

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1326

Introduced by

Representatives Grande, Brandenburg

Senators Klein, Solberg

1 A BILL for an Act to amend and reenact sections 15-36-11.1 and 15-38-17 of the North Dakota
2 Century Code or in the alternative to amend and reenact section 15.1-13-02, subsection 3 of
3 section 15.1-13-17, and subsection 2 of section 15.1-13-29 of the North Dakota Century Code,
4 relating to the membership of the education standards and practices board and the assessment
5 of fines; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section
8 15-36-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and
9 reenacted as follows:

10 **15-36-11.1. Exception to certificate requirement.** An individual without a valid
11 certificate who is teaching under contract with a school may teach and be employed to teach if
12 approved by the education standards and practices board. The education standards and
13 practices board shall establish by rule the terms and conditions of approval. The terms and
14 conditions may include the payment of ~~fines~~ a fine to the board in an amount not exceeding two
15 hundred fifty dollars per incident, enrollment in and completion of continuing education courses,
16 and a deadline for filing a completed application. Approval to teach and be employed to teach
17 without a valid North Dakota certificate may only be granted if the individual has previously held
18 a valid North Dakota certificate, currently holds a valid teaching certificate or license in another
19 jurisdiction, or has filed a completed application with the board.

20 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section
21 15-38-17 of the 1999 Supplement to the North Dakota Century Code is amended and
22 reenacted as follows:

23 **15-38-17. Education standards and practices board and administrator's**
24 **professional practices board.**

1 1. The education standards and practices board consists of ~~nine~~ ten members. The
2 governor shall appoint four classroom teachers from public schools, one classroom
3 teacher from a private school, ~~one~~ two school board ~~member~~ members, two
4 school administrators, and one dean of a college of education or chairman of a
5 department of education.

6 2. The superintendent of public instruction or the superintendent's designee shall
7 serve as a nonvoting ex officio member.

8 3. The administrator's professional practices board consists of ~~five~~ six members ~~from~~
9 of the education standards and practices board. The administrator's professional
10 practices board includes the two school administrators who are members of the
11 education standards and practices board, the ~~one~~ two school board ~~member~~
12 members who ~~is a member~~ are members of the education standards and practices
13 board, and two teacher members who are members of and are selected by the
14 education standards and practices board.

15 4. The term of office of members of the education standards and practices board and
16 the administrator's professional practices board shall be three years commencing
17 on July first of the year of the appointment.

18 5. Vacancies must be filled for an unexpired term in the same manner as original
19 appointments.

20 6. A person may not serve for more than two consecutive terms as a member of
21 either board. ~~Members of the current teachers' professional practices commission~~
22 ~~may serve out their remaining terms.~~

23 The education standards and practices board and the administrator's professional
24 practices board shall each annually select a chairman and vice chairman, and the executive
25 director of the education standards and practices board or the executive director's designee
26 shall serve as secretary. Meetings of either board must be held after ten days' notice to all
27 members at the call of the chairman or upon request in writing of a majority of either board. A
28 majority constitutes a quorum and a majority of the quorum has authority to act upon any
29 matter properly before either board. Each board shall adopt its own rules of order and
30 procedure not inconsistent with sections 15-38-16 through 15-38-19 and shall hold meetings
31 pursuant to the provisions of sections 15-38-16 through 15-38-19.

1 The members of each board are entitled to receive twenty-five dollars for each day
2 actually engaged in the service of the appropriate board and must be paid actual and
3 necessary traveling and other expenses at the same rate as for employees of the state. A
4 member of either board may not lose the member's regular salary or the above compensation
5 while serving on official business of the appropriate board.

6 **SECTION 3. AMENDMENT.** Section 15.1-13-02 of the North Dakota Century Code as
7 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is
8 amended and reenacted as follows:

9 **15.1-13-02. Education standards and practices board - Membership.**

- 10 1. The governor shall appoint to the education standards and practices board:
- 11 a. Four individuals who are public school classroom teachers;
- 12 b. One individual who is a nonpublic school classroom teacher;
- 13 c. ~~One individual~~ Two individuals who ~~is a~~ are school board ~~member~~ members;
- 14 d. Two individuals who are administrators; and
- 15 e. One dean of a college of education or chairman of a department of education.
- 16 2. The superintendent of public instruction or the superintendent's designee shall
17 serve as a nonvoting ex officio member.

18 **SECTION 4. AMENDMENT.** Subsection 3 of section 15.1-13-17 of the North Dakota
19 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
20 assembly, is amended and reenacted as follows:

- 21 3. The board shall adopt rules establishing the terms and conditions under which an
22 individual may be approved to teach, as provided for in this section. The terms
23 and conditions may include the payment of a fine to the board in an amount not
24 exceeding two hundred fifty dollars per incident, enrollment in and completion of
25 continuing education courses, and submission of a completed application for
26 licensure by a date certain.

27 **SECTION 5. AMENDMENT.** Subsection 2 of section 15.1-13-29 of the North Dakota
28 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
29 assembly, is amended and reenacted as follows:

- 30 2. The subcommittee must consist of the two board members who are administrators,
31 the two board ~~member who is a~~ members who are school board ~~member~~

1 members, and two board members who are teachers and who have been
2 appointed to the subcommittee by the board.

3 **SECTION 6. EFFECTIVE DATE.** This Act becomes effective on July 1, 2001.