

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1076

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 15.1-09 and a new section to
2 chapter 15.1-18 of the North Dakota Century Code, relating to approval of teachers by the
3 education standards and practices board; and to amend and reenact sections 15.1-06-06,
4 15.1-13-13, 15.1-18-02, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10, and 15.1-18.1-02 of
5 the North Dakota Century Code, relating to teaching licenses and the approval of teachers by
6 the education standards and practices board.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic
11 school in this state offering elementary or secondary education to students must be approved
12 by the superintendent of public instruction. Except as otherwise provided by law, the
13 superintendent may not approve a school unless:

- 14 1. Each classroom teacher ~~holds a valid teaching certificate issued~~ is licensed to
15 teach by the education standards and practices board or approved to teach by the
16 education standards and practices board;
- 17 2. Each classroom teacher is teaching only in those course areas or fields for which
18 the teacher is licensed or for which the teacher has received an exception under
19 section 2;
- 20 3. The students are offered all subjects required by law; and
- 21 ~~3.~~ 4. The school is in compliance with all local and state health, fire, and safety laws.

22 **SECTION 2.** A new section to chapter 15.1-09 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Licensure to teach - Course area or field - Request for exception - Report.**

- 1 1. If the board of a school district or of a nonpublic school is unable to fill a particular
2 position by recruiting or assigning an individual who is licensed to teach in that
3 particular course area or field, the school board may fill the position with an
4 individual who is not licensed to teach in that particular course area or field,
5 provided the individual:
 - 6 a. Is licensed to teach by the education standards and practices board or is
7 approved to teach by the education standards and practices board;
 - 8 b. Holds at least a minor or a minor equivalency in the course area or field in
9 which the individual seeks to teach; and
 - 10 c. Has received a temporary exception under this section.
- 11 2. The education standards and practices board shall adopt rules governing the
12 issuance of temporary exceptions under this section. Except for a case of sudden
13 and unexpected vacancy occurring during the school calendar, the rules must
14 require consideration of a school board's efforts to fill a particular position and the
15 school board's efforts to explore alternative methods of education delivery to the
16 students. The rules must also require that the individual submit a plan for a course
17 of study which will enable the individual to obtain a major or a major equivalency in
18 the course area or field in which the individual seeks to teach.
- 19 3. An exception granted under this section is valid only through the conclusion of the
20 school year in which the request for exception is submitted to the education
21 standards and practices board. The board may extend the exception by one-year
22 increments, provided the individual demonstrates successful completion of a least
23 one-third of the total course of study prior to each requested extension.
- 24 4. At the conclusion of each school year, the education standards and practices
25 board shall file a report with the legislative council. The report must cite all
26 requests for exceptions under this section received by the board during the school
27 year and must include the board's response to each request and a brief description
28 of the board's rationale.

29 **SECTION 3. AMENDMENT.** Section 15.1-13-13 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal.** The
2 board may issue a provisional teaching license to an applicant ~~awaiting, pending~~ completion of
3 the background check required by section 15.1-13-14 or pending the receipt of official
4 transcripts or other original, signed, or certified documents. The provisional license is valid for
5 a period of forty days and may be renewed with the approval of the board. The board may
6 adopt rules governing the issuance of a provisional teaching license. An individual applying for
7 a provisional teaching license may be charged a fee established by the board. However, an
8 individual applying for the renewal of a provisional teaching license may not be charged a fee.

9 **SECTION 4. AMENDMENT.** Section 15.1-18-02 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-18-02. (Effective through June 30, 2006) Kindergarten through grade eight -**
12 **Teacher qualifications - Exceptions.**

- 13 1. In order to teach kindergarten, an individual must:
- 14 a. Be licensed to teach by the education standards and practices board or
15 approved to teach by the education standards and practices board and have
16 a kindergarten endorsement; or
- 17 b. Be licensed to teach by the education standards and practices board or
18 approved to teach by the education standards and practices board and
19 demonstrate to the satisfaction of the education standards and practices
20 board that the individual will obtain a kindergarten endorsement within two
21 years from the date of the assignment to teach kindergarten.
- 22 2. In order to teach any grade from one through eight, an individual must:
- 23 a. Be licensed to teach by the education standards and practices board or
24 approved to teach by the education standards and practices board and have
25 a major, a minor, or an endorsement in elementary education; or
- 26 b. Be licensed to teach by the education standards and practices board or
27 approved to teach by the education standards and practices board and
28 demonstrate to the satisfaction of the education standards and practices
29 board that the individual will obtain an endorsement in elementary education
30 within two years from the date of the assignment to teach any grade from one
31 through eight.

- 1 3. Notwithstanding subsection 2, an individual may teach any grade from five through
2 eight if the individual:
- 3 a. Is licensed to teach by the education standards and practices board or
4 approved to teach by the education standards and practices board and has a
5 major or an endorsement in middle school education; or
- 6 b. Is licensed to teach by the education standards and practices board or
7 approved to teach by the education standards and practices board and
8 demonstrates to the satisfaction of the education standards and practices
9 board that the individual will obtain an endorsement in middle school
10 education within two years from the date of assignment to teach any grade
11 from five through eight.
- 12 4. Notwithstanding subsection 2, an individual may teach grade seven or eight if the
13 individual is licensed to teach by the education standards and practices board or
14 approved to teach by the education standards and practices board and has a
15 major or a minor in the assigned course area or field.
- 16 5. Notwithstanding subsection 2, an individual may teach special education, foreign
17 language, art, music, physical education, business education, and computer
18 education at any grade level from kindergarten through eight, provided the
19 individual is licensed to teach by the education standards and practices board or
20 approved to teach by the education standards and practices board and meets the
21 requirements imposed by the superintendent of public instruction.
- 22 6. An individual may obtain an endorsement by completing teaching requirements
23 and the minimum number of credit hours in courses prescribed by the education
24 standards and practices board.
- 25 7. This section does not apply to an eminence-credentialed teacher.

26 **(Effective after June 30, 2006) Prekindergarten and kindergarten teacher**

27 **qualifications - Exceptions.** In order to teach prekindergarten and kindergarten, an individual
28 must be licensed:

- 29 1. Licensed to teach by the education standards and practices board or approved to
30 teach by the education standards and practices board; and:
- 31 4. ~~2.~~ a. Have a major in elementary education and a kindergarten endorsement;

- 1 a. Licensed to teach by the education standards and practices board or
2 approved to teach by the education standards and practices board; and:
- 3 4- b. (1) Have a major in middle level education, with content in the areas taught
4 by the individual and defined by the education standards and practices
5 board as core academic areas;
- 6 2- (2) Have a major equivalency in middle level education, with content in the
7 areas taught by the individual and defined by the education standards
8 and practices board as core academic areas; or
- 9 3- (3) Have a major, a major equivalency, a minor, or a minor equivalency in
10 each area taught by the individual and not defined by the education
11 standards and practices board as a core academic area.
- 12 2. Notwithstanding the provisions of subsection 1, an individual may teach grade five
13 or six in a middle school, provided the individual is:
- 14 a. Licensed to teach by the education standards and practices board or
15 approved to teach by the education standards and practices board; and
- 16 b. (1) Has a major in elementary education; or
17 (2) Has a major equivalency in elementary education.

18 **SECTION 7. AMENDMENT.** Section 15.1-18-09 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-18-09. (Effective after June 30, 2006) High school qualifications.** In order to
21 teach grades seven through twelve, an individual must be ~~licensed~~:

- 22 1. Licensed to teach by the education standards and practices board or approved to
23 teach by the education standards and practices board; and:
- 24 4- 2. a. Have a major in the areas taught by the individual and defined by the
25 education standards and practices board as core academic areas;
- 26 2- b. Have a major equivalency in the areas taught by the individual and defined by
27 the education standards and practices board as core academic areas; or
- 28 3- c. Have a major, a major equivalency, a minor, or a minor equivalency in each
29 area taught by the individual and not defined by the education standards and
30 practices board as a core academic area.

1 **SECTION 8. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-18-10. (Effective after June 30, 2006) Specialty areas - Teacher qualification.**

4 Notwithstanding the requirements of this chapter:

5 1. An individual may teach art, business education, computer education, a foreign
6 language, music, physical education, ~~and special education,~~ and technology
7 education at any grade level from ~~one~~ kindergarten through grade eight, provided
8 the individual:

- 9 a. Is licensed to teach by the education standards and practices board;
10 b. Is approved to teach in that area by the education standards and practices
11 board; and
12 c. Meets all requirements set forth in rule by the superintendent of public
13 instruction.

14 2. An individual may teach Native American languages provided the individual is an
15 eminence-credentialed teacher.

16 3. An individual may teach in the areas of trade, industry, technical occupations, or
17 health occupations, provided the individual has been issued a license to teach in
18 such areas by the education standards and practices board.

19 **SECTION 9.** A new section to chapter 15.1-18 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Rural school districts - Federal flexibility.** The education standards and practices
22 board may extend the effective dates for any provision in chapter 15.1-18 if the United States
23 secretary of education by rule, policy, or guidance authorizes such extension.

24 **SECTION 10. AMENDMENT.** Section 15.1-18.1-02 of the North Dakota Century Code
25 is amended and reenacted as follows:

26 **15.1-18.1-02. National board certification program - Recertification - Board duties.**

27 1. The board shall:

- 28 4- a. Inform teachers of the national board certification program and the
29 scholarships and services the national board provides to teachers seeking
30 certification.

- 1 ~~2.~~ **b.** Collect and review in the order received scholarship applications from
2 individuals who are licensed to teach by the board or approved to teach by
3 the board.
- 4 ~~3-a.~~ **c.** (1) Approve no more than seventeen applications per year under this
5 subsection;
- 6 **b.** (2) During each year of the biennium, reserve three of the available
7 scholarships under this subsection for individuals teaching at
8 low-performing schools;
- 9 ~~e.~~ ~~During each year of the biennium, award no more than two of the remaining~~
10 ~~fourteen available scholarships to applicants employed by the same school~~
11 ~~district;~~
- 12 **d.** (3) Require the recipient for a scholarship under this subsection to serve
13 during the school year as a full-time classroom teacher in a public or
14 nonpublic school in this state; and
- 15 **e.** (4) Require the recipient for a scholarship under this subsection to
16 participate in mentoring programs ~~and teacher evaluation programs~~
17 developed and implemented in the employing school or school district.
- 18 4. **d.** Ensure that all scholarship recipients under this subsection receive adequate
19 information regarding the level of commitment required to acquire
20 certification.
- 21 2. The board shall collect and review in the order received scholarship applications
22 for national board recertification from individuals who are licensed to teach by the
23 board or approved to teach by the board and:
- 24 **a.** Approve no more than two scholarship applications per year under this
25 subsection;
- 26 **b.** Require each recipient for a scholarship under this subsection to serve during
27 the school year as a full-time classroom teacher in a public or nonpublic
28 school in this state; and
- 29 **c.** Require each recipient for a scholarship under this subsection to participate in
30 mentoring programs developed and implemented in the employing school or
31 school district.

- 1 ~~5-~~ 3. If any individual who receives a scholarship under this section does not complete
2 the certification process within the time allotted by the board, the individual must
3 reimburse the state an amount equal to one-half of the amount awarded to the
4 individual as a scholarship.
- 5 4. At the conclusion of each of the first four school years after an individual receives
6 national board certification, the individual is entitled to receive an additional one
7 thousand five hundred dollars if:
- 8 a. The individual served during the school year as a full-time classroom teacher
9 in a public or nonpublic school; and
- 10 b. The individual participated in any efforts of the employing school district to
11 develop and implement teacher mentoring programs.