

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 ~~and~~ 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:

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- 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 ~~or 15.1-06-10~~ 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 July 31, 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 requested on behalf of the employing nonpublic school;~~ 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:

- 1 ~~a. (1) In the case of a public school, bear the signatures of the school principal,~~
2 ~~the superintendent of the school district, and the president of the school~~
3 ~~board; or~~
- 4 ~~(2) In the case of a nonpublic school, bear the signatures of the school~~
5 ~~principal, the superintendent of the school if one is employed, and the~~
6 ~~president of the school's governing board; and~~
- 7 a. Be signed by the school principal and the superintendent of the school district;
8 b. Be formally approved by the board of the school district; and
9 b.c. Be filed with the superintendent of public instruction before five p.m. on the:
10 (1) ~~Fifteenth~~First day of ~~September~~October; or
11 (2) ~~Date~~The date of the extension provided under subsection 56.
- 12 3. On the tenth day of September and on the ~~fourteenth~~twenty-fifth day of September,
13 the superintendent of public instruction shall provide to each ~~individual required to sign~~
14 ~~a compliance report under subsection 2~~school principal, school district superintendent,
15 and school board member, electronic notification that the compliance report is due on
16 the ~~fifteenth~~first day of ~~September~~October.
- 17 4. If a school's compliance report is not submitted at the time and in the manner required
18 by subsection 2, the superintendent of public instruction shall designate the school as
19 unapproved. The superintendent of public instruction shall post a current list of all
20 approved and unapproved public schools on the department's website.
- 21 5.a. ~~In the case of~~ a public school does not meet the approval requirements of this
22 section, the superintendent of public instruction shall:
- 23 (1)a. Notify the parents of students enrolled in the school, either directly or through the
24 local media outlets, that the school is unapproved; and
- 25 (2)b. Subtract from any state aid otherwise payable to the school district the prorated
26 amount attributable to the students in attendance at the unapproved school for
27 each day that the school's compliance report is not on file with the superintendent
28 of public instruction.
- 29 ~~b. In the case of a nonpublic school, the superintendent of public instruction shall~~
30 ~~notify the parents of students enrolled in the school, either directly or through~~

~~local media outlets, that the school is unapproved and that the parents may
therefore be in violation of the state's compulsory attendance provisions.~~

~~5.6. If because of unforeseen or other extenuating circumstances a school is unable to file
its compliance report with the superintendent of public instruction before five p.m. on
September fifteenthOctober first, the school principal 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 September
fifteenthOctober first. An extension under this section terminates at five p.m. on
September thirtiethOctober fifteenth.~~

~~6.7. 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.~~

~~7.8. 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 of the 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 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, the
administrator of each 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;

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

3 (1) Has no unremedied deficiency; or

4 (2) 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 e. All individuals hired after July 31, 2011, and having unsupervised contact with
8 students at the school, have:

9 (1) Undergone a criminal history background check requested on behalf of the
10 employing school; or

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

14 2. The compliance report required by subsection 1 must:

15 a. Be signed by the school administrator;

16 b. Be formally approved by the governing board of the school; and

17 c. Be filed with the superintendent of public instruction before five p.m. on:

18 (1) The first day of October; or

19 (2) The date of the extension provided under subsection 5.

20 3. On the tenth day of September and on the twenty-fifth day of September, the
21 superintendent of public instruction shall provide to each school administrator and
22 member of the governing board, electronic notification that the compliance report is
23 due on the first day of October.

24 4. If a nonpublic school's compliance report is not submitted at the time and in the
25 manner required by subsection 2, the superintendent of public instruction shall
26 designate the school as unapproved. The superintendent of public instruction shall
27 post a current list of all approved and unapproved nonpublic schools on the
28 department's website.

29 5. If a nonpublic school does not meet the approval requirements of this section, the
30 superintendent of public instruction shall notify the parents of students enrolled in the
31 school, either directly or through the local media outlets, that the school is unapproved

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

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

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

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

18 **SECTION 4.** Section ~~15.1-06-06.1~~15.1-06-06.2 of the North Dakota Century Code is
19 created and enacted as follows:

20 **15.1-06-06.1, 15.1-06-06.2. Compliance report - Impossibility of timely submission.**

21 The superintendent of public instruction may delay imposing the sanctions set forth in
22 ~~subsection 4 of~~ section 15.1-06-06 in the case of a public school and may delay imposing the
23 sanctions set forth in section 15.1-06-06.1 in the case of a nonpublic school, until a time certain,
24 if:

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

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

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

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

10 **SECTION 5.** Section ~~15.1-06-06.2~~15.1-06-06.3 of the North Dakota Century Code is
11 created and enacted as follows:

12 **15.1-06-06.2.15.1-06-06.3. Required records - Verification of information - Site visits.**

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

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

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

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

26 **Automated external defibrillators - Requirements.**

27 1. The superintendent of public instruction shall provide electronic notification, at least
28 twice each year, to each school district superintendent and to the administrator of each
29 nonpublic school indicating that, in accordance with section 32-03.1-02.3, any person
30 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 7. 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 ~~public~~ 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 8. 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~~

1 licensedistrict's or nonpublic school's calendar, that individual's license is deemed to be
2 extended and in effect until the completion of the school yeardistrict's or nonpublic school's
3 calendar.

4 **SECTION 9. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-13-25. Teaching license - Action by board - Causes.**

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

30 **SECTION 10. REPEAL.** Sections 15.1-27-08 and 15.1-27-09 of the North Dakota Century
31 Code are repealed.

- 1 **SECTION 11. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011.
- 2 **SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure.