

Introduced by

Senators Davison, Unruh

Representatives Carlson, Dosch

1 A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota
2 Century Code, relating to licenses issued by the education standards and practices board; to
3 amend and reenact subdivision c of subsection 2 of section 12-60-24, section 15-19-01,
4 subsection 12 of section 15-39.1-04, sections 15-39.1-09, 15-39.1-19.2, 15.1-01-02,
5 15.1-02-13, 15.1-06-06, 15.1-06-06.1, 15.1-07-32, 15.1-09-33, 15.1-09-33.1, 15.1-09-57,
6 15.1-13-01, 15.1-13-02, 15.1-13-03, 15.1-13-04, 15.1-13-05, 15.1-13-06, 15.1-13-08,
7 15.1-13-09, 15.1-13-10, 15.1-13-10.1, 15.1-13-11, 15.1-13-12, 15.1-13-12.1, 15.1-13-13,
8 15.1-13-14, 15.1-13-15, 15.1-13-16, 15.1-13-17, 15.1-13-18, 15.1-13-20, 15.1-13-22,
9 15.1-13-23, 15.1-13-24, 15.1-13-25, 15.1-13-26, 15.1-13-27, 15.1-13-30, 15.1-13-31,
10 15.1-13-34, 15.1-14-07, 15.1-14-17, 15.1-14-27, 15.1-15-11, 15.1-16-01, 15.1-16-20,
11 15.1-18-01, 15.1-18-02, 15.1-18-06, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10,
12 15.1-18.1-02, 15.1-18.2-05, 15.1-18.2-07, 15.1-22-02, 15.1-23-07, 15.1-23-09, 15.1-23-10,
13 15.1-23-11, 15.1-23-12, 15.1-29-14, 15.1-37-01, and 54-07-01.2 of the North Dakota Century
14 Code, relating to the education standards and practices board; to repeal sections 15.1-02-16.1,
15 15.1-13-07, 15.1-13-29, 15.1-18-11, 15.1-18.1-01, and 15.1-18.2-06 of the North Dakota
16 Century Code, relating to accreditation rules, quorum requirements, administrator licenses, date
17 extensions, definitions, and teacher support programs; and to provide for legislative council
18 reconciliation of statutory references to the education standards and practices board and for
19 replacement of administrative rules of the education standards and practices board.

20 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

21 **SECTION 1. AMENDMENT.** Subdivision c of subsection 2 of section 12-60-24 of the North
22 Dakota Century Code is amended and reenacted as follows:

23 c. ~~The education standards and practices boards~~superintendent of public instruction
24 for initial, reentry, and reciprocal teacher licenses under sections 15.1-13-14 and

1 15.1-13-20 and school guidance and counseling services under section
2 15.1-13-23.

3 **SECTION 2. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15-19-01. Distance education courses - Establishment - Enrollment of students -**
6 **Courses of instruction.**

7 The state shall provide distance education courses through the center for distance
8 education ~~under the following~~ in accordance with the provisions: set forth in this section.

- 9 1. A complete curriculum by distance education which has been specifically determined
10 by the superintendent of public instruction as proper and suitable for instruction under
11 distance education methods, such determination and approval to be made not less
12 than once in each school year, must be maintained upon the campus of one of the
13 state institutions of higher education.
- 14 2. Unless specifically excused in writing upon the course application forms by the
15 superintendent or an administrator of the school approving the enrollment application,
16 or as provided in subsection 5, all students under the age of sixteen taking advantage
17 of the provisions of this chapter must be required to attend their local district schools
18 and to study their distance education lessons under the supervision of a local
19 supervisor. If not required to attend their local schools, their work may be done at a
20 place designated by the state director. If in attendance at a local school, students must
21 be supplied with desk space in their respective school without charge and shall attend
22 school regularly and be under the same disciplinary supervision of the teachers as the
23 other school students.
- 24 3. The center for distance education may provide services to ~~persons~~ individuals who are
25 not North Dakota residents.
- 26 4. Distance education students shall pay for books and materials used by them, postage
27 required to mail reports to the center, and other fees as may be prescribed by the state
28 director.
- 29 5. Students exempt from the compulsory school attendance laws pursuant to
30 subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education
31 courses offered through the center for distance education. These students may study

1 their distance education lessons in their learning environment under the supervision of
2 a parent. The tests for the distance education study must be administered by an
3 individual who is licensed to teach by the ~~education standards and practices~~
4 ~~boards~~superintendent of public instruction or approved to teach by the ~~education~~
5 ~~standards and practices boards~~superintendent of public instruction and employed either
6 by the public school district in which the parent resides or a ~~state approved private~~
7 ~~or an approved~~ nonpublic school.

8 **SECTION 3. AMENDMENT.** Subsection 12 of section 15-39.1-04 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 12. "Teacher" means:

- 11 a. ~~All persons~~An individual licensed by the ~~education standards and practices board~~
12 ~~who are~~superintendent of public instruction and contractually employed in
13 ~~teaching, to teach, provide~~ supervisory services, provide administrative services,
14 or provide extracurricular services, by a state institution, a multidistrict special
15 education unit, an area career and technology center, a regional education
16 association, ~~school board, or other governing body~~or the board of a school
17 district ~~of in~~ this state, ~~including superintendents,~~and includes:
- 18 (1) ~~An assistant superintendents,~~superintendent;
- 19 (2) ~~A business managers, principals,~~manager;
- 20 (3) ~~An assistant principals, and~~principal;
- 21 (4) ~~A special teachers. For purposes of this subdivision, "teacher" includes~~
22 ~~person~~teacher, as defined in rules implemented by the teachers' fund for
23 retirement; and
- 24 (5) An individual contractually employed by one of the ~~above~~ employers listed
25 in this subsection to provide teaching services, supervisory services,
26 administrative services, or extracurricular services to a separate state
27 institution, state agency, multidistrict special education unit, area career and
28 technology center, regional education association, ~~school board, or other~~
29 ~~governing body~~or the board of a school district ~~of in~~ this state under a
30 third-party contract.;

- 1 b. The superintendent of public instruction, assistant superintendents of public
2 instruction, county superintendents, assistant superintendents, supervisors of
3 instruction, the professional staff of the department of career and technical
4 education, the professional staff of the center for distance education, the
5 executive director and professional staff of the North Dakota education
6 association who are members of the fund on July 1, 1995, the professional staff
7 of an interim school district, and the professional staff of the North Dakota high
8 school activities association who are members of the fund on July 1, 1995.;
- 9 c. The executive director and professional staff of the North Dakota council of
10 school administrators who are members of the fund on July 1, 1995, and licensed
11 staff of teachers centers, but only if the ~~person~~individual was previously a
12 member of and has credits in the fund.;
- 13 and
14 d. Employees of institutions under the control and administration of the state board
15 of higher education who are members of the fund on July 16, 1989.

15 **SECTION 4. AMENDMENT.** Section 15-39.1-09 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15-39.1-09. (Contingent expiration date - See note) Membership in fund and**
18 **assessments - Employer payment of employee contribution.**

- 19 1. Except as otherwise provided by law, every teacher is a member of the fund and must
20 be assessed upon the teacher's salary seven and seventy-five hundredths percent per
21 annum, which must be deducted, certified, and paid monthly to the fund by the
22 disbursing official of the governmental body by which the teacher is employed.
23 ~~Member contributions increase to nine and seventy-five hundredths percent per~~
24 ~~annum beginning July 1, 2012, and increase thereafter to~~are eleven and seventy-five
25 hundredths percent per annum beginning July 1, 2014. Except as otherwise provided
26 by law, every governmental body employing a teacher shall pay to the fund eight and
27 seventy-five hundredths percent per annum of the salary of each teacher employed by
28 it. ~~Contributions to be paid by a governmental body employing a teacher increase to~~
29 ~~ten and seventy-five hundredths percent per annum beginning July 1, 2012, and~~
30 ~~increase thereafter to~~ twelve and seventy-five hundredths percent per annum
31 beginning July 1, 2014. The required amount of member and employer contributions

1 must be reduced to seven and seventy-five hundredths percent per annum effective
2 on the July first that follows the first valuation showing a ratio of the actuarial value of
3 assets to the actuarial accrued liability of the teachers' fund for retirement that is equal
4 to or greater than one hundred percent. The disbursing official of the governmental
5 body shall certify the governmental body payments and remit the payments monthly to
6 the fund.

7 2. Each employer, at its option, may pay the teacher contributions required by
8 subsection 1 for all compensation earned after June 30, 1983. The amount paid must
9 be paid by the employer in lieu of contributions by the employee. If an employer
10 decides not to pay the contributions, the amount that would have been paid will
11 continue to be deducted from compensation. If contributions are paid by the employer,
12 they must be treated as employer contributions in determining income tax treatment
13 under this code and the federal Internal Revenue Code. If contributions are paid by the
14 employer, they may not be included as gross income of the teacher in determining tax
15 treatment under this code and the Internal Revenue Code until they are distributed or
16 made available. The employer shall pay these teacher contributions from the same
17 source of funds used in paying compensation to the teachers. The employer shall pay
18 these contributions by effecting an equal cash reduction in the gross salary of the
19 employee or by an offset against future salary increases. If teacher contributions are
20 paid by the employer, they must be treated for the purposes of this chapter in the
21 same manner and to the same extent as teacher contributions made prior to the date
22 the contributions were assumed by the employer. The option given employers by this
23 subsection must be exercised in accordance with rules adopted by the board.

24 3. ~~A person, except~~An individual, other than the superintendent of public instruction, who
25 is ~~certified~~licensed to teach in this state by the ~~education standards and practices~~
26 ~~boards~~superintendent of public instruction and who is first employed and entered upon
27 the payroll of the superintendent of public instruction after January 6, 2001, may elect
28 to become a participating member of the public employees retirement system. An
29 election made by a person to participate in the public employees retirement system
30 under this subsection is irrevocable. Nonteaching employees of the superintendent of
31 public instruction, including the superintendent of public instruction, may elect to

- 1 transfer to the public employees retirement system pursuant to section 54-52-02.13.
2 Employees of the state board for career and technical education may elect to transfer
3 to the public employees retirement system pursuant to section 54-52-02.14.
- 4 4. An individual who is first employed and entered upon the payroll of the state board for
5 career and technical education after July 1, 2007, may elect to become a participating
6 member of the public employees retirement system. An election made by an individual
7 to participate in the public employees retirement system under this subsection is
8 irrevocable.

9 **SECTION 5. AMENDMENT.** Section 15-39.1-19.2 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15-39.1-19.2. Retired teachers return to active service - Critical shortage areas and**
12 **disciplines - Rules.**

- 13 1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1,
14 or 15-39.2 may elect to return to teaching without losing any benefits under the
15 provisions of this section or elect to return to teaching under the provisions of section
16 15-39.1-19.1. To return to teaching under this section, a retired teacher must:
- 17 a. Return to teach in a critical shortage geographical area or subject discipline as
18 determined by the ~~education standards and practices board by~~
19 rulesuperintendent of public instruction;
- 20 b. If retired after January 1, 2001, have been receiving a retirement annuity for at
21 least one year. ~~A, provided a~~ retired teacher may perform noncontracted
22 substitute teaching duties but may not engage in full-time or part-time teaching
23 duties during the one-year separation from service; and
- 24 c. Notify the fund office in writing within thirty days of the retired member's return to
25 covered employment. ~~The and have the~~ retired member's employer ~~must also~~
26 notify the fund office in writing within thirty days of the retired member's return to
27 covered employment.
- 28 2. A retired teacher who returns to teaching under this section shall pay the member
29 contributions required by section 15-39.1-09 on the salary of the retired member. The
30 member contributions must be included in the retired member's account value and
31 may not be refunded except as provided under section 15-39.1-17. A retired teacher

1 who returns to teaching under the provisions of this section must be treated as retired
2 for all other purposes under this chapter. A retired teacher may not earn any additional
3 service during the period of reemployment. The retired teacher's benefits may not be
4 adjusted to reflect changes in the retired teacher's age or final average monthly salary
5 at the end of the period of reemployment, any optional form of payment elected under
6 section 15-39.1-16 remains effective during and after the period of reemployment, and
7 additional benefits normally available to an active member, such as disability benefits,
8 are not available to a retired teacher reemployed under this section.

- 9 3. A participating employer who employs a retired member under this section shall pay
10 the employer contributions required by section 15-39.1-09 on the salary of the retired
11 member.

12 **SECTION 6. AMENDMENT.** Section 15.1-01-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-01-02. Joint meetings - Superintendent of public instruction - State board of**
15 **public school education - State board of higher education - ~~Education standards and~~**
16 **~~practices board~~ - State board for career and technical education.**

17 The superintendent of public instruction, the state board of public school education, the
18 state board of higher education, ~~the education standards and practices board,~~ and the state
19 board for career and technical education shall meet together at least once each year, at the call
20 of the superintendent of public instruction, ~~the commissioner of higher education, the executive-~~
21 ~~director of the education standards and practices board, and the director of career and technical~~
22 ~~education~~ for the purposes of:

- 23 1. Coordinating elementary and secondary education programs, career and technical
24 education programs, and higher education programs;
- 25 2. Establishing high standards and expectations of students at all levels of the education
26 continuum;
- 27 3. Ensuring that all students have access to challenging curricula;
- 28 4. Ensuring that the individuals instructing students at all levels of the education
29 continuum are highly qualified and capable;
- 30 5. Cooperating in the provision of professional growth and development opportunities for
31 individuals instructing students at all levels of the education continuum; and

1 6. Ensuring cooperation in any other jointly beneficial project or program.

2 **SECTION 7. AMENDMENT.** Section 15.1-02-13 of the North Dakota Century Code is
3 amended and reenacted as follows:

4 **15.1-02-13. School district employee compensation report.**

5 1. Before September eleventh of each year, each school district shall report the following
6 information to the superintendent of public instruction, with respect to each teacher
7 and class of teachers and with respect to each administrator and class of
8 administrators:

9 a. The number of days each was employed during the preceding school year-;

10 b. The base salaries-;

11 c. The amount of compensation provided for extended contracts-;

12 d. The amount of compensation provided for cocurricular activities-;

13 e. The amount expended for contract buyouts-;

14 f. The amount of compensation provided in lieu of salaries-;

15 g. The amount paid for signing bonuses-;

16 h. The amount of compensation provided for substitute teaching and workload
17 adjustment-;

18 i. The amount of compensation provided for any other purposes-;

19 j. The amount expended for health insurance benefits-;

20 k. The amount expended for dental, vision, and cancer insurance benefits-;

21 l. The amount expended for life and long-term disability insurance benefits-;

22 m. The amount of retirement contributions and assessments, including individual
23 shares if paid by the district-;

24 n. The district's share of Federal Insurance Contributions Act taxes-;

25 o. The amount of dues or membership fees paid by the district-; and

26 p. Any other benefits provided by the district.

27 2. In addition to the requirements of subsection 1, each school district shall also indicate:

28 a. Whether each teacher and administrator is employed on a full-time or a part-time
29 basis-; and

30 b. The number of days used to determine the base salary of each teacher and
31 administrator.

- 1 3. The superintendent of public instruction shall:
- 2 a. Compile the information required by this section in a manner that allows for
- 3 accurate comparisons; and
- 4 b. Forward a copy of the compiled information to the governor and the legislative
- 5 council.
- 6 4. The superintendent of public instruction may not expand the reporting requirements of
- 7 this section.
- 8 5. If any school district fails without good cause to provide the information required by
- 9 this section on or before September tenth and in the manner directed by the
- 10 superintendent of public instruction, the superintendent shall withhold all state aid until
- 11 the information is received.
- 12 6. For purposes of this section:
- 13 a. "Administrator" includes an individual who is employed by a school district in an
- 14 administrative position and who is classified by the superintendent of public
- 15 instruction as:
- 16 (1) A class 67 school district superintendent;
- 17 (2) A class 66 assistant or associate superintendent;
- 18 (3) A class 53 principal;
- 19 (4) A class 05 assistant principal;
- 20 (5) A class 29 director, including a special education director and a career and
- 21 technical education director;
- 22 (6) A class 04 assistant director; and
- 23 (7) Any other individual whose position requires an administrator's credential.
- 24 b. "Teacher" means an individual, other than an administrator, who is licensed to
- 25 teach by the ~~education standards and practices boards~~superintendent of public
- 26 instruction or approved to teach by the ~~education standards and practices~~
- 27 ~~boards~~superintendent of public instruction and who is employed by the board of a
- 28 school district in a position classified by the superintendent of public instruction
- 29 as:
- 30 (1) A class 22 coordinator;
- 31 (2) A class 37 guidance counselor or school counselor;

- 1 (3) A class 38 guidance counselor designate;
- 2 (4) A class 40 instructional programmer;
- 3 (5) A class 41 library media specialist;
- 4 (6) A class 56 pupil personnel service provider;
- 5 (7) A class 59 school psychologist;
- 6 (8) A class 62 speech-language pathologist;
- 7 (9) A class 68 supervisor;
- 8 (10) A class 70 teacher or special education teacher; or
- 9 (11) A class 72 tutor in training.

10 **SECTION 8. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-06-06. Approval of public schools.**

- 13 1. In order to obtain certification that a public school is approved, the superintendent of
14 the district in which the school is located shall submit to the superintendent of public
15 instruction a compliance report verifying that:
 - 16 a. Each classroom teacher is licensed to teach by the ~~education standards and~~
17 ~~practices boards~~superintendent of public instruction or approved to teach by the
18 ~~education standards and practices boards~~superintendent of public instruction;
 - 19 b. Each classroom teacher is teaching only in those course areas or fields for which
20 the teacher is licensed or for which the teacher has received an exception under
21 section 15.1-09-57;
 - 22 c. The school meets all curricular requirements set forth in chapter 15.1-21;
 - 23 d. The school participates in and meets the requirements of a review process that
24 is:
 - 25 (1) Designed to improve student achievement through a continuous cycle of
26 improvement; and
 - 27 (2) Approved by the superintendent of public instruction;
 - 28 e. The school has been inspected by the state fire marshal or the state fire
29 marshal's designee in accordance with section 15.1-06-09 and:
 - 30 (1) Has no unremedied deficiency; or

- 1 (2) Has deficiencies that have been addressed in a plan of correction which
2 was submitted to and approved by the state fire marshal or the state fire
3 marshal's designee; and
- 4 f. All individuals hired after June 30, 2011, and having unsupervised contact with
5 students at the school, have:
- 6 (1) Undergone a criminal history background check requested by the employing
7 school district; or
- 8 (2) Undergone a criminal history background check in order to be licensed by
9 the ~~education standards and practices boards~~ superintendent of public
10 instruction or by ~~any other~~ a state licensing board.
- 11 2. The compliance report required by subsection 1 must:
- 12 a. Be signed by the school principal and the superintendent of the school district;
- 13 b. Be formally approved by the board of the school district; and
- 14 c. Be filed with the superintendent of public instruction before five p.m. on the:
- 15 (1) First day of October; or
- 16 (2) The date of the extension provided under subsection 6.
- 17 3. On the tenth day of September and on the twenty-fifth day of September, the
18 superintendent of public instruction shall provide to each school principal, school
19 district superintendent, and school board member, electronic notification that the
20 compliance report is due on the first day of October.
- 21 4. If a school's compliance report is not submitted at the time and in the manner required
22 by subsection 2, the superintendent of public instruction shall designate the school as
23 unapproved. No later than thirty days after the date on which a school's compliance
24 report is due, in accordance with subsection 2, the superintendent of public instruction
25 shall post a notice on the department's website, indicating whether a school is
26 approved or unapproved.
- 27 5. If a public school does not meet the approval requirements of this section, the
28 superintendent of public instruction shall:
- 29 a. Notify the parents of students enrolled in the school, either directly or through the
30 local media outlets, that the school is unapproved; and

- 1 b. Subtract from any state aid otherwise payable to the school district the prorated
2 amount attributable to the students in attendance at the unapproved school for
3 each day that the school's compliance report is not on file with the superintendent
4 of public instruction.
- 5 6. If because of unforeseen or other extenuating circumstances a school district
6 superintendent is unable to file a school's compliance report with the superintendent of
7 public instruction before five p.m. on October first, the school district superintendent
8 may request one extension from the superintendent of public instruction. The
9 superintendent of public instruction shall grant the extension provided the request was
10 received before five p.m. on October first. An extension under this section terminates
11 at five p.m. on October fifteenth.
- 12 7. Upon receipt of a school's compliance report, as required by this section, the
13 superintendent of public instruction shall certify the school as being approved. A
14 certification of approval under this subsection expires at the conclusion of the regular
15 school calendar.
- 16 8. If after being certified as approved a school experiences circumstances or events that
17 would render the information contained in its compliance report inaccurate, the
18 superintendent of the school district in which the school is located shall notify the
19 superintendent of public instruction and work with the superintendent of public
20 instruction to address the circumstances or events at the earliest possible time.
- 21 9. If a school district does not employ a superintendent, the duties required of a school
22 district superintendent by this section must be performed as provided for in chapter
23 15.1-11.

24 **SECTION 9. AMENDMENT.** Section 15.1-06-06.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-06-06.1. Approval of nonpublic schools.**

- 27 1. In order to obtain certification that a nonpublic school is approved, the administrator of
28 a nonpublic school shall submit to the superintendent of public instruction a
29 compliance report verifying that:

- 1 a. Each classroom teacher is licensed to teach by the ~~education standards and~~
2 ~~practices boards~~superintendent of public instruction or approved to teach by the
3 ~~education standards and practices boards~~superintendent of public instruction;
- 4 b. Each classroom teacher is teaching only in those course areas or fields for which
5 the teacher is licensed or for which the teacher has received an exception under
6 section 15.1-09-57;
- 7 c. The school meets all curricular requirements set forth in chapter 15.1-21;
- 8 d. The school has been inspected by the state fire marshal or the state fire
9 marshal's designee in accordance with section 15.1-06-10 and:
10 (1) Has no unremedied deficiency; or
11 (2) Has deficiencies that have been addressed in a plan of correction which
12 was submitted to and approved by the state fire marshal or the state fire
13 marshal's designee; and
- 14 e. All individuals hired after June 30, 2011, and having unsupervised contact with
15 students at the school, have:
16 (1) Undergone a criminal history background check requested on behalf of the
17 employing school; or
18 (2) Undergone a criminal history background check in order to be licensed by
19 the ~~education standards and practices boards~~superintendent of public
20 instruction or by ~~any other~~a state licensing board.
- 21 2. The compliance report required by subsection 1 must:
22 a. Be signed by the school administrator;
23 b. Be formally approved by the governing board of the school; and
24 c. Be filed with the superintendent of public instruction before five p.m. on:
25 (1) The first day of October; or
26 (2) The date of the extension provided under subsection 5.
- 27 3. On the tenth day of September and on the twenty-fifth day of September, the
28 superintendent of public instruction shall provide to each school administrator and
29 member of the governing board, electronic notification that the compliance report is
30 due on the first day of October.

- 1 4. If a nonpublic school's compliance report is not submitted at the time and in the
2 manner required by subsection 2, the superintendent of public instruction shall
3 designate the school as unapproved. No later than thirty days after the date on which
4 a school's compliance report is due, in accordance with subsection 2, the
5 superintendent of public instruction shall post a notice on the department's website,
6 indicating whether a nonpublic school is approved or unapproved.
- 7 5. If a nonpublic school does not meet the approval requirements of this section, the
8 superintendent of public instruction shall notify the parents of students enrolled in the
9 school, either directly or through the local media outlets, that the school is unapproved
10 and that the parents may be in violation of the state's compulsory attendance
11 provisions.
- 12 6. If because of unforeseen or other extenuating circumstances the administrator of a
13 nonpublic school is unable to file the school's compliance report with the
14 superintendent of public instruction before five p.m. on October first, the school
15 administrator may request one extension from the superintendent of public instruction.
16 The superintendent of public instruction shall grant the extension provided the request
17 was received before five p.m. on October first. An extension under this section
18 terminates at five p.m. on October fifteenth.
- 19 7. Upon receipt of a nonpublic school's compliance report, as required by this section,
20 the superintendent of public instruction shall certify the school as being approved. A
21 certification of approval under this subsection expires at the conclusion of the regular
22 school calendar.
- 23 8. If after being certified as approved a nonpublic school experiences circumstances or
24 events that would render the information contained in its compliance report inaccurate,
25 the administrator of the nonpublic school shall notify the superintendent of public
26 instruction and work with the superintendent of public instruction to address the
27 circumstances or events at the earliest possible time.

28 **SECTION 10. AMENDMENT.** Section 15.1-07-32 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **15.1-07-32. Student performance strategist - Verification - Qualifications.**

2 Each school district must have available one full-time equivalent student performance
3 strategist for every four hundred students in average daily membership in kindergarten through
4 grade three. Each school district shall submit documentation to the superintendent of public
5 instruction, at the time and in the manner directed by the superintendent, verifying the amount
6 of time that each student performance strategist expended in tutoring students on a one-to-one
7 basis or in groups ranging from two to five, or in providing instructional coaching to teachers.

8 For purposes of this section, a "student performance strategist" must:

- 9 1. a. Meet the qualifications of an elementary school teacher as set forth in section
10 15.1-18-07; or
- 11 b. Be licensed to teach by the superintendent of public instruction or approved to
12 teach by the ~~education standards and practices boards~~superintendent of public
13 instruction and hold a special education endorsement or credential; and
- 14 2. Serve as a tutor or an instructional coach.

15 **SECTION 11. AMENDMENT.** Section 15.1-09-33 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-09-33. School board - Powers.**

18 The board of a school district may:

- 19 1. Establish a system of free public schools for all children of legal school age residing
20 within the district.;
- 21 2. Organize, establish, operate, and maintain elementary, middle, and high schools.;
- 22 3. Have custody and control of all school district property and, in the case of the board of
23 education of the city of Fargo, have custody and control of all public school property
24 within the boundaries of the Fargo public school district and to manage and control all
25 school matters.;
- 26 4. Acquire real property and construct school buildings and other facilities.;
- 27 5. Relocate or discontinue schools and liquidate the assets of the district, as required by
28 law, provided no site may be acquired or building constructed, ~~or~~and no school may
29 be organized, established, operated, maintained, discontinued, or changed in location
30 without the approval of the state board of public school education, if outside the
31 boundary of the district.;

Sixty-fourth
Legislative Assembly

- 1 6. Purchase, sell, exchange, and improve real property-;
- 2 7. Lease real property for a maximum of one year except in the case of a career and
- 3 technical education facility constructed in whole or in part with financing acquired
- 4 under chapter 40-57, which may be leased for up to twenty years-;
- 5 8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real
- 6 property for school purposes-;
- 7 9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,
- 8 supplies, and textbooks-;
- 9 10. Recruit or contract with others to recruit homes and facilities which provide boarding
- 10 care for special education students-;
- 11 11. Provide dormitories for the boarding care of special education students-;
- 12 12. Insure school district property-;
- 13 13. Independently or jointly with other school districts, purchase telecommunications
- 14 equipment or lease a telecommunications system or network-;
- 15 14. Provide for the education of students by another school district-;
- 16 15. Contract with federal officials for the education of students in a federal school-;
- 17 16. Prescribe courses of study in addition to those prescribed by the superintendent of
- 18 public instruction or by law-;
- 19 17. Adopt rules regarding the instruction of students, including their admission, transfer,
- 20 organization, grading, and government-;
- 21 18. Join the North Dakota high school activities association and pay membership fees-;
- 22 19. Adopt alternative curricula for high school seniors who require fewer than four
- 23 academic units-;
- 24 20. Contract with, employ, and compensate school district personnel-;
- 25 21. Contract with and provide reimbursement for the provision of teaching services by an
- 26 individual certified as an instructor in the areas of North Dakota American Indian
- 27 languages and culture by the ~~education standards and practices board~~ superintendent
- 28 of public instruction-;
- 29 22. Suspend school district personnel-;
- 30 23. Dismiss school district personnel-;
- 31 24. Participate in group insurance plans and pay all or part of the insurance premiums-;

- 1 25. Contract for the services of a district superintendent, provided that the contract, which
- 2 may be renewed, does not exceed a period of three years;
- 3 26. Contract for the services of a principal;
- 4 27. Employ an individual to serve as the school district business manager or contract with
- 5 any person to perform the duties assigned to a school district business manager by
- 6 law;
- 7 28. Suspend or dismiss a school district business manager for cause without prior notice;
- 8 29. Suspend or dismiss a school district business manager without cause with thirty days'
- 9 written notice;
- 10 30. Defray the necessary and contingent expenses of the board;
- 11 31. Levy a tax upon property in the district for school purposes, as permitted in
- 12 accordance with chapter 57-15;
- 13 32. Amend and certify budgets and tax levies, as provided in title 57;
- 14 33. Pay dues allowing for the board to hold membership in city, county, state, and national
- 15 organizations and associations; and
- 16 34. Designate, at its annual meeting, a newspaper of general circulation as the official
- 17 newspaper of the district.

18 **SECTION 12. AMENDMENT.** Section 15.1-09-33.1 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-09-33.1. School board authority - Payment of signing bonuses.**

- 21 1. The board of a school district may offer and, upon the signing of the contract by both
- 22 parties, pay a signing bonus to an individual who:
- 23 a. Is licensed to teach by the ~~education standards and practices~~
- 24 ~~board~~superintendent of public instruction or approved to teach by the ~~education~~
- 25 ~~standards and practices board~~superintendent of public instruction;
- 26 b. Has signed a contract of employment to serve as a classroom teacher in the
- 27 district; and
- 28 c. Was not employed as a classroom teacher by the board of a school district in this
- 29 state during the previous school year.
- 30 2. The board may pay to the individual the signing bonus authorized by subsection 1 in:
- 31 a. One lump sum upon the individual signing a contract of employment; or

1 b. Installments over a period of time not to exceed three years from the date the
2 individual signed a contract of employment.

3 3. A signing bonus paid under this section:

4 a. Is in addition to any amount payable under a negotiated teachers' contract;

5 b. May not be included in the district's negotiated salary schedule; and

6 c. May not be included as salary for continuing contract purposes.

7 **SECTION 13. AMENDMENT.** Section 15.1-09-57 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-09-57. Licensure to teach - Course area or field - Request for exception - Report.**

10 1. If the board of a school district or of a nonpublic school is unable to fill a particular
11 position by recruiting or assigning an individual who is licensed to teach in that
12 particular course area or field, the school board may fill the position with an individual
13 who is not licensed to teach in that particular course area or field, provided the
14 individual:

15 a. Is licensed to teach by the ~~education standards and practices~~

16 ~~boards~~superintendent of public instruction or is approved to teach by the

17 ~~education standards and practices boards~~superintendent of public instruction;

18 b. Holds at least a minor or a minor equivalency in the course area or field in which
19 the individual seeks to teach; and

20 c. Has received a temporary exception under this section.

21 2. The ~~education standards and practices boards~~superintendent of public instruction shall
22 adopt rules governing the issuance of temporary exceptions under this section. Except
23 for a case of sudden and unexpected vacancy occurring during the school calendar,
24 the rules must require consideration of a school board's efforts to fill a particular
25 position and the school board's efforts to explore alternative methods of education
26 delivery to the students. The rules must also require that the individual to submit a
27 plan for a course of study ~~which~~that will enable the individual to obtain a major or a
28 major equivalency in the course area or field in which the individual seeks to teach.

29 3. An exception granted under this section is valid only through the conclusion of the
30 school year in which the request for exception is submitted to the ~~education standards~~
31 ~~and practices boards~~superintendent of public instruction. The ~~boards~~superintendent may

1 extend the exception by one-year increments, provided the individual demonstrates
2 successful completion of at least one-third of the total course of study prior to each
3 requested extension.

4 4. At the conclusion of each school year, the ~~education standards and practices~~
5 ~~boards~~superintendent of public instruction shall file a report with the legislative council.
6 The report must cite all requests for exceptions under this section received by the
7 ~~boards~~superintendent during the school year and must include the
8 ~~board's~~superintendent's response to each request and a brief description of the
9 ~~board's~~superintendent's rationale.

10 **SECTION 14. AMENDMENT.** Section 15.1-13-01 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **15.1-13-01. Definitions.**

13 For purposes of this chapter:

- 14 1. "Administrator" means an individual who holds an administrator's credential and who
15 is employed by the board of a school district for the primary purpose of providing
16 administrative services to the schools of the district. The term includes a school district
17 superintendent, an assistant or associate school district superintendent, a school
18 principal, an assistant or associate school principal, a special education director, a
19 director of a multidistrict special education unit, a career and technical education
20 director, and a director of an area career and technology center. The term may include
21 an athletic or activity director who meets the requirements of this subsection.
- 22 2. ~~"Board" means the education standards and practices board.~~
- 23 3. "Profession of teaching" means providing services in an approved school as a teacher,
24 counselor, librarian, curriculum director or supervisor, speech or language therapist,
25 school psychologist, special educator, or administrator.

26 **SECTION 15. AMENDMENT.** Section 15.1-13-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15.1-13-02. Education standards and practices advisory board - Membership.**

- 29 4. The governor shall appoint to the education standards and practices advisory board:
30 a.1. Four individuals who are public school classroom teachers;
31 b.2. One individual who is a nonpublic school classroom teacher;

- 1 e-3. Two individuals who are school board members;
2 d-4. Two individuals who are administrators; and
3 e-5. One dean of a college of education or chairman of a department of education.
4 2. ~~The superintendent of public instruction or the superintendent's designee shall serve~~
5 ~~as a nonvoting ex officio member.~~

6 **SECTION 16. AMENDMENT.** Section 15.1-13-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-13-03. Board compensation.**

9 Each member of the education standards and practices advisory board is entitled to receive
10 compensation in the amount of sixty-two dollars and fifty cents per day and to reimbursement
11 for expenses as provided by law for other state officers while attending meetings or performing
12 duties directed by the board or by the superintendent of public instruction. A member of the
13 board may not lose the member's regular salary and may not be required to refuse the
14 compensation to which the member is entitled under this section for serving on the board.

15 **SECTION 17. AMENDMENT.** Section 15.1-13-04 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-13-04. Term of office - Vacancy.**

18 The term of office for a member of the education standards and practices advisory board is
19 three years, beginning on July first of the year of appointment. ~~No person may~~An individual may
20 not serve for more than two consecutive terms. If a vacancy occurs, it must be filled for the
21 duration of the unexpired term in the same manner as an original appointment.

22 **SECTION 18. AMENDMENT.** Section 15.1-13-05 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-13-05. Officers.**

25 ~~The~~Annually, the education standards and practices advisory board annually shall select a
26 chairman and, a vice chairman. ~~The executive director of the board or the executive director's~~
27 ~~designee shall serve as, and a~~ secretary.

28 **SECTION 19. AMENDMENT.** Section 15.1-13-06 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **15.1-13-06. Meetings - Notice.**

2 The chairman of the education standards and practices advisory board shall set the date
3 and time of ~~the each~~ board ~~meetings~~ meeting and shall provide at least ten days' notice of the
4 meeting to all board members. The chairman shall call a special meeting when requested to do
5 so, in writing, by a majority of the board members.

6 **SECTION 20. AMENDMENT.** Section 15.1-13-08 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-13-08. Board duties.**

9 The education standards and practices advisory board shall:

- 10 1. ~~Supervise~~ Advise the superintendent of public instruction on matters pertaining to the
11 licensure of teachers-;
- 12 2. ~~Set~~ Advise the superintendent of public instruction on matters pertaining to standards
13 for and ~~approve~~ the approval of teacher preparation programs-;
- 14 3. ~~Seek the advice of~~ Consult with teachers, administrators, school board members,
15 teacher education professors, and other interested citizens ~~in developing and~~
16 ~~updating~~ prior to recommending to the superintendent of public instruction changes to
17 codes or standards of ethics, conduct, professional performance, and professional
18 practices-;
- 19 4. ~~Adopt, in accordance with chapter 28-32,~~ Assist the superintendent of public instruction
20 in drafting and implementing, in accordance with chapter 28-32, codes or standards of
21 ethics, conduct, professional performance, and professional practices-;
- 22 5. Make recommendations to the superintendent of public instruction for the inservice
23 education of individuals engaged in the profession of teaching-; and
- 24 6. ~~Issue~~ Advise the superintendent of public instruction regarding the issuance of major
25 equivalency endorsements and minor equivalency endorsements.
- 26 7. ~~Appoint an executive director to serve at its discretion.~~
- 27 8. ~~Authorize the executive director to employ personnel, subject to approval by the~~
28 board.

29 **SECTION 21. AMENDMENT.** Section 15.1-13-09 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-13-09. Board powers.**

2 The board may:

- 3 1. ~~Adopt rules in accordance with chapter 28-32.~~
- 4 2. ~~Apply for and receive federal or other funds on behalf of the state for purposes related~~
5 ~~to its duties.~~
- 6 3. ~~Perform any duty related to the improvement of~~ participate in efforts to improve
7 instruction through teacher education, professional development, and continuing
8 education programs, as directed by the superintendent of public instruction.

9 **SECTION 22. AMENDMENT.** Section 15.1-13-10 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-13-10. Criteria for teacher licensure.**

- 12 1. ~~The board~~superintendent of public instruction shall establish by rule the criteria for
13 teacher licensure and the process for issuing teaching licenses. The criteria must
14 include considerations of character, adequate educational preparation, and general
15 fitness to teach.
- 16 2. ~~The board~~superintendent may not require a teacher who graduated from an
17 accredited teacher education program on or before September 1, 1980, to earn any
18 college credits in native American or other multicultural courses as a condition of
19 licensure or license renewal.
- 20 3. This section does not affect the validity of teaching certificates in effect on July 31,
21 2001.
- 22 4. This section does not affect the qualifications for career and technical education
23 certificates, as otherwise established by law.

24 **SECTION 23. AMENDMENT.** Section 15.1-13-10.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-13-10.1. Student teaching requirements - Teachers licensed in other states.**

27 If an individual who is or was licensed to teach in another state applies for a license to teach
28 in this state, the ~~education standards and practices board~~ superintendent of public instruction
29 may not impose on the individual any student teaching requirements as a condition of licensure.
30 This section is applicable to an individual who graduated from a state-approved regular

1 education program but not to an individual who completed an alternative education program as
2 a condition of licensure.

3 **SECTION 24. AMENDMENT.** Section 15.1-13-11 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-13-11. Application and licensing fees.**

6 1. The ~~boards~~superintendent of public instruction may set and charge a fee for:

7 a.1. Filing an application for a teaching license.; ~~and~~

8 b.2. Issuing a teaching license.

9 2. ~~Any fee collected by the board must be deposited and disbursed in accordance with~~
10 ~~section 54-44-12.~~

11 **SECTION 25. AMENDMENT.** Section 15.1-13-12 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-13-12. Teaching license - Period of effectiveness.**

14 A teaching license issued by the ~~boards~~superintendent of public instruction is effective for at
15 least one school year, unless suspended or revoked ~~by the board~~. This section does not apply
16 to provisional teaching licenses issued by the ~~boards~~superintendent under section 15.1-13-13.

17 **SECTION 26. AMENDMENT.** Section 15.1-13-12.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15.1-13-12.1. Teaching license - Lifetime licensure.**

20 If an individual has been licensed to teach in this state for a period of thirty years, the
21 ~~education standards and practices boards~~superintendent of public instruction shall grant the
22 individual lifetime licensure. Nothing in this section precludes the ~~boards~~superintendent from
23 taking any action against an individual's lifetime license, if the ~~board~~ determines that the action
24 is warranted under this chapter.

25 **SECTION 27. AMENDMENT.** Section 15.1-13-13 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.**

28 The ~~boards~~superintendent of public instruction may issue a provisional teaching license to an
29 applicant, pending completion of the background check required by section 15.1-13-14 or
30 pending the receipt of official transcripts or other original, signed, or certified documents. The
31 provisional license is valid for a period of forty days and may be renewed with the approval of

1 the board. ~~The board may adopt rules governing the issuance of a provisional teaching-~~
2 ~~license~~superintendent. An individual applying for a provisional teaching license may be charged
3 a fee established by the ~~board~~superintendent. However, an individual applying for the renewal
4 of a provisional teaching license may not be charged a fee.

5 **SECTION 28. AMENDMENT.** Section 15.1-13-14 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-13-14. Initial and reentry licensure of teachers - Criminal history record check.**

8 The ~~board~~superintendent of public instruction shall check, or cause to be checked, the
9 criminal history record of each applicant for initial licensure and reentry licensure as a teacher in
10 accordance with section 12-60-24. All costs associated with the background check and with
11 obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history
12 records provided to the ~~board~~superintendent pursuant to this section are confidential and closed
13 to the public and may only be used by the ~~board~~superintendent for determining an applicant's
14 eligibility for licensure and obtaining documentation to support a denial of licensure.

15 **SECTION 29. AMENDMENT.** Section 15.1-13-15 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-13-15. Teaching license - Application - Oath or affirmation.**

18 1. Each applicant for a teaching license shall subscribe to the following oath or
19 affirmation:

20 I do solemnly swear (or affirm) that I will support the Constitution of the
21 United States and the Constitution of the state of North Dakota, and that I will
22 faithfully discharge the duties of my position, according to the best of my ability.

23 2. The applicant shall execute the oath or affirmation in duplicate. One copy of the oath
24 or affirmation must be filed with the ~~board~~superintendent of public instruction when the
25 applicant applies for a teaching license. The applicant shall retain the other copy.

26 3. The ~~board~~superintendent may not issue a license to teach unless a duly witnessed or
27 notarized oath or affirmation has been filed ~~with the board~~by the applicant.

28 **SECTION 30. AMENDMENT.** Section 15.1-13-16 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **15.1-13-16. Teaching license - Student transcript.**

2 A student who has met all the criteria necessary to receive a teaching license, but who has
3 not graduated from a college or university, may request that the college or university provide a
4 copy of the student's completed transcript to the ~~boards~~superintendent of public instruction or to
5 a comparable licensing entity in another state. Within ten days of the request by the student, the
6 college or university shall provide a copy of the transcript showing that the student has met all
7 the criteria necessary to receive a teaching license except graduation. The transcript must
8 indicate areas in which the student has a major or minor.

9 **SECTION 31. AMENDMENT.** Section 15.1-13-17 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-13-17. Teaching license - Requirements - Exceptions.**

- 12 1. An individual may not engage in the profession of teaching unless:
- 13 a. The individual holds a teaching license issued by the ~~boards~~superintendent of
14 public instruction; or
- 15 b. The individual is approved to teach by the ~~boards~~superintendent of public
16 instruction.
- 17 2. An individual may be approved to teach by the ~~boards~~superintendent of public
18 instruction only if the individual has previously held a North Dakota teaching certificate
19 or license, holds a teaching certificate or license issued by another state, or has filed a
20 completed application for licensure with the ~~boards~~superintendent.
- 21 3. The ~~boards~~superintendent of public instruction shall adopt rules establishing the terms
22 and conditions under which an individual may be approved to teach, as provided for in
23 this section. The terms and conditions may include the payment of a fine to the board
24 in an amount not exceeding two hundred fifty dollars per incident, enrollment in and
25 completion of continuing education courses, and submission of a completed
26 application for licensure by a date certain.

27 **SECTION 32. AMENDMENT.** Section 15.1-13-18 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **15.1-13-18. Teaching license - Presentation to business manager.**

2 1. Before being employed to teach by a school district, an individual shall present to the
3 school district business manager a teaching license or other evidence of approval to
4 teach issued by the ~~boards~~superintendent of public instruction.

5 2. Before being employed to teach by a nonpublic school, an individual shall present to
6 the school business manager a teaching license or other evidence of approval to
7 teach issued by the ~~boards~~superintendent of public instruction.

8 **SECTION 33. AMENDMENT.** Section 15.1-13-20 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-13-20. Applicants licensed in other states.**

11 1. The ~~boards~~superintendent of public instruction shall grant a teaching license to an
12 applicant who holds a regular teaching license or certificate from another state,
13 provided:

14 a. The applicant's licensure or certification is based upon a minimum of a bachelor's
15 degree with a major that meets the issuing state's requirements in early
16 childhood education, elementary education, middle level education, or a content
17 area taught at a public high school;

18 b. The applicant's licensure or certification is based upon the completion of a
19 professional education sequence from a state-approved teacher education
20 program and includes supervised student teaching;

21 c. The applicant submits the required fee and a criminal history record check, as
22 required of initial applicants by this chapter; and

23 d. The criminal history record check reveals nothing for which a North Dakota
24 applicant would be denied initial licensure.

25 2. a. A license granted under this section is valid for two years if the applicant has not
26 been licensed in another state for at least eighteen months.

27 b. Notwithstanding subdivision a, if the individual received a teaching license or
28 certificate from another state on or after January 1, 2002, and if the issuing state
29 did not require that the individual pass a state test as a condition of licensure or
30 certification, the board shall require that the individual, within two years from the

1 date of licensure, pass all state licensure tests normally required of applicants
2 from this state.

3 c. In all other cases, a license granted under this section is valid for five years and
4 is renewable if the licenseholder meets the reeducation requirements established
5 for all five-year license renewals.

6 3. A license granted under this section must include all of the applicant's endorsements
7 issued or recognized by the applicant's other state of licensure.

8 **SECTION 34. AMENDMENT.** Section 15.1-13-22 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-13-22. Licensure of North Dakota American Indian language instructors.**

11 The ~~boards~~superintendent of public instruction may license an individual as an instructor of
12 North Dakota American Indian languages and culture if the individual is recommended for
13 licensure to teach North Dakota native languages by an indigenous language board created by
14 a tribal government in this state and if the individual:

- 15 1. Displays competence in North Dakota American Indian languages and culture and has
16 successfully completed a three-semester-hour course in classroom instruction at a
17 tribal college or other institution of higher education; or
18 2. Holds a baccalaureate degree and has knowledge of and experience in North Dakota
19 American Indian languages and culture.

20 **SECTION 35. AMENDMENT.** Section 15.1-13-23 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15.1-13-23. School guidance and counseling services - Providers.**

23 Notwithstanding any other law, guidance and counseling services at the elementary and
24 secondary school level may be provided by a person holding a graduate degree in counseling
25 from a state-approved school counseling program, with coursework and an internship in school
26 counseling, as required for all counselors by the superintendent of public instruction, provided
27 the ~~person~~individual has a North Dakota teaching license or will obtain one within seven years
28 from the date of first employment under this section. The ~~boards~~superintendent of public
29 instruction shall conduct a criminal history record check in accordance with section 12-60-24 on
30 each ~~person~~individual hired under this section. All costs associated with a background check
31 are the responsibility of the ~~person~~individual being hired. The ~~boards~~superintendent of public

1 instruction shall monitor a ~~person~~an individual hired under this section to ensure that the
2 ~~person~~individual annually completes at least one-seventh of the total credits required for that
3 ~~person~~individual to obtain a teaching license, as determined at the time of employment under
4 this section.

5 **SECTION 36. AMENDMENT.** Section 15.1-13-24 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-13-24. Complaints against teachers or administrators.**

- 8 1. Any person may file with the ~~board~~superintendent of public instruction a complaint
9 against a teacher or an administrator. The complaint must state the claims or charges
10 and it must be signed. The complaint may include supporting documentation.
- 11 2. Upon receiving the complaint, the ~~board~~superintendent of public instruction shall serve
12 a copy of the complaint and any supporting documentation upon the individual
13 personally or by certified mail.
- 14 3. The individual has twenty days from the date the individual receives the complaint
15 within which to file a response. The response may include supporting documentation.
- 16 4. If the individual files a timely response, the superintendent of public instruction and the
17 education standards and practices advisory board shall meet to review the complaint,
18 the response, and any documentation submitted by the parties, but may not accept
19 testimony.
- 20 5. Based on the complaint, the response, ~~and~~ the documentation submitted in
21 accordance with this section, and any recommendation by the education standards
22 and practices advisory board, the ~~board~~superintendent of public instruction may:
 - 23 a. Dismiss the complaint as unfounded; or
 - 24 b. (1) Determine there is a reasonable basis to believe the claims or charges are
25 true and subject to action ~~by the board~~ under this chapter;
 - 26 (2) File a formal complaint against the individual in accordance with chapter
27 28-32; and
 - 28 (3) Schedule and hold a public hearing on the complaint in accordance with
29 chapter 28-32.
- 30 6. If the individual fails to file a timely response, the ~~board~~superintendent of public
31 instruction shall determine whether the individual's failure to file a timely response

1 constitutes an admission of the allegations in the complaint and whether the
2 individual's teaching license should be subject to action ~~by the board~~. If the
3 ~~boardsuperintendent~~ determines that the individual's failure to file a timely response is
4 an admission of the allegations in the complaint and that the individual's teaching
5 license should be subject to action ~~by the board~~, the ~~boardsuperintendent~~ shall hold a
6 hearing in accordance with chapter 28-32 ~~to take any appropriate action~~.

7 **SECTION 37. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-13-25. Teaching license - Action by ~~boardsuperintendent~~ - Causes.**

- 10 1. After holding a public hearing in accordance with chapter 28-32, the
11 ~~boardsuperintendent of public instruction~~ may issue a written warning or reprimand to
12 the individual, suspend the individual's teaching license, or revoke the individual's
13 teaching license if:
- 14 a. The individual obtained a license by means of fraud, misrepresentation, or
15 concealment of facts;:
 - 16 b. The ~~boardsuperintendent~~ becomes aware of any fact or circumstance that would
17 have caused the ~~board to deny a denial of~~ licensure had the ~~board known of the~~
18 fact or circumstance been known by the superintendent at the time of initial
19 licensure;:
 - 20 c. The individual is incompetent, immoral, intemperate, or cruel;:
 - 21 d. The individual has been convicted of, has pled guilty to, or has pled
22 nolo contendere to an offense deemed by the ~~boardsuperintendent~~ to have a
23 direct bearing upon an individual's ability to serve as a teacher or an
24 administrator;:
 - 25 e. The ~~boardsuperintendent~~ believes that the individual, having been convicted of
26 an offense, has not been sufficiently rehabilitated under section 12.1-33-02.1;:
 - 27 f. The individual has refused to perform the duties of a teacher or an administrator;:
 - 28 g. The individual has breached a contract with a school district or nonpublic school;:
 - 29 h. The individual knowingly taught in violation of chapter 15.1-18;:
 - 30 i. The individual is an administrator in a school district or a nonpublic school and
31 knowingly permitted another individual to teach in violation of chapter 15.1-18; or

1 j. The individual has violated this chapter or any rule adopted by the board to
2 implement this chapter.

3 2. ~~Any~~An action of the board taken under this section may be appealed to the district
4 court of Burleigh County in accordance with chapter 28-32.

5 **SECTION 38. AMENDMENT.** Section 15.1-13-26 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-13-26. Crimes against a child and sexual offenses - Denial of or immediate**
8 **revocation of teaching license.**

9 1. The ~~board~~superintendent of public instruction shall deny an application for a teaching
10 license and shall immediately revoke the teaching license of an individual who has
11 been found guilty of a crime against a child or a sexual offense.

12 2. An individual who is denied a teaching license or who has had a teaching license
13 revoked under subsection 1 may file a request with the ~~board~~superintendent of public
14 instruction for a due process hearing under chapter 28-32. The hearing must be held
15 within ten days of the request. The scope of the hearing is limited to determining
16 whether the individual was convicted of a crime against a child or a sexual offense and
17 whether the conviction has been overturned on appeal.

18 3. A final decision denying a teaching license or revoking a teaching license under this
19 section is appealable pursuant to chapter 28-32. A court may not stay the decision
20 pending an appeal. A court shall affirm the decision denying a teaching license or
21 revoking a teaching license unless the court finds that the individual was not convicted
22 of a crime against a child or a sexual offense or that the conviction was overturned on
23 appeal.

24 4. The ~~board~~superintendent of public instruction may impose a fee against a licensee as
25 reimbursement for all or part of the costs of administrative actions that result in
26 disciplinary action against the licensee under this section.

27 5. As used in this section:

28 a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of
29 nolo contendere, a judgment of conviction even though the court suspended
30 execution of sentence in accordance with subsection 3 of section 12.1-32-02, or
31 a deferred imposition of sentence in accordance with subsection 4 of section

1 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt
2 overturned on appeal.

3 b. "Crime against a child" means violation of section 12.1-16-01, 12.1-16-02,
4 12.1-16-03, 12.1-16-04, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04,
5 12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-17-07.1, 12.1-17-10, 12.1-18-01,
6 12.1-18-02, 12.1-18-03, 12.1-29-01, 12.1-29-02, or 12.1-29-03, or an equivalent
7 ordinance, in which the victim is a minor or is otherwise of the age required for
8 the act to be a crime or an attempt to commit these offenses.

9 c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1,
10 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, or 12.1-20-12.2, or
11 chapter 12.1-27.2, or an equivalent ordinance.

12 **SECTION 39. AMENDMENT.** Section 15.1-13-27 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-13-27. Suspension or revocation of teaching license - Notice.**

15 1. If an individual's teaching license is suspended or revoked, the ~~boardsuperintendent of~~
16 public instruction shall notify the individual, the business manager of the school district
17 employing the individual, and each county superintendent of schools in the state, ~~and~~
18 ~~the superintendent of public instruction.~~

19 2. Upon being notified that one's teaching license has been suspended or revoked, the
20 individual shall return the license to the ~~education standards and practices-~~
21 ~~boardsuperintendent of public instruction.~~ If the individual fails to return the license
22 within the time period set by the ~~boardsuperintendent,~~ the ~~boardsuperintendent~~ may
23 publish notice of the suspension or revocation in the official newspaper of the county
24 in which the individual was employed.

25 **SECTION 40. AMENDMENT.** Section 15.1-13-30 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-13-30. Venue for legal actions.**

28 Burleigh County, North Dakota, is the venue for all licensure actions to which the ~~education-~~
29 ~~standards and practices boardsuperintendent of public instruction~~ is a party.

30 **SECTION 41. AMENDMENT.** Section 15.1-13-31 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-13-31. Conviction of individual holding teaching license - Written notification.**

2 A state's attorney shall provide written notification to the ~~boards~~superintendent of public
3 instruction when an individual holding a teaching license is convicted of a felony or a class A
4 misdemeanor.

5 **SECTION 42. AMENDMENT.** Section 15.1-13-34 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-13-34. Approval of theological studies instructors.**

8 The ~~boards~~superintendent of public instruction shall approve an individual to be an instructor
9 of theological studies upon receipt of the application and fees required under section 15.1-13-11
10 and pending completion of the background check required by section 15.1-13-14, if the
11 individual:

- 12 1. Holds a baccalaureate degree; and
- 13 2. Is recommended for approval as an instructor of theological studies by the governing
14 board of a nonpublic school offering a theological studies course.

15 **SECTION 43.** A new section to chapter 15.1-13 of the North Dakota Century Code is
16 created and enacted as follows:

17 **License issued by education standards and practices board - Force and effect.**

18 Any license issued by the education standards and practices board, in accordance with the
19 law in effect on July 31, 2015, has the same force and effect as a comparable license issued by
20 the superintendent of public instruction, until the date that the license expires or is revoked,
21 whichever comes first.

22 **SECTION 44. AMENDMENT.** Section 15.1-14-07 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-14-07. School district superintendent - Discharge for cause - Report to the-**
25 **~~education standards and practices board.~~**

26 If the board of a school district discharges a superintendent for cause, the board shall report
27 the discharge to the ~~education standards and practices boards~~superintendent of public
28 instruction.

29 **SECTION 45. AMENDMENT.** Section 15.1-14-17 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-14-17. Multidistrict special education unit - Director - Discharge for cause -**
2 **Report to the education standards and practices board.**

3 If the board of a multidistrict special education unit discharges a director for cause, the
4 board shall report the discharge to the ~~education standards and practices board~~superintendent
5 of public instruction.

6 **SECTION 46. AMENDMENT.** Section 15.1-14-27 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-14-27. Area career and technology center - Director - Discharge for cause -**
9 **Report to the education standards and practices board.**

10 If the board of an area career and technology center discharges a director for cause, the
11 board shall report the discharge to the ~~education standards and practices board~~superintendent
12 of public instruction.

13 **SECTION 47. AMENDMENT.** Section 15.1-15-11 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-15-11. Discharge for cause - Report to education standards and practices board.**

16 If the board of a school district discharges for cause an individual employed as a teacher, a
17 principal, or as an assistant or associate superintendent, the board shall report the discharge to
18 the ~~education standards and practices board~~superintendent of public instruction.

19 **SECTION 48. AMENDMENT.** Section 15.1-16-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-16-01. Definitions.**

22 As used in this chapter:

23 1. "Administrator" means an individual who is employed by the board of a public school
24 district, primarily for administration of a school or schools ~~in~~in the district and who
25 devotes at least fifty percent of the individual's time in any one year to the duties of
26 administration of the school or schools ~~in~~in the district.

27 2. "Negotiating unit" means:

28 a. A group of administrators having common interests, common problems, a
29 common employer, or a history of common representation, which warrants that
30 group being represented by a single representative organization in negotiations
31 with the board of a school district; or

1 b. A group of teachers having common interests, common problems, a common
2 employer, or a history of common representation, which warrants that group
3 being represented by a single representative organization in negotiations with the
4 board of a school district.

5 3. "Representative organization" means an organization authorized by a negotiating unit
6 to represent the members of the unit in negotiations with a school board.

7 4. "Strike" means any concerted work stoppage, slowdown, or withholding of contracted
8 services.

9 5. "Teacher" means a ~~public school~~ district employee licensed to teach by the ~~education-~~
10 ~~standards and practices boards~~superintendent of public instruction or approved to
11 teach by the ~~education standards and practices boards~~superintendent of public
12 instruction and employed primarily as a classroom teacher.

13 **SECTION 49. AMENDMENT.** Section 15.1-16-20 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-16-20. North Dakota vision services - School for the blind - School for the deaf -**
16 **Youth correctional center - Contracts of employment for teachers - Personnel policies.**

17 1. The superintendent of public instruction shall develop contracts of employment and
18 personnel policies applicable to each individual employed as a teacher at North
19 Dakota vision services - school for the blind and the school for the deaf. The director
20 of the division of juvenile services, with the approval of the director of the department
21 of corrections and rehabilitation, shall develop contracts of employment and personnel
22 policies applicable to each individual employed as a teacher at the North Dakota youth
23 correctional center.

24 2. The contracts required by this section may include the assignment of duties, salaries,
25 work hours, job titles, and a school calendar.

26 3. The personnel policies required by this section must include job descriptions and
27 nonrenewal, discipline, and dismissal procedures. The policies must seek to
28 harmonize the rights of teachers with laws applicable to other state employees. The
29 superintendent of public instruction and the director of the division of juvenile services,
30 with the approval of the director of the department of corrections and rehabilitation,
31 shall work together in the development of the personnel policies.

- 1 4. Each individual employed as a teacher at North Dakota vision services - school for the
2 blind, the school for the deaf, or the youth correctional center is entitled to receive a
3 copy of a master agreement consisting of a policy manual and an individualized
4 contract specifying the individual's job title, contracted hours, salary schedule,
5 benefits, and other details applicable to the individual's employment.
- 6 5. For purposes of this section, "teacher" means a contracted state employee who:
- 7 a. ~~Holds a teaching license~~ is licensed to teach by the superintendent of public
8 instruction or is approved to teach by the ~~education standards and practices~~
9 ~~boards~~ superintendent of public instruction;
- 10 b. Is employed primarily to provide classroom instruction or individualized
11 instruction;
- 12 c. Has a work schedule set in accordance with the school calendar;
- 13 d. Is a guidance counselor, school librarian, itinerant outreach teacher, or a career
14 and technical resource person required to meet teaching and licensure
15 requirements; and
- 16 e. Is not a superintendent, assistant superintendent, principal, supervisor,
17 substitute, or paraprofessional.

18 **SECTION 50. AMENDMENT.** Section 15.1-18-01 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-18-01. Early childhood education teaching license.**

21 The ~~education standards and practices boards~~ superintendent of public instruction shall issue
22 an optional early childhood education teaching license or endorsement to an applicant who
23 meets the requirements set by the ~~boards~~ superintendent. The optional early childhood education
24 teaching license may be used in nonparental settings such as early childhood programs,
25 preschool programs, and head start programs.

26 **SECTION 51. AMENDMENT.** Section 15.1-18-02 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15.1-18-02. Prekindergarten and kindergarten teacher qualifications - Exceptions.**

29 In order to teach prekindergarten and kindergarten, an individual must be:

- 1 1. ~~Licensed to teach by the education standards and practices boards~~superintendent of
2 public instruction or approved to teach by the ~~education standards and practices-~~
3 ~~boards~~superintendent of public instruction; and
- 4 2. a. Have a major in elementary education and a kindergarten endorsement;
5 b. Have a major equivalency in elementary education and a kindergarten
6 endorsement;
7 c. Have a major in elementary education and an early childhood education
8 endorsement;
9 d. Have a major equivalency in elementary education and an early childhood
10 education endorsement;
11 e. Have a major in early childhood education; or
12 f. Have a major equivalency in early childhood education.

13 **SECTION 52. AMENDMENT.** Section 15.1-18-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-18-06. Provisional special education strategist credential.**

16 ~~Beginning August 1, 2001, upon~~

- 17 1. Upon application, the superintendent of public instruction shall issue a provisional
18 special education strategist credential to any individual who is:
 - 19 a. ~~Is~~ licensed to teach by the ~~education standards and practices-~~
20 ~~boards~~superintendent or approved to teach by the ~~education standards and-~~
21 ~~practices boards~~superintendent; and ~~who holds~~
 - 22 b. Holds a credential applicable to the areas of intellectual disabilities, emotional
23 disturbance, or specific learning disabilities.
- 24 2. The provisional credential must be made available to the individual for the lesser of
25 three years or the period of time required by the individual to complete the
26 requirements for a special education strategist credential.

27 **SECTION 53. AMENDMENT.** Section 15.1-18-07 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **15.1-18-07. Elementary school teacher qualifications.**

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

5 a. Licensed to teach by the ~~education standards and practices boards~~superintendent
6 of public instruction or approved to teach by the ~~education standards and~~
7 ~~practices boards~~superintendent of public instruction; and

8 b. (1) Have a major in elementary education; or
9 (2) Have a major equivalency in elementary education.

10 2. Notwithstanding the provisions of subsection 1, an individual may teach any grade
11 from one through three in an elementary school provided the individual is:

12 a. Licensed to teach by the ~~education standards and practices boards~~superintendent
13 of public instruction or approved to teach by the ~~education standards and~~
14 ~~practices boards~~superintendent of public instruction; and

15 b. (1) Has a major in early childhood education; or
16 (2) Has a major equivalency in early childhood education.

17 **SECTION 54. AMENDMENT.** Section 15.1-18-08 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15.1-18-08. Middle school teacher qualifications.**

20 1. In order to teach any grade from five through eight in a middle school, an individual
21 must be:

22 a. ~~Licensed~~Be licensed to teach by the ~~education standards and practices~~
23 ~~boards~~superintendent of public instruction or approved to teach by the ~~education~~
24 ~~standards and practices boards~~superintendent of public instruction; and

25 b. (1) Have a major in middle level education, with content in the areas taught by
26 the individual and defined by the ~~education standards and practices~~
27 ~~boards~~superintendent of public instruction as core academic areas;

28 (2) Have a major equivalency in middle level education, with content in the
29 areas taught by the individual and defined by the ~~education standards and~~
30 ~~practices boards~~superintendent of public instruction as core academic areas;
31 or

1 (3) Have a major, a major equivalency, a minor, or a minor equivalency in each
2 area taught by the individual and not defined by the ~~education standards-~~
3 ~~and practices boards~~superintendent of public instruction as a core academic
4 area.

5 2. Notwithstanding the provisions of subsection 1, an individual may teach grade five or
6 six in a middle school, provided the individual is:

7 a. ~~Licensed~~Is licensed to teach by the ~~education standards and practices-~~
8 ~~boards~~superintendent of public instruction or approved to teach by the ~~education-~~
9 ~~standards and practices boards~~superintendent of public instruction; and

10 b. (1) Has a major in elementary education; or

11 (2) Has a major equivalency in elementary education.

12 **SECTION 55. AMENDMENT.** Section 15.1-18-09 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-18-09. High school qualifications.**

15 In order to teach grades seven through twelve, an individual must be:

16 1. ~~Licensed~~Be licensed to teach by the ~~education standards and practices-~~
17 ~~boards~~superintendent of public instruction or approved to teach by the ~~education-~~
18 ~~standards and practices boards~~superintendent of public instruction; and

19 2. a. Have a major in the areas taught by the individual and defined by the ~~education-~~
20 ~~standards and practices boards~~superintendent of public instruction as core
21 academic areas;

22 b. Have a major equivalency in the areas taught by the individual and defined by the
23 ~~education standards and practices boards~~superintendent of public instruction as
24 core academic areas; or

25 c. Have a major, a major equivalency, a minor, or a minor equivalency in each area
26 taught by the individual and not defined by the ~~education standards and practices-~~
27 ~~boards~~superintendent of public instruction as a core academic area.

28 **SECTION 56. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **15.1-18-10. Specialty areas - Teacher qualification.**

31 Notwithstanding the requirements of this chapter:

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

14 **SECTION 57. AMENDMENT.** Section 15.1-18.1-02 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 ~~15.1-18.1-02. (Effective through June 30, 2015) National board certification program--~~
17 ~~Recertification -- Board duties.~~

- 18 ~~1. The board shall:~~
 - 19 ~~a. Inform teachers of the national board certification program and the scholarships-~~
20 ~~and services the national board provides to teachers seeking certification.~~
 - 21 ~~b. Collect and review in the order received scholarship applications from individuals-~~
22 ~~who are licensed to teach by the board or approved to teach by the board.~~
 - 23 ~~e. (1) Approve no more than seventeen applications per year under this-~~
24 ~~subsection;~~
25 ~~(2) During each year of the biennium, reserve three of the available-~~
26 ~~scholarships under this subsection until October first for individuals teaching-~~
27 ~~at low performing schools. At that time, the three slots, if not filled, become-~~
28 ~~available to all other applicants;~~
29 ~~(3) Require the recipient for a scholarship under this subsection to serve during-~~
30 ~~the school year as a full time classroom teacher in a public or nonpublic-~~
31 ~~school in this state; and~~

- 1 (4) If available, require the recipient for a scholarship under this subsection to
2 participate in mentoring programs developed and implemented in the
3 employing school or school district.
- 4 d. Ensure that all scholarship recipients under this subsection receive adequate
5 information regarding the level of commitment required to acquire certification.
- 6 2. The board shall collect and review in the order received scholarship applications for
7 national board recertification from individuals who are licensed to teach by the board
8 or approved to teach by the board and:
- 9 a. Approve no more than three scholarship applications per year under this
10 subsection;
- 11 b. Require each recipient for a scholarship under this subsection to serve during the
12 school year as a full-time classroom teacher in a public or nonpublic school in
13 this state; and
- 14 e. If available, require each recipient for a scholarship under this subsection to
15 participate in mentoring programs developed and implemented in the employing
16 school or school district.
- 17 3. If any individual who receives a scholarship under this section does not complete the
18 certification process within the time allotted by the board, the individual must
19 reimburse the state an amount equal to one-half of the amount awarded to the
20 individual as a scholarship.
- 21 4. The board shall pay to any individual who received national board certification before
22 July 1, 2007, one thousand dollars for each year the individual has maintained and
23 continues to maintain national board certification, provided the individual continues to
24 be employed by a school district in this state. An individual may not receive more than
25 four thousand dollars under this subsection.
- 26 5. a. At the conclusion of each school year after an individual receives national board
27 certification, the board shall pay to an individual an additional one thousand
28 dollars for the life of the national board certificate if:
- 29 (1) The individual was employed during the school year as a full-time classroom
30 teacher by a school district in this state; and

- 1 (2) The individual participated in any efforts of the employing school district to
2 develop and implement teacher mentoring programs.
- 3 b. The payment provided for in this subsection is available beginning with the
4 2007-08 school year.
- 5 6. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a
6 school district or any other entity, public or private, from providing any remuneration to
7 a teacher who has obtained national board certification. Any remuneration received by
8 a teacher as a consequence of having obtained national board certification is in
9 addition to any other compensation otherwise payable as a result of any contract
10 negotiated under chapter 15.1-16.

11 **(Effective after June 30, 2015) National board certification program - Recertification -**
12 **Board duties.**

- 13 1. The board shall:
- 14 a. ~~Inform~~The superintendent of public instruction shall provide information to
15 teachers ~~of~~regarding the national board certification program and the
16 scholarships and services the national board provides to teachers seeking
17 certification.
- 18 b. ~~Collect~~The superintendent of public instruction shall collect and review, in the
19 order received, scholarship applications from individuals who are licensed to
20 teach by the ~~board~~superintendent or approved to teach by the
21 ~~board~~superintendent.
- 22 c. (1) ~~Approve~~The superintendent of public instruction may approve no more than
23 seventeen applications per year under this subsection;.
- 24 (2) During each year of the biennium, the superintendent shall reserve until
25 October first, three of the available scholarships available under this
26 subsection ~~until October first~~, for individuals teaching at low-performing
27 schools. At that time, the three slots, if not filled, become available to all
28 other applicants;.
- 29 (3) ~~Require~~The superintendent of public instruction shall require the recipient
30 ~~for~~of a scholarship under this subsection to serve during the school year as

1 a full-time classroom teacher in a public or nonpublic school in this state;
2 and.

3 (4) If available, the superintendent shall require the recipient ~~for~~of a scholarship
4 under this subsection to participate in mentoring programs developed and
5 implemented in the employing school or school district.

6 d. ~~Ensure~~The superintendent of public instruction shall ensure that all scholarship
7 recipients under this subsection receive ~~adequate~~ information regarding the level
8 of commitment required to acquire certification.

9 2. The board shall collect and review in the order received scholarship applications for
10 national board recertification from individuals who are licensed to teach by the board
11 or approved to teach by the board and:

12 a. Approve no more than three scholarship applications per year under this
13 subsection;

14 b. Require each recipient for a scholarship under this subsection to serve during the
15 school year as a full-time classroom teacher in a public or nonpublic school in
16 this state; and

17 c. If available, require each recipient for a scholarship under this subsection to
18 participate in mentoring programs developed and implemented in the employing
19 school or school district.

20 ~~3-2.~~ If any individual who receives a scholarship under this section does not complete
21 the certification process within the time allotted by the national board for professional
22 teaching standards or by the superintendent of public instruction, the individual must
23 reimburse the state an amount equal to one-half of the amount awarded to the
24 individual as a scholarship.

25 ~~4-3.~~ a. At the conclusion of each school year after an individual receives national board
26 certification, the ~~board's~~superintendent of public instruction shall pay to and forward
27 to the school district in which the individual an additional ~~is employed a grant in~~
28 the amount of one thousand five hundred dollars for the life of the national board
29 certificate if provided:

30 a. (1) The individual ~~was employed~~served during the school year as a full-time
31 classroom teacher ~~by a school district in this state~~; and

- 1 1. School districts;
- 2 2. Special education units;
- 3 3. Area career and technology centers;
- 4 4. Regional education associations; and
- 5 5. Schools funded by the bureau of Indian education.

6 **SECTION 60. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-22-02. Public kindergarten - Requirements.**

9 A school district operating a kindergarten:

- 10 1. May not employ an individual as a kindergarten teacher unless the individual is
11 licensed to teach by the ~~education standards and practices boards~~superintendent of
12 public instruction or approved by the ~~education standards and practices-~~
13 ~~boards~~superintendent of public instruction;
- 14 2. Shall submit to the superintendent of public instruction and follow a developmentally
15 appropriate curriculum;
- 16 3. Shall provide kindergarten instruction, on a half-day or full-day basis, as determined by
17 the school board;
- 18 4. Shall provide for a kindergarten instructional calendar equal to at least fifty percent of
19 the full-time instructional days required in accordance with section 15.1-06-04;
- 20 5. Shall apply all municipal and state health, fire, and safety requirements to the
21 kindergarten; and
- 22 6. May not enroll a child who is not five years old before August first of the year of
23 enrollment, unless the child will be five years old before December first and:
 - 24 a. The child, by means of developmental and readiness screening instruments
25 approved by the superintendent of public instruction and administered by the
26 kindergarten operator, can demonstrate superior academic talents or abilities and
27 social and emotional readiness; or
 - 28 b. The child has been enrolled in another approved kindergarten.

29 **SECTION 61. AMENDMENT.** Section 15.1-23-07 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-23-07. Home education - Required monitoring of progress - Reporting of**
2 **progress - Compensation.**

3 1. If monitoring is required under section 15.1-23-06, the school district shall assign and
4 compensate an individual to monitor a child receiving home education unless the
5 parent notifies the school district that the parent shall select and compensate an
6 individual to monitor the child.

7 2. The individual assigned by the school district or selected by the parent under
8 subsection 1 must be licensed to teach by the ~~education standards and practices-~~
9 ~~boards~~superintendent of public instruction or approved to teach by the ~~education-~~
10 ~~standards and practices boards~~superintendent of public instruction.

11 3. Twice during each school year, the individual shall report the child's progress to the
12 school district superintendent or to the county superintendent if the district does not
13 employ a superintendent.

14 4. If one child receives home education, the individual shall spend an average of one
15 hour per week in contact with the child and the child's parent. If two or more children
16 receive home education, the individual shall spend one-half hour per month for each
17 additional child receiving home education. If the child attends a public or an approved
18 nonpublic school, the time may be proportionately reduced.

19 **SECTION 62. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-23-09. Home education - Standardized achievement test - Exemption.**

22 1. a. While in grades four, six, eight, and ten, each child receiving home education
23 shall take:

24 (1) A standardized achievement test used by the school district in which the
25 child resides; or

26 (2) A nationally normed standardized achievement test if requested by the
27 child's parent.

28 b. The child shall take the test in the child's learning environment or, if requested by
29 the child's parent, in a public school. An individual licensed to teach by the
30 ~~education standards and practices boards~~superintendent of public instruction or

1 approved to teach by the ~~education standards and practices boards~~superintendent
2 of public instruction shall administer the test.

3 2. a. The requirement of subsection 1 does not apply if the parent notifies the school
4 district in which the child resides that the parent has a philosophical, moral, or
5 religious objection to the use of standardized achievement tests and the parent:

6 (1) Is licensed to teach by the ~~education standards and practices~~
7 ~~boards~~superintendent of public instruction or approved to teach by the
8 ~~education standards and practices boards~~superintendent of public
9 instruction;

10 (2) Holds a baccalaureate degree; or

11 (3) Has met or exceeded the cutoff score of a national teacher examination
12 given in this state or in any other state if this state does not offer such an
13 examination.

14 b. The parent shall file the notification and necessary documentation required by
15 this subsection with the school district at the same time that the parent files the
16 statement of intent to supervise home education required by section 15.1-23-02.

17 **SECTION 63. AMENDMENT.** Section 15.1-23-10 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15.1-23-10. Home education - Standardized achievement test - Cost.**

20 1. If a child receiving home education takes the standardized achievement test used by
21 the school district in which the child resides, the school district is responsible for the
22 cost of the test and for the cost of administering the test. The school district shall
23 ensure that the test is administered by an individual who is employed by the district
24 and who is licensed to teach by the ~~education standards and practices~~
25 ~~boards~~superintendent of public instruction or approved to teach by the ~~education~~
26 ~~standards and practices boards~~superintendent of public instruction.

27 2. a. If the child takes a nationally normed standardized achievement test not used by
28 the school district in which the child resides, the child's parent is responsible for
29 the cost of the test.

30 b. The cost of administering a test under this subsection is the responsibility of the
31 child's parent if the test is administered by an individual who is selected by the

1 parent. An individual selected by the child's parent to administer a test under this
2 subsection must be licensed to teach by the ~~education standards and practices~~
3 ~~boards~~superintendent of public instruction or approved to teach by the ~~education~~
4 ~~standards and practices boards~~superintendent of public instruction.

- 5 c. The cost of administering a test under this subsection is the responsibility of the
6 school district if, at the request of the child's parent, the school district
7 administers the test. The school district shall ensure that the test is administered
8 by an individual who is employed by the district and who is licensed to teach by
9 the ~~education standards and practices boards~~superintendent of public instruction
10 or approved to teach by the ~~education standards and practices~~
11 ~~boards~~superintendent of public instruction.

12 **SECTION 64. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-23-11. Home education - Standardized achievement test - Results.**

- 15 1. A parent supervising home education shall file the results of the child's standardized
16 achievement test with the superintendent of the district in which the child resides or
17 with the county superintendent if the district does not employ a superintendent.
- 18 2. If the child's basic composite score on a standardized achievement test is less than
19 the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the
20 child for a potential learning problem under rules adopted by the superintendent of
21 public instruction.
- 22 3. If the multidisciplinary assessment team determines that the child is not disabled and
23 the child's parent wishes to continue home education, the parent, with the advice and
24 consent of an individual who is licensed to teach by the ~~education standards and~~
25 ~~practices boards~~superintendent of public instruction or approved to teach by the
26 ~~education standards and practices boards~~superintendent of public instruction, shall
27 prepare a remediation plan to address the child's academic deficiencies and file the
28 plan with the superintendent of the school district or with the county superintendent if
29 the district does not employ a superintendent. The parent is responsible for any costs
30 associated with the development of the remediation plan. If the parent fails to file a

1 remediation plan, the parent is deemed to be in violation of compulsory school
2 attendance provisions and may no longer supervise the home education of the child.

3 **SECTION 65. AMENDMENT.** Section 15.1-23-12 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-23-12. Home education - Remediation plan.**

6 The superintendent of the school district shall use the remediation plan required by section
7 15.1-23-11 as the basis for determining reasonable academic progress. The remediation plan
8 must remain in effect until such time as the child achieves on a standardized achievement test a
9 basic composite score at or above the thirtieth percentile or a score, which when compared to
10 the previous year's test score, demonstrates one year of academic progress. At the option of
11 the parent, the test may be one required by section 15.1-23-09 or one administered in a higher
12 grade level. The child's parent, with the advice and consent of an individual who is licensed to
13 teach by the ~~education standards and practices boards~~superintendent of public instruction or
14 ~~who is approved to teach by the education standards and practices boards~~superintendent of
15 public instruction, may amend the remediation plan from time to time in order to accommodate
16 the child's academic needs. If after a remediation plan is no longer in effect the child fails to
17 demonstrate reasonable academic progress on a subsequent test required by this section, a
18 remediation plan must again be developed and implemented.

19 **SECTION 66. AMENDMENT.** Section 15.1-29-14 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-29-14. Student placement for noneducational purposes - Residency**
22 **determination - Payment of tuition and tutoring charges.**

23 1. a. Except as provided in subdivision b, for purposes of applying this chapter, a
24 student's school district of residence is the district in which the student's custodial
25 parent or legal guardian resides:

26 (1) At the time that a state court, tribal court, director of juvenile court, or the
27 division of juvenile services issues an order requiring the student to stay for
28 a prescribed period at a state-licensed foster home or at a state-licensed
29 child care home or facility;

- 1 (2) At the time a county or state social service agency places the student, with
2 the consent of the student's parent or legal guardian, at a state-licensed
3 foster home or at a state-licensed child care home or facility;
- 4 (3) At the time the student is initially placed in a state-operated institution, even
5 if the student is later placed at a state-licensed foster home or at a
6 state-licensed child care home or facility; or
- 7 (4) At the time the student is placed voluntarily, by a parent or legal guardian, in
8 a state-operated institution or in a state-licensed child care home, facility, or
9 program, located either within or outside the student's school district of
10 residence, including those defined in sections 25-01.2-01 and 50-11-00.1.
- 11 b. A determination regarding the student's school district of residence made under
12 subdivision a is valid until the September fifteenth following the determination. On
13 that date and each September fifteenth thereafter, the placing agency or the
14 entity funding the student's placement shall determine the district in which the
15 student's custodial parent or legal guardian resides and shall notify the district
16 that it is deemed to be the student's district of residence for purposes of this
17 chapter. If, however, the student is placed in accordance with paragraph 4 of
18 subdivision a and the placement is privately funded, the administrator of the
19 facility or program in which the student is placed shall determine the student's
20 school district of residence and provide the notification required by this
21 subdivision.
- 22 2. The student's school district of residence is obligated to pay:
- 23 a. All charges for tuition upon claim of the admitting district; and
- 24 b. All charges for tutoring services upon claim of an admitting facility, provided that
25 the tutoring services are delivered by an individual who is licensed to teach by
26 the ~~education standards and practices boards~~superintendent of public instruction
27 or approved to teach by the ~~education standards and practices~~
28 ~~boards~~superintendent of public instruction.
- 29 3. The state shall pay the tuition and tutoring charges under subsection 2 from funds
30 appropriated by the legislative assembly for state aid to schools if, on the September
31 fifteenth after a student placement is made as provided for under subsection 1:

- 1 a. The student's custodial parent or legal guardian establishes residency outside
2 this state;
- 3 b. A court orders a termination of parental rights with respect to the student's
4 parents;
- 5 c. The student no longer has a custodial parent; or
- 6 d. The superintendent of public instruction has determined that all reasonable
7 efforts to locate a parent or legal guardian have been unsuccessful.
- 8 4. If the student is voluntarily admitted to a state-licensed child care home or facility, or to
9 a state-operated institution, the student's parent or, if one has been appointed, the
10 student's legal guardian may appeal a determination under section 15.1-29-05
11 regarding the payment of tuition by filing a petition with the county superintendent of
12 schools. Within fifteen days of receiving the petition, the three-member committee
13 established under section 15.1-29-06 shall consult with the boards of the affected
14 school districts and with the student's parent or legal guardian and render a decision
15 regarding responsibility for the payment of tuition charges.
- 16 5. If the student's district of residence does not pay the required tuition and tutoring
17 charges, the admitting district or facility shall notify the superintendent of public
18 instruction. Upon verification that tuition and tutoring charges are due and unpaid, the
19 superintendent shall withhold all state aid otherwise payable to the student's school
20 district of residence until the total amount due has been fully paid.
- 21 6. a. An amount equal to the state average per student elementary or high school
22 cost, depending on the student's grade of enrollment, is payable to the admitting
23 district or facility as part of the cost of educating the student for the school year.
24 The payment may not exceed the actual per student cost incurred by the
25 admitting district or facility.
- 26 b. The remainder of the actual cost of educating the student not covered by other
27 payments or credits must be paid by the state, within the limits of legislative
28 appropriations, from funds appropriated for the payment of special education
29 contract charges in the case of a student with disabilities or from state aid
30 payments to schools in all other cases. For purposes of this subdivision, "actual
31 costs" includes the cost of a summer program if the program is a condition of

1 placement at a residential facility that has been determined by a placing agency
2 or entity to be an appropriate placement for a student.

3 7. If a student with disabilities placed in accordance with this section reaches age
4 eighteen and continues to receive special education and related services, the
5 student's school district of residence is deemed to be the same as that of the student's
6 custodial parent until the special education services are concluded. The obligations of
7 the student's school district of residence as provided in subsection 2 and the
8 obligations of the state as provided in subsection 3 are applicable to all students
9 described in this subsection.

10 8. a. The placing agency or entity funding the student's placement shall provide written
11 or electronic notice regarding an initial placement and all subsequent placements
12 of a student to the superintendent of the student's school district of residence and
13 to the superintendent of the admitting district:

- 14 (1) Within five working days after a placement is made under court order;
- 15 (2) Within five working days after an emergency placement is made; or
- 16 (3) At least ten working days prior to any other placement.

17 b. If, however, the student's parent or legal guardian voluntarily places the student
18 in a state-operated institution or in a state-licensed child care home, facility, or
19 program, located outside the student's school district of residence, including
20 those defined in sections 25-01.2-01 and 50-11-00.1, and if the placement is
21 privately funded, the administrator of the facility or program in which the student
22 is placed shall determine the student's school district of residence and provide
23 the notification required by this section.

24 c. The notice must include any information requested by the superintendent of
25 public instruction for purposes of determining payment responsibility.

26 d. The placing agency shall afford the student's school district of residence
27 reasonable opportunity to participate in permanency planning for the student.

28 9. Notwithstanding this section, educational services provided to a student by the youth
29 correctional center are not subject to the payment of tuition and tutoring charges by
30 either the student's school district of residence or the superintendent of public
31 instruction.

1 10. For purposes of this section, "custodial parent" means the parent who has been
2 awarded sole legal and physical custody of the student in a legal proceeding or, if
3 there is currently no operative custody order, the parent with whom the student
4 resides. If the student resides with both parents, then both are custodial parents.

5 **SECTION 67. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-37-01. Early childhood education program - Approval.**

- 8 1. Any person or school district operating an early childhood education program may
9 request approval of the program from the superintendent of public instruction. The
10 superintendent shall approve an early childhood education program if the program:
- 11 a. Is taught by individuals who are licensed to teach in early childhood education by
12 the ~~education standards and practices board~~superintendent of public instruction
13 or approved to teach in early childhood education by the superintendent of public
14 instruction;
 - 15 b. Follows a developmentally appropriate curriculum;
 - 16 c. Is in compliance with all municipal and state health, fire, and safety requirements;
17 and
 - 18 d. Limits its enrollment to children who have reached the age of four before August
19 first in the year of enrollment.
- 20 2. In determining the state aid payments to which a school district is entitled, the
21 superintendent of public instruction may not count any student enrolled in a regular
22 early childhood education program.

23 **SECTION 68. AMENDMENT.** Section 54-07-01.2 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **54-07-01.2. Governor to have power to appoint majority of members of certain boards**
26 **and commissions - Limitations.**

- 27 1. Notwithstanding sections 2-05-01, 4-18.1-04, 4.1-05-02, 6-01-03, 6-09-02.1,
28 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02,
29 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, 50-06.1-16, 54-34.3-10, 54-54-02,
30 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the following boards and
31 commissions must, subject to the limitations of this section, be considered to have

- 1 resigned from such boards and commissions effective January first of the first year of
2 each four-year term of the governor:
- 3 a. The aeronautics commission.
 - 4 b. The milk marketing board.
 - 5 c. The dairy promotion commission.
 - 6 d. The state banking board.
 - 7 e. The state credit union board.
 - 8 f. The advisory board of directors to the Bank of North Dakota.
 - 9 g. The pardon advisory board.
 - 10 h. The state parole board.
 - 11 i. The state board of public school education.
 - 12 j. The education standards and practices advisory board.
 - 13 k. The board of trustees of the teachers' fund for retirement.
 - 14 l. The state game and fish advisory board.
 - 15 m. The health council.
 - 16 n. The air pollution control advisory council.
 - 17 o. The board of animal health.
 - 18 p. The administrative committee on veterans' affairs.
 - 19 q. The committee on aging.
 - 20 r. The committee on employment of people with disabilities.
 - 21 s. The commission on the status of women.
 - 22 t. The North Dakota council on the arts.
 - 23 u. The state historical board.
 - 24 v. The Yellowstone-Missouri Rivers confluence commission.
 - 25 w. The state water commission.
 - 26 x. The state water pollution control board.
- 27 2. The governor shall have the option of reappointing any member to any board or
28 commission to complete the term to which the member was appointed, or the governor
29 may appoint a simple majority of any board or commission to complete the terms of
30 those resigned members who do not receive reappointments. In order to assure
31 continuity, the governor shall reappoint for the completion of their original terms no

1 fewer than one less than a simple majority of the former members of each board or
2 commission.

3 3. If the governor has not acknowledged in writing the resignation of any members of any
4 board or commission prior to July first of the first year of the governor's term, the board
5 or commission member must be considered to have been reappointed to complete the
6 term to which the member was originally appointed. All members of boards and
7 commissions shall continue to serve until the time they are notified of the acceptance
8 of their resignation by the governor, and in all cases the members of boards and
9 commissions shall continue to serve until their successors have been named and
10 qualified.

11 4. In those instances where nominations for the filling of vacancies on boards and
12 commissions are submitted to the governor pursuant to state law, the governor shall
13 notify such persons and organizations of acceptance of the resignation of any board or
14 commission member. Such persons and organizations shall furnish the governor with
15 the number of required nominations to fill the vacancies within sixty days after the
16 notice or the governor may nominate and appoint such members as are otherwise
17 qualified.

18 5. The provisions of this section do not apply to those constitutional officers who serve on
19 boards and commissions, except insofar as a governor may count such constitutional
20 officers among those the governor reappoints in order to conform to the continuity
21 requirements of this section.

22 6. All vacancies created by resignation after July first of the first year of each term of a
23 governor must be filled as provided by law. If any person refuses an appointment, the
24 governor shall fill such position as otherwise provided by law.

25 **SECTION 69. REPEAL.** Sections 15.1-02-16.1, 15.1-13-07, 15.1-13-29, 15.1-18-11,
26 15.1-18.1-01, and 15.1-18.2-06 of the North Dakota Century Code are repealed.

27 **SECTION 70. LEGISLATIVE COUNCIL RECONCILIATION OF STATUTORY**

28 **REFERENCES TO FUNCTIONS OF THE EDUCATION STANDARDS AND PRACTICES**

29 **BOARD.** The legislative council may replace, where appropriate, statutory references to the
30 functions of the education standards and practices board, or any derivative of those functions,
31 which when used in context indicate an intention to refer to those functions, wherever they

1 appear in the North Dakota Century Code or in legislation enacted and being prepared for
2 inclusion in the North Dakota Century Code and to insert in lieu of each such reference an
3 appropriate replacement of terms to harmonize the references with the changes made by this
4 Act.

5 **SECTION 71. TRANSITION OF ADMINISTRATIVE RULES FUNCTION TO**

6 **SUPERINTENDENT OF PUBLIC INSTRUCTION.** On the effective date of administrative rules
7 adopted by the superintendent of public instruction to implement this Act, the superintendent of
8 public instruction may request the administrative rules committee to approve the repeal of any
9 rules adopted by the education standards and practices board, as obsolete rules under section
10 28-32-18.1.