

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1076
(Education Committee)
(At the request of the Education Standards and Practices Board)

AN ACT to create and enact a new section to chapter 15.1-09 and a new section to chapter 15.1-18 of the North Dakota Century Code, relating to approval of teachers by the education standards and practices board; and to amend and reenact sections 15.1-06-06, 15.1-13-13, 15.1-18-02, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10, and 15.1-18.1-02 of the North Dakota Century Code, relating to teaching licenses and the approval of teachers by the education standards and practices board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-06. Approval of public and nonpublic schools. Each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the superintendent of public instruction. Except as otherwise provided by law, the superintendent may not approve a school unless:

1. Each classroom teacher ~~holds a valid teaching certificate issued~~ is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. 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 2;
3. The students are offered all subjects required by law; and
3. 4. The school is in compliance with all local and state health, fire, and safety laws.

SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Licensure to teach - Course area or field - Request for exception - Report.

1. If the board of a school district or of a nonpublic school is unable to fill a particular position by recruiting or assigning an individual who is licensed to teach in that particular course area or field, the school board may fill the position with an individual who is not licensed to teach in that particular course area or field, provided the individual:
 - a. Is licensed to teach by the education standards and practices board or is approved to teach by the education standards and practices board;
 - b. Holds at least a minor or a minor equivalency in the course area or field in which the individual seeks to teach; and
 - c. Has received a temporary exception under this section.
2. The education standards and practices board shall adopt rules governing the issuance of temporary exceptions under this section. Except for a case of sudden and unexpected vacancy occurring during the school calendar, the rules must require consideration of a school board's efforts to fill a particular position and the school board's efforts to explore

alternative methods of education delivery to the students. The rules must also require that the individual submit a plan for a course of study which will enable the individual to obtain a major or a major equivalency in the course area or field in which the individual seeks to teach.

3. An exception granted under this section is valid only through the conclusion of the school year in which the request for exception is submitted to the education standards and practices board. The board may extend the exception by one-year increments, provided the individual demonstrates successful completion of a least one-third of the total course of study prior to each requested extension.
4. At the conclusion of each school year, the education standards and practices board shall file a report with the legislative council. The report must cite all requests for exceptions under this section received by the board during the school year and must include the board's response to each request and a brief description of the board's rationale.

SECTION 3. AMENDMENT. Section 15.1-13-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal. The board may issue a provisional teaching license to an applicant ~~awaiting, pending~~ completion of the background check required by section 15.1-13-14 ~~or pending the receipt of official transcripts or other original, signed, or certified documents.~~ The provisional license is valid for a period of forty days and may be renewed with the approval of the board. The board may adopt rules governing the issuance of a provisional teaching license. An individual applying for a provisional teaching license may be charged a fee established by the board. However, an individual applying for the renewal of a provisional teaching license may not be charged a fee.

SECTION 4. AMENDMENT. Section 15.1-18-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-02. (Effective through June 30, 2006) Kindergarten through grade eight - Teacher qualifications - Exceptions.

1. In order to teach kindergarten, an individual must:
 - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a kindergarten endorsement; or
 - b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain a kindergarten endorsement within two years from the date of the assignment to teach kindergarten.
2. In order to teach any grade from one through eight, an individual must:
 - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a major, a minor, or an endorsement in elementary education; or
 - b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in elementary education within two years from the date of the assignment to teach any grade from one through eight.

3. Notwithstanding subsection 2, an individual may teach any grade from five through eight if the individual:
 - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or an endorsement in middle school education; or
 - b. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrates to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in middle school education within two years from the date of assignment to teach any grade from five through eight.
4. Notwithstanding subsection 2, an individual may teach grade seven or eight if the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or a minor in the assigned course area or field.
5. Notwithstanding subsection 2, an individual may teach special education, foreign language, art, music, physical education, business education, and computer education at any grade level from kindergarten through eight, provided the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and meets the requirements imposed by the superintendent of public instruction.
6. An individual may obtain an endorsement by completing teaching requirements and the minimum number of credit hours in courses prescribed by the education standards and practices board.
7. This section does not apply to an eminence-credentialed teacher.

(Effective after June 30, 2006) Prekindergarten and kindergarten teacher qualifications - Exceptions. In order to teach prekindergarten and kindergarten, an individual must be ~~licensed~~:

1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
- ~~1.~~ a. Have a major in elementary education and a kindergarten endorsement;
 - ~~2.~~ b. Have a major equivalency in elementary education and a kindergarten endorsement;
 - ~~3.~~ c. Have a major in elementary education and an early childhood education endorsement;
 - ~~4.~~ d. Have a major equivalency in elementary education and an early childhood education endorsement;
 - ~~5.~~ e. Have a major in early childhood education; or
 - ~~6.~~ f. Have a major equivalency in early childhood education.

SECTION 5. AMENDMENT. Section 15.1-18-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-07. (Effective after June 30, 2006) Elementary school teacher qualifications.

1. In order to teach any grade in an elementary school that offers grades one through six or in order to teach any grade in an elementary school that offers grades one through eight, an individual must be ~~licensed~~:

- a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - a: b. (1) Have a major in elementary education; or
 - b: (2) Have a major equivalency in elementary education.
- 2. Notwithstanding the provisions of subsection 1, an individual may teach any grade from one through three in an elementary school provided the individual is ~~licensed~~:
 - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - a: b. (1) Has a major in early childhood education; or
 - b: (2) Has a major equivalency in early childhood education.

SECTION 6. AMENDMENT. Section 15.1-18-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-08. (Effective after June 30, 2006) Middle school teacher qualifications.

- 1. In order to teach any grade from five through eight in a middle school, an individual must be ~~licensed~~:
 - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - 4: b. (1) Have a major in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
 - 2: (2) Have a major equivalency in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
 - 3: (3) Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.
- 2. Notwithstanding the provisions of subsection 1, an individual may teach grade five or six in a middle school, provided the individual is:
 - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and
 - b. (1) Has a major in elementary education; or
 - (2) Has a major equivalency in elementary education.

SECTION 7. AMENDMENT. Section 15.1-18-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-09. (Effective after June 30, 2006) High school qualifications. In order to teach grades seven through twelve, an individual must be ~~licensed~~:

- 1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:

- ~~1.~~ 2. a. Have a major in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
- ~~2.~~ b. Have a major equivalency in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
- ~~3.~~ c. Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.

SECTION 8. AMENDMENT. Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-10. (Effective after June 30, 2006) Specialty areas - Teacher qualification. Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, ~~and~~ special education, and technology education at any grade level from ~~one kindergarten~~ through grade eight, provided the individual:
 - a. Is licensed to teach by the education standards and practices board;
 - b. Is approved to teach in that area by the education standards and practices board; and
 - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.

SECTION 9. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Rural school districts - Federal flexibility. The education standards and practices board may extend the effective dates for any provision in chapter 15.1-18 if the United States secretary of education by rule, policy, or guidance authorizes such extension.

SECTION 10. AMENDMENT. Section 15.1-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18.1-02. National board certification program - Recertification - Board duties.

1. The board shall:
 - ~~1.~~ a. Inform teachers of the national board certification program and the scholarships and services the national board provides to teachers seeking certification.
 - ~~2.~~ b. Collect and review in the order received scholarship applications from individuals who are licensed to teach by the board or approved to teach by the board.
 - ~~3.~~ a. c. (1) Approve no more than seventeen applications per year under this subsection;
 - ~~b.~~ (2) During each year of the biennium, reserve three of the available scholarships under this subsection for individuals teaching at low-performing schools;
 - ~~c.~~ During each year of the biennium, ~~award no more than two of the remaining fourteen available scholarships to applicants employed by the same school district;~~

- d. (3) Require the recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
 - e. (4) Require the recipient for a scholarship under this subsection to participate in mentoring programs ~~and teacher evaluation programs~~ developed and implemented in the employing school or school district.
4. d. Ensure that all scholarship recipients under this subsection receive adequate information regarding the level of commitment required to acquire certification.
2. The board shall collect and review in the order received scholarship applications for national board recertification from individuals who are licensed to teach by the board or approved to teach by the board and:
- a. Approve no more than two scholarship applications per year under this subsection;
 - b. Require each recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
 - c. Require each recipient for a scholarship under this subsection to participate in mentoring programs developed and implemented in the employing school or school district.
5. 3. If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship.
4. At the conclusion of each of the first four school years after an individual receives national board certification, the individual is entitled to receive an additional one thousand five hundred dollars if:
- a. The individual served during the school year as a full-time classroom teacher in a public or nonpublic school; and
 - b. The individual participated in any efforts of the employing school district to develop and implement teacher mentoring programs.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1076.

House Vote: Yeas 78 Nays 14 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State