

## HOUSE BILL NO. 1239

Introduced by

Representatives Byerly, Grande

1 A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota  
2 Century Code, relating to grounds for revocation of a teaching certificate; and to amend and  
3 reenact sections 15-36-01 and 15-36-15 of the North Dakota Century Code, relating to teaching  
4 certificates.

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

6 **SECTION 1. AMENDMENT.** Section 15-36-01 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **15-36-01. Teachers' certificates - Criteria to be established.**

- 9 1. The education standards and practices board shall determine the criteria for  
10 teacher certification ~~for school terms beginning on or after July 1, 1995.~~ The  
11 criteria ~~shall~~ must be based upon standards which include considerations of  
12 character, adequate educational preparation, and general fitness to teach in the  
13 public schools of this state. After holding a public hearing, the board shall ~~issue~~  
14 adopt rules concerning the issuance of teachers' certificates, ~~and certificates.~~  
15 Certificates must be issued by the ~~board's office~~ board in accordance with the  
16 rules.
- 17 2. ~~However,~~ The board may not require any teacher who has graduated from college  
18 in an accredited teacher education program on or before September 1, 1980, ~~may~~  
19 ~~not be required~~ to earn any college credits in native American or other multicultural  
20 courses in order to be certified or recertified.
- 21 3. The board may not certify an individual to teach if the individual has been convicted  
22 of a felony by a court in this state or outside this state, unless the board receives  
23 confirmation from a court in this state or outside of this state that, for substantive  
24 legal reasons, the conviction has been overturned on appeal.

1           4. Nothing in this section may be interpreted to affect the validity of life certificates in  
2                   existence on July 1, 1973, nor does this section affect vocational education  
3                   certificate qualifications as provided in chapter 15-20.1.

4           **SECTION 2. AMENDMENT.** Section 15-36-15 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6           **15-36-15. Revocation of teacher's certificates - Grounds - Effect.** ~~The Except as~~  
7 ~~provided in section 3, the~~ education standards and practices board or the administrator's  
8 professional practices board in the case of a school administrator may suspend for a period of  
9 time, or revoke and annul any teacher's or administrator's certificate granted in this state upon  
10 any or all of the following grounds:

- 11           1. For any cause which would have authorized or required the education standards  
12                   and practices board to refuse to grant the certificate if the facts were known at the  
13                   time when the certificate was granted.
- 14           2. For incompetency, immorality, intemperance, or cruelty of the certificate holder.
- 15           3. The certificate holder has been convicted or pled guilty or nolo contendere before a  
16                   court of competent jurisdiction in this or any other state, or before any federal court,  
17                   of an offense determined by the education standards and practices board or the  
18                   administrator's professional practices board in the case of a school administrator to  
19                   have a direct bearing upon a person's ability to serve the public as a teacher or  
20                   administrator, or the education standards and practices board or the  
21                   administrator's professional practices board determines, following conviction of any  
22                   offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.
- 23           4. For the refusal by the certificate holder to perform the duties of a teacher or the  
24                   general neglect of the work of the school.
- 25           5. For the breach, by the certificate holder, of a contract with any school district.
- 26           6. Serious violation or a series of violations of the professional codes and standards  
27                   promulgated in accordance with law.

28 The revocation of a certificate shall terminate the employment of the certificate holder by the  
29 school in which the holder is employed when the certificate is revoked, but the holder must be  
30 paid to the time the notice of revocation is received. Appeals from any order of revocation may  
31 be taken to the district court of Burleigh County as provided by chapter 28-32.

1           **SECTION 3.** A new section to chapter 15-36 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Felony conviction - Revocation of teaching certificate - Reinstatement.**

- 4           1. Notwithstanding any other provision of law, the education standards and practices  
5           board shall immediately revoke the teaching certificate of an individual upon  
6           receiving confirmation from a court in this state or outside of this state that the  
7           individual has been convicted of a felony.
- 8           2. Notwithstanding any other provision of law, the administrator's professional  
9           practices board shall immediately revoke the teaching certificate of any  
10           administrator upon receiving confirmation from a court in this state or outside of  
11           this state that the administrator has been convicted of a felony.
- 12           3. A certificate revoked under this section may be reinstated only upon confirmation  
13           from a court in this state or outside of this state for that substantive legal reasons,  
14           the conviction has been overturned on appeal.