

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1275

Introduced by

Representatives Devlin, Brusegaard, Nelson

Senators Andrist, Solberg

1 A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota
2 Century Code or in the alternative to create and enact a new section to chapter 15.1-18 of the
3 North Dakota Century Code, relating to substitute teachers; and to amend and reenact
4 section 15-47-42 of the North Dakota Century Code or in the alternative to amend and reenact
5 section 15.1-18-04 of the North Dakota Century Code, relating to the status and authority of
6 substitute teachers.

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

8 **SECTION 1.** If House Bill No. 1045 does not become effective, a new section to
9 chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

10 **Substitute teachers - Qualifications.** Notwithstanding the provisions of any other law,
11 if after putting forth a good-faith effort a school district is unable to employ as a substitute
12 teacher an individual who is licensed to teach by the education standards and practices board
13 or approved to teach by the education standards and practices board, the school district may
14 employ as a substitute teacher an individual who holds at least a baccalaureate degree and
15 whose academic preparation and work experience would, in the opinion of the individual
16 charged with employing the substitute, contribute positively to the education of the students
17 during the absence of the students' regular teacher.

18 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section
19 15-47-42 of the 1999 Supplement to the North Dakota Century Code is amended and
20 reenacted as follows:

21 **15-47-42. Status and authority of student ~~and~~ teachers, eminence-credentialed**
22 **teachers, and substitute teachers.**

23 1. Any student teacher ~~or~~, eminence-credentialed teacher, or substitute teacher hired
24 or assigned in this capacity must be given the same legal authority and status as if

the student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher were a licensed teacher employed by the school district. The authority of the student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher extends to all aspects of student management or discipline, the handling of confidential student records, and to all other aspects of legal authority granted to licensed teachers in the state. The student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher must be deemed a licensed teacher employed by the district with respect to acts performed by the student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher at the direction, suggestion, or consent of the district employees under whose supervision and control the student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher performs duties, whether or not the duties are performed entirely in the presence of district employees assigned to supervise the student ~~or teacher~~, eminence-credentialed teacher, or substitute teacher, and must be deemed an employee of the school district within the meaning of sections 32-12.1-05 and 39-01-08 relating to liability insurance carried by political subdivisions.

2. For purposes of this section, ~~"eminence-credentialed teacher"~~:

- a. "Eminence-credentialed teacher" means a person an individual providing teaching services in accordance with subsection 21 of section 15.1-09-33.
- b. "Substitute teacher" means an individual providing teaching services in accordance with section 1 of this Act.

SECTION 3. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Substitute teachers - Qualifications. Notwithstanding the provisions of any other law, if after putting forth a good-faith effort a school district is unable to employ as a substitute teacher an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, the school district may employ as a substitute teacher an individual who holds at least a baccalaureate degree and whose academic preparation and work experience would, in the opinion of the individual charged with employing the substitute, contribute positively to the education of the students during the absence of the students' regular teacher.

SECTION 4. AMENDMENT. Section 15.1-18-04 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

15.1-18-04. Student teacher - Eminence-credentialed teacher - Substitute teacher
- Legal authority and status.

1. An individual assigned as a student teacher or employed as an eminence-credentialed teacher or as a substitute teacher has the same legal authority and status as a licensed teacher employed by the school district. The authority extends to all aspects of student management and discipline, the handling of confidential student records, and to all legal authority granted to a licensed teacher in the state.
2. An individual assigned as a student teacher or employed as an eminence-credentialed teacher or as a substitute teacher must be deemed a licensed teacher employed by the district with respect to acts performed by the individual at the direction of or with the consent of the district employees under whose supervision and control the individual performs duties, whether or not the duties are performed entirely in the presence of district employees assigned to supervise the individual.
3. An individual assigned as a student teacher or employed as an eminence-credentialed teacher or as a substitute teacher must be deemed an employee of the school district for purposes of liability insurance coverage under sections 32-12.1-05 and 39-01-08.
4. For purposes of this chapter, ~~"eminence-credentialed teacher"~~:
 - a. "Eminence-credentialed teacher" means an individual who provides teaching services in accordance with subsection 21 of section 15.1-09-33.
 - b. "Substitute teacher" means an individual providing teaching services in accordance with section 3 of this Act.