

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2074

Introduced by

Education Committee

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

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 the automatic denial or revocation of teaching certificates;
3 and to declare an emergency.

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

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

7 **Crimes against a child and sexual offenses - Denial of or immediate revocation of**
8 **teaching certificate.**

- 9 1. Notwithstanding any other law, the education standards and practices board shall
10 deny an application for a teaching certificate and shall revoke immediately the
11 teaching certificate of an individual, other than an administrator, who has been
12 found guilty of a crime against a child or a sexual offense. Notwithstanding any
13 other law, the administrator's professional practices board shall revoke
14 immediately the teaching certificate of an administrator who has been found guilty
15 of a crime against a child or a sexual offense.
- 16 2. An individual, other than an administrator, who is denied a teaching certificate or
17 who has had a teaching certificate revoked under subsection 1 may file a request
18 with the education standards and practices board for a due process hearing under
19 chapter 28-32. The hearing must be held within ten days of the request. An
20 administrator who has had a teaching certificate revoked under subsection 1 may
21 file a request with the administrator's professional practices board for a due
22 process hearing under chapter 28-32. The hearing must be held within ten days of
23 the request. The scope of the hearing is limited to determining whether the

1 individual was convicted of a crime against a child or a sexual offense and whether
2 the conviction has been overturned on appeal.

3 3. A final decision denying a teaching certificate or revoking a teaching certificate
4 under this section is appealable pursuant to chapter 28-32. A court may not stay
5 the decision pending an appeal. A court shall affirm the decision denying a
6 teaching certificate or revoking a teaching certificate unless the court finds that the
7 individual was not convicted of a crime against a child or a sexual offense or that
8 the conviction was overturned on appeal.

9 4. As used in this section:

10 a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea
11 of nolo contendere, a judgment of conviction even though the court
12 suspended execution of sentence in accordance with subsection 3 of section
13 12.1-32-02, or a deferred imposition of sentence in accordance with
14 subsection 4 of section 12.1-32-02 or an equivalent statute. The term does
15 not include a finding of guilt overturned on appeal.

16 b. "Crime against a child" means violation of chapter 12.1-16, 12.1-17, 12.1-18,
17 or 12.1-29, or an equivalent ordinance, in which the victim is a minor or is
18 otherwise of the age required for the act to be a crime or an attempt to
19 commit these offenses.

20 c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1,
21 12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, or 12.1-22-03.1,
22 or chapter 12.1-27.2, or an equivalent ordinance.

23 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.