

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1313

Introduced by

Representatives Murphy, Tollefson, Gorder

Senators O'Connell, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to
2 chapter 15-47 of the North Dakota Century Code, relating to the provision of teaching and other
3 educational services on a voluntary basis; and to amend and reenact subsection 10 of section
4 15-29-08, section 15-41-25, and subsection 1 of section 15-47-46 of the North Dakota Century
5 Code, relating to the provision of teaching and other educational services on a voluntary basis
6 and qualifications of elementary and secondary school teachers.

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

8 **SECTION 1. AMENDMENT.** Subsection 10 of section 15-29-08 of the 1995
9 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10 10. To contract with, employ, and pay all teachers in the schools and, for cause, to
11 dismiss or suspend any teacher when the interests of the school may require it.
12 Except as provided in section 15-29-08.4 and section 2 of this Act, every teacher
13 must hold a valid North Dakota teaching certificate issued by the ~~superintendent of~~
14 ~~public instruction~~ education standards and practices board. No person who is
15 related to any member of the board by blood or marriage may be employed as a
16 teacher without the concurrence of two-thirds of the board.

17 **SECTION 2.** A new section to chapter 15-29 of the North Dakota Century Code is
18 created and enacted as follows:

19 **School board - Voluntary teachers.** A school board may allow for the provision of
20 teaching and other educational services to students in grades eight through twelve on a
21 voluntary and uncompensated basis by individuals who are not certificated to teach in this state,
22 but who in the opinion of the board are by education or experience capable of providing valued
23 instruction to students. The number of full-time equivalent individuals providing teaching or

1 other educational services on a voluntary and uncompensated basis under this section may not
2 exceed five percent of the district's full-time equivalent teaching staff.

3 **SECTION 3. AMENDMENT.** Section 15-41-25 of the 1995 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **15-41-25. High schools - Teacher qualification.** Except as provided in section
6 15-29-08.4 and section 2 of this Act, every teacher in any high school in this state teaching any
7 of the course areas or fields mentioned in section 15-41-24 shall have a valid teacher's
8 certificate and shall have a major or minor in the course areas or fields that the teacher is
9 teaching if the high school is to receive any approval by the ~~department~~ superintendent of
10 public instruction. However, a teacher granted a certificate to teach in the disciplines of trade,
11 industrial, technical, and health under chapter 15-20.1 and possessing neither a major nor a
12 minor in the field in which the teacher is employed may not affect the approval of the employing
13 school district.

14 **SECTION 4.** A new section to chapter 15-47 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Status and authority of individuals providing voluntary and uncompensated**
17 **teaching services.** An individual hired in a voluntary and uncompensated capacity to provide
18 teaching and other educational services, as permitted by section 2 of this Act, must be given
19 the same legal authority and status as a certificated teacher employed by the district. The
20 authority of a teacher hired in a voluntary and uncompensated capacity extends to all aspects
21 of student management or discipline, the handling of confidential student records, and all other
22 aspects of legal authority granted to certificated teachers in this state. A teacher hired in this
23 capacity must be deemed a certificated employee of the district within the meaning of sections
24 32-12.1-05 and 39-01-08 relating to liability insurance carried by political subdivisions.

25 **SECTION 5. AMENDMENT.** Subsection 1 of section 15-47-46 of the 1995 Supplement
26 to the North Dakota Century Code is amended and reenacted as follows:

- 27 1. Except as provided in subsections 2 through 4 ~~of~~, section 15-29-08.4, and
28 section 2 of this Act, all teachers teaching kindergarten through grade eight must
29 hold a teaching certificate and:
30 a. A minimum of a kindergarten endorsement to teach kindergarten;

- 1 b. A major, minor, or endorsement in elementary education to teach elementary
- 2 education in grades one through eight; or
- 3 c. An endorsement in kindergarten or elementary education from the
- 4 superintendent of public instruction attained prior to or within two years of the
- 5 assignment to teach kindergarten or elementary education. An endorsement
- 6 may be obtained by completing teaching requirements and a minimum
- 7 number of credit hours in courses prescribed by the superintendent of public
- 8 instruction.