

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2075

Introduced by

Education Committee

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

1 A BILL for an Act to amend and reenact sections 15-36-08, 15-38-18, 15-38-18.2, and 15-41-25  
2 of the North Dakota Century Code, relating to provisional teaching certificates, application fees,  
3 and education standards and practices board equivalency endorsements; and to declare an  
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Section 15-36-08 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **15-36-08. Fees for certificates.** The education standards and practices board must  
9 determine a fee for each certificate issued by this state, ~~and no.~~ Except for provisional  
10 teaching certificates which are valid for sixty days and issued pursuant to rules adopted by the  
11 board, a certificate may not be issued for a period of less than one school year. The fees must  
12 be deposited and disbursed in accordance with section 54-44-12.

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

15 **15-38-18. Duties of the education standards and practices board.** It is the duty of  
16 the board to supervise the certification of teachers; to set standards for and approve teacher  
17 preparation programs; to issue minor equivalency endorsements; to develop and revise,  
18 consistent with state law, professional codes or standards relating to ethics, conduct, and  
19 professional performance and practices; and to provide recommendations for in-service  
20 education of persons engaged in the profession of teaching in the public schools. In the  
21 development of professional codes and standards, the board shall solicit the assistance of  
22 members of the teaching profession and representatives of school administrators, school board  
23 members, teacher education professors, and other interested citizens. The board shall adopt  
24 approved or revised codes and standards as rules in accordance with chapter 28-32. The

1 board may enter into agreements with other states to acquire reciprocal approval of teacher  
2 preparation programs, apply for and receive federal or other funds on behalf of the state for  
3 purposes related to its duties, and to perform any other duty that relates to the improvement of  
4 instruction through teacher education, professional development, and continuing education  
5 programs. The board has the powers and privileges of a corporation, including the right to sue  
6 and be sued in its own name as the board. The venue of all actions in which the board is a  
7 party must be Burleigh County, North Dakota. The board shall appoint an executive director to  
8 serve at its discretion. The executive director shall perform the duties assigned by the board.  
9 The board shall authorize the employment of staff necessary for the sound and economic  
10 administration of its duties, responsibilities, and functions. The executive director shall hire the  
11 staff, subject to the approval of the board.

12 **SECTION 3. AMENDMENT.** Section 15-38-18.2 of the 1997 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14 **15-38-18.2. Education standards and practices board - Initial certification of**  
15 **teachers - Application fee - Background.** The education standards and practices board may  
16 charge an application fee established by the board by rule. The education standards and  
17 practices board shall check, or cause to be checked, the background of each applicant for initial  
18 certification as a teacher. The board shall require each applicant for certification to file a  
19 complete set of the applicant's fingerprints, taken by a law enforcement officer, and all other  
20 information necessary to complete a state and nationwide criminal history check with the  
21 bureau of criminal investigation for state processing and filing with the federal bureau of  
22 investigation for federal processing. All costs associated with the background check and with  
23 obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history  
24 records provided to the board pursuant to this section are confidential and closed to the public  
25 and may only be used by the board for determining an applicant's eligibility for licensure and  
26 obtaining documentation to support a denial of licensure. The board may adopt by rule,  
27 procedures for issuing sixty-day provisional teaching certificates to applicants for initial  
28 licensure pending completion of the background check. An applicant for a provisional teaching  
29 certificate may be charged a fee established by the board by rule.

30 **SECTION 4. AMENDMENT.** Section 15-41-25 of the 1997 Supplement to the North  
31 Dakota Century Code is amended and reenacted as follows:

1           **15-41-25. High schools - Teacher qualification.** Except as provided in section  
2 15-29-08.4, every teacher in any high school in this state teaching any of the course areas or  
3 fields mentioned in section 15-41-24 ~~shall~~ must have a valid teacher's certificate and ~~shall~~ must  
4 have a major or minor or a minor equivalency endorsement issued by the education standards  
5 and practices board in the course areas or fields that the teacher is teaching if the high school  
6 is to receive any approval by the department of public instruction. However, a teacher granted  
7 a certificate to teach in the disciplines of trade, industrial, technical, ~~and~~ or health under chapter  
8 15-20.1 and possessing neither a major nor a minor in the field in which the teacher is  
9 employed may not affect the approval of the employing school district.

10           **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.