

ADMINISTRATIVE RULES COMMITTEE  
Thursday, March 10, 2011  
Brynhild Haugland Room, State Capitol  
Bismarck ND

Mr. Chairman and members of the Administrative Rules Committee, I am Janet Welk, executive director of the Education Standards and Practices Board and wish to testify on the rules published in the July 2010 supplement to the North Dakota Administrative Code.

This rule change resulted from the a federal mandate established in the Elementary and Secondary Education Act implementing the highly qualified teacher status. There were no administrative rules to require teachers "new to the profession: beginning to teach in the 2005-06 school year and beyond to complete the federally required content tests for licensure renewal. Without the emergency effectiveness of the N.D. Administrative Code Ch 67.1-02-02, there could be a loss of federal funding for education.

The rules procedure used in adopting the rules included:

- 1) Letter sent to the Governor requesting emergency rule making authority on April 5, 2010.
- 2) Letter received from Governor John Hoeven authorizing emergency rule making April 14, 2010.

- 3) The Letter of Intent to Amend Rules to the Legislative Council on May 26, 2010;
- 4) Publication with the North Dakota Newspaper Association May 26, 2010;
- 5) A public hearing on July 12, 2010 in the Sakakawea Room in the Capitol; (no one appeared at the hearing)
- 6) Written public comment period until July 23, 2010 with no written comments received;
- 7) Examination by the Attorney General's Office with an opinion of the rules being in compliance received October 28, 2010; and
- 8) Final submission for review and publication on the North Dakota Administrative Code with the Legislative Council on November 12, 2010.

This rule is not expected to have an impact on the regulated community in excess of \$50,000 and there was no regulatory analysis completed.

The approximately cost of giving public notice, holding hearings, computer programming, and staff time is approximately \$3,500.

If there are any questions, I would be happy to answer questions at this time. Thank you for your time and consideration given these rule changes.



April 5, 2010

Governor John Hoeven  
North Dakota State Capitol  
600 East Boulevard Avenue  
Bismarck ND 58505

RE: Emergency Rulemaking

Dear Governor Hoeven:

Pursuant to N.D.C.C. §28-32-03(1), the Education Standards and Practices Board requests your written approval of emergency rulemaking. Please provide the approval before April 30, 2010 to allow ample time to make the required filings with the Legislative Council.

Enclosed is a copy of the proposed amendment to N.D. Administrative Code ch. 67.1-02-02. The Board found "[e]mergency effectiveness is necessary to meet a mandate of federal law" N.D.C.C. §28-32-03(2)(d). The Board declared the proposed rules to be interim final rules effective on July 1, 2010. See N.D.C.C. § 28-32-03(1).

An "emergency effectiveness is necessary to meet a mandate of federal law" because of the federal requirements established in the Elementary and Secondary Education Act to implement the highly qualified teacher status. There are no administrative rules to require teachers "new to the profession" beginning to teach in the 2005-06 school year and beyond to complete the federally required content tests for licensure renewal. Without emergency effectiveness of the proposed N.D. Admin. Code ch. 67.1-02-02, there will be no rules to require the content test for licensure renewal for "new to the profession elementary teachers" as required by the Elementary and Secondary Education Act, which could result in the loss of federal funding for education.

If you have any questions, please contact me at (701) 328-9646. Thank you.

Sincerely,

Janet Placek Welk, PhD  
Executive Director

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67.1-02-02-04. Two-year and five-year renewals.

1. Two-year renewal license.

- a. A two-year renewal license will be issued to applicants with less than eighteen months of successful contracted teaching in North Dakota who have completed all of the requirements on the application form, pay the required fee of fifty dollars and submit the same recommendations as are required by paragraph 3 of subdivision a of subsection 2. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years after the applicant's birthdate.
- b. A two-year reentry license will be issued to an applicant reentering the profession after an absence of five years who has completed all of the requirements on the application form. Prior to applying for the reentry license, the applicant must submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14. An applicant reentering the profession must complete eight semester hours of reeducation credit during the applicant's first two years of contracted employment as stated in this section and in section 67.1-02-02-09. The fee for the reentry license is seventy dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birthdate.
- c. A two-year reentry license will be issued to an applicant from out of state who has had an absence from the profession of more than five years, or to an applicant who cannot submit four semester hours of credit taken during each of the past two five-year periods if employed in education out of state. Such an applicant must meet the requirements of North Dakota initial licensure as stated in section 67.1-02-02-02 and must also complete the requirements for reentry education as stated in this section and in section 67.1-02-02-09. The fee for the reentry license is seventy dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birthdate.
- d. A two-year renewal license will be issued for substitute teaching to those applicants who have completed all of the requirements on the application form. A substitute teacher must maintain a valid teaching license using the two-year renewal cycle, but is not required to submit reeducation hours unless the person signs a contract. The fee for this two-year renewal is fifty dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birthdate.

- e. In extraordinary circumstances, the board may waive or extend the time for completion of the reeducation credits.
- f. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the praxis II elementary test 10011 and praxis II principles of learning and teaching test 30522 during the school year meeting ND cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this paragraph. A new to the profession teacher is defined as one who has never been contracted as a K-12 teacher.

## 2. Five-year renewal license.

- a. The initial five-year renewal will be issued to those applicants who have successfully taught eighteen months in the state on a valid North Dakota license and who have completed all of the requirements on the application form. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of five years on the applicant's birthdate.
  - (1) All five-year license applications must be accompanied by a fee of one hundred twenty-five dollars.
  - (2) Succeeding five-year renewals require evidence of thirty teaching days of contracted service and completion of a minimum of four semester hours of reeducation credit to avoid reverting to entry status. As licenses are renewed, after July 1, 2011, six semester hours of reeducation credit will be required for the new five year period. All reeducation credit must be documented by college transcripts.
  - (3) Three recommendations are required. Two of the recommendations must be secured from the most recent employing board and the applicant's credentialed principal and superintendent. One of the recommendations may be a person of the applicant's choice with knowledge of the applicant's teaching potential and character. If the applicant has not taught in the last three years or it is impossible to secure recommendations from credentialed principals or superintendents, then recommendations must be secured from individuals who can speak with regard to the teaching potential and character of the applicant. Signatures on recommendations must be within a six-month period of the submission of the application for renewal.

(4) For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the praxis II elementary test 10011 and praxis II principles of learning and teaching test 30522 during the school year meeting North Dakota cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this paragraph. A new to the profession teacher is defined as one who has never been contracted as a K-12 teacher.

- b. A renewal applicant who has completed the semester hours of credit but has not been contracted for at least thirty days under the five-year license will revert to the two-year renewal cycle.
- a. Probationary license. An applicant who has failed to complete the semester hours of reeducation credit, whether the application has been contracted or not, will either not be renewed, or may agree to be placed on a two-year probationary license. Eight semester hours of reeducation semester credit must be supplied as a condition of the two-year probationary license. A second probationary license will not be issued.
- b. If recommendations are not adequate to issue a five-year license, the education standards and practices board shall provide a hearing following North Dakota Century Code chapter 28-32. Following the hearing procedure, the education standards and practices board shall make a determination whether to issue a renewal to the applicant or deny relicensure.
- c. In extraordinary circumstances, the board may waive or extend the time for completion of the reeducation credits.
- d. Once the requirements have been met for the probationary license, a two-year renewal license will be issued.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008.

**General Authority:** NDCC 15.1-13-09, 15.2-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

## MINUTES

Thursday, March 11, 2010

Sakakawea Room, State Capitol, Bismarck, North Dakota

The Education Standards and Practices Board (ESPB) meeting was called to order by chair, Paul Johnson. Board members who attended were Greg Allen, Nick Archuleta, Angela Korsmo, Rod Jones, Don Paulsrud, Vicki Riegler and Marlene Srock. Others who attended the meeting were Laurie Stenehjerm, Diane Weber and Janet Welk from ESPB, Bill Peterson from AG's Office, Dakota Draper and Josh Askvig from NDEA and Lois Myran from DPI.

Mike Bitz and Erin Mowers did not attend the meeting.

Janet requested the following two items be added to the agenda professional practices and board case Lauren Little.

The **February minutes** were approved by Greg. Second by Vicki. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock.

A motion was then made by Don approving the **February financial report**. Second by Angela. Motion carried. Board members who voted in favor were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. The financial statement showed \$44,944.58 in total income, \$41,925.54 in total expenses and a net income of a \$3,019.04. Discussion was held regarding possible office space expansion, in the current office complex. The Board would like Janet to investigate when office space becomes available.

The **February licensure report** showed 331 total licenses issued. Vicki made the motion approving the licensure report. Second by Angela. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock.

Program approval and standard reviews are planned for Turtle Mt. Community College (focus) visit March 26-29, 2010; UND focus visit April 21-23, 2010; Sitting Bull College focus visit April 21-23, 2010; Fort Berthold Community College anticipated visit April 26-29, 2010; United Tribes Technical Center fall, 2010 and Minot State University November 15-18, 2010. Program approval and standards teams have been set up.

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Study groups for the Praxis II are being set up for June, 2010. This is a joint effort between ESPB/NDEA. The study groups will be for the following content areas: early childhood, elementary PLT, English, composite social studies, Spanish, Art, Elementary Education, Secondary PLT, math, composite science, history and music.

DPI/ESPB staff met on March 5<sup>th</sup> regarding the mainframe, online application project. The ESPB office staff continues to work toward acceptance testing but to date has not completed an entire application process from the beginning to the end. Some of the correction orders have been completed but then other issues come to light. DPI will be using the online process for the summer school program.

The Board reviewed the emergency administrative rules re: Praxis II testing. Greg made the motion approving the emergency administrative rules rewrite. Second by Don. Motion carried. Board members who voted yes were Greg Archuleta, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock.

Professional practices discussion was done by the Board regarding expired licenses. The Board would like Janet to research with Bill grace periods, can teachers still be paid, can teachers be in charge of a classroom, etc.

## **CASES**

### **EASLEY, ANDREW**

Greg made the motion to proceed with formal disciplinary action against Mr. Easley's license and offer an informal settlement agreement of a \$250 fine. Second by Don. Motion carried. Board members who voted in agreement were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Mr. Easley's license was before the Board because he was engaged in the profession of teaching while not holding a current license. He is employed at Prairie Voyager Adventist School in Grand Forks. *NDCC 15-1-13-17(1) & 15-1-13-25(1)(h)*

### **FEIST, HILARY**

A motion was made by Greg to dismiss any disciplinary action against Ms. Feist's license and include a letter of explanation re: January, 2010 expiration notices. Second by Angela. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Feist's license was before the Board due to a possible fine. She is employed at Cathedral of the Holy Spirit elementary school in Mandan.



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**HOWE, KRISTI**

Don made the motion to dismiss any disciplinary action against Ms. Howe's license and include a letter of explanation re: January, 2010 expiration notices. Second by Rod. Motion carried. Board members who voted in agreement were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Howe's license was before the Board due to a possible fine. She is employed at Velva Public Schools as an English teacher.

**LITTLE, LAUREN**

A motion was made by Nick to research when Ms. Little starting teaching kindergarten. Second by Rod. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Little is asking for an extension to complete her kindergarten coursework due to a chronic health condition.

**MARTIN, PETER**

Nick made the motion to dismiss any disciplinary action against Mr. Martin's license and include a letter of explanation re: January, 2010 expiration notices. Second by Don. Motion carried. Board members who voted in agreement were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Mr. Martin's license was before the Board due to a possible fine. He is employed at Tappen Public Schools as an Ag instructor.

**NYLAND, JAMES**

Marlene made the motion to dismiss any disciplinary action against Mr. Nyland's license and include a letter of explanation re: January, 2010 expiration notices. Second by Rod. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Mr. Nyland's license was before the Board due to a possible fine. He is employed at Pingree/Buchanan Public Schools as an elementary and library teacher.

**PALMER, WENDY**

A motion was made by Rod to dismiss any disciplinary action against Ms. Palmer's license and include a letter of explanation re: January, 2010 expiration notices. Second by Angela. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Palmer's was before the Board due to a possible fine. She is employed at the ND School for the Deaf as a hearing impaired and elementary instructor.

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**RAY, VALERIE**

A motion was made by Greg to dismiss any disciplinary action against Mr. Ray's license and include a letter of explanation re: January, 2010 expiration notices. Second by Don. Motion carried. Board members who voted in agreement were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Ray's license was before the Board due to a possible fine. She is employed at Aurora Elementary in Fargo as a music teacher.

**ROLAND, ADAM**

A motion was made by Nick to dismiss any disciplinary action against Mr. Roland's license and include a letter of explanation re: January, 2010 expiration notices. Second by Adam. Motion carried. Board members who voted in agreement were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Mr. Roland license was before the Board due to a possible fine. He is employed at Central Cass Public Schools as a biology instructor.

**SYMENS, LISA**

Rod made the motion to dismiss any disciplinary action against Ms. Symen's license and include a letter of explanation re: January, 2010 expiration notices. Second by Greg. Motion carried. Board members who voted in favor were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Symen's license was before the Board due to a possible fine. She is employed with the Steele/Dawson Public Schools as an elementary teacher.

**WANZEK, KARMEL**

Angela made the motion to proceed with formal disciplinary action against her license and offer an informal settlement agreement of a \$250 fine. Second by Greg. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Wanzek's license was before the Board because she was engaged in the profession of teaching while not holding a valid license. She is employed at the Anne Carlsen Center as a business education instructor. *NDCC 15.1-13-25 (1)(h) and 15.1-13-17(1)*

**WRIGHT, MAREN**

A motion was made by Vicki to proceed with formal disciplinary action against her license and offer an informal settlement agreement of a \$250 fine. Second by Greg. Motion carried. Board members who voted yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Wright's license was before the Board because she was engaged in the profession of teaching while not holding a valid license. She is employed at the STEM Center in Fargo as an elementary teacher.

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**ZETOCHA, ANN**

Nick made the motion to dismiss any disciplinary action against Ms. Zetocha's and include a letter of explanation re: January, 2010 expiration notices. Second by Marlene. Motion carried. Board members who voted in yes were Greg Allen, Nick Archuleta, Angela Korsmo, Paul Johnson, Rod Jonas, Don Paulsrud, Vicki Riegler and Marlene Srock. Ms. Zetocha's license was before the Board due to a possible fine. She is employed at Oakes Public Schools as an elementary teacher.

The June retreat will be held in Bismarck at the University of Mary. The meeting was adjourned at 2:10.

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Chair

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Secretary/Executive Director



— State of —  
**North Dakota**  
*Office of the Governor*

**John Hoeven**  
*Governor*

April 14, 2010

Janet Placek Welk, PhD  
Executive Director  
Education & Standards Practices Board  
2718 Gateway Ave Ste 303  
Bismarck, ND 58503-0585

Dear Dr. Welk,

On April 06, 2010, I received your request for approval of emergency rulemaking to amend North Dakota Administrative Code chapter 67.1-02-02 relating to licensure renewal for new elementary teachers.

I have reviewed the request pursuant to N.D.C.C. § 28-32-03 and find that emergency rulemaking is reasonably necessary to meet a mandate of federal law.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Hoeven", is written over the printed name and title.

**John Hoeven**  
Governor

38:34:58

**RECEIVED**

MAY 7 2010

**ESPB**