

AUG 17 2012



Education Standards and Practices Board  
2718 Gateway Avenue, Suite 303  
Bismarck, ND 58503-0585  
(701) 328-9641 Fax (701) 328-9647  
<http://www.nd.gov/esp>

August 16, 2012

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to adopt and amend administrative rules and a copy of the proposed rules are enclosed as required by N.D.C.C. 28-32-10 (1).

Sincerely,

A handwritten signature in cursive script that reads "Janet Placek Welk".

Janet Placek Welk, PhD  
Executive Director

NOTICE OF INTENT TO  
ADOPT, AMEND, OR REPEAL ADMINISTRATIVE RULES

TAKE NOTICE that the Education Standards and Practices Board will hold a public hearing to address proposed new, amendments to, or repeal of N.D. Admin. Code 67.1 at 1:30 p.m. on October 1, 2012 at the Education Standards and Practices Board, 2718 Gateway Avenue, Suite 303, Bismarck, ND. The purpose of the proposed rules and amendments is to implement statues. The proposed rules and amendments addresses educator licensure. The proposed rules and amendments is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the Education Standards and Practices Board, 2718 Gateway Avenue, Suite 303, Bismarck, ND 58503. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address or calling (701) 328-9641. Written or oral comments on the proposed rules sent to the above address or telephone number and received by October 12, 2012 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Education Standards and Practices Board at the above telephone number or address at least one week prior to the public hearing.

Dated this 16<sup>th</sup> day of August, 2012.

Janet Placek Welk, Ph.D.  
Executive Director  
Education Standards and Practices Board

ABBREVIATED NOTICE OF INTENT TO  
ADOPT AND AMEND ADMINISTRATIVE RULES  
RELATING TO EDUCATOR LICENSURE

TAKE NOTICE that the Education Standards and Practices Board will hold a public hearing to address proposed changes to the N.D. Admin. Code at 1:30 p.m. on October 1, 2012 at the Education Standards and Practices Board, 2718 Gateway Avenue, Suite 303, Bismarck, ND, Bismarck, ND.

A copy of the proposed rules may be obtained by writing the Education Standards and Practices Board or calling (701) 328-9641. Also, written comments may be submitted to the Education Standards and Practices Board, 2718 Gateway Avenue, Suite 303, Bismarck, ND until October 12, 2012. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Education Standards and Practices Board at the above telephone number or address at least one week prior to the public hearing.

Dated this 16<sup>th</sup> day of August, 2012.

Janet Placek Welk, PhD  
Executive Director  
Education Standards and Practices Board



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August 10, 2012

Governor Jack Dalrymple  
North Dakota State Capitol  
600 East Boulevard Avenue  
Bismarck ND 58505

RE: Emergency Rulemaking

Dear Governor Dalrymple:

Pursuant to NDCC § 28-32-03 (1), the Education Standards and Practices Board requests your written approval of emergency rulemaking. Please provide the approval as soon as possible to provide ample time to make the required filings with the Legislative Council and prior to school starting mid-August, 2012.

Enclosed is a copy of the proposed amendments to N.D. Administrative Code ch.67.1-02. The Board found "[e]mergency effectiveness is necessary under NDCC §28-32-03 (2) (a) "imminent peril to the public health, safety, or welfare of children in North Dakota due to the lack of qualified educators in North Dakota classrooms. The Board declared the proposed rules to be interim final rules effective on July 1, 2013. See NDCC §28-32-03 (1).

An emergency effectiveness is necessary as North Dakota is experiencing a rapid growth of school age children. We have many open classrooms without teachers. This emergency rule making would allow the Education Standards and Practices Board the authority to license those educators so all North Dakota children will have a qualified teacher in their classroom for the opening day of school this fall. Without emergency effectiveness, there will be no rules to allow ESPB to issue alternative access licenses to educators applying for open positions to fill classrooms. It is the Board's understanding this would affect approximately 200-250 children in North Dakota.

If you have questions, please contact me at 328-9649.

Sincerely,

Janet Placek Welk, PhD  
Executive Director

**Welk, Janet L.**

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**From:** Effertz, Kayla M.  
**Sent:** Wednesday, August 15, 2012 10:25 AM  
**To:** Welk, Janet L.  
**Subject:** ESPB rules  
**Attachments:** WELK Janet emergency rulemaking0001.pdf

Janet,

Attached is a letter from the Governor. Would you like to pick it up or have us mail it to you?

Kayla

**Kayla Effertz**

Senior Policy Advisor

Office of Governor Dalrymple

Phone: 701.328.2229

Fax: 701.328.2205

[kmeffertz@nd.gov](mailto:kmeffertz@nd.gov)



— State of —  
**North Dakota**

*Office of the Governor*

**Jack Dalrymple**  
*Governor*

August 14, 2012

Janet Welk  
Education & Standards Practice Board  
2718 Gateway Ave, Suite 303  
Bismarck, ND 58503

Dear Janet,

On August 10, 2012, I received your request for approval of emergency rulemaking to amend North Dakota Administrative Rule 67.1-02-04-01 and 67.1-02-04-07 regarding requirements for teacher licensure.

I have reviewed the request pursuant to N.D.C.C. § 28-32-03 and I find that an emergency rulemaking is reasonably necessary and I therefore approve adoption of your proposed rules as interim final rules.

Sincerely,

  
Jack Dalrymple  
Governor

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