July 31~~ June 30, 2011, and having unsupervised contact with students at the school, have:

(1) Undergone a criminal history background check requested by the employing school district; or

(2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board.

2. The compliance report required by subsection 1 must:
  - a. Be signed by the school principal and the superintendent of the school district;
  - b. Be formally approved by the board of the school district; and
  - c. Be filed with the superintendent of public instruction before five p.m. on the:
    - (1) First day of October; or
    - (2) The date of the extension provided under subsection 6.
3. On the tenth day of September and on the twenty-fifth day of September, the superintendent of public instruction shall provide to each school principal, school district superintendent, and school board member, electronic notification that the compliance report is due on the first day of October.
4. If a school's compliance report is not submitted at the time and in the manner required by subsection 2, the superintendent of public instruction shall designate the school as unapproved. ~~The~~ No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the superintendent of public instruction shall post a ~~current list of all approved and unapproved public schools~~ notice on the department's website, indicating whether a school is approved or unapproved.
5. If a public school does not meet the approval requirements of this section, the superintendent of public instruction shall:
  - a. Notify the parents of students enrolled in the school, either directly or through the local media outlets, that the school is unapproved; and
  - b. Subtract from any state aid otherwise payable to the school district the prorated amount attributable to the students in attendance at the unapproved school for each day that the school's compliance report is not on file with the superintendent of public instruction.
6. If because of unforeseen or other extenuating circumstances a school ~~district~~ superintendent is unable to file ~~its~~ a school's compliance report with the superintendent of public instruction before five p.m. on October first, the school ~~principal~~ district superintendent may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided

the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.

7. Upon receipt of a school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.

8. If after being certified as approved a school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the ~~principal~~superintendent of the school district in which the school is located shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time.

9. If a school district does not employ a superintendent, the duties required of a school district superintendent by this section must be performed as provided for in chapter 15.1-11.

**SECTION 3.** Section 15.1-06-06.1 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.1. Approval of nonpublic schools.**

1. ~~To be certified as an approved school by the superintendent of public instruction~~In order to obtain certification that a nonpublic school is approved, the administrator of ~~each~~a nonpublic school shall submit to the superintendent of public instruction a compliance report verifying that:

a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;

b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;

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

d. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-10 and:

(1) Has no unremedied deficiency; or

- 1                   (2) Has deficiencies that have been addressed in a plan of correction which  
2                   was submitted to and approved by the state fire marshal or the state fire  
3                   marshal's designee; and
- 4           e. All individuals hired after ~~July 31~~June 30, 2011, and having unsupervised contact  
5           with students at the school, have:
- 6                   (1) Undergone a criminal history background check requested on behalf of the  
7                   employing school; or
- 8                   (2) Undergone a criminal history background check in order to be licensed by  
9                   the education standards and practices board or by any other state licensing  
10                  board.
- 11       2. The compliance report required by subsection 1 must:
- 12           a. Be signed by the school administrator;
- 13           b. Be formally approved by the governing board of the school; and
- 14           c. Be filed with the superintendent of public instruction before five p.m. on:
- 15                   (1) The first day of October; or
- 16                   (2) The date of the extension provided under subsection 5.
- 17       3. On the tenth day of September and on the twenty-fifth day of September, the  
18           superintendent of public instruction shall provide to each school administrator and  
19           member of the governing board, electronic notification that the compliance report is  
20           due on the first day of October.
- 21       4. If a nonpublic school's compliance report is not submitted at the time and in the  
22           manner required by subsection 2, the superintendent of public instruction shall  
23           designate the school as unapproved. ~~The~~No later than thirty days after the date on  
24           which a school's compliance report is due, in accordance with subsection 2, the  
25           superintendent of public instruction shall post a ~~current list of all approved and~~  
26           ~~unapproved nonpublic schools~~notice on the department's website, indicating whether  
27           a nonpublic school is approved or unapproved.
- 28       5. If a nonpublic school does not meet the approval requirements of this section, the  
29           superintendent of public instruction shall notify the parents of students enrolled in the  
30           school, either directly or through the local media outlets, that the school is unapproved

and that the parents may be in violation of the state's compulsory attendance provisions.

6. If because of unforeseen or other extenuating circumstances the administrator of a nonpublic school is unable to file ~~its~~the school's compliance report with the superintendent of public instruction before five p.m. on October first, the school administrator may request one extension from the superintendent of public instruction. The superintendent of public instruction shall grant the extension provided the request was received before five p.m. on October first. An extension under this section terminates at five p.m. on October fifteenth.

7. Upon receipt of a nonpublic school's compliance report, as required by this section, the superintendent of public instruction shall certify the school as being approved. A certification of approval under this subsection expires at the conclusion of the regular school calendar.

8. If after being certified as approved a nonpublic school experiences circumstances or events that would render the information contained in its compliance report inaccurate, the administrator of the nonpublic school shall notify the superintendent of public instruction and work with the superintendent of public instruction to address the circumstances or events at the earliest possible time.

**SECTION 4.** Section 15.1-06-06.2 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.2. Compliance report - Impossibility of timely submission.**

The superintendent of public instruction may delay imposing the sanctions set forth in section 15.1-06-06 in the case of a public school and may delay imposing the sanctions set forth in section 15.1-06-06.1 in the case of a nonpublic school, until a time certain, if:

1. The required submission of a school's compliance report is an impossibility due to:
  - a. A natural disaster or act of God, including fire, earthquake, or tornado;
  - b. An unauthorized or illegal act by a third party, including terrorism, sabotage, riot, or vandalism;
  - c. Death;
  - d. A medical or personal emergency;

e. Operational interruption, including electrical failure, and computer hardware or software failures; or

f. Governmental action, including an emergency order or judicial or law enforcement action; and

2. The superintendent of public instruction determines that the report, had it been submitted, would have demonstrated compliance with the approval requirements of section 15.1-06-06 in the case of a public school and compliance with the approval requirements of section 15.1-06-06.1 in the case of a nonpublic school.

**SECTION 5.** Section 15.1-06-06.3 of the North Dakota Century Code is created and enacted as follows:

**15.1-06-06.3. Required records - Verification of information - Site visits.**

1. The superintendent of public instruction shall notify each school and school district of the records that must be maintained in order to allow the superintendent of public instruction to verify the information contained in each compliance report. The superintendent of public instruction shall establish the length of time that the records must be maintained.

a. The superintendent of public instruction may examine the records of any public school at any time and may conduct site visits to ensure the accuracy of information provided on the compliance report. The site visits may be scheduled or unscheduled.

b. The superintendent of public instruction may examine the records of any nonpublic school upon request.

~~**SECTION 6.** A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:~~

~~**Automated external defibrillators - Requirements.**~~

~~1. The superintendent of public instruction shall provide electronic notification, at least twice each year, to each school district superintendent and to the administrator of each nonpublic school indicating that, in accordance with section 32-03.1-02.3, any person who acquires an automated external defibrillator shall:~~

~~a. Require every individual expected to use the automated external defibrillator to receive American heart association or American red cross training in~~

~~cardiopulmonary resuscitation and automated external defibrillator use or receive  
an equivalent nationally recognized course in cardiopulmonary resuscitation and  
automated external defibrillator use;~~

~~b. Maintain and test the automated external defibrillator according to the  
manufacturer's operational guidelines;~~

~~c. Establish an automated external defibrillator use protocol that requires any  
person who provides emergency care or treatment to an individual in cardiac  
arrest by using the automated external defibrillator to contact an appropriate  
health care provider or emergency medical services provider as soon as  
possible; and~~

~~d. Consider the recommendations of a physician in establishing the training,  
notification, and maintenance requirements of section 32-03.1-02.3.~~

~~2. Each school district superintendent and administrator of each nonpublic school shall  
maintain records verifying that the requirements of section 32-03.1-02.3 have been  
met.~~

**SECTION 6. AMENDMENT.** Section 15.1-13-18 of the North Dakota Century Code is  
amended and reenacted as follows:

**15.1-13-18. Teaching license - Presentation to business manager.**

1. Before being employed to teach by a school district, an individual shall present to the  
school district business manager a teaching license or other evidence of approval to  
teach issued by the board.

2. Before being employed to teach by a nonpublic school, an individual shall present to  
the school business manager a teaching license or other evidence of approval to  
teach issued by the board.

**SECTION 7. AMENDMENT.** Section 15.1-13-19 of the North Dakota Century Code is  
amended and reenacted as follows:

**15.1-13-19. Teaching license - Expiration.**

Notwithstanding any other law, ~~an individual whose~~ if an individual's teaching license expires  
within the final six weeks of a school year ~~may continue teaching under the expired-~~  
~~licensed district's or nonpublic school's calendar, that individual's license is deemed to be~~



1 extended and in effect until the completion of the school year district's or nonpublic school's  
2 calendar.

3 **SECTION 8. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15.1-13-25. Teaching license - Action by board - Causes.**

- 6 1. After holding a public hearing in accordance with chapter 28-32, the board may issue  
7 a written warning or reprimand to the individual, suspend the individual's teaching  
8 license, or revoke the individual's teaching license if:
- 9 a. The individual obtained a license by means of fraud, misrepresentation, or  
10 concealment of facts.
  - 11 b. The board becomes aware of any fact or circumstance that would have caused  
12 the board to deny licensure had the board known of the fact or circumstance at  
13 the time of initial licensure.
  - 14 c. The individual is incompetent, immoral, intemperate, or cruel.
  - 15 d. The individual has been convicted of, has pled guilty to, or has pled  
16 nolo contendere to an offense deemed by the board to have a direct bearing  
17 upon an individual's ability to serve as a teacher or an administrator.
  - 18 e. The board believes that the individual, having been convicted of an offense, has  
19 not been sufficiently rehabilitated under section 12.1-33-02.1.
  - 20 f. The individual has refused to perform the duties of a teacher or an administrator.
  - 21 g. The individual has breached a contract with a school district or nonpublic school.
  - 22 h. The individual knowingly taught in violation of chapter 15.1-18.
  - 23 i. The individual is an administrator in a school district ~~administrator~~ or a nonpublic  
24 school and knowingly permitted another individual to teach in violation of chapter  
25 15.1-18.
  - 26 j. The individual has violated this chapter or any rule adopted by the board.
- 27 2. Any action of the board taken under this section may be appealed to the district court  
28 of Burleigh County in accordance with chapter 28-32.

29 **SECTION 9. REPEAL.** Sections 15.1-27-08 and 15.1-27-09 of the North Dakota Century  
30 Code are repealed.

31 **SECTION 10. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011.

1        **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.