

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2075
(Education Committee)

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

AN ACT to amend and reenact sections 15-36-08, 15-38-18, 15-38-18.2, and 15-41-25 of the North Dakota Century Code, relating to provisional teaching certificates, application fees, and education standards and practices board equivalency endorsements; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

15-38-18.2. Education standards and practices board - Initial certification of teachers - Application fee - Background. The education standards and practices board may charge an application fee established by the board by rule. The education standards and practices board shall check, or cause to be checked, the background of each applicant for initial certification as a teacher. The board shall require each applicant for certification to file a complete set of the applicant's fingerprints, taken by a law enforcement officer, and all other information necessary to complete a state and nationwide criminal history check with the bureau of criminal investigation for state processing and

filing with the federal bureau of investigation for federal processing. All costs associated with the background check and with obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history records provided to the board pursuant to this section are confidential and closed to the public and may only be used by the board for determining an applicant's eligibility for licensure and obtaining documentation to support a denial of licensure. The board may adopt by rule, procedures for issuing forty-day provisional teaching certificates to applicants for initial licensure pending completion of the background check. A provisional teaching certificate may be renewed upon approval of the board. An applicant for a provisional teaching certificate may be charged a fee established by the board by rule, but no fee may be imposed for the renewal of a provisional teaching certificate.

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2075 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 96 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at ___ o'clock _____ M.

Secretary of State