

HOUSE BILL NO. 1188

Introduced by

Education Committee

(At the request of the Education Standards and Practices Board)

1 A BILL for an Act to amend and reenact subsection 6 of section 15-19-01, sections 15-19-04,
2 15-21-01, 15-21-18, 15-22-02, subsections 3 and 4 of section 15-27.6-13, subsections 1 and 2
3 of section 15-27.6-14, subsection 10 of section 15-29-08, subsection 1 of section 15-34.1-03,
4 subsection 2 of section 15-34.1-06, sections 15-34.1-07, 15-34.1-08, 15-34.1-09, subdivision c
5 of subsection 3 of section 15-34.1-12, subsection 1 of section 15-34.1-12.1, sections 15-36-01,
6 15-36-01.1, 15-36-08, 15-36-11, 15-36-12, 15-36-14.1, 15-36-15, 15-36-16, 15-36-17,
7 15-36-18, 15-37-01, 15-38-16, 15-38-17, 15-38-18, 15-38-18.2, subsection 6 of section
8 15-38.1-02, subsection 11 of section 15-39.1-04, subsection 5 of section 15-40.1-07, section
9 15-40.1-08, subdivision b of subsection 2 of section 15-40.2-08, section 15-41-25,
10 subsections 2 and 3 of section 15-41-27, subsection 1 of section 15-45-02, subsection 1 of
11 section 15-47-27.2, sections 15-47-28 and 15-47-30, subsection 12 of section 15-47-38.2,
12 sections 15-47-42 and 15-47-46, subsection 14 of section 54-44.3-20, and subsection 4 of
13 section 54-52-01 of the North Dakota Century Code, or in the alternative to amend and reenact
14 sections 15.1-01-02, 15.1-02-01, 15.1-06-07, and 15.1-11-01 of the North Dakota Century
15 Code, relating to joint meetings involving the education standards and practices board and
16 changing references from teachers' certificates to teachers' licenses.

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

18 **SECTION 1. AMENDMENT.** Subsection 6 of section 15-19-01 of the 1997 Supplement
19 to the North Dakota Century Code is amended and reenacted as follows:

20 6. Pupils exempt from the compulsory school attendance laws pursuant to
21 subsection 5 of section 15-34.1-03 may enroll in correspondence courses offered
22 through the division of independent study. These students may study their
23 correspondence lessons in their learning environment under the supervision of a
24 parent. The tests for the correspondence study must be administered by a

1 ~~certified~~ licensed teacher employed either by the public school district in which the
2 parent resides or a state-approved private or parochial school.

3 **SECTION 2. AMENDMENT.** Section 15-19-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15-19-04. Duty of teachers, county and state officers, and institutions.** The state
6 board of public school education and the superintendent or a member of the department of
7 public instruction designated by the superintendent shall approve the content of courses
8 offered, ~~requirements for certification of teachers~~ monitor compliance with sections 15-41-25
9 and 15-47-46, approve credits granted for each course, and do all other things necessary to
10 integrate the correspondence program into other programs administered or supervised by the
11 department of public instruction. The division of independent study may advertise its
12 correspondence program, however, the state board of public school education and the
13 superintendent of public instruction shall ensure that the program in no way competes with the
14 public schools of this state for the enrollment of students, encourages students to leave the
15 public schools, or duplicates the facilities of the public schools through offering correspondence
16 courses to students having access to such courses in the public schools.

17 **SECTION 3. AMENDMENT.** If House Bill No. 1034 does not become effective, section
18 15-21-01 of the North Dakota Century Code is amended and reenacted as follows:

19 **15-21-01. Superintendent of public instruction - Qualifications - Term of office.**
20 There must be elected by the qualified electors of the state, at the time of choosing members of
21 the legislative assembly, a superintendent of public instruction who must have attained the age
22 of twenty-five years, who must have the qualifications of an elector for that office, and who must
23 be the holder of a ~~teacher's certificate~~ professional teaching license of the highest grade issued
24 in this state. ~~He~~ The superintendent shall have ~~his~~ an office at the seat of government, and ~~his~~
25 the superintendent's term of office is four years.

26 **SECTION 4. AMENDMENT.** If House Bill No. 1034 does not become effective, section
27 15-21-18 of the 1997 Supplement to the North Dakota Century Code is amended and
28 reenacted as follows:

29 **15-21-18. Joint meetings of board of higher education, the education standards**
30 **and practices board, state board for vocational and technical education, the education**
31 **standards and practices board, and state board of public school education.** The state

1 board of higher education, the education standards and practices board, and the members of
2 the state board for vocational and technical education in their capacity as both the state board
3 for vocational and technical education and the state board of public school education, shall hold
4 at least one joint meeting each year at the joint call of the director for vocational and technical
5 education, the executive director of the education standards and practices board, the
6 superintendent of public instruction, and the commissioner of higher education for the purpose
7 of coordinating their programs; cooperating in professional growth and development
8 opportunities for kindergarten through grade twelve staff; and cooperating in any other manner
9 that accomplishes the objectives of the ~~three~~ four boards involved.

10 **SECTION 5. AMENDMENT.** If House Bill No. 1034 does not become effective, section
11 15-22-02 of the North Dakota Century Code is amended and reenacted as follows:

12 **15-22-02. Qualifications.** The county superintendent of schools must be a bachelor
13 degree graduate of a regional or nationally accredited college or university approved for teacher
14 education, must hold a valid ~~teacher's certificate~~ professional teaching license, and successful
15 experience in teaching in an approved elementary or secondary school. This section is not
16 retroactive but anyone serving as county superintendent on July 1, 1957, shall show evidence
17 annually of work toward a bachelor degree in teacher education.

18 **SECTION 6. AMENDMENT.** If House Bill No. 1034 does not become effective,
19 subsections 3 and 4 of section 15-27.6-13 of the 1997 Supplement to the North Dakota Century
20 Code are amended and reenacted as follows:

21 3. "Open teaching positions" means a full-time or part-time teaching position that is
22 not filled by a ~~certificated~~ licensed teacher and which is or will be maintained
23 during any school year within the term of the teacher's recall rights.

24 4. "Qualified by ~~certification~~ licensure" means a teacher is qualified pursuant to the
25 laws of this state and the rules of the education standards and practices board to
26 serve as a teacher in a particular class or subject area.

27 **SECTION 7. AMENDMENT.** If House Bill No. 1034 does not become effective,
28 subsections 1 and 2 of section 15-27.6-14 of the North Dakota Century Code are amended and
29 reenacted as follows:

30 1. When the contract of a teacher employed by a school district involved in
31 reorganization pursuant to chapter 15-27.6 is not renewed under the provisions of

1 subsection 5 of section 15-47-38 because of a reduction in force, the teacher is
2 entitled to first preference for any open teaching positions in the reorganized
3 school district for which the teacher is qualified by ~~certification~~ licensure. The right
4 of recall continues until July first of the year that is two years subsequent to the
5 date of the nonrenewal. Among teachers who have recall rights and who are
6 qualified by ~~certification~~ licensure, the teacher with the longest continuous service
7 within a school district involved in the reorganization is entitled to first preference.
8 In the event that teachers entitled to recall under this section have equal
9 continuous service within a district involved in the reorganization, then the
10 academic preparation beyond a bachelor's degree must be used to determine
11 which teacher is entitled to first preference under this section.

12 2. The teacher may exercise rights under this section by providing the reorganized
13 school district with a written demand for recall rights within thirty days of the current
14 school district's written notice of nonrenewal. The teacher shall inform the
15 reorganized school district of any changes in the teacher's address during the
16 period of the teacher's recall rights. When an open position exists within the
17 reorganized school district, the reorganized school district shall send written notice
18 of the open position, including details of the position's requirements to all teachers
19 who are qualified for the position by ~~certification~~ licensure. A written notice must
20 contain, in descending order of preference, the names of teachers entitled to recall
21 rights. Any teacher who fails to accept recall rights in writing, within fourteen days
22 after the teacher has received a letter by certified mail, is deemed to have waived
23 recall rights against that position. The open position must be offered to the teacher
24 who is entitled to preference under this section and who has accepted recall rights
25 for the open position.

26 **SECTION 8. AMENDMENT.** If House Bill No. 1034 does not become effective,
27 subsection 10 of section 15-29-08 of the 1997 Supplement to the North Dakota Century Code is
28 amended and reenacted as follows:

29 10. To contract with, employ, and pay all teachers in the schools and, for cause, to
30 dismiss or suspend any teacher when the interests of the school may require it.
31 Except as provided in section 15-29-08.4, every teacher must hold a valid North

1 Dakota ~~teaching certificate~~ professional teaching license issued by the education
2 standards and practices board. No person who is related to any member of the
3 board by blood or marriage may be employed as a teacher without the
4 concurrence of two-thirds of the board.

5 **SECTION 9. AMENDMENT.** Subsection 1 of section 15-34.1-03 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 1. That the child is in attendance for the same length of time at a parochial or private
8 school approved by the county superintendent of schools and the superintendent
9 of public instruction. Except as provided in section 15-41-27, no such school shall
10 be approved unless the teachers therein are ~~legally-certificated~~ licensed in the
11 state of North Dakota in accordance with section 15-41-25 and chapter 15-36, the
12 subjects offered are in accordance with sections 15-38-07, 15-41-06, and
13 15-41-24, and such school is in compliance with all municipal and state health, fire,
14 and safety laws.

15 **SECTION 10. AMENDMENT.** Subsection 2 of section 15-34.1-06 of the 1997
16 Supplement to the North Dakota Century Code is amended and reenacted as follows:

17 2. a. A parent is qualified to supervise a program of home education if the parent is
18 ~~certificated~~ licensed to teach in North Dakota; has a baccalaureate degree; or
19 has met or exceeded the cut-off score of the national teacher exam given in
20 North Dakota, or in any other state if North Dakota does not offer such a test.
21 b. A parent who has a high school diploma or a general education development
22 certificate is qualified to supervise home education but must be monitored by
23 a ~~certificated~~ licensed teacher during the first two years the parent supervises
24 home education or until the child being instructed completes the third grade,
25 whichever is later. If the child being instructed receives a composite
26 standardized achievement test score below the fiftieth percentile nationally,
27 the monitoring required by this section must continue during the following
28 school year or longer if the child has not achieved the fiftieth percentile. If
29 testing is not required by section 15-34.1-07 in either of the first two years of
30 monitoring, the time of monitoring may not be extended except upon the
31 mutual consent of the parent and the monitor. Once a parent has completed

1 the monitoring requirements for one child, the parent may not be monitored
2 with respect to other children being educated at home.

3 **SECTION 11. AMENDMENT.** Section 15-34.1-07 of the 1997 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **15-34.1-07. Home education - Quality assurance.** The following minimum indices of
6 quality education are established:

- 7 1. A standardized achievement test used by the public school in the school district in
8 which the parent resides or, if requested by the parent, a nationally normed
9 standardized achievement test must be given to each child receiving home
10 education in grades three, four, six, eight, and eleven. The test must be given in
11 the child's learning environment or, at the option of the child's parent, in the public
12 school and must be administered by a ~~certificated~~ licensed teacher. The cost of
13 the test is the responsibility of the local school district, if it is a test used by the
14 district. The cost of administering the test is the responsibility of the local school if
15 it is district administered by a ~~certificated~~ licensed teacher employed by the district.
16 The cost of the test is the responsibility of the parent if the test requested is not
17 used by the local school district and the cost of having the test administered is the
18 responsibility of the parent if it is administered by a ~~certificated~~ licensed teacher
19 secured by the parent. Results of such testing must be filed with the local public
20 school superintendent. If the parent resides in a school district which does not
21 employ a local school superintendent, the results must be filed with the county
22 superintendent of schools for the county of the parent's residence.
- 23 2. If the child's basic composite score on a standardized achievement test falls below
24 the thirtieth percentile nationally, the child must be professionally evaluated for a
25 potential learning problem by a multidisciplinary assessment team according to
26 guidelines established by the superintendent of public instruction. If the
27 multidisciplinary assessment team evaluation determines that the child is not
28 disabled according to the eligibility criteria established by the superintendent of
29 public instruction, the parent providing instruction may continue to conduct home
30 education, upon filing with the superintendent of the public school district, or county
31 superintendent if there is no local superintendent, a plan of remediation to address

1 the academic deficiencies of the child. An annual determination of reasonable
2 academic progress conducted by the local school district superintendent must be
3 based on the child's plan of remediation. If such a plan is not filed, the parent is
4 deemed to be in violation of the compulsory attendance requirement of section
5 15-34.1-01 and the child no longer qualifies for home education. Such plan of
6 remediation must be developed in consultation with and with the approval of a
7 ~~state-certificated~~ state-licensed teacher selected by the parent. Costs associated
8 with the consultation are the responsibility of the parent. The plan of remediation
9 must remain in effect until such time as the child demonstrates reasonable
10 academic progress by achieving a basic composite score on a standardized
11 achievement test at or above the thirtieth percentile or a score indicating one year
12 of academic progress as compared to a score on a test from the previous school
13 year. The test may be one required by this section or one administered in an
14 additional grade level, at the option of the parent. The plan of remediation may be
15 amended from time to time in consultation with and with the approval of the
16 ~~state-certificated~~ state-licensed teacher in order to accommodate the academic
17 needs of the child. If a plan of remediation is no longer in effect and the child fails
18 to demonstrate reasonable academic progress on a subsequent test required by
19 this section, a plan of remediation must again be developed and instituted. If the
20 evaluation of the multidisciplinary assessment team determines that the child is
21 disabled, but does not have a developmental disability, according to the eligibility
22 criteria established by the superintendent of public instruction, that the child
23 requires specially designed instruction due to the disability, and that this instruction
24 cannot be provided without special education and related services, the parent
25 providing instruction may continue to provide home education, upon filing with the
26 superintendent of the public school district an individualized education program
27 plan, developed privately or through the local school district, indicating that the
28 child's need for special education is being appropriately addressed by persons
29 qualified to provide special education or related services. An annual determination
30 of reasonable academic progress conducted by the local school district
31 superintendent must be based on the child's individualized education plan. If such

1 a plan is not filed, the parent is deemed to be in violation of the compulsory
2 attendance requirements of section 15-34.1-01, and the child no longer qualifies for
3 home education. A child who is once evaluated by a multidisciplinary team need
4 not be reevaluated for a potential learning problem upon scoring below the thirtieth
5 percentile on a subsequent standardized achievement test unless the reevaluation
6 is performed pursuant to the provision of special education and related services.

7 3. Any ~~certificated~~ licensed teacher monitoring home education shall spend, at a
8 minimum, an average of one hour per week in contact with the first student and in
9 conjunction with the parent. With two or more children under supervision, the
10 teacher shall spend, at a minimum, an additional one-half hour per month for each
11 child under the teacher's supervision who is receiving home education. The time
12 may be reduced proportionately if the child is in attendance in a public school or an
13 approved nonpublic school. The teacher shall evaluate the student's progress and
14 report the student's progress at least twice annually to the local public school
15 superintendent. If the school district does not employ a local school
16 superintendent, the report must be filed with the county superintendent of schools
17 for the county of the child's residence. If a monitor is required by section
18 15-34.1-06, the school district shall, at the request of the parent, provide the
19 monitor at school district expense. A monitor retained by the parent must be
20 compensated by the parent.

21 **SECTION 12. AMENDMENT.** Section 15-34.1-08 of the 1997 Supplement to the North
22 Dakota Century Code is amended and reenacted as follows:

23 **15-34.1-08. State aid.** For purposes of allocating foundation aid and other state
24 assistance to local school districts, a student receiving home education is deemed enrolled in
25 the school district in which the student resides if the student is monitored by a ~~certificated~~
26 licensed teacher employed by the public school district in which the parent resides. A school
27 district is entitled to one-half of the per student payment provided in section 15-40.1-06 times
28 the appropriate factor in section 15-40.1-07 or 15-40.1-08 for each such student. When a
29 student is supervised in home education and is enrolled in classes in the public school,
30 proportionate payments must be made as provided in sections 15-40.1-07 and 15-40.1-08. The
31 total amount may not exceed the equivalent of one full foundation aid payment.

1 **SECTION 13. AMENDMENT.** Section 15-34.1-09 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **15-34.1-09. Monitoring or administration by a ~~certificated~~ licensed teacher.** Any
4 ~~certificated~~ licensed teacher who monitors a child receiving home education or who administers
5 a standardized achievement test to a child receiving home education must notify the child's
6 public school district of residence that the teacher is providing such monitoring or
7 administration. The parent of any child receiving home education who is monitored by or taking
8 a test administered by a ~~certificated~~ licensed teacher not employed by a public school district is
9 responsible for the costs of the monitoring or test administration.

10 **SECTION 14. AMENDMENT.** Subdivision c of subsection 3 of section 15-34.1-12 of
11 the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 c. A description of the instructional plan to be followed during the school year,
13 together with an attestation by a licensed psychologist and a North Dakota
14 ~~certified~~ licensed teacher that the instructional plan is appropriate for the child.

15 **SECTION 15. AMENDMENT.** Subsection 1 of section 15-34.1-12.1 of the 1997
16 Supplement to the North Dakota Century Code is amended and reenacted as follows:

17 1. On or before November first, February first, and May first of each school year, a
18 parent providing home schooling to an autistic child under section 15-34.1-12 shall
19 file with the superintendent of the child's school district of residence progress
20 reports prepared by a licensed psychologist, an occupational therapist, a speech
21 pathologist, and a ~~certified~~ licensed teacher. If at any time the licensed
22 psychologist, the occupational therapist, the speech pathologist, and the ~~certified~~
23 licensed teacher agree that adequate progress is not being made, they shall notify
24 the superintendent of the child's school district of residence and request that the
25 child be evaluated by a multidisciplinary team.

26 **SECTION 16. AMENDMENT.** Section 15-36-01 of the 1997 Supplement to the North
27 Dakota Century Code is amended and reenacted as follows:

28 **15-36-01. Teachers' ~~certificates~~ licenses - Criteria to be established.** The
29 education standards and practices board shall determine the criteria for teacher ~~certification~~
30 licensure for school terms beginning on or after July 1, 1995. The criteria shall be based upon
31 standards which include considerations of character, adequate educational preparation, and

1 general fitness to teach in the public schools of this state. After holding a public hearing, the
2 board shall ~~issue~~ adopt rules concerning the issuance of ~~teachers' certificates~~ professional
3 teaching licenses, and ~~certificates~~ licenses must be issued by the board's office in accordance
4 with the rules. However, any teacher who has graduated from college in an accredited teacher
5 education program on or before September 1, 1980, may not be required to earn any college
6 credits in native American or other multicultural courses in order to be ~~certified or recertified~~
7 licensed or relicensed. Nothing in this section may be interpreted to affect the validity of ~~life~~
8 certificates in existence on July 1, 1973, ~~nor does this section affect vocational education~~
9 ~~certificate qualifications as provided in chapter 15-20.4 1999~~. Certificates in effect remain in
10 effect until their expiration date. Subsequent renewals must be issued as licenses.

11 **SECTION 17. AMENDMENT.** Section 15-36-01.1 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **15-36-01.1. ~~Teachers' certificates~~ Professional teaching licenses - Student**
14 **transcript.** A student who has met all the criteria necessary to receive a ~~teacher's certificate~~
15 professional teaching license, but who has not graduated from a college or university, may
16 request a copy of the student's completed transcript from the college or university the student
17 attended. Within ten days of the request by the student, the college or university shall mail a
18 copy of the transcript to the ~~educational~~ education standards and practices board showing that
19 the student has met all the criteria necessary to receive a ~~teacher's certificate~~ professional
20 teaching license except graduation. The transcript must indicate areas in which the student has
21 a major or minor.

22 **SECTION 18. AMENDMENT.** Section 15-36-08 of the 1997 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **15-36-08. Fees for ~~certificates~~ licenses.** The education standards and practices
25 board must determine a fee for each ~~certificate~~ professional teaching license issued by this
26 state, ~~and no certificate may be issued for a period of less than one school year.~~ The fees must
27 be deposited and disbursed in accordance with section 54-44-12.

28 **SECTION 19. AMENDMENT.** Section 15-36-11 of the 1997 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

1 **15-36-11. ~~Certificate~~ License required.** A person must hold a valid North Dakota
2 ~~teacher's certificate~~ professional teaching license in order to be permitted or employed to teach
3 in any public school in this state.

4 **SECTION 20. AMENDMENT.** Section 15-36-12 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-36-12. ~~Certificate~~ Professional teaching license must be exhibited to business**
7 **manager of the school district - Completion of term after expiration of ~~certificate~~ license.**

8 No teacher is entitled to receive any compensation for the time the teacher teaches in a public
9 school without ~~a certificate to teach which lawfully is issued and in force in the county in which~~
10 ~~the school is taught~~ professional teaching license. Prior to receiving a salary for the first month
11 taught in a school district, a teacher must exhibit ~~the teacher's certificate~~ a professional
12 teaching license to the business manager of the school district. If a ~~teacher's certificate~~
13 professional teaching license expires by its own limitations within six weeks of the close of the
14 term, the teacher may finish the term without reexamination or renewal thereof. This section
15 does not apply to any person providing teaching services in accordance with section
16 15-29-08.4.

17 **SECTION 21. AMENDMENT.** Section 15-36-14.1 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **15-36-14.1. State's attorney - Duty to notify the education standards and practices**
20 **board and the administrator's professional practices board.** The state's attorney shall
21 notify the education standards and practices board or the administrator's professional practices
22 board in the case of a school administrator, in writing, whenever a ~~certificated~~ licensed teacher
23 or administrator is convicted of a felony or a class A misdemeanor.

24 **SECTION 22. AMENDMENT.** Section 15-36-15 of the 1997 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **15-36-15. Revocation of ~~teacher's certificates~~ professional teaching license -**
27 **Grounds - Effect.** The education standards and practices board or the administrator's
28 professional practices board in the case of a school administrator may suspend for a period of
29 time, or revoke and annul any ~~teacher's or administrator's certificate~~ professional teaching
30 license granted in this state upon any or all of the following grounds:

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

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

25 **SECTION 23. AMENDMENT.** Section 15-36-16 of the 1997 Supplement to the North
26 Dakota Century Code is amended and reenacted as follows:

27 **15-36-16. Proceedings to suspend, revoke, or annul ~~certificate~~ license.** The
28 education standards and practices board or the administrator's professional practices board in
29 the case of a school administrator, upon the receipt of a complaint alleging grounds to suspend
30 for a period of time, revoke, or annul any ~~person's teacher's certificate~~ professional teaching
31 license as set forth in section 15-36-15, and upon the determination that sufficient evidence

1 exists to sustain the charges in the complaint, shall conduct proceedings in accordance with
2 chapter 28-32. Upon completion of the proceedings, if the education standards and practices
3 board or the administrator's professional practices board finds that grounds to annul, revoke, or
4 suspend for a period of time do exist, the appropriate board shall issue an order in the manner
5 provided in chapter 28-32 to annul, revoke, or suspend for a period of time the ~~teacher's~~
6 ~~certificate~~ professional teaching license of such person as provided in section 15-36-15.

7 **SECTION 24. AMENDMENT.** Section 15-36-17 of the 1997 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **15-36-17. Notice to be given when ~~teacher's certificate~~ professional teaching**
10 **license is revoked.** When a ~~teacher's certificate~~ professional teaching license is revoked, the
11 education standards and practices board or the administrator's professional practices board
12 shall notify the business manager of the school district or the secretary of the board of
13 education, as the case may be, of the district wherein the teacher is employed, and shall notify
14 the teacher of the revocation through the business manager of the school district. The
15 appropriate board also shall notify each county superintendent of schools in the state and shall
16 enter an action in the case upon the records of the superintendent's office. Upon being notified
17 that the ~~teacher's certificate~~ individual's professional teaching license has been revoked, the
18 teacher or administrator shall return the ~~certificate~~ license to the appropriate board, and if the
19 teacher or administrator neglects so to do, that the board may issue notice of the revocation by
20 publication in the official newspaper of the county in which the teacher or administrator last was
21 employed.

22 **SECTION 25. AMENDMENT.** Section 15-36-18 of the 1997 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **15-36-18. School guidance and counseling services - Providers.** Notwithstanding
25 any other law, guidance and counseling services at the elementary and secondary school level
26 may be provided by a person holding a graduate degree in counseling from a state-approved
27 school counseling program, with coursework and an internship in school counseling, as
28 required for all counselors by the superintendent of public instruction, provided the person has a
29 valid North Dakota ~~teaching certificate~~ professional teaching license or will obtain one within
30 seven years from the date of first employment under the provisions of this section. The
31 education standards and practices board shall adopt rules relating to the background check of a

1 person hired under this section. All costs associated with a background check are the
2 responsibility of the person being hired. The education standards and practices board shall
3 monitor a person hired under this section to ensure that the person annually completes at least
4 one-seventh of the total credits required for that person to obtain a ~~teaching certificate~~
5 professional teaching license as determined on the date of first employment under this section.

6 **SECTION 26. AMENDMENT.** Section 15-37-01 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **15-37-01. Teacher's oath.** Every person who applies for a ~~certificate license~~
9 in any of the public schools of the state shall subscribe to the following oath or affirmation:

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

13 The oath or affirmation must be executed in duplicate, and one copy thereof must be filed with
14 the education standards and practices board when the application for a ~~certificate license~~
15 made, and the other copy must be retained by the person who subscribes to such oath or
16 affirmation. No ~~certificate license~~ may be issued unless a duly witnessed or notarized oath or
17 affirmation has been filed.

18 **SECTION 27. AMENDMENT.** Section 15-38-16 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15-38-16. Responsibilities of the teaching profession.** The legislative assembly
21 hereby declares the profession of teaching in the public schools of this state to be a profession
22 affected by high public interest, and that it is in the best interest of the state that such profession
23 be recognized and that it accept its professional responsibilities in the development and
24 promotion of high standards of ethics, conduct, and professional performance and practices.
25 For the purposes of sections 15-38-16 through 15-38-19, the "profession of teaching" or
26 "teaching profession" means persons engaged in teaching in the public schools and persons
27 providing related administrative, supervisory, or other services in the public schools requiring
28 ~~certification licensure~~ from the ~~department of public instruction~~ education standards and
29 practices board.

30 **SECTION 28. AMENDMENT.** Section 15-38-17 of the 1997 Supplement to the North
31 Dakota Century Code is amended and reenacted as follows:

1 **15-38-17. Education standards and practices board and administrator's**
2 **professional practices board.** The education standards and practices board consists of nine
3 members. The governor shall appoint four classroom teachers from public schools, one
4 classroom teacher from a private school, one school board member, two school administrators,
5 and one dean of a college of education. The superintendent of public instruction or the
6 superintendent's designee shall serve as a nonvoting ex officio member. The administrator's
7 professional practices board consists of five members from the education standards and
8 practices board. The administrator's professional practices board includes the two school
9 administrators who are members of the education standards and practices board, the one
10 school board member who is a member of the education standards and practices board, and
11 two teacher members who are members of and are selected by the education standards and
12 practices board. The term of office of members of the education standards and practices board
13 and the administrator's professional practices board shall be three years commencing on
14 ~~January~~ July first of the year of the appointment. Vacancies ~~shall~~ must be filled for an
15 unexpired term in the same manner as original appointments. ~~No~~ A person may not serve for
16 more than two consecutive terms as a member of either board. Members of the current
17 teachers' professional practices commission may serve out their remaining terms.

18 The education standards and practices board and the administrator's professional
19 practices board shall each annually select a chairman and vice chairman, and the executive
20 director of the education standards and practices board or the executive director's designee
21 shall serve as secretary. Meetings of either board must be held after ten days' notice to all
22 members at the call of the chairman or upon request in writing of a majority of either board. A
23 majority ~~shall constitute~~ constitutes a quorum and a majority of the quorum ~~shall have~~ has
24 authority to act upon any matter properly before either board. Each board shall adopt its own
25 rules of order and procedure not inconsistent with sections 15-38-16 through 15-38-19 and shall
26 hold meetings pursuant to the provisions of sections 15-38-16 through 15-38-19.

27 The members of each board ~~shall~~ are entitled to receive twenty-five dollars for each day
28 actually engaged in the service of the appropriate board and ~~shall~~ must be paid actual and
29 necessary traveling and other expenses at the same rate as for employees of the state. ~~No~~ A
30 member of either board ~~shall~~ may not lose the member's regular salary or the above
31 compensation while serving on official business of the appropriate board.

1 **SECTION 29. AMENDMENT.** Section 15-38-18 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15-38-18. Duties of the education standards and practices board.** It is the duty of
4 the board to supervise the ~~certification~~ licensure of teachers, to set standards for and approve
5 teacher preparation programs, to develop and revise, consistent with state law, professional
6 codes or standards relating to ethics, conduct, and professional performance and practices and
7 to provide recommendations for in-service education of persons engaged in the profession of
8 teaching in the public schools. In the development of professional codes and standards, the
9 board shall solicit the assistance of members of the teaching profession and representatives of
10 school administrators, school board members, teacher education professors, and other
11 interested citizens. The board shall adopt approved or revised codes and standards as rules in
12 accordance with chapter 28-32. The board may enter into agreements with other states to
13 acquire reciprocal approval of teacher preparation programs, apply for and receive federal or
14 other funds on behalf of the state for purposes related to its duties, and to perform any other
15 duty that relates to the improvement of instruction through teacher education, professional
16 development, and continuing education programs. The board has the powers and privileges of
17 a corporation, including the right to sue and be sued in its own name as the board. The venue
18 of all actions in which the board is a party must be Burleigh County, North Dakota. The board
19 shall appoint an executive director to serve at its discretion. The executive director shall
20 perform the duties assigned by the board. The board shall authorize the employment of staff
21 necessary for the sound and economic administration of its duties, responsibilities, and
22 functions. The executive director shall hire the staff, subject to the approval of the board.

23 **SECTION 30. AMENDMENT.** Section 15-38-18.2 of the 1997 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **15-38-18.2. Education standards and practices board - Initial ~~certification~~**
26 **licensure of teachers - Background.** The education standards and practices board shall
27 check, or cause to be checked, the background of each applicant for initial ~~certification~~
28 licensure as a teacher. The board shall require each applicant for ~~certification~~ licensure to file a
29 complete set of the applicant's fingerprints, taken by a law enforcement officer, and all other
30 information necessary to complete a state and nationwide criminal history check with the
31 bureau of criminal investigation for state processing and filing with the federal bureau of

1 investigation for federal processing. All costs associated with the background check and with
2 obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history
3 records provided to the board pursuant to this section are confidential and closed to the public
4 and may only be used by the board for determining an applicant's eligibility for licensure and
5 obtaining documentation to support a denial of licensure.

6 **SECTION 31. AMENDMENT.** Subsection 6 of section 15-38.1-02 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 6. "Teachers" means and includes all public school employees ~~certificated~~ licensed
9 under chapter 15-36 and employed primarily as classroom teachers.

10 **SECTION 32. AMENDMENT.** Subsection 11 of section 15-39.1-04 of the 1997
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 11. "Teacher" means:

- 13 a. All persons ~~certificated~~ licensed to teach in this state by the education standards
14 and practices board who are contractually employed in teaching, supervisory,
15 administrative, or extracurricular services in any state institution or by any
16 school board or other governing body of any school district of this state,
17 including superintendents, assistant superintendents, business managers,
18 principals, assistant principals, and special teachers employed in any state
19 institution or in the school system of any school district in this state.
- 20 b. The superintendent of public instruction, assistant superintendents of public
21 instruction, county superintendents, assistant superintendents, supervisors of
22 instruction, the professional staff of the state board for vocational and
23 technical education, the professional staff of the division of independent study,
24 the executive director and professional staff of the North Dakota education
25 association who are members of the fund on July 1, 1995, the professional
26 staff of an interim school district, and the professional staff of the North
27 Dakota high school activities association who are members of the fund on
28 July 1, 1995.
- 29 c. The executive director and professional staff of the North Dakota council of
30 school administrators who are members of the fund on July 1, 1995, and

- 1 ~~certified~~ licensed staff of teachers centers, but only if the person was
2 previously a member of and has credits in the fund.
- 3 d. Employees of institutions under the control and administration of the state
4 board of higher education who are members of the fund on July 16, 1989.

5 **SECTION 33. AMENDMENT.** Subsection 5 of section 15-40.1-07 of the 1997

6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 7 5. For high schools having an approved alternative education program, the amount of
8 money resulting from multiplying the factor in:
- 9 a. Subsection 1 times the number of students registered in the alternative
10 education program, times the educational support per student provided in
11 section 15-40.1-06, if the alternative education program has less than
12 seventy-five students in average daily membership.
- 13 b. Subsection 2 times the number of students registered in the alternative
14 education program, times the educational support per student provided in
15 section 15-40.1-06, if the alternative education program has seventy-five or
16 more, but less than one hundred fifty students in average daily membership.
- 17 c. Subsection 3 times the number of students registered in the alternative
18 education program, times the educational support per student provided in
19 section 15-40.1-06, if the alternative education program has one hundred fifty
20 or more, but less than five hundred fifty students in average daily
21 membership.
- 22 d. Subsection 4 times the number of students registered in the alternative
23 education program times the educational support per student as provided in
24 section 15-40.1-06 if the alternative education program has five hundred fifty
25 or more students in average daily membership.

26 Every high school district must receive at least as much in total payments as it would have
27 received if it had the highest number of students in the next lower category. Payments may not
28 be made unless four or more units of standard high school work approved by the
29 superintendent of public instruction are offered during the current year, only ~~certificated~~
30 licensed teachers have been employed, and the other standards prescribed by this chapter
31 have been met. Payments must be made to the high school district in which the student is

1 enrolled for graduation and units of approved vocational education in accordance with the
2 provisions of chapter 15-20.1, and other courses approved by the superintendent of public
3 instruction, earned in another high school district must be included to meet the minimum four
4 required units. In the case of students enrolled in nonpublic schools for graduation or students
5 enrolled in less than four units of standard high school work who are in their fourth year of high
6 school coursework and who are enrolled in approved alternative high school curriculum
7 programs, proportionate payments must be made to the public school district in which the
8 student is enrolled for specific courses. School districts offering high school summer school
9 programs are eligible for proportionate payments provided each course offered satisfies
10 requirements for graduation, comprises at least as many clock hours as courses offered during
11 the regular school term, and complies with rules adopted by the superintendent of public
12 instruction. The superintendent may adopt rules regarding eligibility for school districts to
13 receive proportionate payments for summer education programs. The proportionate payment
14 made under this section during the biennium for high school summer school programs may not
15 exceed one and one-half percent of the total amount appropriated by the legislative assembly
16 for foundation aid and transportation aid during the biennium.

17 **SECTION 34. AMENDMENT.** Section 15-40.1-08 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **15-40.1-08. Elementary per student payments - Amount.** Payments must be made
20 from state funds to each school district operating an elementary school and to each school
21 district contracting to educate elementary students in a federal school, employing teachers
22 holding valid ~~certificates or permits~~ licenses in accordance with section 15-47-46 and chapter
23 15-36, adjusted as provided in section 15-40.1-09, as follows:

24 1. For each one-room rural school, the amount of money resulting from multiplying
25 the factor 1.28 adjusted by sixty-five percent of the difference between 1.28 and
26 the factor representing the five-year average cost of education per student for this
27 category, as determined by the superintendent of public instruction, times the
28 number of students in that school in grades one through eight in average daily
29 membership, up to a maximum of sixteen students, times the educational support
30 per student provided in section 15-40.1-06. There must be paid .9 times each
31 additional student in its school in grades one through eight in average daily

- 1 membership times the educational support per student provided in section
2 15-40.1-06, except that no payment may be made for more than twenty students in
3 average daily membership. If the one-room rural school is located in a school
4 district with another elementary school, the weighting factor for the students in
5 grades one through six must be based on the average daily membership in the
6 district in grades one through six as provided in subsections 2 through 4. If the
7 one-room rural school is located in a school district with another school that has
8 students in grade seven or eight, the weighting factor for the students in grade
9 seven or eight must be the same as that provided for in subsection 5. Beginning
10 July 1, 1998, the factor is 1.28 adjusted by seventy-five percent of the difference
11 between 1.28 and the five-year average cost of education per student for this
12 category, as determined by the superintendent of public instruction.
- 13 2. For each elementary school in school districts having under one hundred students
14 in average daily membership in grades one through six, the amount of money
15 resulting from multiplying the factor 1.09 adjusted by sixty-five percent of the
16 difference between 1.09 and the factor representing the five-year average cost of
17 education per student for this category, as determined by the superintendent of
18 public instruction, times the number of students in that school in grades one
19 through six in average daily membership in each classroom or for each teacher,
20 times the educational support per student provided in section 15-40.1-06, except
21 that no payment may be made for more than twenty-five students in average daily
22 membership in each classroom or for each teacher. Beginning July 1, 1998, the
23 factor is 1.09 adjusted by seventy-five percent of the difference between 1.09 and
24 the five-year average cost of education per student for this category, as determined
25 by the superintendent of public instruction.
- 26 3. For each elementary school in school districts having one hundred or more
27 students in average daily membership in grades one through six, and provided the
28 districts in which such schools are located have an average daily membership of
29 less than one thousand elementary students in grades one through six, the amount
30 of money resulting from multiplying the factor .905 adjusted by sixty-five percent of
31 the difference between .905 and the factor representing the five-year average cost

- 1 of education per student for this category, as determined by the superintendent of
2 public instruction, times the number of students in that school in grades one
3 through six in average daily membership in each classroom or for each teacher
4 times the educational support per student provided in section 15-40.1-06, except
5 that no payment may be made for more than thirty students in average daily
6 membership in each classroom or for each teacher. Beginning July 1, 1998, the
7 factor is .905 adjusted by seventy-five percent of the difference between .905 and
8 the five-year average cost of education per student for this category, as determined
9 by the superintendent of public instruction.
- 10 4. For each elementary school in school districts having an average daily
11 membership of one thousand or more elementary students in grades one through
12 six, the amount of money resulting from multiplying the factor .95 adjusted by
13 sixty-five percent of the difference between .95 and the factor representing the
14 five-year average cost of education per student for this category, as determined by
15 the superintendent of public instruction, times the number of students in that school
16 in grades one through six in average daily membership in each classroom or for
17 each teacher times the educational support per student provided in section
18 15-40.1-06, except that no payment may be made for more than thirty students in
19 average daily membership in each classroom or for each teacher. Beginning
20 July 1, 1998, the factor is .95 adjusted by seventy-five percent of the difference
21 between .95 and the five-year average cost of education per student for this
22 category, as determined by the superintendent of public instruction.
- 23 5. For each of the above classes of elementary schools, except for one-room rural
24 schools that are not located in a district with another school having students in
25 grade seven or eight, there must be paid to each school the amount of money
26 resulting from multiplying the factor 1.01 adjusted by sixty-five percent of the
27 difference between 1.01 and the factor representing the five-year average cost of
28 education per student for this category, as determined by the superintendent of
29 public instruction, times the number of students in that school in grades seven and
30 eight in average daily membership in each classroom or for each teacher times the
31 educational support per student provided in section 15-40.1-06, except that no

1 payment may be made for more than thirty students in average daily membership
2 in each classroom or for each teacher. Beginning July 1, 1998, the factor is 1.01
3 adjusted by seventy-five percent of the difference between 1.01 and the five-year
4 average cost of education per student for this category, as determined by the
5 superintendent of public instruction.

6 6. For each elementary school having students under the compulsory age for school
7 attendance, but not less than three years of age, in a special education program
8 approved by the director of special education, the amount of money resulting from
9 multiplying the factor 1.01 adjusted by sixty-five percent of the difference between
10 1.01 and the factor representing the five-year average cost of education per
11 student for this category, as determined by the superintendent of public instruction,
12 times the number of special education students in that school under the
13 compulsory age for school attendance in average daily membership in each
14 classroom or for each teacher times the educational support per student provided
15 in section 15-40.1-06. Beginning July 1, 1998, the factor is 1.01 adjusted by
16 seventy-five percent of the difference between 1.01 and the five-year average cost
17 of education per student for this category, as determined by the superintendent of
18 public instruction.

19 7. For each elementary school providing a kindergarten that is established according
20 to provisions of section 15-45-01, the amount of money resulting from multiplying
21 the factor .50 adjusted by sixty-five percent of the difference between .50 and the
22 factor representing the five-year average cost of education per student for this
23 category, as determined by the superintendent of public instruction, times the
24 number of students in that school in average daily membership in each classroom
25 or for each teacher times the educational support per student, as provided under
26 section 15-40.1-06, except that no payment may be made for more than
27 twenty-five students in average daily membership in each classroom or for each
28 teacher. The full per student payment may be made only to those kindergarten
29 programs providing the equivalent of ninety full days of classroom instruction
30 during any twelve-month period. Programs providing shorter periods of instruction
31 during the same time period must receive a proportionately smaller per student

1 payment. Beginning July 1, 1998, the factor is .50 adjusted by seventy-five percent
2 of the difference between .50 and the five-year average cost of education per
3 student for this category, as determined by the superintendent of public instruction.

4 The superintendent of public instruction shall make proportionate payments to each
5 public school district educating students who are also enrolled in nonpublic schools.

6 Every school district must receive at least as much in total payments for elementary
7 students as it would have received if it had the highest number of students in the next lower
8 category.

9 **SECTION 35. AMENDMENT.** Subdivision b of subsection 2 of section 15-40.2-08 of
10 the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11 b. Tutoring services upon claim of the admitting facility, provided that the tutoring
12 services are delivered by a ~~certified~~ licensed and qualified teacher according
13 to rules established by the superintendent of public instruction.

14 **SECTION 36. AMENDMENT.** Section 15-41-25 of the 1997 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **15-41-25. High schools - Teacher qualification.** Except as provided in section
17 15-29-08.4, every teacher in any high school in this state teaching any of the course areas or
18 fields mentioned in section 15-41-24 shall have a valid ~~teacher's certificate~~ professional
19 teaching license and shall have a major or minor in the course areas or fields that the teacher is
20 teaching if the high school is to receive any approval by the department of public instruction.
21 However, a teacher granted a ~~certificate~~ license to teach in the disciplines of trade, industrial,
22 technical, and health under chapter 15-20.1 and possessing neither a major nor a minor in the
23 field in which the teacher is employed may not affect the approval of the employing school
24 district.

25 **SECTION 37. AMENDMENT.** If House Bill No. 1034 does not become effective,
26 subsections 2 and 3 of section 15-41-27 of the 1997 Supplement to the North Dakota Century
27 Code are amended and reenacted as follows:

28 2. If the school uses telecommunications or other electronic means to deliver
29 curricular programs, the programs are prepared by persons holding at least
30 baccalaureate degrees and delivered in the presence of a person who holds a
31 North Dakota ~~secondary~~ professional teaching ~~certificate~~ license or who meets or

1 exceeds the average cutoff scores of the states that have normed the national
2 teacher's examination.

3 3. The school employs at least one state ~~certificated~~ licensed high school teacher to
4 serve in a supervisory capacity for each twenty-five students.

5 **SECTION 38. AMENDMENT.** Subsection 1 of section 15-45-02 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 1. All kindergarten teachers must hold valid ~~certificates~~ licenses issued under rules
8 adopted by the education standards and practices board as provided in chapter
9 15-36.

10 **SECTION 39. AMENDMENT.** Subsection 1 of section 15-47-27.2 of the 1997
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 1. The term "teacher", as used in this section, means a contracted state employee
13 ~~holding a professional certificate and certified~~ licensed by the education standards
14 and practices board to teach in this state, whose primary task is to provide direct
15 instruction in a classroom, or on an individualized basis, and whose work schedule
16 must be in accordance with the school calendar, guidance counselors, school
17 librarians, itinerant outreach teachers, and vocational and other technological
18 resource personnel who are required to meet the same teaching and ~~certification~~
19 licensure requirements. The term does not include superintendents, assistant
20 superintendents, principals, supervisory personnel, substitutes, and all
21 paraprofessionals.

22 **SECTION 40. AMENDMENT.** Section 15-47-28 of the 1997 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **15-47-28. Suspension of ~~teacher's certificate~~ professional teaching license for**
25 **breach of contract.** In the event of breach of contract on the part of a teacher or administrator,
26 the education standards and practices board or the administrator's professional practices board
27 shall suspend a ~~teacher's certificate~~ the individual's professional teaching license for a period
28 not to exceed one year, during which time it is unlawful for such teacher or administrator to
29 receive payment for teaching or administration in the public schools of North Dakota.

1 **SECTION 41. AMENDMENT.** If House Bill No. 1034 does not become effective,
2 section 15-47-30 of the 1997 Supplement to the North Dakota Century Code is amended and
3 reenacted as follows:

4 **15-47-30. Suspension and revocation of ~~teachers' certificates~~ professional**
5 **teaching licenses for wearing religious garb.** Any public school teacher or administrator
6 who violates the provisions of section 15-47-29 shall have the ~~teacher's certificate~~ individual's
7 professional teaching license suspended by the education standards and practices board or the
8 administrator's professional practices board for one year, and upon the conviction of the
9 teacher or administrator for a second such offense, the ~~teacher's certificate~~ individual's
10 professional teaching license must be permanently revoked and annulled by the education
11 standards and practices board or the administrator's professional practices board as provided
12 by law.

13 **SECTION 42. AMENDMENT.** Subsection 12 of section 15-47-38.2 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 12. A school board dismissing a superintendent for cause shall report the dismissal to
16 the ~~teachers' professional practices commission~~ administrator's professional
17 practices board. The school board by unanimous vote may suspend the
18 superintendent from regular duty if such action is deemed desirable during the
19 dismissal process. If the superintendent is dismissed, the board may determine
20 the superintendent's salary or compensation as of the date of suspension. If the
21 final decision is favorable to the superintendent, there may be no abatement of
22 salary or compensation.

23 **SECTION 43. AMENDMENT.** Section 15-47-42 of the 1997 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **15-47-42. Status and authority of student and eminence-credentialed teachers.**
26 Any student teacher or eminence-credentialed teacher hired or assigned in this capacity must
27 be given the same legal authority and status as if the student or eminence-credentialed teacher
28 were a ~~certificated employee of~~ licensed teacher employed by the school district. The authority
29 of the student or eminence-credentialed teacher extends to all aspects of student management
30 or discipline, the handling of confidential student records, and to all other aspects of legal
31 authority granted to ~~certificated~~ licensed teachers in the state. The student or

1 eminence-credentialed teacher must be deemed a ~~certificated employee of~~ licensed teacher
2 employed by the district with respect to acts performed by the student or eminence-credentialed
3 teacher at the direction, suggestion, or consent of the district employees under whose
4 supervision and control the student or eminence-credentialed teacher performs duties, whether
5 or not the duties are performed entirely in the presence of district employees assigned to
6 supervise the student or eminence-credentialed teacher, and must be deemed an employee of
7 the school district within the meaning of sections 32-12.1-05 and 39-01-08 relating to liability
8 insurance carried by political subdivisions. For purposes of this section,
9 "eminence-credentialed teacher" means a person providing teaching services in accordance
10 with section 15-29-08.4.

11 **SECTION 44. AMENDMENT.** Section 15-47-46 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **15-47-46. Teacher qualification - Kindergarten through grade eight - Exceptions.**

- 14 1. Except as provided in subsections 2 through 4 or section 15-29-08.4, all teachers
15 teaching kindergarten through grade eight must hold a professional teaching
16 ~~certificate~~ license and:
- 17 a. A minimum of a kindergarten endorsement to teach kindergarten;
 - 18 b. A major, minor, or endorsement in elementary education to teach elementary
19 education in grades one through eight; or
 - 20 c. An endorsement in kindergarten or elementary education from the education
21 standards and practices board attained prior to or within two years of the
22 assignment to teach kindergarten or elementary education. An endorsement
23 may be obtained by completing teaching requirements and a minimum
24 number of credit hours in courses prescribed by the education standards and
25 practices board.
- 26 2. A teacher who holds a professional teaching ~~certificate~~ license and a major or an
27 endorsement in middle school education attained prior to, or within two years of,
28 the assignment to teach middle school may teach grades five through eight.
- 29 3. A teacher who holds a professional teaching ~~certificate~~ license and a major or
30 minor in the course area or field in which the teacher is teaching may teach grades
31 seven and eight.

1 4. A teacher who holds a professional teaching certificate license from the education
2 standards and practices board and meets the requirements of the superintendent
3 of public instruction may teach special education, foreign language, art, music,
4 physical education, business education, and computer education in kindergarten
5 through grade eight.

6 **SECTION 45. AMENDMENT.** Subsection 14 of section 54-44.3-20 of the 1997
7 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8 14. ~~Certificated~~ Licensed teachers engaged in teaching at the North Dakota youth
9 correctional center, the school for the blind, and the school for the deaf.

10 **SECTION 46. AMENDMENT.** Subsection 4 of section 54-52-01 of the 1997
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 4. "Employee" means any person employed by a governmental unit, whose
13 compensation is paid out of the governmental unit's funds, or funds controlled or
14 administered by a governmental unit, or paid by the federal government through
15 any of its executive or administrative officials; ~~certificated~~ licensed employees of a
16 school district means those employees eligible to participate in the teachers' fund
17 for retirement who, except under subsection 2 of section 54-52-17.2, are not
18 eligible employees under this chapter.

19 **SECTION 47. AMENDMENT.** Section 15.1-01-02 of the North Dakota Century Code
20 as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is
21 amended and reenacted as follows:

22 **15.1-01-02. Joint meetings - State board of public school education - State board**
23 **of higher education - Education standards and practices board - State board for**
24 **vocational and technical education.** The state board of public school education, the state
25 board of higher education, the education standards and practices board, and the state board for
26 vocational and technical education shall meet together at least once each year at the call of the
27 superintendent of public instruction, the commissioner of higher education, the executive
28 director of the education standards and practices board, and the director of vocational and
29 technical education for the purposes of:

30 1. Coordinating elementary and secondary education programs, vocational and
31 technical education programs, and higher education programs.

- 1 2. Cooperating in the provision of professional growth and development opportunities
- 2 for elementary and secondary teachers and administrators.
- 3 3. Ensuring cooperation in any other jointly beneficial project or program.

4 **SECTION 48. AMENDMENT.** Section 15.1-02-01 of the North Dakota Century Code
5 as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is
6 amended and reenacted as follows:

7 **15.1-02-01. Superintendent of public instruction - Qualifications.** The qualified
8 electors of this state shall elect a superintendent of public instruction at the appropriate general
9 election. The superintendent must be at least twenty-five years of age on the day of the
10 election, have the qualifications of an elector for that office, and hold a valid North Dakota
11 professional teaching certificate license on the day of the election and at all times during the
12 superintendent's term of office.

13 **SECTION 49. AMENDMENT.** Section 15.1-06-07 of the North Dakota Century Code
14 as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is
15 amended and reenacted as follows:

16 **15.1-06-07. Nonpublic high schools - Approval criteria.** The superintendent of
17 public instruction shall approve any nonpublic high school having an enrollment of fifty students
18 or fewer, provided:

- 19 1. The school meets all statutory requirements regarding the subjects to be taught,
20 the length of the school year, and health, fire, and safety standards;
- 21 2. If the school uses telecommunications or other electronic means to deliver
22 curricular programs, the programs are prepared by individuals holding at least
23 baccalaureate degrees and delivered in the presence of an individual who holds a
24 North Dakota secondary professional teaching certificate license or who meets or
25 exceeds the average cutoff scores of states that have normed the national
26 teacher's examination;
- 27 3. The school employs at least one state certificated licensed high school teacher to
28 serve in a supervisory capacity for each twenty-five students;
- 29 4. The average composite scholastic achievement test scores of students enrolled in
30 the school or the students' scores achieved on comparable standardized tests
31 meet or exceed the national average test scores; and

1 5. The school and its employees are governed by a board of directors that includes
2 parental representation.

3 **SECTION 50. AMENDMENT.** Section 15.1-11-01 of the North Dakota Century Code
4 as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is
5 amended and reenacted as follows:

6 **15.1-11-01. County superintendent of schools - Employment - Qualifications.**

7 1. Except as provided in section 15.1-11-02, each board of county commissioners
8 shall employ a county superintendent of schools on a full-time or a part-time basis.

9 An individual hired under this section:

10 a. Must hold a baccalaureate degree from a regional or nationally accredited
11 institution of higher education approved for teacher education.

12 b. Must hold a valid North Dakota ~~teacher's certificate~~ professional teaching
13 license.

14 c. Must have experience teaching at an approved elementary, middle, or
15 secondary school.

16 d. Must be approved by a majority of the school board presidents representing
17 school districts having their administrative headquarters in the county.

18 e. Serves until the individual resigns or is discharged by the board of county
19 commissioners at the direction of a majority of the school board presidents
20 referenced in subdivision d.

21 2. The presidents of the school boards referenced in subsection 1 shall perform the
22 duties of school boards with respect to the evaluation, renewal, and discharge of
23 an individual hired under this section.

24 **SECTION 51. MEASURES ENACTED BY THE FIFTY-SIXTH LEGISLATIVE**

25 **ASSEMBLY RELATING TO EDUCATION STANDARDS AND PRACTICES BOARD.** The
26 legislative council may insert appropriate references in any measure enacted by the fifty-sixth
27 legislative assembly which refers to the terms "certificate, certification, teacher's certificate,
28 certificated teacher", or other similar terms referring to certificates issued by the education
29 standards and practices board consistent with usages contained in this Act. References
30 inserted may be adjusted to suit context and grammar of the sections and must be inserted so

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- 1 as to harmonize the legislative measure with regard to the name change from certificate to
- 2 license provided by this Act.