

Introduced by

Senators Davison, Unruh

Representatives Carlson, Dosch

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota~~
2 ~~Century Code, relating to licenses issued by the education standards and practices board; to~~
3 ~~amend and reenact subdivision c of subsection 2 of section 12-60-24, section 15-19-01,~~
4 ~~subsection 12 of section 15-39.1-04, sections 15-39.1-09, 15-39.1-19.2, 15.1-01-02,~~
5 ~~15.1-02-13, 15.1-06-06, 15.1-06-06.1, 15.1-07-32, 15.1-09-33, 15.1-09-33.1, 15.1-09-57,~~
6 ~~15.1-13-01, 15.1-13-02, 15.1-13-03, 15.1-13-04, 15.1-13-05, 15.1-13-06, 15.1-13-08,~~
7 ~~15.1-13-09, 15.1-13-10, 15.1-13-10.1, 15.1-13-11, 15.1-13-12, 15.1-13-12.1, 15.1-13-13,~~
8 ~~15.1-13-14, 15.1-13-15, 15.1-13-16, 15.1-13-17, 15.1-13-18, 15.1-13-20, 15.1-13-22,~~
9 ~~15.1-13-23, 15.1-13-24, 15.1-13-25, 15.1-13-26, 15.1-13-27, 15.1-13-30, 15.1-13-31,~~
10 ~~15.1-13-34, 15.1-14-07, 15.1-14-17, 15.1-14-27, 15.1-15-11, 15.1-16-01, 15.1-16-20,~~
11 ~~15.1-18-01, 15.1-18-02, 15.1-18-06, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10,~~
12 ~~15.1-18.1-02, 15.1-18.2-05, 15.1-18.2-07, 15.1-22-02, 15.1-23-07, 15.1-23-09, 15.1-23-10,~~
13 ~~15.1-23-11, 15.1-23-12, 15.1-29-14, 15.1-37-01, and 54-07-01.2 of the North Dakota Century~~
14 ~~Code, relating to the education standards and practices board; to repeal sections 15.1-02-16.1,~~
15 ~~15.1-13-07, 15.1-13-29, 15.1-18-11, 15.1-18.1-01, and 15.1-18.2-06 of the North Dakota~~
16 ~~Century Code, relating to accreditation rules, quorum requirements, administrator licenses, date~~
17 ~~extensions, definitions, and teacher support programs; and to provide for legislative council~~
18 ~~reconciliation of statutory references to the education standards and practices board and for~~
19 ~~replacement of administrative rules of the education standards and practices board.~~for an Act to
20 create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating
21 to the development of a satisfaction survey for the education standards and practices board; to
22 provide for a legislative management study; and to declare an emergency.

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

1 ~~— **SECTION 1. AMENDMENT.** Subdivision c of subsection 2 of section 12-60-24 of the North-~~
2 ~~Dakota Century Code is amended and reenacted as follows:~~

3 ~~— c. — The education standards and practices boardsuperintendent of public instruction-~~
4 ~~for initial, reentry, and reciprocal teacher licenses under sections 15.1-13-14 and~~
5 ~~15.1-13-20 and school guidance and counseling services under section-~~
6 ~~15.1-13-23.~~

7 ~~— **SECTION 2. AMENDMENT.** Section 15-19-01 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **15-19-01. Distance education courses – Establishment – Enrollment of students –**~~
10 ~~**Courses of instruction.**~~

11 ~~— The state shall provide distance education courses through the center for distance-~~
12 ~~education under the followingin accordance with the provisions: set forth in this section.~~

13 ~~— 1. — A complete curriculum by distance education which has been specifically determined-~~
14 ~~by the superintendent of public instruction as proper and suitable for instruction under~~
15 ~~distance education methods, such determination and approval to be made not less-~~
16 ~~than once in each school year, must be maintained upon the campus of one of the-~~
17 ~~state institutions of higher education.~~

18 ~~— 2. — Unless specifically excused in writing upon the course application forms by the-~~
19 ~~superintendent or an administrator of the school approving the enrollment application,-~~
20 ~~or as provided in subsection 5, all students under the age of sixteen taking advantage-~~
21 ~~of the provisions of this chapter must be required to attend their local district schools-~~
22 ~~and to study their distance education lessons under the supervision of a local-~~
23 ~~supervisor. If not required to attend their local schools, their work may be done at a-~~
24 ~~place designated by the state director. If in attendance at a local school, students must~~
25 ~~be supplied with desk space in their respective school without charge and shall attend-~~
26 ~~school regularly and be under the same disciplinary supervision of the teachers as the-~~
27 ~~other school students.~~

28 ~~— 3. — The center for distance education may provide services to personsindividuals who are~~
29 ~~not North Dakota residents.~~

1 ~~4. Distance education students shall pay for books and materials used by them, postage~~
2 ~~required to mail reports to the center, and other fees as may be prescribed by the state~~
3 ~~director.~~

4 ~~5. Students exempt from the compulsory school attendance laws pursuant to~~
5 ~~subdivision e of subsection 1 of section 15.1-20-02 may enroll in distance education~~
6 ~~courses offered through the center for distance education. These students may study~~
7 ~~their distance education lessons in their learning environment under the supervision of~~
8 ~~a parent. The tests for the distance education study must be administered by an~~
9 ~~individual who is licensed to teach by the education standards and practices~~
10 ~~boardsuperintendent of public instruction or approved to teach by the education~~
11 ~~standards and practices boardsuperintendent of public instruction and employed either~~
12 ~~by the public school district in which the parent resides or a state-approved private~~
13 ~~or an approved nonpublic school.~~

14 ~~**SECTION 3. AMENDMENT.** Subsection 12 of section 15-39.1-04 of the North Dakota~~
15 ~~Century Code is amended and reenacted as follows:~~

16 ~~12. "Teacher" means:~~

17 ~~a. All personsAn individual licensed by the education standards and practices board~~
18 ~~who aresuperintendent of public instruction and contractually employed in~~
19 ~~teaching, to teach, provide supervisory services, provide administrative services,~~
20 ~~or provide extracurricular services, by a state institution, a multidistrict special~~
21 ~~education unit, an area career and technology center, a regional education~~
22 ~~association, school board, or other governing bodyor the board of a school~~
23 ~~district of in this state, including superintendents, and includes:~~

24 ~~(1) An assistant superintendents, superintendent;~~

25 ~~(2) A business managers, principals, manager;~~

26 ~~(3) An assistant principals, and principal;~~

27 ~~(4) A special teachers. For purposes of this subdivision, "teacher" includes~~
28 ~~personteacher, as defined in rules implemented by the teachers' fund for~~
29 ~~retirement; and~~

30 ~~(5) An individual contractually employed by one of the above employers listed~~
31 ~~in this subsection to provide teaching services, supervisory services,~~

1 administrative ~~services~~, or extracurricular services to a separate state-
2 institution, state agency, multidistrict special education unit, area career and
3 technology center, regional education association, school board, or other
4 governing body ~~or the board~~ of a school district ~~of in~~ this state under a
5 third-party contract.;

6 ~~b.~~ The superintendent of public instruction, assistant superintendents of public
7 instruction, county superintendents, assistant superintendents, supervisors of
8 instruction, the professional staff of the department of career and technical
9 education, the professional staff of the center for distance education, the
10 executive director and professional staff of the North Dakota education
11 association who are members of the fund on July 1, 1995, the professional staff
12 of an interim school district, and the professional staff of the North Dakota high-
13 school activities association who are members of the fund on July 1, 1995.;

14 ~~c.~~ The executive director and professional staff of the North Dakota council of
15 school administrators who are members of the fund on July 1, 1995, and licensed
16 staff of teachers centers, but only if the person individual was previously a
17 member of and has credits in the fund.;

18 ~~d.~~ Employees of institutions under the control and administration of the state board
19 of higher education who are members of the fund on July 16, 1989.

20 ~~**SECTION 4. AMENDMENT.**~~ Section 15-39.1-09 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 ~~**15-39.1-09. (Contingent expiration date - See note) Membership in fund and**~~
23 ~~**assessments - Employer payment of employee contribution.**~~

24 ~~1.~~ Except as otherwise provided by law, every teacher is a member of the fund and must
25 be assessed upon the teacher's salary seven and seventy-five hundredths percent per
26 annum, which must be deducted, certified, and paid monthly to the fund by the
27 disbursing official of the governmental body by which the teacher is employed.
28 Member contributions increase to nine and seventy-five hundredths percent per
29 annum beginning July 1, 2012, and increase thereafter to are eleven and seventy-five
30 hundredths percent per annum beginning July 1, 2014. Except as otherwise provided
31 by law, every governmental body employing a teacher shall pay to the fund eight and

1 ~~seventy-five hundredths percent per annum of the salary of each teacher employed by~~
2 ~~it. Contributions to be paid by a governmental body employing a teacher increase to~~
3 ~~ten and seventy-five hundredths percent per annum beginning July 1, 2012, and~~
4 ~~increase thereafter to twelve and seventy-five hundredths percent per annum~~
5 ~~beginning July 1, 2014. The required amount of member and employer contributions~~
6 ~~must be reduced to seven and seventy-five hundredths percent per annum effective~~
7 ~~on the July first that follows the first valuation showing a ratio of the actuarial value of~~
8 ~~assets to the actuarial accrued liability of the teachers' fund for retirement that is equal~~
9 ~~to or greater than one hundred percent. The disbursing official of the governmental~~
10 ~~body shall certify the governmental body payments and remit the payments monthly to~~
11 ~~the fund.~~

12 ~~2. Each employer, at its option, may pay the teacher contributions required by~~
13 ~~subsection 1 for all compensation earned after June 30, 1983. The amount paid must~~
14 ~~be paid by the employer in lieu of contributions by the employee. If an employer~~
15 ~~decides not to pay the contributions, the amount that would have been paid will~~
16 ~~continue to be deducted from compensation. If contributions are paid by the employer,~~
17 ~~they must be treated as employer contributions in determining income tax treatment~~
18 ~~under this code and the federal Internal Revenue Code. If contributions are paid by the~~
19 ~~employer, they may not be included as gross income of the teacher in determining tax~~
20 ~~treatment under this code and the Internal Revenue Code until they are distributed or~~
21 ~~made available. The employer shall pay these teacher contributions from the same~~
22 ~~source of funds used in paying compensation to the teachers. The employer shall pay~~
23 ~~these contributions by effecting an equal cash reduction in the gross salary of the~~
24 ~~employee or by an offset against future salary increases. If teacher contributions are~~
25 ~~paid by the employer, they must be treated for the purposes of this chapter in the~~
26 ~~same manner and to the same extent as teacher contributions made prior to the date~~
27 ~~the contributions were assumed by the employer. The option given employers by this~~
28 ~~subsection must be exercised in accordance with rules adopted by the board.~~

29 ~~3. A person, except An individual, other than the superintendent of public instruction, who~~
30 ~~is certified licensed to teach in this state by the education standards and practices~~
31 ~~boards superintendent of public instruction and who is first employed and entered upon~~

1 the payroll of the superintendent of public instruction after January 6, 2001, may elect
2 to become a participating member of the public employees retirement system. An
3 election made by a person to participate in the public employees retirement system
4 under this subsection is irrevocable. Nonteaching employees of the superintendent of
5 public instruction, including the superintendent of public instruction, may elect to
6 transfer to the public employees retirement system pursuant to section 54-52-02.13.
7 Employees of the state board for career and technical education may elect to transfer
8 to the public employees retirement system pursuant to section 54-52-02.14.

9 ~~4. An individual who is first employed and entered upon the payroll of the state board for~~
10 ~~career and technical education after July 1, 2007, may elect to become a participating~~
11 ~~member of the public employees retirement system. An election made by an individual~~
12 ~~to participate in the public employees retirement system under this subsection is~~
13 ~~irrevocable.~~

14 ~~SECTION 5. AMENDMENT.~~ Section 15-39.1-19.2 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 ~~15-39.1-19.2. Retired teachers return to active service – Critical shortage areas and~~
17 ~~disciplines – Rules.~~

18 ~~1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1,~~
19 ~~or 15-39.2 may elect to return to teaching without losing any benefits under the~~
20 ~~provisions of this section or elect to return to teaching under the provisions of section~~
21 ~~15-39.1-19.1. To return to teaching under this section, a retired teacher must:~~

22 ~~a. Return to teach in a critical shortage geographical area or subject discipline as~~
23 ~~determined by the education standards and practices board by~~
24 ~~rules superintendent of public instruction;~~

25 ~~b. If retired after January 1, 2001, have been receiving a retirement annuity for at~~
26 ~~least one year. A, provided a retired teacher may perform noncontracted~~
27 ~~substitute teaching duties but may not engage in full-time or part-time teaching~~
28 ~~duties during the one-year separation from service; and~~

29 ~~c. Notify the fund office in writing within thirty days of the retired member's return to~~
30 ~~covered employment. The and have the retired member's employer must also~~

1 notify the fund office in writing within thirty days of the retired member's return to
2 covered employment.

3 ~~2. A retired teacher who returns to teaching under this section shall pay the member~~
4 ~~contributions required by section 15-39.1-09 on the salary of the retired member. The~~
5 ~~member contributions must be included in the retired member's account value and~~
6 ~~may not be refunded except as provided under section 15-39.1-17. A retired teacher~~
7 ~~who returns to teaching under the provisions of this section must be treated as retired~~
8 ~~for all other purposes under this chapter. A retired teacher may not earn any additional~~
9 ~~service during the period of reemployment. The retired teacher's benefits may not be~~
10 ~~adjusted to reflect changes in the retired teacher's age or final average monthly salary~~
11 ~~at the end of the period of reemployment, any optional form of payment elected under~~
12 ~~section 15-39.1-16 remains effective during and after the period of reemployment, and~~
13 ~~additional benefits normally available to an active member, such as disability benefits,~~
14 ~~are not available to a retired teacher reemployed under this section.~~

15 ~~3. A participating employer who employs a retired member under this section shall pay~~
16 ~~the employer contributions required by section 15-39.1-09 on the salary of the retired~~
17 ~~member.~~

18 ~~**SECTION 6. AMENDMENT.** Section 15.1-01-02 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~**15.1-01-02. Joint meetings - Superintendent of public instruction - State board of**~~
21 ~~**public school education - State board of higher education - Education standards and**~~
22 ~~**practices board - State board for career and technical education.**~~

23 ~~The superintendent of public instruction, the state board of public school education, the~~
24 ~~state board of higher education, the education standards and practices board, and the state~~
25 ~~board for career and technical education shall meet together at least once each year, at the call~~
26 ~~of the superintendent of public instruction, the commissioner of higher education, the executive~~
27 ~~director of the education standards and practices board, and the director of career and technical~~
28 ~~education for the purposes of:~~

29 ~~1. Coordinating elementary and secondary education programs, career and technical~~
30 ~~education programs, and higher education programs;~~

- ~~2. Establishing high standards and expectations of students at all levels of the education continuum;~~
- ~~3. Ensuring that all students have access to challenging curricula;~~
- ~~4. Ensuring that the individuals instructing students at all levels of the education continuum are highly qualified and capable;~~
- ~~5. Cooperating in the provision of professional growth and development opportunities for individuals instructing students at all levels of the education continuum; and~~
- ~~6. Ensuring cooperation in any other jointly beneficial project or program.~~

~~**SECTION 7. AMENDMENT.** Section 15.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**15.1-02-13. School district employee compensation report.**~~

- ~~1. Before September eleventh of each year, each school district shall report the following information to the superintendent of public instruction, with respect to each teacher and class of teachers and with respect to each administrator and class of administrators:~~
 - ~~a. The number of days each was employed during the preceding school year.;~~
 - ~~b. The base salaries.;~~
 - ~~c. The amount of compensation provided for extended contracts.;~~
 - ~~d. The amount of compensation provided for cocurricular activities.;~~
 - ~~e. The amount expended for contract buyouts.;~~
 - ~~f. The amount of compensation provided in lieu of salaries.;~~
 - ~~g. The amount paid for signing bonuses.;~~
 - ~~h. The amount of compensation provided for substitute teaching and workload adjustment.;~~
 - ~~i. The amount of compensation provided for any other purposes.;~~
 - ~~j. The amount expended for health insurance benefits.;~~
 - ~~k. The amount expended for dental, vision, and cancer insurance benefits.;~~
 - ~~l. The amount expended for life and long-term disability insurance benefits.;~~
 - ~~m. The amount of retirement contributions and assessments, including individual shares if paid by the district.;~~
 - ~~n. The district's share of Federal Insurance Contributions Act taxes.;~~

- 1 ~~o. The amount of dues or membership fees paid by the district.; and~~
- 2 ~~p. Any other benefits provided by the district.~~
- 3 ~~2. In addition to the requirements of subsection 1, each school district shall also indicate:~~
- 4 ~~a. Whether each teacher and administrator is employed on a full-time or a part-time~~
- 5 ~~basis.; and~~
- 6 ~~b. The number of days used to determine the base salary of each teacher and~~
- 7 ~~administrator.~~
- 8 ~~3. The superintendent of public instruction shall:~~
- 9 ~~a. Compile the information required by this section in a manner that allows for~~
- 10 ~~accurate comparisons; and~~
- 11 ~~b. Forward a copy of the compiled information to the governor and the legislative~~
- 12 ~~council.~~
- 13 ~~4. The superintendent of public instruction may not expand the reporting requirements of~~
- 14 ~~this section.~~
- 15 ~~5. If any school district fails without good cause to provide the information required by~~
- 16 ~~this section on or before September tenth and in the manner directed by the~~
- 17 ~~superintendent of public instruction, the superintendent shall withhold all state aid until~~
- 18 ~~the information is received.~~
- 19 ~~6. For purposes of this section:~~
- 20 ~~a. "Administrator" includes an individual who is employed by a school district in an~~
- 21 ~~administrative position and who is classified by the superintendent of public~~
- 22 ~~instruction as:~~
- 23 ~~(1) A class 67 school district superintendent;~~
- 24 ~~(2) A class 66 assistant or associate superintendent;~~
- 25 ~~(3) A class 53 principal;~~
- 26 ~~(4) A class 05 assistant principal;~~
- 27 ~~(5) A class 29 director, including a special education director and a career and~~
- 28 ~~technical education director;~~
- 29 ~~(6) A class 04 assistant director; and~~
- 30 ~~(7) Any other individual whose position requires an administrator's credential.~~

1 ~~_____ b. "Teacher" means an individual, other than an administrator, who is licensed to~~
2 ~~teach by the education standards and practices boardsuperintendent of public~~
3 ~~instruction or approved to teach by the education standards and practices~~
4 ~~boardsuperintendent of public instruction and who is employed by the board of a~~
5 ~~school district in a position classified by the superintendent of public instruction~~
6 ~~as:~~

- 7 ~~_____ (1) A class 22 coordinator;~~
8 ~~_____ (2) A class 37 guidance counselor or school counselor;~~
9 ~~_____ (3) A class 38 guidance counselor designate;~~
10 ~~_____ (4) A class 40 instructional programmer;~~
11 ~~_____ (5) A class 41 library media specialist;~~
12 ~~_____ (6) A class 56 pupil personnel service provider;~~
13 ~~_____ (7) A class 59 school psychologist;~~
14 ~~_____ (8) A class 62 speech language pathologist;~~
15 ~~_____ (9) A class 68 supervisor;~~
16 ~~_____ (10) A class 70 teacher or special education teacher; or~~
17 ~~_____ (11) A class 72 tutor in training.~~

18 ~~_____ **SECTION 8. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~_____ **15.1-06-06. Approval of public schools.**~~

21 ~~_____ 1. In order to obtain certification that a public school is approved, the superintendent of~~
22 ~~the district in which the school is located shall submit to the superintendent of public~~
23 ~~instruction a compliance report verifying that:~~

- 24 ~~_____ a. Each classroom teacher is licensed to teach by the education standards and~~
25 ~~practices boardsuperintendent of public instruction or approved to teach by the~~
26 ~~education standards and practices boardsuperintendent of public instruction;~~
27 ~~_____ b. Each classroom teacher is teaching only in those course areas or fields for which~~
28 ~~the teacher is licensed or for which the teacher has received an exception under~~
29 ~~section 15.1-09-57;~~
30 ~~_____ c. The school meets all curricular requirements set forth in chapter 15.1-21;~~

- 1 ~~_____ d. The school participates in and meets the requirements of a review process that~~
2 ~~is:~~
3 ~~_____ (1) Designed to improve student achievement through a continuous cycle of~~
4 ~~improvement; and~~
5 ~~_____ (2) Approved by the superintendent of public instruction;~~
6 ~~_____ e. The school has been inspected by the state fire marshal or the state fire~~
7 ~~marshal's designee in accordance with section 15.1-06-09 and:~~
8 ~~_____ (1) Has no unremedied deficiency; or~~
9 ~~_____ (2) Has deficiencies that have been addressed in a plan of correction which~~
10 ~~was submitted to and approved by the state fire marshal or the state fire~~
11 ~~marshal's designee; and~~
12 ~~_____ f. All individuals hired after June 30, 2011, and having unsupervised contact with~~
13 ~~students at the school, have:~~
14 ~~_____ (1) Undergone a criminal history background check requested by the employing~~
15 ~~school district; or~~
16 ~~_____ (2) Undergone a criminal history background check in order to be licensed by~~
17 ~~the education standards and practices boardsuperintendent of public~~
18 ~~instruction or by any othera state licensing board.~~
19 ~~_____ 2. The compliance report required by subsection 1 must:~~
20 ~~_____ a. Be signed by the school principal and the superintendent of the school district;~~
21 ~~_____ b. Be formally approved by the board of the school district; and~~
22 ~~_____ c. Be filed with the superintendent of public instruction before five p.m. on the:~~
23 ~~_____ (1) First day of October; or~~
24 ~~_____ (2) The date of the extension provided under subsection 6.~~
25 ~~_____ 3. On the tenth day of September and on the twenty-fifth day of September, the~~
26 ~~superintendent of public instruction shall provide to each school principal, school~~
27 ~~district superintendent, and school board member, electronic notification that the~~
28 ~~compliance report is due on the first day of October.~~
29 ~~_____ 4. If a school's compliance report is not submitted at the time and in the manner required~~
30 ~~by subsection 2, the superintendent of public instruction shall designate the school as~~
31 ~~unapproved. No later than thirty days after the date on which a school's compliance~~

1 report is due, in accordance with subsection 2, the superintendent of public instruction-
2 shall post a notice on the department's website, indicating whether a school is
3 approved or unapproved.

4 ~~5. If a public school does not meet the approval requirements of this section, the~~
5 superintendent of public instruction shall:

6 ~~a. Notify the parents of students enrolled in the school, either directly or through the~~
7 local media outlets, that the school is unapproved; and

8 ~~b. Subtract from any state aid otherwise payable to the school district the prorated~~
9 amount attributable to the students in attendance at the unapproved school for
10 each day that the school's compliance report is not on file with the superintendent
11 of public instruction.

12 ~~6. If because of unforeseen or other extenuating circumstances a school district~~
13 superintendent is unable to file a school's compliance report with the superintendent of
14 public instruction before five p.m. on October first, the school district superintendent
15 may request one extension from the superintendent of public instruction. The
16 superintendent of public instruction shall grant the extension provided the request was
17 received before five p.m. on October first. An extension under this section terminates
18 at five p.m. on October fifteenth.

19 ~~7. Upon receipt of a school's compliance report, as required by this section, the~~
20 superintendent of public instruction shall certify the school as being approved. A
21 certification of approval under this subsection expires at the conclusion of the regular
22 school calendar.

23 ~~8. If after being certified as approved a school experiences circumstances or events that~~
24 would render the information contained in its compliance report inaccurate, the
25 superintendent of the school district in which the school is located shall notify the
26 superintendent of public instruction and work with the superintendent of public
27 instruction to address the circumstances or events at the earliest possible time.

28 ~~9. If a school district does not employ a superintendent, the duties required of a school~~
29 district superintendent by this section must be performed as provided for in chapter
30 15.1-11.

1 ~~— **SECTION 9. AMENDMENT.** Section 15.1-06-06.1 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~— **15.1-06-06.1. Approval of nonpublic schools.**~~

4 ~~— 1. In order to obtain certification that a nonpublic school is approved, the administrator of~~
5 ~~a nonpublic school shall submit to the superintendent of public instruction a~~
6 ~~compliance report verifying that:~~

7 ~~— a. Each classroom teacher is licensed to teach by the education standards and~~
8 ~~practices boardsuperintendent of public instruction or approved to teach by the~~
9 ~~education standards and practices boardsuperintendent of public instruction;~~

10 ~~— b. Each classroom teacher is teaching only in those course areas or fields for which~~
11 ~~the teacher is licensed or for which the teacher has received an exception under~~
12 ~~section 15.1-09-57;~~

13 ~~— c. The school meets all curricular requirements set forth in chapter 15.1-21;~~

14 ~~— d. The school has been inspected by the state fire marshal or the state fire~~
15 ~~marshal's designee in accordance with section 15.1-06-10 and:~~

16 ~~— (1) Has no unremedied deficiency; or~~

17 ~~— (2) Has deficiencies that have been addressed in a plan of correction which~~
18 ~~was submitted to and approved by the state fire marshal or the state fire~~
19 ~~marshal's designee; and~~

20 ~~— e. All individuals hired after June 30, 2011, and having unsupervised contact with~~
21 ~~students at the school, have:~~

22 ~~— (1) Undergone a criminal history background check requested on behalf of the~~
23 ~~employing school; or~~

24 ~~— (2) Undergone a criminal history background check in order to be licensed by~~
25 ~~the education standards and practices boardsuperintendent of public~~
26 ~~instruction or by any othera state licensing board.~~

27 ~~— 2. The compliance report required by subsection 1 must:~~

28 ~~— a. Be signed by the school administrator;~~

29 ~~— b. Be formally approved by the governing board of the school; and~~

30 ~~— c. Be filed with the superintendent of public instruction before five p.m. on:~~

31 ~~— (1) The first day of October; or~~

- 1 ~~————— (2) — The date of the extension provided under subsection 5.~~
- 2 ~~—— 3. — On the tenth day of September and on the twenty-fifth day of September, the~~
3 ~~superintendent of public instruction shall provide to each school administrator and~~
4 ~~member of the governing board, electronic notification that the compliance report is~~
5 ~~due on the first day of October.~~
- 6 ~~—— 4. — If a nonpublic school's compliance report is not submitted at the time and in the~~
7 ~~manner required by subsection 2, the superintendent of public instruction shall~~
8 ~~designate the school as unapproved. No later than thirty days after the date on which~~
9 ~~a school's compliance report is due, in accordance with subsection 2, the~~
10 ~~superintendent of public instruction shall post a notice on the department's website,~~
11 ~~indicating whether a nonpublic school is approved or unapproved.~~
- 12 ~~—— 5. — If a nonpublic school does not meet the approval requirements of this section, the~~
13 ~~superintendent of public instruction shall notify the parents of students enrolled in the~~
14 ~~school, either directly or through the local media outlets, that the school is unapproved~~
15 ~~and that the parents may be in violation of the state's compulsory attendance~~
16 ~~provisions.~~
- 17 ~~—— 6. — If because of unforeseen or other extenuating circumstances the administrator of a~~
18 ~~nonpublic school is unable to file the school's compliance report with the~~
19 ~~superintendent of public instruction before five p.m. on October first, the school~~
20 ~~administrator may request one extension from the superintendent of public instruction.~~
21 ~~The superintendent of public instruction shall grant the extension provided the request~~
22 ~~was received before five p.m. on October first. An extension under this section~~
23 ~~terminates at five p.m. on October fifteenth.~~
- 24 ~~—— 7. — Upon receipt of a nonpublic school's compliance report, as required by this section,~~
25 ~~the superintendent of public instruction shall certify the school as being approved. A~~
26 ~~certification of approval under this subsection expires at the conclusion of the regular~~
27 ~~school calendar.~~
- 28 ~~—— 8. — If after being certified as approved a nonpublic school experiences circumstances or~~
29 ~~events that would render the information contained in its compliance report inaccurate,~~
30 ~~the administrator of the nonpublic school shall notify the superintendent of public~~

1 instruction and work with the superintendent of public instruction to address the
2 circumstances or events at the earliest possible time.

3 ~~— **SECTION 10. AMENDMENT.** Section 15.1-07-32 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15.1-07-32. Student performance strategist – Verification – Qualifications.**~~

6 ~~— Each school district must have available one full-time equivalent student performance~~
7 ~~strategist for every four hundred students in average daily membership in kindergarten through~~
8 ~~grade three. Each school district shall submit documentation to the superintendent of public~~
9 ~~instruction, at the time and in the manner directed by the superintendent, verifying the amount~~
10 ~~of time that each student performance strategist expended in tutoring students on a one-to-one~~
11 ~~basis or in groups ranging from two to five, or in providing instructional coaching to teachers.~~

12 ~~For purposes of this section, a "student performance strategist" must:~~

13 ~~— 1. a. Meet the qualifications of an elementary school teacher as set forth in section~~
14 ~~15.1-18-07; or~~

15 ~~— b. Be licensed to teach by the superintendent of public instruction or approved to~~
16 ~~teach by the education standards and practices boardsuperintendent of public~~
17 ~~instruction and hold a special education endorsement or credential; and~~

18 ~~— 2. Serve as a tutor or an instructional coach.~~

19 ~~— **SECTION 11. AMENDMENT.** Section 15.1-09-33 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~— **15.1-09-33. School board – Powers.**~~

22 ~~— The board of a school district may:~~

23 ~~— 1. Establish a system of free public schools for all children of legal school age residing~~
24 ~~within the district.;~~

25 ~~— 2. Organize, establish, operate, and maintain elementary, middle, and high schools.;~~

26 ~~— 3. Have custody and control of all school district property and, in the case of the board of~~
27 ~~education of the city of Fargo, have custody and control of all public school property~~
28 ~~within the boundaries of the Fargo public school district and to manage and control all~~
29 ~~school matters.;~~

30 ~~— 4. Acquire real property and construct school buildings and other facilities.;~~

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- 1 ~~5. Relocate or discontinue schools and liquidate the assets of the district, as required by~~
- 2 ~~law; provided no site may be acquired or building constructed, and no school may~~
- 3 ~~be organized, established, operated, maintained, discontinued, or changed in location~~
- 4 ~~without the approval of the state board of public school education, if outside the~~
- 5 ~~boundary of the district.~~
- 6 ~~6. Purchase, sell, exchange, and improve real property.~~
- 7 ~~7. Lease real property for a maximum of one year except in the case of a career and~~
- 8 ~~technical education facility constructed in whole or in part with financing acquired~~
- 9 ~~under chapter 40-57, which may be leased for up to twenty years.~~
- 10 ~~8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real~~
- 11 ~~property for school purposes.~~
- 12 ~~9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,~~
- 13 ~~supplies, and textbooks.~~
- 14 ~~10. Recruit or contract with others to recruit homes and facilities which provide boarding~~
- 15 ~~care for special education students.~~
- 16 ~~11. Provide dormitories for the boarding care of special education students.~~
- 17 ~~12. Insure school district property.~~
- 18 ~~13. Independently or jointly with other school districts, purchase telecommunications~~
- 19 ~~equipment or lease a telecommunications system or network.~~
- 20 ~~14. Provide for the education of students by another school district.~~
- 21 ~~15. Contract with federal officials for the education of students in a federal school.~~
- 22 ~~16. Prescribe courses of study in addition to those prescribed by the superintendent of~~
- 23 ~~public instruction or by law.~~
- 24 ~~17. Adopt rules regarding the instruction of students, including their admission, transfer,~~
- 25 ~~organization, grading, and government.~~
- 26 ~~18. Join the North Dakota high school activities association and pay membership fees.~~
- 27 ~~19. Adopt alternative curricula for high school seniors who require fewer than four~~
- 28 ~~academic units.~~
- 29 ~~20. Contract with, employ, and compensate school district personnel.~~
- 30 ~~21. Contract with and provide reimbursement for the provision of teaching services by an~~
- 31 ~~individual certified as an instructor in the areas of North Dakota American Indian~~

- 1 languages and culture by the education standards and practices board superintendent
2 of public instruction;
- 3 ~~—22.— Suspend school district personnel.;~~
- 4 ~~—23.— Dismiss school district personnel.;~~
- 5 ~~—24.— Participate in group insurance plans and pay all or part of the insurance premiums.;~~
- 6 ~~—25.— Contract for the services of a district superintendent, provided that the contract, which
7 may be renewed, does not exceed a period of three years.;~~
- 8 ~~—26.— Contract for the services of a principal.;~~
- 9 ~~—27.— Employ an individual to serve as the school district business manager or contract with
10 any person to perform the duties assigned to a school district business manager by
11 law.;~~
- 12 ~~—28.— Suspend or dismiss a school district business manager for cause without prior notice.;~~
- 13 ~~—29.— Suspend or dismiss a school district business manager without cause with thirty days'
14 written notice.;~~
- 15 ~~—30.— Defray the necessary and contingent expenses of the board.;~~
- 16 ~~—31.— Levy a tax upon property in the district for school purposes, as permitted in
17 accordance with chapter 57-15.;~~
- 18 ~~—32.— Amend and certify budgets and tax levies, as provided in title 57.;~~
- 19 ~~—33.— Pay dues allowing for the board to hold membership in city, county, state, and national
20 organizations and associations.;~~ and
- 21 ~~—34.— Designate, at its annual meeting, a newspaper of general circulation as the official
22 newspaper of the district.~~
- 23 ~~— **SECTION 12. AMENDMENT.** Section 15.1-09-33.1 of the North Dakota Century Code is
24 amended and reenacted as follows:~~
- 25 ~~— **15.1-09-33.1. School board authority – Payment of signing bonuses.**~~
- 26 ~~— 1.— The board of a school district may offer and, upon the signing of the contract by both
27 parties, pay a signing bonus to an individual who:~~
- 28 ~~— a.— Is licensed to teach by the education standards and practices
29 boardsuperintendent of public instruction or approved to teach by the education
30 standards and practices boardsuperintendent of public instruction;~~

- 1 ~~_____ b. Has signed a contract of employment to serve as a classroom teacher in the~~
2 ~~district; and~~
- 3 ~~_____ c. Was not employed as a classroom teacher by the board of a school district in this~~
4 ~~state during the previous school year.~~
- 5 ~~_____ 2. The board may pay to the individual the signing bonus authorized by subsection 1 in:~~
- 6 ~~_____ a. One lump sum upon the individual signing a contract of employment; or~~
7 ~~_____ b. Installments over a period of time not to exceed three years from the date the~~
8 ~~individual signed a contract of employment.~~
- 9 ~~_____ 3. A signing bonus paid under this section:~~
- 10 ~~_____ a. Is in addition to any amount payable under a negotiated teachers' contract;~~
11 ~~_____ b. May not be included in the district's negotiated salary schedule; and~~
12 ~~_____ c. May not be included as salary for continuing contract purposes.~~
- 13 ~~_____ **SECTION 13. AMENDMENT.** Section 15.1-09-57 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~
- 15 ~~_____ **15.1-09-57. Licensure to teach -- Course area or field -- Request for exception -- Report.**~~
- 16 ~~_____ 1. If the board of a school district or of a nonpublic school is unable to fill a particular~~
17 ~~position by recruiting or assigning an individual who is licensed to teach in that~~
18 ~~particular course area or field, the school board may fill the position with an individual~~
19 ~~who is not licensed to teach in that particular course area or field, provided the~~
20 ~~individual:~~
- 21 ~~_____ a. Is licensed to teach by the education standards and practices~~
22 ~~boardsuperintendent of public instruction or is approved to teach by the~~
23 ~~education standards and practices boardsuperintendent of public instruction;~~
- 24 ~~_____ b. Holds at least a minor or a minor equivalency in the course area or field in which~~
25 ~~the individual seeks to teach; and~~
- 26 ~~_____ c. Has received a temporary exception under this section.~~
- 27 ~~_____ 2. The education standards and practices boardsuperintendent of public instruction shall~~
28 ~~adopt rules governing the issuance of temporary exceptions under this section. Except~~
29 ~~for a case of sudden and unexpected vacancy occurring during the school calendar,~~
30 ~~the rules must require consideration of a school board's efforts to fill a particular~~
31 ~~position and the school board's efforts to explore alternative methods of education~~

1 delivery to the students. The rules must also require that the individual to submit a
2 plan for a course of study which that will enable the individual to obtain a major or a
3 major equivalency in the course area or field in which the individual seeks to teach.

4 ~~3.~~ An exception granted under this section is valid only through the conclusion of the
5 school year in which the request for exception is submitted to the education standards
6 and practices boards superintendent of public instruction. The boards superintendent may
7 extend the exception by one-year increments, provided the individual demonstrates
8 successful completion of at least one-third of the total course of study prior to each
9 requested extension.

10 ~~4.~~ At the conclusion of each school year, the education standards and practices
11 boards superintendent of public instruction shall file a report with the legislative council.
12 The report must cite all requests for exceptions under this section received by the
13 boards superintendent during the school year and must include the
14 board's superintendent's response to each request and a brief description of the
15 board's superintendent's rationale.

16 ~~**SECTION 14. AMENDMENT.**~~ Section 15.1-13-01 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 ~~**15.1-13-01. Definitions.**~~

19 ~~For purposes of this chapter:~~

20 ~~1.~~ "Administrator" means an individual who holds an administrator's credential and who
21 is employed by the board of a school district for the primary purpose of providing
22 administrative services to the schools of the district. The term includes a school district
23 superintendent, an assistant or associate school district superintendent, a school
24 principal, an assistant or associate school principal, a special education director, a
25 director of a multidistrict special education unit, a career and technical education
26 director, and a director of an area career and technology center. The term may include
27 an athletic or activity director who meets the requirements of this subsection.

28 ~~2.~~ "Board" means the education standards and practices board.

29 ~~3.~~ "Profession of teaching" means providing services in an approved school as a teacher,
30 counselor, librarian, curriculum director or supervisor, speech or language therapist,
31 school psychologist, special educator, or administrator.

1 — ~~**SECTION 15. AMENDMENT.** Section 15.1-13-02 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 — ~~**15.1-13-02. Education standards and practices advisory board -- Membership.**~~

4 — ~~1. The governor shall appoint to the education standards and practices advisory board:~~

5 — ~~a. 1. Four individuals who are public school classroom teachers;~~

6 — ~~b. 2. One individual who is a nonpublic school classroom teacher;~~

7 — ~~c. 3. Two individuals who are school board members;~~

8 — ~~d. 4. Two individuals who are administrators; and~~

9 — ~~e. 5. One dean of a college of education or chairman of a department of education.~~

10 — ~~2. The superintendent of public instruction or the superintendent's designee shall serve~~
11 ~~as a nonvoting ex officio member.~~

12 — ~~**SECTION 16. AMENDMENT.** Section 15.1-13-03 of the North Dakota Century Code is~~
13 ~~amended and reenacted as follows:~~

14 — ~~**15.1-13-03. Board compensation.**~~

15 — ~~Each member of the education standards and practices advisory board is entitled to receive~~
16 ~~compensation in the amount of sixty two dollars and fifty cents per day and to reimbursement~~
17 ~~for expenses as provided by law for other state officers while attending meetings or performing~~
18 ~~duties directed by the board or by the superintendent of public instruction. A member of the~~
19 ~~board may not lose the member's regular salary and may not be required to refuse the~~
20 ~~compensation to which the member is entitled under this section for serving on the board.~~

21 — ~~**SECTION 17. AMENDMENT.** Section 15.1-13-04 of the North Dakota Century Code is~~
22 ~~amended and reenacted as follows:~~

23 — ~~**15.1-13-04. Term of office -- Vacancy.**~~

24 — ~~The term of office for a member of the education standards and practices advisory board is~~
25 ~~three years, beginning on July first of the year of appointment. No person may~~
26 ~~An individual may~~
27 ~~not serve for more than two consecutive terms. If a vacancy occurs, it must be filled for the~~
28 ~~duration of the unexpired term in the same manner as an original appointment.~~

28 — ~~**SECTION 18. AMENDMENT.** Section 15.1-13-05 of the North Dakota Century Code is~~
29 ~~amended and reenacted as follows:~~

1 — ~~15.1-13-05. Officers.~~

2 — ~~The Annually, the education standards and practices advisory board annually shall select a~~
3 ~~chairman and, a vice chairman. The executive director of the board or the executive director's~~
4 ~~designee shall serve as, and a secretary.~~

5 — ~~SECTION 19. AMENDMENT.~~ Section 15.1-13-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 — ~~15.1-13-06. Meetings -- Notice.~~

8 — ~~The chairman of the education standards and practices advisory board shall set the date~~
9 ~~and time of the each board meetings meeting and shall provide at least ten days' notice of the~~
10 ~~meeting to all board members. The chairman shall call a special meeting when requested to do~~
11 ~~so, in writing, by a majority of the board members.~~

12 — ~~SECTION 20. AMENDMENT.~~ Section 15.1-13-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 — ~~15.1-13-08. Board duties.~~

15 — ~~The education standards and practices advisory board shall:~~

16 — ~~1. Supervise Advise the superintendent of public instruction on matters pertaining to the~~
17 ~~licensure of teachers.;~~

18 — ~~2. Set Advise the superintendent of public instruction on matters pertaining to standards~~
19 ~~for and approve the approval of teacher preparation programs.;~~

20 — ~~3. Seek the advice of Consult with teachers, administrators, school board members,~~
21 ~~teacher education professors, and other interested citizens in developing and~~
22 ~~updating prior to recommending to the superintendent of public instruction changes to~~
23 ~~codes or standards of ethics, conduct, professional performance, and professional~~
24 ~~practices.;~~

25 — ~~4. Adopt, in accordance with chapter 28-32, Assist the superintendent of public instruction~~
26 ~~in drafting and implementing, in accordance with chapter 28-32, codes or standards of~~
27 ~~ethics, conduct, professional performance, and professional practices.;~~

28 — ~~5. Make recommendations to the superintendent of public instruction for the inservice~~
29 ~~education of individuals engaged in the profession of teaching.;~~ ~~and~~

30 — ~~6. Issue Advise the superintendent of public instruction regarding the issuance of major~~
31 ~~equivalency endorsements and minor equivalency endorsements.~~

1 ~~7. Appoint an executive director to serve at its discretion.~~

2 ~~8. Authorize the executive director to employ personnel, subject to approval by the~~
3 ~~board.~~

4 ~~**SECTION 21. AMENDMENT.** Section 15.1-13-09 of the North Dakota Century Code is~~
5 ~~amended and reenacted as follows:~~

6 ~~**15.1-13-09. Board powers.**~~

7 ~~The board may:~~

8 ~~1. Adopt rules in accordance with chapter 28-32.~~

9 ~~2. Apply for and receive federal or other funds on behalf of the state for purposes related~~
10 ~~to its duties.~~

11 ~~3. Perform any duty related to the improvement of participate in efforts to improve~~
12 ~~instruction through teacher education, professional development, and continuing~~
13 ~~education programs, as directed by the superintendent of public instruction.~~

14 ~~**SECTION 22. AMENDMENT.** Section 15.1-13-10 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~**15.1-13-10. Criteria for teacher licensure.**~~

17 ~~1. The board superintendent of public instruction shall establish by rule the criteria for~~
18 ~~teacher licensure and the process for issuing teaching licenses. The criteria must~~
19 ~~include considerations of character, adequate educational preparation, and general~~
20 ~~fitness to teach.~~

21 ~~2. The board superintendent may not require a teacher who graduated from an~~
22 ~~accredited teacher education program on or before September 1, 1980, to earn any~~
23 ~~college credits in native American or other multicultural courses as a condition of~~
24 ~~licensure or license renewal.~~

25 ~~3. This section does not affect the validity of teaching certificates in effect on July 31,~~
26 ~~2001.~~

27 ~~4. This section does not affect the qualifications for career and technical education~~
28 ~~certificates, as otherwise established by law.~~

29 ~~**SECTION 23. AMENDMENT.** Section 15.1-13-10.1 of the North Dakota Century Code is~~
30 ~~amended and reenacted as follows:~~

1 ~~— **15.1-13-10.1. Student teaching requirements – Teachers licensed in other states.**~~

2 ~~— If an individual who is or was licensed to teach in another state applies for a license to teach~~
3 ~~in this state, the education standards and practices board superintendent of public instruction~~
4 ~~may not impose on the individual any student teaching requirements as a condition of licensure.~~
5 ~~This section is applicable to an individual who graduated from a state-approved regular~~
6 ~~education program but not to an individual who completed an alternative education program as~~
7 ~~a condition of licensure.~~

8 ~~— **SECTION 24. AMENDMENT.** Section 15.1-13-11 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **15.1-13-11. Application and licensing fees.**~~

- 11 ~~— 1. The board superintendent of public instruction may set and charge a fee for:~~
12 ~~— a.1. Filing an application for a teaching license.; and~~
13 ~~— b.2. Issuing a teaching license.~~
14 ~~— 2. Any fee collected by the board must be deposited and disbursed in accordance with~~
15 ~~section 54-44-12.~~

16 ~~— **SECTION 25. AMENDMENT.** Section 15.1-13-12 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~— **15.1-13-12. Teaching license – Period of effectiveness.**~~

19 ~~— A teaching license issued by the board superintendent of public instruction is effective for at~~
20 ~~least one school year, unless suspended or revoked by the board. This section does not apply~~
21 ~~to provisional teaching licenses issued by the board superintendent under section 15.1-13-13.~~

22 ~~— **SECTION 26. AMENDMENT.** Section 15.1-13-12.1 of the North Dakota Century Code is~~
23 ~~amended and reenacted as follows:~~

24 ~~— **15.1-13-12.1. Teaching license – Lifetime licensure.**~~

25 ~~— If an individual has been licensed to teach in this state for a period of thirty years, the~~
26 ~~education standards and practices board superintendent of public instruction shall grant the~~
27 ~~individual lifetime licensure. Nothing in this section precludes the board superintendent from~~
28 ~~taking any action against an individual's lifetime license, if the board determines that the action~~
29 ~~is warranted under this chapter.~~

30 ~~— **SECTION 27. AMENDMENT.** Section 15.1-13-13 of the North Dakota Century Code is~~
31 ~~amended and reenacted as follows:~~

1 ~~— **15.1-13-13. Provisional teaching license – Period of effectiveness – Renewal.**~~

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

10 ~~— **SECTION 28. AMENDMENT.** Section 15.1-13-14 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~

12 ~~— **15.1-13-14. Initial and reentry licensure of teachers – Criminal history record check.**~~

13 ~~— The board superintendent of public instruction shall check, or cause to be checked, the~~
14 ~~criminal history record of each applicant for initial licensure and reentry licensure as a teacher in~~
15 ~~accordance with section 12-60-24. All costs associated with the background check and with~~
16 ~~obtaining and processing the fingerprints are the responsibility of the applicant. Criminal history~~
17 ~~records provided to the board superintendent pursuant to this section are confidential and closed~~
18 ~~to the public and may only be used by the board superintendent for determining an applicant's~~
19 ~~eligibility for licensure and obtaining documentation to support a denial of licensure.~~

20 ~~— **SECTION 29. AMENDMENT.** Section 15.1-13-15 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~— **15.1-13-15. Teaching license – Application – Oath or affirmation.**~~

23 ~~— 1. — Each applicant for a teaching license shall subscribe to the following oath or~~
24 ~~affirmation:~~

25 ~~— I do solemnly swear (or affirm) that I will support the Constitution of the~~
26 ~~United States and the Constitution of the state of North Dakota, and that I will~~
27 ~~faithfully discharge the duties of my position, according to the best of my ability.~~

28 ~~— 2. — The applicant shall execute the oath or affirmation in duplicate. One copy of the oath~~
29 ~~or affirmation must be filed with the board superintendent of public instruction when the~~
30 ~~applicant applies for a teaching license. The applicant shall retain the other copy.~~

1 ~~3. The boardsuperintendent may not issue a license to teach unless a duly witnessed or~~
2 ~~notarized oath or affirmation has been filed with the boardby the applicant.~~

3 ~~**SECTION 30. AMENDMENT.** Section 15.1-13-16 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~**15.1-13-16. Teaching license – Student transcript.**~~

6 ~~A student who has met all the criteria necessary to receive a teaching license, but who has~~
7 ~~not graduated from a college or university, may request that the college or university provide a~~
8 ~~copy of the student's completed transcript to the boardsuperintendent of public instruction or to~~
9 ~~a comparable licensing entity in another state. Within ten days of the request by the student, the~~
10 ~~college or university shall provide a copy of the transcript showing that the student has met all~~
11 ~~the criteria necessary to receive a teaching license except graduation. The transcript must~~
12 ~~indicate areas in which the student has a major or minor.~~

13 ~~**SECTION 31. AMENDMENT.** Section 15.1-13-17 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~

15 ~~**15.1-13-17. Teaching license – Requirements – Exceptions.**~~

16 ~~1. An individual may not engage in the profession of teaching unless:~~

17 ~~a. The individual holds a teaching license issued by the boardsuperintendent of~~
18 ~~public instruction; or~~

19 ~~b. The individual is approved to teach by the boardsuperintendent of public~~
20 ~~instruction.~~

21 ~~2. An individual may be approved to teach by the boardsuperintendent of public~~
22 ~~instruction only if the individual has previously held a North Dakota teaching certificate~~
23 ~~or license, holds a teaching certificate or license issued by another state, or has filed a~~
24 ~~completed application for licensure with the boardsuperintendent.~~

25 ~~3. The boardsuperintendent of public instruction shall adopt rules establishing the terms~~
26 ~~and conditions under which an individual may be approved to teach, as provided for in~~
27 ~~this section. The terms and conditions may include the payment of a fine to the board~~
28 ~~in an amount not exceeding two hundred fifty dollars per incident, enrollment in and~~
29 ~~completion of continuing education courses, and submission of a completed~~
30 ~~application for licensure by a date certain.~~

1 ~~SECTION 32. AMENDMENT.~~ Section 15.1-13-18 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 ~~15.1-13-18. Teaching license – Presentation to business manager.~~

4 ~~1. Before being employed to teach by a school district, an individual shall present to the~~
5 ~~school district business manager a teaching license or other evidence of approval to~~
6 ~~teach issued by the board superintendent of public instruction.~~

7 ~~2. Before being employed to teach by a nonpublic school, an individual shall present to~~
8 ~~the school business manager a teaching license or other evidence of approval to~~
9 ~~teach issued by the board superintendent of public instruction.~~

10 ~~SECTION 33. AMENDMENT.~~ Section 15.1-13-20 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 ~~15.1-13-20. Applicants licensed in other states.~~

13 ~~1. The board superintendent of public instruction shall grant a teaching license to an~~
14 ~~applicant who holds a regular teaching license or certificate from another state,~~
15 ~~provided:~~

16 ~~a. The applicant's licensure or certification is based upon a minimum of a bachelor's~~
17 ~~degree with a major that meets the issuing state's requirements in early~~
18 ~~childhood education, elementary education, middle level education, or a content~~
19 ~~area taught at a public high school;~~

20 ~~b. The applicant's licensure or certification is based upon the completion of a~~
21 ~~professional education sequence from a state-approved teacher education~~
22 ~~program and includes supervised student teaching;~~

23 ~~c. The applicant submits the required fee and a criminal history record check, as~~
24 ~~required of initial applicants by this chapter; and~~

25 ~~d. The criminal history record check reveals nothing for which a North Dakota~~
26 ~~applicant would be denied initial licensure.~~

27 ~~2. a. A license granted under this section is valid for two years if the applicant has not~~
28 ~~been licensed in another state for at least eighteen months.~~

29 ~~b. Notwithstanding subdivision a, if the individual received a teaching license or~~
30 ~~certificate from another state on or after January 1, 2002, and if the issuing state~~
31 ~~did not require that the individual pass a state test as a condition of licensure or~~

1 certification, the board shall require that the individual, within two years from the
2 date of licensure, pass all state licensure tests normally required of applicants
3 from this state.

4 ~~c.~~ In all other cases, a license granted under this section is valid for five years and
5 is renewable if the licenseholder meets the reeducation requirements established
6 for all five-year license renewals.

7 ~~3.~~ A license granted under this section must include all of the applicant's endorsements
8 issued or recognized by the applicant's other state of licensure.

9 ~~**SECTION 34. AMENDMENT.** Section 15.1-13-22 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~**15.1-13-22. Licensure of North Dakota American Indian language instructors.**~~

12 ~~The board~~superintendent of public instruction may license an individual as an instructor of
13 North Dakota American Indian languages and culture if the individual is recommended for
14 licensure to teach North Dakota native languages by an indigenous language board created by
15 a tribal government in this state and if the individual:

16 ~~1.~~ Displays competence in North Dakota American Indian languages and culture and has
17 successfully completed a three-semester-hour course in classroom instruction at a
18 tribal college or other institution of higher education; or

19 ~~2.~~ Holds a baccalaureate degree and has knowledge of and experience in North Dakota
20 American Indian languages and culture.

21 ~~**SECTION 35. AMENDMENT.** Section 15.1-13-23 of the North Dakota Century Code is~~
22 ~~amended and reenacted as follows:~~

23 ~~**15.1-13-23. School guidance and counseling services – Providers.**~~

24 ~~Notwithstanding any other law, guidance and counseling services at the elementary and~~
25 secondary school level may be provided by a person holding a graduate degree in counseling
26 from a state-approved school counseling program, with coursework and an internship in school
27 counseling, as required for all counselors by the superintendent of public instruction, provided
28 the person~~individual~~ has a North Dakota teaching license or will obtain one within seven years
29 from the date of first employment under this section. The board~~superintendent of public~~
30 instruction shall conduct a criminal history record check in accordance with section 12-60-24 on
31 each person~~individual~~ hired under this section. All costs associated with a background check

1 are the responsibility of the person~~individual~~ being hired. The board~~superintendent of public~~
2 ~~instruction~~ shall monitor a person~~an individual~~ hired under this section to ensure that the
3 person~~individual~~ annually completes at least one-seventh of the total credits required for that
4 person~~individual~~ to obtain a teaching license, as determined at the time of employment under
5 this section.

6 ~~— SECTION 36. AMENDMENT. Section 15.1-13-24 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~— 15.1-13-24. Complaints against teachers or administrators.~~

- 9 ~~— 1. Any person may file with the board~~superintendent of public instruction~~ a complaint~~
10 ~~against a teacher or an administrator. The complaint must state the claims or charges~~
11 ~~and it must be signed. The complaint may include supporting documentation.~~
- 12 ~~— 2. Upon receiving the complaint, the board~~superintendent of public instruction~~ shall serve~~
13 ~~a copy of the complaint and any supporting documentation upon the individual~~
14 ~~personally or by certified mail.~~
- 15 ~~— 3. The individual has twenty days from the date the individual receives the complaint~~
16 ~~within which to file a response. The response may include supporting documentation.~~
- 17 ~~— 4. If the individual files a timely response, the ~~superintendent of public instruction and the~~~~
18 ~~~~education standards and practices advisory board~~ shall meet to review the complaint,~~
19 ~~the response, and any documentation submitted by the parties, but may not accept~~
20 ~~testimony.~~
- 21 ~~— 5. Based on the complaint, the response, and the documentation submitted in~~
22 ~~accordance with this section, and any recommendation by the ~~education standards~~~~
23 ~~~~and practices advisory board~~, the board~~superintendent of public instruction~~ may:~~
- 24 ~~— a. Dismiss the complaint as unfounded; or~~
- 25 ~~— b. (1) Determine there is a reasonable basis to believe the claims or charges are~~
26 ~~true and subject to action by the board under this chapter;~~
- 27 ~~— (2) File a formal complaint against the individual in accordance with chapter~~
28 ~~28-32; and~~
- 29 ~~— (3) Schedule and hold a public hearing on the complaint in accordance with~~
30 ~~chapter 28-32.~~

1 ~~6. If the individual fails to file a timely response, the boardsuperintendent of public~~
2 ~~instruction shall determine whether the individual's failure to file a timely response~~
3 ~~constitutes an admission of the allegations in the complaint and whether the~~
4 ~~individual's teaching license should be subject to action by the board. If the~~
5 ~~boardsuperintendent determines that the individual's failure to file a timely response is~~
6 ~~an admission of the allegations in the complaint and that the individual's teaching~~
7 ~~license should be subject to action by the board, the boardsuperintendent shall hold a~~
8 ~~hearing in accordance with chapter 28-32 to take any appropriate action.~~

9 ~~**SECTION 37. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~**15.1-13-25. Teaching license – Action by boardsuperintendent – Causes.**~~

12 ~~1. After holding a public hearing in accordance with chapter 28-32, the~~
13 ~~boardsuperintendent of public instruction may issue a written warning or reprimand to~~
14 ~~the individual, suspend the individual's teaching license, or revoke the individual's~~
15 ~~teaching license if:~~

16 ~~a. The individual obtained a license by means of fraud, misrepresentation, or~~
17 ~~concealment of facts.;~~

18 ~~b. The boardsuperintendent becomes aware of any fact or circumstance that would~~
19 ~~have caused the board to deny a denial of licensure had the board known of the~~
20 ~~fact or circumstance been known by the superintendent at the time of initial~~
21 ~~licensure.;~~

22 ~~c. The individual is incompetent, immoral, intemperate, or cruel.;~~

23 ~~d. The individual has been convicted of, has pled guilty to, or has pled~~
24 ~~nolo contendere to an offense deemed by the boardsuperintendent to have a~~
25 ~~direct bearing upon an individual's ability to serve as a teacher or an~~
26 ~~administrator.;~~

27 ~~e. The boardsuperintendent believes that the individual, having been convicted of~~
28 ~~an offense, has not been sufficiently rehabilitated under section 12.1-33-02.1.;~~

29 ~~f. The individual has refused to perform the duties of a teacher or an administrator.;~~

30 ~~g. The individual has breached a contract with a school district or nonpublic school.;~~

31 ~~h. The individual knowingly taught in violation of chapter 15.1-18.;~~

1 ~~_____ i. The individual is an administrator in a school district or a nonpublic school and~~
2 ~~knowingly permitted another individual to teach in violation of chapter 15.1-18.; or~~

3 ~~_____ j. The individual has violated this chapter or any rule adopted by the board to~~
4 ~~implement this chapter.~~

5 ~~_____ 2. Any~~~~An~~ ~~action of the board taken under this section may be appealed to the district~~
6 ~~court of Burleigh County in accordance with chapter 28-32.~~

7 ~~_____ **SECTION 38. AMENDMENT.** Section 15.1-13-26 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~_____ **15.1-13-26. Crimes against a child and sexual offenses -- Denial of or immediate**~~
10 ~~**revocation of teaching license.**~~

11 ~~_____ 1. The board~~~~superintendent of public instruction~~ ~~shall deny an application for a teaching~~
12 ~~license and shall immediately revoke the teaching license of an individual who has~~
13 ~~been found guilty of a crime against a child or a sexual offense.~~

14 ~~_____ 2. An individual who is denied a teaching license or who has had a teaching license~~
15 ~~revoked under subsection 1 may file a request with the board~~~~superintendent of public~~
16 ~~instruction for a due process hearing under chapter 28-32. The hearing must be held~~
17 ~~within ten days of the request. The scope of the hearing is limited to determining~~
18 ~~whether the individual was convicted of a crime against a child or a sexual offense and~~
19 ~~whether the conviction has been overturned on appeal.~~

20 ~~_____ 3. A final decision denying a teaching license or revoking a teaching license under this~~
21 ~~section is appealable pursuant to chapter 28-32. A court may not stay the decision~~
22 ~~pending an appeal. A court shall affirm the decision denying a teaching license or~~
23 ~~revoking a teaching license unless the court finds that the individual was not convicted~~
24 ~~of a crime against a child or a sexual offense or that the conviction was overturned on~~
25 ~~appeal.~~

26 ~~_____ 4. The board~~~~superintendent of public instruction~~ ~~may impose a fee against a licensee as~~
27 ~~reimbursement for all or part of the costs of administrative actions that result in~~
28 ~~disciplinary action against the licensee under this section.~~

29 ~~_____ 5. As used in this section:~~

30 ~~_____ a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of~~
31 ~~nolo contendere, a judgment of conviction even though the court suspended~~

1 execution of sentence in accordance with subsection 3 of section 12.1-32-02, or
2 a deferred imposition of sentence in accordance with subsection 4 of section
3 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt
4 overturned on appeal.

5 ~~_____ b. "Crime against a child" means violation of section 12.1-16-01, 12.1-16-02,~~
6 ~~12.1-16-03, 12.1-16-04, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04,~~
7 ~~12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-17-07.1, 12.1-17-10, 12.1-18-01,~~
8 ~~12.1-18-02, 12.1-18-03, 12.1-29-01, 12.1-29-02, or 12.1-29-03, or an equivalent~~
9 ~~ordinance, in which the victim is a minor or is otherwise of the age required for~~
10 ~~the act to be a crime or an attempt to commit these offenses.~~

11 ~~_____ c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1,~~
12 ~~12.1-20-04, 12.1-20-05, 12.1-20-06, 12.1-20-07, 12.1-20-11, or 12.1-20-12.2, or~~
13 ~~chapter 12.1-27.2, or an equivalent ordinance.~~

14 ~~_____ **SECTION 39. AMENDMENT.** Section 15.1-13-27 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~_____ **15.1-13-27. Suspension or revocation of teaching license – Notice.**~~

17 ~~_____ 1. If an individual's teaching license is suspended or revoked, the board~~
18 ~~superintendent of public instruction shall notify the individual, the business manager of the school district~~
19 ~~employing the individual, and each county superintendent of schools in the state, and~~
20 ~~the superintendent of public instruction.~~

21 ~~_____ 2. Upon being notified that one's teaching license has been suspended or revoked, the~~
22 ~~individual shall return the license to the education standards and practices~~
23 ~~board superintendent of public instruction. If the individual fails to return the license~~
24 ~~within the time period set by the board superintendent, the board superintendent may~~
25 ~~publish notice of the suspension or revocation in the official newspaper of the county~~
26 ~~in which the individual was employed.~~

27 ~~_____ **SECTION 40. AMENDMENT.** Section 15.1-13-30 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

29 ~~_____ **15.1-13-30. Venue for legal actions.**~~

30 ~~_____ Burleigh County, North Dakota, is the venue for all licensure actions to which the education~~
31 ~~standards and practices board superintendent of public instruction is a party.~~

1 — ~~**SECTION 41. AMENDMENT.** Section 15.1-13-31 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 — ~~**15.1-13-31. Conviction of individual holding teaching license – Written notification.**~~

4 — ~~A state's attorney shall provide written notification to the board~~superintendent of public
5 instruction when an individual holding a teaching license is convicted of a felony or a class A
6 misdemeanor.

7 — ~~**SECTION 42. AMENDMENT.** Section 15.1-13-34 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 — ~~**15.1-13-34. Approval of theological studies instructors.**~~

10 — ~~The board~~superintendent of public instruction shall approve an individual to be an instructor
11 of theological studies upon receipt of the application and fees required under section 15.1-13-11
12 and pending completion of the background check required by section 15.1-13-14, if the
13 individual:

14 — ~~1. Holds a baccalaureate degree; and~~

15 — ~~2. Is recommended for approval as an instructor of theological studies by the governing~~
16 ~~board of a nonpublic school offering a theological studies course.~~

17 — ~~**SECTION 43.** A new section to chapter 15.1-13 of the North Dakota Century Code is~~
18 ~~created and enacted as follows:~~

19 — ~~**License issued by education standards and practices board – Force and effect.**~~

20 — ~~Any license issued by the education standards and practices board, in accordance with the~~
21 law in effect on July 31, 2015, has the same force and effect as a comparable license issued by
22 the superintendent of public instruction, until the date that the license expires or is revoked,
23 whichever comes first.

24 — ~~**SECTION 44. AMENDMENT.** Section 15.1-14-07 of the North Dakota Century Code is~~
25 ~~amended and reenacted as follows:~~

26 — ~~**15.1-14-07. School district superintendent – Discharge for cause – Report to the**~~
27 ~~**education standards and practices board.**~~

28 — ~~If the board of a school district discharges a superintendent for cause, the board shall report~~
29 ~~the discharge to the education standards and practices board~~superintendent of public
30 instruction.

1 — ~~**SECTION 45. AMENDMENT.** Section 15.1-14-17 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 — ~~**15.1-14-17. Multidistrict special education unit – Director – Discharge for cause –**~~
4 ~~**Report to the education standards and practices board.**~~

5 — ~~If the board of a multidistrict special education unit discharges a director for cause, the~~
6 ~~board shall report the discharge to the education standards and practices boardsuperintendent~~
7 ~~of public instruction.~~

8 — ~~**SECTION 46. AMENDMENT.** Section 15.1-14-27 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 — ~~**15.1-14-27. Area career and technology center – Director – Discharge for cause –**~~
11 ~~**Report to the education standards and practices board.**~~

12 — ~~If the board of an area career and technology center discharges a director for cause, the~~
13 ~~board shall report the discharge to the education standards and practices boardsuperintendent~~
14 ~~of public instruction.~~

15 — ~~**SECTION 47. AMENDMENT.** Section 15.1-15-11 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~

17 — ~~**15.1-15-11. Discharge for cause – Report to education standards and practices board.**~~

18 — ~~If the board of a school district discharges for cause an individual employed as a teacher, a~~
19 ~~principal, or as an assistant or associate superintendent, the board shall report the discharge to~~
20 ~~the education standards and practices boardsuperintendent of public instruction.~~

21 — ~~**SECTION 48. AMENDMENT.** Section 15.1-16-01 of the North Dakota Century Code is~~
22 ~~amended and reenacted as follows:~~

23 — ~~**15.1-16-01. Definitions.**~~

24 — ~~As used in this chapter:~~

25 — ~~1. "Administrator" means an individual who is employed by the board of a public school~~
26 ~~district, primarily for administration of a school or schools ofin the district and who~~
27 ~~devotes at least fifty percent of the individual's time in any one year to the duties of~~
28 ~~administration of the school or schools ofin the district.~~

29 — ~~2. "Negotiating unit" means:~~

30 — ~~a. A group of administrators having common interests, common problems, a~~
31 ~~common employer, or a history of common representation, which warrants that~~

- 1 group being represented by a single representative organization in negotiations
2 with the board of a school district; or
- 3 ~~b. A group of teachers having common interests, common problems, a common~~
4 ~~employer, or a history of common representation, which warrants that group~~
5 ~~being represented by a single representative organization in negotiations with the~~
6 ~~board of a school district.~~
- 7 ~~3. "Representative organization" means an organization authorized by a negotiating unit~~
8 ~~to represent the members of the unit in negotiations with a school board.~~
- 9 ~~4. "Strike" means any concerted work stoppage, slowdown, or withholding of contracted~~
10 ~~services.~~
- 11 ~~5. "Teacher" means a public school district employee licensed to teach by the education~~
12 ~~standards and practices boards superintendent of public instruction or approved to~~
13 ~~teach by the education standards and practices boards superintendent of public~~
14 ~~instruction and employed primarily as a classroom teacher.~~
- 15 ~~**SECTION 49. AMENDMENT.** Section 15.1-16-20 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~
- 17 ~~**15.1-16-20. North Dakota vision services - School for the blind - School for the deaf -**~~
18 ~~**Youth correctional center - Contracts of employment for teachers - Personnel policies.**~~
- 19 ~~1. The superintendent of public instruction shall develop contracts of employment and~~
20 ~~personnel policies applicable to each individual employed as a teacher at North~~
21 ~~Dakota vision services - school for the blind and the school for the deaf. The director~~
22 ~~of the division of juvenile services, with the approval of the director of the department~~
23 ~~of corrections and rehabilitation, shall develop contracts of employment and personnel~~
24 ~~policies applicable to each individual employed as a teacher at the North Dakota youth~~
25 ~~correctional center.~~
- 26 ~~2. The contracts required by this section may include the assignment of duties, salaries,~~
27 ~~work hours, job titles, and a school calendar.~~
- 28 ~~3. The personnel policies required by this section must include job descriptions and~~
29 ~~nonrenewal, discipline, and dismissal procedures. The policies must seek to~~
30 ~~harmonize the rights of teachers with laws applicable to other state employees. The~~
31 ~~superintendent of public instruction and the director of the division of juvenile services,~~

1 with the approval of the director of the department of corrections and rehabilitation,
2 shall work together in the development of the personnel policies.

3 ~~4. Each individual employed as a teacher at North Dakota vision services school for the~~
4 ~~blind, the school for the deaf, or the youth correctional center is entitled to receive a~~
5 ~~copy of a master agreement consisting of a policy manual and an individualized~~
6 ~~contract specifying the individual's job title, contracted hours, salary schedule,~~
7 ~~benefits, and other details applicable to the individual's employment.~~

8 ~~5. For purposes of this section, "teacher" means a contracted state employee who:~~

9 ~~a. Holds a teaching licensels licensed to teach by the superintendent of public~~
10 ~~instruction or is approved to teach by the education standards and practices~~
11 ~~boardsuperintendent of public instruction;~~

12 ~~b. Is employed primarily to provide classroom instruction or individualized~~
13 ~~instruction;~~

14 ~~c. Has a work schedule set in accordance with the school calendar;~~

15 ~~d. Is a guidance counselor, school librarian, itinerant outreach teacher, or a career~~
16 ~~and technical resource person required to meet teaching and licensure~~
17 ~~requirements; and~~

18 ~~e. Is not a superintendent, assistant superintendent, principal, supervisor,~~
19 ~~substitute, or paraprofessional.~~

20 ~~**SECTION 50. AMENDMENT.** Section 15.1-18-01 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~**15.1-18-01. Early childhood education teaching license.**~~

23 ~~The education standards and practices boardsuperintendent of public instruction shall issue~~
24 ~~an optional early childhood education teaching license or endorsement to an applicant who~~
25 ~~meets the requirements set by the boardsuperintendent. The optional early childhood education~~
26 ~~teaching license may be used in nonparental settings such as early childhood programs,~~
27 ~~preschool programs, and head start programs.~~

28 ~~**SECTION 51. AMENDMENT.** Section 15.1-18-02 of the North Dakota Century Code is~~
29 ~~amended and reenacted as follows:~~

30 ~~**15.1-18-02. Prekindergarten and kindergarten teacher qualifications -- Exceptions.**~~

31 ~~In order to teach prekindergarten and kindergarten, an individual must be:~~

1 ~~1. Licensed to teach by the education standards and practices boardsuperintendent of~~
2 ~~public instruction or approved to teach by the education standards and practices~~
3 ~~boardsuperintendent of public instruction; and~~

4 ~~2. a. Have a major in elementary education and a kindergarten endorsement;~~

5 ~~b. Have a major equivalency in elementary education and a kindergarten~~
6 ~~endorsement;~~

7 ~~c. Have a major in elementary education and an early childhood education~~
8 ~~endorsement;~~

9 ~~d. Have a major equivalency in elementary education and an early childhood~~
10 ~~education endorsement;~~

11 ~~e. Have a major in early childhood education; or~~

12 ~~f. Have a major equivalency in early childhood education.~~

13 ~~**SECTION 52. AMENDMENT.** Section 15.1-18-06 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~

15 ~~**15.1-18-06. Provisional special education strategist credential.**~~

16 ~~Beginning August 1, 2001, upon~~

17 ~~1. Upon application, the superintendent of public instruction shall issue a provisional~~
18 ~~special education strategist credential to any individual who is:~~

19 ~~a. Is licensed to teach by the education standards and practices~~
20 ~~boardsuperintendent or approved to teach by the education standards and~~
21 ~~practices boardsuperintendent; and who holds~~

22 ~~b. Holds a credential applicable to the areas of intellectual disabilities, emotional~~
23 ~~disturbance, or specific learning disabilities.~~

24 ~~2. The provisional credential must be made available to the individual for the lesser of~~
25 ~~three years or the period of time required by the individual to complete the~~
26 ~~requirements for a special education strategist credential.~~

27 ~~**SECTION 53. AMENDMENT.** Section 15.1-18-07 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

1 ~~15.1-18-07. Elementary school teacher qualifications.~~

2 ~~1. In order to teach any grade in an elementary school that offers grades one through six,~~
3 ~~or in order to teach any grade in an elementary school that offers grades one through~~
4 ~~eight, an individual must be:~~

5 ~~a. Licensed to teach by the education standards and practices boardsuperintendent~~
6 ~~of public instruction or approved to teach by the education standards and~~
7 ~~practices boardsuperintendent of public instruction; and~~

8 ~~b. (1) Have a major in elementary education; or~~

9 ~~(2) Have a major equivalency in elementary education.~~

10 ~~2. Notwithstanding the provisions of subsection 1, an individual may teach any grade~~
11 ~~from one through three in an elementary school provided the individual is:~~

12 ~~a. Licensed to teach by the education standards and practices boardsuperintendent~~
13 ~~of public instruction or approved to teach by the education standards and~~
14 ~~practices boardsuperintendent of public instruction; and~~

15 ~~b. (1) Has a major in early childhood education; or~~

16 ~~(2) Has a major equivalency in early childhood education.~~

17 ~~**SECTION 54. AMENDMENT.** Section 15.1-18-08 of the North Dakota Century Code is~~
18 ~~amended and reenacted as follows:~~

19 ~~15.1-18-08. Middle school teacher qualifications.~~

20 ~~1. In order to teach any grade from five through eight in a middle school, an individual~~
21 ~~must be:~~

22 ~~a. Licensed~~~~Be licensed to teach by the education standards and practices~~
23 ~~boardsuperintendent of public instruction or approved to teach by the education~~
24 ~~standards and practices boardsuperintendent of public instruction; and~~

25 ~~b. (1) Have a major in middle level education, with content in the areas taught by~~
26 ~~the individual and defined by the education standards and practices~~
27 ~~boardsuperintendent of public instruction as core academic areas;~~

28 ~~(2) Have a major equivalency in middle level education, with content in the~~
29 ~~areas taught by the individual and defined by the education standards and~~
30 ~~practices boardsuperintendent of public instruction as core academic areas;~~
31 ~~or~~

1 ~~————— (3) — Have a major, a major equivalency, a minor, or a minor equivalency in each~~
2 ~~area taught by the individual and not defined by the education standards~~
3 ~~and practices boardsuperintendent of public instruction as a core academic~~
4 ~~area.~~

5 ~~—— 2. — Notwithstanding the provisions of subsection 1, an individual may teach grade five or~~
6 ~~six in a middle school, provided the individual is:~~

7 ~~—— a. — LicensedIs licensed to teach by the education standards and practices~~
8 ~~boardsuperintendent of public instruction or approved to teach by the education~~
9 ~~standards and practices boardsuperintendent of public instruction; and~~

10 ~~—— b. — (1) — Has a major in elementary education; or~~

11 ~~—— (2) — Has a major equivalency in elementary education.~~

12 ~~—— **SECTION 55. AMENDMENT.** Section 15.1-18-09 of the North Dakota Century Code is~~
13 ~~amended and reenacted as follows:~~

14 ~~—— **15.1-18-09. High school qualifications.**~~

15 ~~—— In order to teach grades seven through twelve, an individual must be:~~

16 ~~—— 1. — LicensedBe licensed to teach by the education standards and practices~~
17 ~~boardsuperintendent of public instruction or approved to teach by the education~~
18 ~~standards and practices boardsuperintendent of public instruction; and~~

19 ~~—— 2. — a. — Have a major in the areas taught by the individual and defined by the education~~
20 ~~standards and practices boardsuperintendent of public instruction as core~~
21 ~~academic areas;~~

22 ~~—— b. — Have a major equivalency in the areas taught by the individual and defined by the~~
23 ~~education standards and practices boardsuperintendent of public instruction as~~
24 ~~core academic areas; or~~

25 ~~—— c. — Have a major, a major equivalency, a minor, or a minor equivalency in each area~~
26 ~~taught by the individual and not defined by the education standards and practices~~
27 ~~boardsuperintendent of public instruction as a core academic area.~~

28 ~~—— **SECTION 56. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is~~
29 ~~amended and reenacted as follows:~~

30 ~~—— **15.1-18-10. Specialty areas — Teacher qualification.**~~

31 ~~—— Notwithstanding the requirements of this chapter:~~

- 1 ~~1. An individual may teach art, business education, computer education, a foreign~~
2 ~~language, music, physical education, special education, and technology education at~~
3 ~~any grade level from kindergarten through grade eight, provided the individual:~~
- 4 ~~a. Is licensed to teach by the education standards and practices~~
5 ~~boardsuperintendent of public instruction;~~
- 6 ~~b. Is approved to teach in that area by the education standards and practices~~
7 ~~boardsuperintendent of public instruction; and~~
- 8 ~~c. Meets all requirements set forth in rule by the superintendent of public instruction.~~
- 9 ~~2. An individual may teach Native American languages provided the individual is an~~
10 ~~eminence-credentialed teacher.~~
- 11 ~~3. An individual may teach in the areas of trade, industry, technical occupations, or health~~
12 ~~occupations, provided the individual has been issued a license to teach in such areas~~
13 ~~by the education standards and practices boardsuperintendent of public instruction.~~

14 ~~**SECTION 57. AMENDMENT.** Section 15.1-18.1-02 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~**15.1-18.1-02. (Effective through June 30, 2015) National board certification program--**~~
17 ~~**Recertification -- Board duties.**~~

- 18 ~~1. The board shall:~~
- 19 ~~a. Inform teachers of the national board certification program and the scholarships~~
20 ~~and services the national board provides to teachers seeking certification.~~
- 21 ~~b. Collect and review in the order received scholarship applications from individuals~~
22 ~~who are licensed to teach by the board or approved to teach by the board.~~
- 23 ~~c. (1) Approve no more than seventeen applications per year under this~~
24 ~~subsection;~~
- 25 ~~(2) During each year of the biennium, reserve three of the available~~
26 ~~scholarships under this subsection until October first for individuals teaching~~
27 ~~at low-performing schools. At that time, the three slots, if not filled, become~~
28 ~~available to all other applicants;~~
- 29 ~~(3) Require the recipient for a scholarship under this subsection to serve during~~
30 ~~the school year as a full-time classroom teacher in a public or nonpublic~~
31 ~~school in this state; and~~

- 1 ~~————— (4) If available, require the recipient for a scholarship under this subsection to~~
2 ~~participate in mentoring programs developed and implemented in the~~
3 ~~employing school or school district.~~
- 4 ~~————— d. Ensure that all scholarship recipients under this subsection receive adequate~~
5 ~~information regarding the level of commitment required to acquire certification.~~
- 6 ~~————— 2. The board shall collect and review in the order received scholarship applications for~~
7 ~~national board recertification from individuals who are licensed to teach by the board~~
8 ~~or approved to teach by the board and:~~
- 9 ~~————— a. Approve no more than three scholarship applications per year under this~~
10 ~~subsection;~~
- 11 ~~————— b. Require each recipient for a scholarship under this subsection to serve during the~~
12 ~~school year as a full-time classroom teacher in a public or nonpublic school in~~
13 ~~this state; and~~
- 14 ~~————— c. If available, require each recipient for a scholarship under this subsection to~~
15 ~~participate in mentoring programs developed and implemented in the employing~~
16 ~~school or school district.~~
- 17 ~~————— 3. If any individual who receives a scholarship under this section does not complete the~~
18 ~~certification process within the time allotted by the board, the individual must~~
19 ~~reimburse the state an amount equal to one-half of the amount awarded to the~~
20 ~~individual as a scholarship.~~
- 21 ~~————— 4. The board shall pay to any individual who received national board certification before~~
22 ~~July 1, 2007, one thousand dollars for each year the individual has maintained and~~
23 ~~continues to maintain national board certification, provided the individual continues to~~
24 ~~be employed by a school district in this state. An individual may not receive more than~~
25 ~~four thousand dollars under this subsection.~~
- 26 ~~————— 5. a. At the conclusion of each school year after an individual receives national board~~
27 ~~certification, the board shall pay to an individual an additional one thousand~~
28 ~~dollars for the life of the national board certificate if:~~
- 29 ~~————— (1) The individual was employed during the school year as a full-time classroom~~
30 ~~teacher by a school district in this state; and~~

1 ~~_____ (2) The individual participated in any efforts of the employing school district to~~
2 ~~develop and implement teacher mentoring programs.~~

3 ~~_____ b. The payment provided for in this subsection is available beginning with the~~
4 ~~2007-08 school year.~~

5 ~~_____ 6. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a~~
6 ~~school district or any other entity, public or private, from providing any remuneration to~~
7 ~~a teacher who has obtained national board certification. Any remuneration received by~~
8 ~~a teacher as a consequence of having obtained national board certification is in~~
9 ~~addition to any other compensation otherwise payable as a result of any contract~~
10 ~~negotiated under chapter 15.1-16.~~

11 ~~_____ **(Effective after June 30, 2015) National board certification program - Recertification -**~~

12 ~~**Board duties.**~~

13 ~~_____ 1. The board shall:~~

14 ~~_____ a. InformThe superintendent of public instruction shall provide information to~~
15 ~~teachers of regarding the national board certification program and the~~
16 ~~scholarships and services the national board provides to teachers seeking~~
17 ~~certification.~~

18 ~~_____ b. CollectThe superintendent of public instruction shall collect and review, in the~~
19 ~~order received, scholarship applications from individuals who are licensed to~~
20 ~~teach by the board superintendent or approved to teach by the~~
21 ~~board superintendent.~~

22 ~~_____ c. (1) ApproveThe superintendent of public instruction may approve no more than~~
23 ~~seventeen applications per year under this subsection;.~~

24 ~~_____ (2) During each year of the biennium, the superintendent shall reserve until~~
25 ~~October first, three of the available scholarships available under this~~
26 ~~subsection until October first, for individuals teaching at low-performing~~
27 ~~schools. At that time, the three slots, if not filled, become available to all~~
28 ~~other applicants;.~~

29 ~~_____ (3) RequireThe superintendent of public instruction shall require the recipient~~
30 ~~for a scholarship under this subsection to serve during the school year as~~

- 1 a full-time classroom teacher in a public or nonpublic school in this state;
2 and;
- 3 ~~(4) If available, the superintendent shall require the recipient for~~ a scholarship
4 under this subsection to participate in mentoring programs developed and
5 implemented in the employing school or school district.
- 6 ~~d. Ensure~~The superintendent of public instruction shall ensure that all scholarship
7 recipients under this subsection receive adequate information regarding the level
8 of commitment required to acquire certification.
- 9 ~~2. The board shall collect and review in the order received scholarship applications for~~
10 national board recertification from individuals who are licensed to teach by the board
11 or approved to teach by the board and:
- 12 ~~a. Approve no more than three scholarship applications per year under this~~
13 subsection;
- 14 ~~b. Require each recipient for a scholarship under this subsection to serve during the~~
15 school year as a full-time classroom teacher in a public or nonpublic school in
16 this state; and
- 17 ~~c. If available, require each recipient for a scholarship under this subsection to~~
18 participate in mentoring programs developed and implemented in the employing
19 school or school district.
- 20 ~~3.2. If any~~an individual who receives a scholarship under this section does not complete
21 the certification process within the time allotted by the national board for professional
22 teaching standards or by the superintendent of public instruction, the individual must
23 reimburse the state an amount equal to one-half of the amount awarded to the
24 individual as a scholarship.
- 25 ~~4.3. a. At the conclusion of each school year after an individual receives national board~~
26 certification, the board~~superintendent of public instruction~~ shall pay to ~~an~~forward
27 to the school district in which the individual is employed a grant in
28 the amount of one thousand five hundred dollars for the life of the national board
29 certificate if provided:
- 30 ~~a. (1) The individual was employed~~served during the school year as a full-time
31 classroom teacher by a school district in this state; and

1 ~~_____ b. (2) The individual participated in any efforts of the employing school district to~~
2 ~~develop and implement teacher mentoring programs.~~

3 ~~_____ b. The school district shall award the amount of the grant to the individual in~~
4 ~~recognition of the certification.~~

5 ~~— 5.4. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a~~
6 ~~school district or any other entity, public or private, from providing any remuneration to~~
7 ~~a teacher who has obtained national board certification. Any remuneration received by~~
8 ~~a teacher as a consequence of having obtained national board certification is in~~
9 ~~addition to any other compensation otherwise payable as a result of any contract~~
10 ~~negotiated under chapter 15.1-16.~~

11 ~~— **SECTION 58. AMENDMENT.** Section 15.1-18.2-05 of the North Dakota Century Code is~~
12 ~~amended and reenacted as follows:~~

13 ~~— **15.1-18.2-05. Teacher support program – Establishment.**~~

14 ~~— The education standards and practices boardsuperintendent of public instruction shall:~~

15 ~~— 1. Establish and administer a teacher support program;~~

16 ~~— 2. Employ an individual to serve as a teacher support program coordinator;~~

17 ~~— 3. a. Select and train experienced teachers who will serve as mentors for first-year~~
18 ~~teachers and assist the first-year teachers with instructional skills development;~~
19 ~~or~~

20 ~~_____ b. If a school district or other employing entity listed in section 15.1-18.2-07 is not in~~
21 ~~need of mentors for its first-year teachers, select and train experienced teachers~~
22 ~~who will work with school district administrators and administrators from the other~~
23 ~~employing entities to identify the needs of the non-first-year teachers and help~~
24 ~~the non-first-year teachers address their particular needs through the use of:~~

25 ~~_____ (1) Research-validated interventions; and~~

26 ~~_____ (2) Proven instructional methods.~~

27 ~~— **SECTION 59. AMENDMENT.** Section 15.1-18.2-07 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

29 ~~— **15.1-18.2-07. Teacher support program – Authorized service recipients.**~~

30 ~~— The education standards and practices boardsuperintendent of public instruction may~~
31 ~~provide support services, in accordance with section 15.1-18.2-05, to teachers employed by:~~

- 1 ~~1. School districts;~~
- 2 ~~2. Special education units;~~
- 3 ~~3. Area career and technology centers;~~
- 4 ~~4. Regional education associations; and~~
- 5 ~~5. Schools funded by the bureau of Indian education.~~

6 ~~**SECTION 60. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is~~
7 ~~amended and reenacted as follows:~~

8 ~~**15.1-22-02. Public kindergarten - Requirements.**~~

9 ~~A school district operating a kindergarten:~~

- 10 ~~1. May not employ an individual as a kindergarten teacher unless the individual is~~
11 ~~licensed to teach by the education standards and practices boardsuperintendent of~~
12 ~~public instruction or approved by the education standards and practices-~~
13 ~~boardsuperintendent of public instruction;~~
- 14 ~~2. Shall submit to the superintendent of public instruction and follow a developmentally~~
15 ~~appropriate curriculum;~~
- 16 ~~3. Shall provide kindergarten instruction, on a half-day or full-day basis, as determined by~~
17 ~~the school board;~~
- 18 ~~4. Shall provide for a kindergarten instructional calendar equal to at least fifty percent of~~
19 ~~the full-time instructional days required in accordance with section 15.1-06-04;~~
- 20 ~~5. Shall apply all municipal and state health, fire, and safety requirements to the~~
21 ~~kindergarten; and~~
- 22 ~~6. May not enroll a child who is not five years old before August first of the year of~~
23 ~~enrollment, unless the child will be five years old before December first and:~~
 - 24 ~~a. The child, by means of developmental and readiness screening instruments~~
25 ~~approved by the superintendent of public instruction and administered by the~~
26 ~~kindergarten operator, can demonstrate superior academic talents or abilities and~~
27 ~~social and emotional readiness; or~~
 - 28 ~~b. The child has been enrolled in another approved kindergarten.~~

29 ~~**SECTION 61. AMENDMENT.** Section 15.1-23-07 of the North Dakota Century Code is~~
30 ~~amended and reenacted as follows:~~

~~15.1-23-07. Home education – Required monitoring of progress – Reporting of progress – Compensation.~~

~~1. If monitoring is required under section 15.1-23-06, the school district shall assign and compensate an individual to monitor a child receiving home education unless the parent notifies the school district that the parent shall select and compensate an individual to monitor the child.~~

~~2. The individual assigned by the school district or selected by the parent under subsection 1 must be licensed to teach by the education standards and practices boardsuperintendent of public instruction or approved to teach by the education standards and practices boardsuperintendent of public instruction.~~

~~3. Twice during each school year, the individual shall report the child's progress to the school district superintendent or to the county superintendent if the district does not employ a superintendent.~~

~~4. If one child receives home education, the individual shall spend an average of one hour per week in contact with the child and the child's parent. If two or more children receive home education, the individual shall spend one half hour per month for each additional child receiving home education. If the child attends a public or an approved nonpublic school, the time may be proportionately reduced.~~

~~**SECTION 62. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is amended and reenacted as follows:~~

~~15.1-23-09. Home education – Standardized achievement test – Exemption.~~

~~1. a. While in grades four, six, eight, and ten, each child receiving home education shall take:~~

~~(1) A standardized achievement test used by the school district in which the child resides; or~~

~~(2) A nationally normed standardized achievement test if requested by the child's parent.~~

~~b. The child shall take the test in the child's learning environment or, if requested by the child's parent, in a public school. An individual licensed to teach by the education standards and practices boardsuperintendent of public instruction or~~

1 ~~approved to teach by the education standards and practices boardsuperintendent~~
2 ~~of public instruction shall administer the test.~~

3 ~~2. a. The requirement of subsection 1 does not apply if the parent notifies the school-~~
4 ~~district in which the child resides that the parent has a philosophical, moral, or~~
5 ~~religious objection to the use of standardized achievement tests and the parent:~~

6 ~~(1) Is licensed to teach by the education standards and practices-~~
7 ~~boardsuperintendent of public instruction or approved to teach by the-~~
8 ~~education standards and practices boardsuperintendent of public-~~
9 ~~instruction;~~

10 ~~(2) Holds a baccalaureate degree; or~~

11 ~~(3) Has met or exceeded the cutoff score of a national teacher examination-~~
12 ~~given in this state or in any other state if this state does not offer such an-~~
13 ~~examination.~~

14 ~~b. The parent shall file the notification and necessary documentation required by~~
15 ~~this subsection with the school district at the same time that the parent files the~~
16 ~~statement of intent to supervise home education required by section 15.1-23-02.~~

17 ~~**SECTION 63. AMENDMENT.** Section 15.1-23-10 of the North Dakota Century Code is~~
18 ~~amended and reenacted as follows:~~

19 ~~**15.1-23-10. Home education - Standardized achievement test - Cost.**~~

20 ~~1. If a child receiving home education takes the standardized achievement test used by~~
21 ~~the school district in which the child resides, the school district is responsible for the~~
22 ~~cost of the test and for the cost of administering the test. The school district shall~~
23 ~~ensure that the test is administered by an individual who is employed by the district~~
24 ~~and who is licensed to teach by the education standards and practices-~~
25 ~~boardsuperintendent of public instruction or approved to teach by the education-~~
26 ~~standards and practices boardsuperintendent of public instruction.~~

27 ~~2. a. If the child takes a nationally normed standardized achievement test not used by~~
28 ~~the school district in which the child resides, the child's parent is responsible for~~
29 ~~the cost of the test.~~

30 ~~b. The cost of administering a test under this subsection is the responsibility of the~~
31 ~~child's parent if the test is administered by an individual who is selected by the~~

1 parent. An individual selected by the child's parent to administer a test under this
2 subsection must be licensed to teach by the education standards and practices
3 boardsuperintendent of public instruction or approved to teach by the education
4 standards and practices boardsuperintendent of public instruction.

5 ~~c.~~ The cost of administering a test under this subsection is the responsibility of the
6 school district if, at the request of the child's parent, the school district
7 administers the test. The school district shall ensure that the test is administered
8 by an individual who is employed by the district and who is licensed to teach by
9 the education standards and practices boardsuperintendent of public instruction
10 or approved to teach by the education standards and practices
11 boardsuperintendent of public instruction.

12 — **SECTION 64. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 — **15.1-23-11. Home education – Standardized achievement test – Results.**

15 — 1. A parent supervising home education shall file the results of the child's standardized
16 achievement test with the superintendent of the district in which the child resides or
17 with the county superintendent if the district does not employ a superintendent.

18 — 2. If the child's basic composite score on a standardized achievement test is less than
19 the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the
20 child for a potential learning problem under rules adopted by the superintendent of
21 public instruction.

22 — 3. If the multidisciplinary assessment team determines that the child is not disabled and
23 the child's parent wishes to continue home education, the parent, with the advice and
24 consent of an individual who is licensed to teach by the education standards and
25 practices boardsuperintendent of public instruction or approved to teach by the
26 education standards and practices boardsuperintendent of public instruction, shall
27 prepare a remediation plan to address the child's academic deficiencies and file the
28 plan with the superintendent of the school district or with the county superintendent if
29 the district does not employ a superintendent. The parent is responsible for any costs
30 associated with the development of the remediation plan. If the parent fails to file a

1 remediation plan, the parent is deemed to be in violation of compulsory school
2 attendance provisions and may no longer supervise the home education of the child.

3 ~~— **SECTION 65. AMENDMENT.** Section 15.1-23-12 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15.1-23-12. Home education – Remediation plan.**~~

6 ~~— The superintendent of the school district shall use the remediation plan required by section~~
7 ~~15.1-23-11 as the basis for determining reasonable academic progress. The remediation plan~~
8 ~~must remain in effect until such time as the child achieves on a standardized achievement test a~~
9 ~~basic composite score at or above the thirtieth percentile or a score, which when compared to~~
10 ~~the previous year's test score, demonstrates one year of academic progress. At the option of~~
11 ~~the parent, the test may be one required by section 15.1-23-09 or one administered in a higher~~
12 ~~grade level. The child's parent, with the advice and consent of an individual who is licensed to~~
13 ~~teach by the education standards and practices boardsuperintendent of public instruction or~~
14 ~~who is approved to teach by the education standards and practices boardsuperintendent of~~
15 ~~public instruction, may amend the remediation plan from time to time in order to accommodate~~
16 ~~the child's academic needs. If after a remediation plan is no longer in effect the child fails to~~
17 ~~demonstrate reasonable academic progress on a subsequent test required by this section, a~~
18 ~~remediation plan must again be developed and implemented.~~

19 ~~— **SECTION 66. AMENDMENT.** Section 15.1-29-14 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~— **15.1-29-14. Student placement for noneducational purposes – Residency**~~
22 ~~**determination – Payment of tuition and tutoring charges.**~~

23 ~~— 1. a. Except as provided in subdivision b, for purposes of applying this chapter, a~~
24 ~~student's school district of residence is the district in which the student's custodial~~
25 ~~parent or legal guardian resides:~~

26 ~~— (1) At the time that a state court, tribal court, director of juvenile court, or the~~
27 ~~division of juvenile services issues an order requiring the student to stay for~~
28 ~~a prescribed period at a state-licensed foster home or at a state-licensed~~
29 ~~child care home or facility;~~

- 1 ~~————— (2) At the time a county or state social service agency places the student, with~~
2 ~~the consent of the student's parent or legal guardian, at a state-licensed~~
3 ~~foster home or at a state-licensed child care home or facility;~~
- 4 ~~————— (3) At the time the student is initially placed in a state-operated institution, even~~
5 ~~if the student is later placed at a state-licensed foster home or at a~~
6 ~~state-licensed child care home or facility; or~~
- 7 ~~————— (4) At the time the student is placed voluntarily, by a parent or legal guardian, in~~
8 ~~a state-operated institution or in a state-licensed child care home, facility, or~~
9 ~~program, located either within or outside the student's school district of~~
10 ~~residence, including those defined in sections 25-01.2-01 and 50-11-00.1.~~
- 11 ~~————— b. A determination regarding the student's school district of residence made under~~
12 ~~subdivision a is valid until the September fifteenth following the determination. On~~
13 ~~that date and each September fifteenth thereafter, the placing agency or the~~
14 ~~entity funding the student's placement shall determine the district in which the~~
15 ~~student's custodial parent or legal guardian resides and shall notify the district~~
16 ~~that it is deemed to be the student's district of residence for purposes of this~~
17 ~~chapter. If, however, the student is placed in accordance with paragraph 4 of~~
18 ~~subdivision a and the placement is privately funded, the administrator of the~~
19 ~~facility or program in which the student is placed shall determine the student's~~
20 ~~school district of residence and provide the notification required by this~~
21 ~~subdivision.~~
- 22 ~~———— 2. The student's school district of residence is obligated to pay:~~
- 23 ~~————— a. All charges for tuition upon claim of the admitting district; and~~
- 24 ~~————— b. All charges for tutoring services upon claim of an admitting facility, provided that~~
25 ~~the tutoring services are delivered by an individual who is licensed to teach by~~
26 ~~the education standards and practices boardsuperintendent of public instruction~~
27 ~~or approved to teach by the education standards and practices~~
28 ~~boardsuperintendent of public instruction.~~
- 29 ~~———— 3. The state shall pay the tuition and tutoring charges under subsection 2 from funds~~
30 ~~appropriated by the legislative assembly for state aid to schools if, on the September~~
31 ~~fifteenth after a student placement is made as provided for under subsection 1:~~

- 1 ~~_____ a. The student's custodial parent or legal guardian establishes residency outside~~
2 ~~this state;~~
- 3 ~~_____ b. A court orders a termination of parental rights with respect to the student's~~
4 ~~parents;~~
- 5 ~~_____ c. The student no longer has a custodial parent; or~~
- 6 ~~_____ d. The superintendent of public instruction has determined that all reasonable~~
7 ~~efforts to locate a parent or legal guardian have been unsuccessful.~~
- 8 ~~_____ 4. If the student is voluntarily admitted to a state-licensed child care home or facility, or to~~
9 ~~a state-operated institution, the student's parent or, if one has been appointed, the~~
10 ~~student's legal guardian may appeal a determination under section 15.1-29-05~~
11 ~~regarding the payment of tuition by filing a petition with the county superintendent of~~
12 ~~schools. Within fifteen days of receiving the petition, the three-member committee~~
13 ~~established under section 15.1-29-06 shall consult with the boards of the affected~~
14 ~~school districts and with the student's parent or legal guardian and render a decision~~
15 ~~regarding responsibility for the payment of tuition charges.~~
- 16 ~~_____ 5. If the student's district of residence does not pay the required tuition and tutoring~~
17 ~~charges, the admitting district or facility shall notify the superintendent of public~~
18 ~~instruction. Upon verification that tuition and tutoring charges are due and unpaid, the~~
19 ~~superintendent shall withhold all state aid otherwise payable to the student's school~~
20 ~~district of residence until the total amount due has been fully paid.~~
- 21 ~~_____ 6. a. An amount equal to the state average per student elementary or high school~~
22 ~~cost, depending on the student's grade of enrollment, is payable to the admitting~~
23 ~~district or facility as part of the cost of educating the student for the school year.~~
24 ~~The payment may not exceed the actual per student cost incurred by the~~
25 ~~admitting district or facility.~~
- 26 ~~_____ b. The remainder of the actual cost of educating the student not covered by other~~
27 ~~payments or credits must be paid by the state, within the limits of legislative~~
28 ~~appropriations, from funds appropriated for the payment of special education~~
29 ~~contract charges in the case of a student with disabilities or from state aid~~
30 ~~payments to schools in all other cases. For purposes of this subdivision, "actual~~
31 ~~costs" includes the cost of a summer program if the program is a condition of~~

1 placement at a residential facility that has been determined by a placing agency
2 or entity to be an appropriate placement for a student.

3 ~~7. If a student with disabilities placed in accordance with this section reaches age~~
4 ~~eighteen and continues to receive special education and related services, the~~
5 ~~student's school district of residence is deemed to be the same as that of the student's~~
6 ~~custodial parent until the special education services are concluded. The obligations of~~
7 ~~the student's school district of residence as provided in subsection 2 and the~~
8 ~~obligations of the state as provided in subsection 3 are applicable to all students~~
9 ~~described in this subsection.~~

10 ~~8. a. The placing agency or entity funding the student's placement shall provide written~~
11 ~~or electronic notice regarding an initial placement and all subsequent placements~~
12 ~~of a student to the superintendent of the student's school district of residence and~~
13 ~~to the superintendent of the admitting district:~~

14 ~~(1) Within five working days after a placement is made under court order;~~

15 ~~(2) Within five working days after an emergency placement is made; or~~

16 ~~(3) At least ten working days prior to any other placement.~~

17 ~~b. If, however, the student's parent or legal guardian voluntarily places the student~~
18 ~~in a state-operated institution or in a state-licensed child care home, facility, or~~
19 ~~program, located outside the student's school district of residence, including~~
20 ~~those defined in sections 25-01.2-01 and 50-11-00.1, and if the placement is~~
21 ~~privately funded, the administrator of the facility or program in which the student~~
22 ~~is placed shall determine the student's school district of residence and provide~~
23 ~~the notification required by this section.~~

24 ~~c. The notice must include any information requested by the superintendent of~~
25 ~~public instruction for purposes of determining payment responsibility.~~

26 ~~d. The placing agency shall afford the student's school district of residence~~
27 ~~reasonable opportunity to participate in permanency planning for the student.~~

28 ~~9. Notwithstanding this section, educational services provided to a student by the youth~~
29 ~~correctional center are not subject to the payment of tuition and tutoring charges by~~
30 ~~either the student's school district of residence or the superintendent of public~~
31 ~~instruction.~~

1 ~~10.~~ For purposes of this section, "custodial parent" means the parent who has been
2 awarded sole legal and physical custody of the student in a legal proceeding or, if
3 there is currently no operative custody order, the parent with whom the student
4 resides. If the student resides with both parents, then both are custodial parents.

5 ~~SECTION 67. AMENDMENT.~~ Section 15.1-37-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 ~~15.1-37-01. Early childhood education program -- Approval.~~

8 ~~1.~~ Any person or school district operating an early childhood education program may
9 request approval of the program from the superintendent of public instruction. The
10 superintendent shall approve an early childhood education program if the program:

11 ~~a.~~ Is taught by individuals who are licensed to teach in early childhood education by
12 the education standards and practices boards superintendent of public instruction
13 or approved to teach in early childhood education by the superintendent of public
14 instruction;

15 ~~b.~~ Follows a developmentally appropriate curriculum;

16 ~~c.~~ Is in compliance with all municipal and state health, fire, and safety requirements;
17 and

18 ~~d.~~ Limits its enrollment to children who have reached the age of four before August
19 first in the year of enrollment.

20 ~~2.~~ In determining the state aid payments to which a school district is entitled, the
21 superintendent of public instruction may not count any student enrolled in a regular
22 early childhood education program.

23 ~~SECTION 68. AMENDMENT.~~ Section 54-07-01.2 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 ~~54-07-01.2. Governor to have power to appoint majority of members of certain boards~~
26 ~~and commissions -- Limitations.~~

27 ~~1.~~ Notwithstanding sections 2-05-01, 4-18.1-04, 4.1-05-02, 6-01-03, 6-09-02.1,
28 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23-01-02,
29 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, 50-06.1-16, 54-34.3-10, 54-54-02,
30 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the following boards and
31 commissions must, subject to the limitations of this section, be considered to have

- 1 resigned from such boards and commissions effective January first of the first year of
2 each four-year term of the governor:
- 3 ~~_____ a. The aeronautics commission.~~
 - 4 ~~_____ b. The milk marketing board.~~
 - 5 ~~_____ c. The dairy promotion commission.~~
 - 6 ~~_____ d. The state banking board.~~
 - 7 ~~_____ e. The state credit union board.~~
 - 8 ~~_____ f. The advisory board of directors to the Bank of North Dakota.~~
 - 9 ~~_____ g. The pardon advisory board.~~
 - 10 ~~_____ h. The state parole board.~~
 - 11 ~~_____ i. The state board of public school education.~~
 - 12 ~~_____ j. The education standards and practices advisory board.~~
 - 13 ~~_____ k. The board of trustees of the teachers' fund for retirement.~~
 - 14 ~~_____ l. The state game and fish advisory board.~~
 - 15 ~~_____ m. The health council.~~
 - 16 ~~_____ n. The air pollution control advisory council.~~
 - 17 ~~_____ o. The board of animal health.~~
 - 18 ~~_____ p. The administrative committee on veterans' affairs.~~
 - 19 ~~_____ q. The committee on aging.~~
 - 20 ~~_____ r. The committee on employment of people with disabilities.~~
 - 21 ~~_____ s. The commission on the status of women.~~
 - 22 ~~_____ t. The North Dakota council on the arts.~~
 - 23 ~~_____ u. The state historical board.~~
 - 24 ~~_____ v. The Yellowstone-Missouri Rivers confluence commission.~~
 - 25 ~~_____ w. The state water commission.~~
 - 26 ~~_____ x. The state water pollution control board.~~
 - 27 ~~_____ 2. The governor shall have the option of reappointing any member to any board or~~
28 ~~commission to complete the term to which the member was appointed, or the governor~~
29 ~~may appoint a simple majority of any board or commission to complete the terms of~~
30 ~~those resigned members who do not receive reappointments. In order to assure~~
31 ~~continuity, the governor shall reappoint for the completion of their original terms no~~

1 fewer than one less than a simple majority of the former members of each board or
2 commission.

3 ~~3.~~ If the governor has not acknowledged in writing the resignation of any members of any
4 board or commission prior to July first of the first year of the governor's term, the board
5 or commission member must be considered to have been reappointed to complete the
6 term to which the member was originally appointed. All members of boards and
7 commissions shall continue to serve until the time they are notified of the acceptance
8 of their resignation by the governor, and in all cases the members of boards and
9 commissions shall continue to serve until their successors have been named and
10 qualified.

11 ~~4.~~ In those instances where nominations for the filling of vacancies on boards and
12 commissions are submitted to the governor pursuant to state law, the governor shall
13 notify such persons and organizations of acceptance of the resignation of any board or
14 commission member. Such persons and organizations shall furnish the governor with
15 the number of required nominations to fill the vacancies within sixty days after the
16 notice or the governor may nominate and appoint such members as are otherwise
17 qualified.

18 ~~5.~~ The provisions of this section do not apply to those constitutional officers who serve on
19 boards and commissions, except insofar as a governor may count such constitutional
20 officers among those the governor reappoints in order to conform to the continuity
21 requirements of this section.

22 ~~6.~~ All vacancies created by resignation after July first of the first year of each term of a
23 governor must be filled as provided by law. If any person refuses an appointment, the
24 governor shall fill such position as otherwise provided by law.

25 ~~**SECTION 69. REPEAL.** Sections 15.1-02-16.1, 15.1-13-07, 15.1-13-29, 15.1-18-11,
26 15.1-18.1-01, and 15.1-18.2-06 of the North Dakota Century Code are repealed.~~

27 ~~**SECTION 70. LEGISLATIVE COUNCIL RECONCILIATION OF STATUTORY
28 REFERENCES TO FUNCTIONS OF THE EDUCATION STANDARDS AND PRACTICES**~~

29 ~~**BOARD.** The legislative council may replace, where appropriate, statutory references to the
30 functions of the education standards and practices board, or any derivative of those functions,
31 which when used in context indicate an intention to refer to those functions, wherever they~~

1 appear in the North Dakota Century Code or in legislation enacted and being prepared for
2 inclusion in the North Dakota Century Code and to insert in lieu of each such reference an
3 appropriate replacement of terms to harmonize the references with the changes made by this
4 Act.

5 ~~— SECTION 71. TRANSITION OF ADMINISTRATIVE RULES FUNCTION TO~~
6 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION. On the effective date of administrative rules~~
7 ~~adopted by the superintendent of public instruction to implement this Act, the superintendent of~~
8 ~~public instruction may request the administrative rules committee to approve the repeal of any~~
9 ~~rules adopted by the education standards and practices board, as obsolete rules under section~~
10 ~~28-32-18.1.~~

11 **SECTION 1.** A new section to chapter 15.1-13 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Satisfaction survey - Development - Utilization - Report to legislative management.**

- 14 1. a. The superintendent of public instruction shall develop an electronic survey
15 instrument that the education standards and practices board shall utilize at the
16 conclusion of all interactions with individuals seeking information or services from
17 the board.
- 18 b. The survey instrument must include references to quality; timeliness; the
19 availability, courtesy, knowledge, and responsiveness of staff; the ease of
20 obtaining information or services; and the cost and value of the interaction.
- 21 c. The education standards and practices board shall begin to utilize the survey no
22 later than June 1, 2015.
- 23 2. The education standards and practices board shall compile the responses and provide
24 regular reports regarding the results to an interim committee designated by the
25 legislative management, at the times and in the manner requested by the committee.
- 26 3. Any expenses incurred by the superintendent of public instruction in developing the
27 survey instrument are the responsibility of the education standards and practices
28 board.

29 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - EDUCATION STANDARDS AND**
30 **PRACTICES BOARD - OTHER EDUCATIONAL SERVICE PROVIDERS.** During the 2015-16
31 interim, the legislative management shall consider studying the effectiveness and efficiency of

1 the education standards and practices board and other educational service providers, including
2 regional education associations, EduTech, the center for distance education, and the teacher
3 center network. The study shall examine organizational, structural, administrative, and
4 supervisory options for strengthening the role and function of the named entities an ensuring
5 the optimal provision of services to students, teachers, schools, and school districts throughout
6 the state. The legislative management shall report its findings and recommendations, together
7 with any legislation required to implement the recommendations, to the sixty-fifth legislative
8 assembly.

9 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.