

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1029**

Introduced by

Legislative Management

(Education Committee)

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

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

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

10 **15.1-02-11. Superintendent of public instruction - Accreditation of schools - Rules.**

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

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

16 **15.1-06-06. Approval of public and nonpublic schools.**

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

- 20 1. In order to obtain certification that a public school is approved, the superintendent of
21 the district in which the school is located shall submit to the superintendent of public
22 instruction a compliance report verifying that:

- 1 a. Each classroom teacher is licensed to teach by the education standards and
- 2 practices board or approved to teach by the education standards and practices
- 3 board;
- 4 2. ~~b. Each classroom teacher is teaching only in those course areas or fields for which~~
- 5 the teacher is licensed or for which the teacher has received an exception under
- 6 section 15.1-09-57;
- 7 3. ~~The students are offered all subjects required by law;~~
- 8 4. ~~The school is in compliance with all local and state health, fire, and safety laws; and~~
- 9 5. ~~The school has conducted all criminal history record checks required by section~~
- 10 ~~42-60-24.~~
- 11 c. The school meets all curricular requirements set forth in chapter 15.1-21;
- 12 d. The school participates in and meets the requirements of a review process that
- 13 is:
- 14 (1) Designed to improve student achievement through a continuous cycle of
- 15 improvement; and
- 16 (2) Approved by the superintendent of public instruction;
- 17 e. The school has been inspected by the state fire marshal or the state fire
- 18 marshal's designee in accordance with section 15.1-06-09 and:
- 19 (1) Has no unremedied deficiency; or
- 20 (2) Has deficiencies that have been addressed in a plan of correction which
- 21 was submitted to and approved by the state fire marshal or the state fire
- 22 marshal's designee; and
- 23 f. All individuals hired after June 30, 2011, and having unsupervised contact with
- 24 students at the school, have:
- 25 (1) Undergone a criminal history background check requested by the employing
- 26 school district; or
- 27 (2) Undergone a criminal history background check in order to be licensed by
- 28 the education standards and practices board or by any other state licensing
- 29 board.
- 30 2. The compliance report required by subsection 1 must:
- 31 a. Be signed by the school principal and the superintendent of the school district;

- 1 b. Be formally approved by the board of the school district; and
- 2 c. Be filed with the superintendent of public instruction before five p.m. on the:
- 3 (1) First day of October; or
- 4 (2) The date of the extension provided under subsection 6.
- 5 3. On the tenth day of September and on the twenty-fifth day of September, the
- 6 superintendent of public instruction shall provide to each school principal, school
- 7 district superintendent, and school board member, electronic notification that the
- 8 compliance report is due on the first day of October.
- 9 4. If a school's compliance report is not submitted at the time and in the manner required
- 10 by subsection 2, the superintendent of public instruction shall designate the school as
- 11 unapproved. No later than thirty days after the date on which a school's compliance
- 12 report is due, in accordance with subsection 2, the superintendent of public instruction
- 13 shall post a notice on the department's website, indicating whether a school is
- 14 approved or unapproved.
- 15 5. If a public school does not meet the approval requirements of this section, the
- 16 superintendent of public instruction shall:
- 17 a. Notify the parents of students enrolled in the school, either directly or through the
- 18 local media outlets, that the school is unapproved; and
- 19 b. Subtract from any state aid otherwise payable to the school district the prorated
- 20 amount attributable to the students in attendance at the unapproved school for
- 21 each day that the school's compliance report is not on file with the superintendent
- 22 of public instruction.
- 23 6. If because of unforeseen or other extenuating circumstances a school district
- 24 superintendent is unable to file a school's compliance report with the superintendent of
- 25 public instruction before five p.m. on October first, the school district superintendent
- 26 may request one extension from the superintendent of public instruction. The
- 27 superintendent of public instruction shall grant the extension provided the request was
- 28 received before five p.m. on October first. An extension under this section terminates
- 29 at five p.m. on October fifteenth.
- 30 7. Upon receipt of a school's compliance report, as required by this section, the
- 31 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 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. In order to obtain certification that a nonpublic school is approved, the administrator of 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

(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

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

- 1 (1) Undergone a criminal history background check requested on behalf of the
2 employing school; or
- 3 (2) Undergone a criminal history background check in order to be licensed by
4 the education standards and practices board or by any other state licensing
5 board.
- 6 2. The compliance report required by subsection 1 must:
- 7 a. Be signed by the school administrator;
- 8 b. Be formally approved by the governing board of the school; and
- 9 c. Be filed with the superintendent of public instruction before five p.m. on:
- 10 (1) The first day of October; or
- 11 (2) The date of the extension provided under subsection 5.
- 12 3. On the tenth day of September and on the twenty-fifth day of September, the
13 superintendent of public instruction shall provide to each school administrator and
14 member of the governing board, electronic notification that the compliance report is
15 due on the first day of October.
- 16 4. If a nonpublic school's compliance report is not submitted at the time and in the
17 manner required by subsection 2, the superintendent of public instruction shall
18 designate the school as unapproved. No later than thirty days after the date on which
19 a school's compliance report is due, in accordance with subsection 2, the
20 superintendent of public instruction shall post a notice on the department's website,
21 indicating whether a nonpublic school is approved or unapproved.
- 22 5. If a nonpublic school does not meet the approval requirements of this section, the
23 superintendent of public instruction shall notify the parents of students enrolled in the
24 school, either directly or through the local media outlets, that the school is unapproved
25 and that the parents may be in violation of the state's compulsory attendance
26 provisions.
- 27 6. If because of unforeseen or other extenuating circumstances the administrator of a
28 nonpublic school is unable to file the school's compliance report with the
29 superintendent of public instruction before five p.m. on October first, the school
30 administrator may request one extension from the superintendent of public instruction.
31 The superintendent of public instruction shall grant the extension provided the request

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

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

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

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

14 **15.1-06-06.2. Compliance report - Impossibility of timely submission.**

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

- 18 1. The required submission of a school's compliance report is an impossibility due to:
19 a. A natural disaster or act of God, including fire, earthquake, or tornado;
20 b. An unauthorized or illegal act by a third party, including terrorism, sabotage, riot,
21 or vandalism;
22 c. Death;
23 d. A medical or personal emergency;
24 e. Operational interruption, including electrical failure, and computer hardware or
25 software failures; or
26 f. Governmental action, including an emergency order or judicial or law
27 enforcement action; and
28 2. The superintendent of public instruction determines that the report, had it been
29 submitted, would have demonstrated compliance with the approval requirements of
30 section 15.1-06-06 in the case of a public school and compliance with the approval
31 requirements of section 15.1-06-06.1 in the case of a nonpublic school.

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

3 **15.1-06-06.3. Required records - Verification of information - Site visits.**

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

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

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

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

17 **15.1-13-18. Teaching license - Presentation to business manager.**

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

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

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

26 **15.1-13-19. Teaching license - Expiration.**

27 ~~Notwithstanding any other law, an individual whose~~if an individual's teaching license expires
28 ~~within the final six weeks of a school year may continue teaching under the expired~~
29 ~~licensed district's or nonpublic school's calendar, that individual's license is deemed to be~~
30 extended and in effect until the completion of the school year ~~district's or nonpublic school's~~
31 calendar.

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

3 **15.1-13-25. Teaching license - Action by board - Causes.**

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

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

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

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