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Operator's Signature

Yubereca J. Lee

Date

10-16-03

2003 SENATE EDUCATION

SB 2137

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2137

Senate Education Committee

☐ Conference Committee

Hearing Date 01-15-03

Tape Number	Side A	Side B	Meter #
I	x		0 - 9.5
Committee Clerk Signature <i>Sandra Johnson</i>			

Minutes: Chairman Freborg called the committee to order. Roll call was taken with all (6) members present.

Chairman Freborg opened the hearing on SB 2137 relating to teaching without a license; and to provide a penalty.

Testimony in support of SB 2137:

Janet Welk, Education Standards and Practices Board, presented testimony. (see attached).

Senator Cook wondered how a school could hire a teacher without a valid ND license. She said the local board did not check the license before hiring.

Senator Cook asked if the school should be penalized if they are the ones who do the hiring. Ms.

Welk stated there is no recourse in law at this time. There is a law on the books that says the person has to file with the business manager of the local school a copy of their license prior to being paid.

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Senate Education Committee
Bill/Resolution Number SB 2137
Hearing Date 01-15-03

Senator Freborg asked if it is possible for schools to have non-certified teachers teaching. What happens to the school if this occurs. Ms. Welk said there is a law that says in order to act in the profession, you have to have a license or be approved. If a school has more than one non-certified teacher teaching, it would become an accreditation issue and the school would not receive foundation aid payments.

Senator Freborg asked how long it would take before they would lose foundation aid. She could not answer that.

Senator Cook asked if there are examples where teachers have not renewed their license and if they started teaching in the fall of the year, would they be guilty of a Class B misdemeanor. Ms. Welk stated that could be one of the options as described by the AG's office. At the present time, if they have had a license and have failed to renew, they are fined up to a maximum of \$250 at \$50 a day. They can by statute also be disciplined or put on a plan to take additional hours of credit.

Senator Cook asked if this bill is passed, would the individual be fined plus be guilty of a Class B misdemeanor.

Senator Freborg asked, if under present law, the individual could pay the fine and still teach all year. That is a possibility.

Senator Flakoll thinks the local district should have something in their contract addressing this issue, either termination or fine. Janet Welk stated some administrators have wording in the contracts that a teacher must have a valid license.

Senator Freborg asked what the penalty is for a Class B misdemeanor.

Testimony in opposition to SB 2137:

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Senate Education Committee
Bill/Resolution Number SB 2137
Hearing Date 01-15-03

Nancy Sand, NDEA, stated the penalty for a Class B misdemeanor is a maximum fine of \$1000 or 30 days in jail or both. She feels someone who is fraudulent is one issue, but someone whose license has lapsed is quite another issue.

The hearing on SB 2137 was closed.

Senator Cook moved a Do Not Pass. Seconded by Senator Taylor.

Roll Call Vote: 6 YES. 0 NO. 0 Absent. Motion Carried.

Carrier: Senator Taylor

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Date: 1/15/03

Roll Call Vote #: /

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2137

Senate	EDUCATION	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Not Pass*

Motion Made By Sen. Cook Seconded By Sen. Taylor

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Taylor

If the vote is on an amendment, briefly indicate intent:

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REPORT OF STANDING COMMITTEE (410)
January 15, 2003 1:12 p.m.

Module No: SR-07-0589
Carrier: Taylor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2137: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-07-0589

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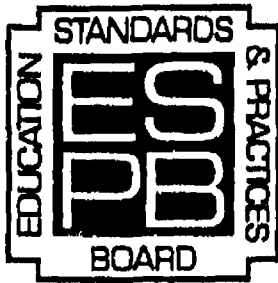
2003 TESTIMONY

SB 2137

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Education Standards and Practices Board

600 East Boulevard Avenue
Bismarck, ND 58505-0080
(701) 328-2264 Fax #328-2815
www.state.nd.us/espb

"Assuring highly qualified professional educators for North Dakota students"

Testimony on SB 2137

By

Janet Placek Welk, Executive Director

Good morning, Chairman Freborg and members of the Senate Education Committee. For the record, I am Janet Placek Welk, Executive Director of the Education Standards and Practices Board and wish to testify on SB 2137.

Senate Bill 2137 provides for an individual who engages in the profession of teaching without holding a teaching license issued by the Education Standards and Practices Board. The Assistant Attorney General who provides legal counsel to the board recommended this bill be drafted after a couple of cases brought before the board. With our present laws, the board had no recourse when an individual had signed a contract with a school, had been in the classroom teaching, and had not even graduated from an institution of higher education with a bachelor's degree in education. A second incident occurred shortly thereafter when a teacher who had graduated from an approved teacher education program, had signed a contract with a school, did not submit an application for licensure and did not show up for the first day of school. The Attorney General's office believes the Education Standards and Practices Board needs this law to continue to regulate the profession. Other professions have this type of law to fall back on when someone has been acting within the professional without the benefit of a license.

We ask for your favorable response to this legislation. I would be happy to answer any questions at this time.

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