

**HOUSE BILL NO. 1275**

Introduced by

Representatives Devlin, Brusegaard, Nelson

Senators Andrist, Solberg

1 A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota  
2 Century Code or in the alternative to create and enact a new section to chapter 15.1-18 of the  
3 North Dakota Century Code, relating to substitute teachers; and to amend and reenact  
4 section 15-47-42 of the North Dakota Century Code or in the alternative to amend and reenact  
5 section 15.1-18-04 of the North Dakota Century Code, relating to the status and authority of  
6 substitute teachers.

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

8 **SECTION 1.** If House Bill No. 1045 does not become effective, a new section to  
9 chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

10 **Substitute teachers - Qualifications.** Notwithstanding the provisions of any other law,  
11 if after putting forth a good-faith effort a school district is unable to employ as a substitute  
12 teacher an individual who is licensed to teach by the education standards and practices board  
13 or approved to teach by the education standards and practices board, the school district may  
14 employ as a substitute teacher an individual who holds at least a baccalaureate degree and  
15 whose academic preparation and work experience would, in the opinion of the individual  
16 charged with employing the substitute, contribute positively to the education of the students  
17 during the absence of the students' regular teacher.

18 **SECTION 2. AMENDMENT.** If House Bill No. 1045 does not become effective, section  
19 15-47-42 of the 1999 Supplement to the North Dakota Century Code is amended and  
20 reenacted as follows:

21 **15-47-42. Status and authority of student and teachers, eminence-credentialed**  
22 **teachers, and substitute teachers.**

23 1. Any student teacher ~~or~~, eminence-credentialed teacher, or substitute teacher hired  
24 or assigned in this capacity must be given the same legal authority and status as if

1 the student ~~or~~ teacher, eminence-credentialed teacher, or substitute teacher were  
2 a licensed teacher employed by the school district. The authority of the student ~~or~~  
3 teacher, eminence-credentialed teacher, or substitute teacher extends to all  
4 aspects of student management or discipline, the handling of confidential student  
5 records, and to all other aspects of legal authority granted to licensed teachers in  
6 the state. The student ~~or~~ teacher, eminence-credentialed teacher, or substitute  
7 teacher must be deemed a licensed teacher employed by the district with respect  
8 to acts performed by the student ~~or~~ teacher, eminence-credentialed teacher, or  
9 substitute teacher at the direction, suggestion, or consent of the district employees  
10 under whose supervision and control the student ~~or~~ teacher,  
11 eminence-credentialed teacher, or substitute teacher performs duties, whether or  
12 not the duties are performed entirely in the presence of district employees  
13 assigned to supervise the student ~~or~~ teacher, eminence-credentialed teacher, or  
14 substitute teacher, and must be deemed an employee of the school district within  
15 the meaning of sections 32-12.1-05 and 39-01-08 relating to liability insurance  
16 carried by political subdivisions.

- 17 2. For purposes of this section, ~~"eminence-credentialed teacher"~~:
- 18 a. "Eminence-credentialed teacher" means ~~a person~~ an individual providing  
19 teaching services in accordance with subsection 21 of section 15.1-09-33.
- 20 b. "Substitute teacher" means an individual providing teaching services in  
21 accordance with section 1 of this Act.

22 **SECTION 3.** A new section to chapter 15.1-18 of the North Dakota Century Code is  
23 created and enacted as follows:

24 **Substitute teachers - Qualifications.** Notwithstanding the provisions of any other law,  
25 if after putting forth a good-faith effort a school district is unable to employ as a substitute  
26 teacher an individual who is licensed to teach by the education standards and practices board  
27 or approved to teach by the education standards and practices board, the school district may  
28 employ as a substitute teacher an individual who holds at least a baccalaureate degree and  
29 whose academic preparation and work experience would, in the opinion of the individual  
30 charged with employing the substitute, contribute positively to the education of the students  
31 during the absence of the students' regular teacher.

1           **SECTION 4. AMENDMENT.** Section 15.1-18-04 of the North Dakota Century Code as  
2 created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is  
3 amended and reenacted as follows:

4           **15.1-18-04. Student teacher - Eminence-credentialed teacher - Substitute teacher**  
5 **- Legal authority and status.**

- 6           1. An individual assigned as a student teacher or employed as an  
7 eminence-credentialed teacher or as a substitute teacher has the same legal  
8 authority and status as a licensed teacher employed by the school district. The  
9 authority extends to all aspects of student management and discipline, the  
10 handling of confidential student records, and to all legal authority granted to a  
11 licensed teacher in the state.
- 12           2. An individual assigned as a student teacher or employed as an  
13 eminence-credentialed teacher or as a substitute teacher must be deemed a  
14 licensed teacher employed by the district with respect to acts performed by the  
15 individual at the direction of or with the consent of the district employees under  
16 whose supervision and control the individual performs duties, whether or not the  
17 duties are performed entirely in the presence of district employees assigned to  
18 supervise the individual.
- 19           3. An individual assigned as a student teacher or employed as an  
20 eminence-credentialed teacher or as a substitute teacher must be deemed an  
21 employee of the school district for purposes of liability insurance coverage under  
22 sections 32-12.1-05 and 39-01-08.
- 23           4. For purposes of this chapter, ~~"eminence-credentialed teacher"~~:  
24           a. "Eminence-credentialed teacher" means an individual who provides teaching  
25 services in accordance with subsection 21 of section 15.1-09-33.  
26           b. "Substitute teacher" means an individual providing teaching services in  
27 accordance with section 3 of this Act.