

## CHAPTER 67-01-01 ORGANIZATION OF DEPARTMENT

### Section

67-01-01-01 Organization of the Department of Public Instruction [Repealed]

67-01-01-01.1 Organization of the Department of Public Instruction

67-01-01-02 Inquiries and Contact Information

### **67-01-01-01. Organization of the department of public instruction.**

Repealed effective December 1, 2003.

### **67-01-01-01.1. Organization of the department of public instruction.**

1. **History.** From 1864 to statehood, North Dakota was served by a territorial school board and a superintendent. In 1889, the constitution of North Dakota provided for a state superintendent of public instruction. William Mitchell was the first state superintendent. The 1890 legislative assembly enacted a provision that the superintendent of public instruction must hold a teacher's certificate of highest grade issued in the state. Statutes were also enacted at that time to provide that the state superintendent of public instruction shall have general supervision of the common and secondary schools of the state and shall be an ex officio member of the board of university and school lands. Effective January of 1991, authority for the supervision of the state schools for the deaf and blind and the state library was transferred to the office of the superintendent.
2. **Superintendent.** The superintendent is an elected, constitutional officer who supervises the kindergarten through grade twelve education system in North Dakota. The superintendent must be a qualified elector of the state, that is at least twenty-five years old, ~~who holds a teacher's certificate at the highest grade issued by the state.~~ The superintendent is charged with responsibility for the general supervision of elementary and secondary schools and to assure that North Dakota public and nonpublic elementary, middle-junior high, and high schools comply with statutory minimum requirements. The superintendent administers the state accreditation and education improvement processes; manages the issuance of credentials to administrators, driver education instructors, counselors, library media personnel, and title I and special education personnel; administers summer school programs at both the elementary and high school levels; administers the statewide standardized achievement testing program; adopts and administers rules relevant to the accreditation process; and administers the school food programs and the federally funded technology grant program and is responsible for the administration and implementation of the federal Elementary and Secondary Education Act, ~~also known as "No Child Left Behind"~~. In 1989 the legislative assembly provided that the office of the superintendent of public instruction was to be known as the department of public instruction.
3. **Administrative units.**
  - a. **Fiscal management.** This unit is responsible for ~~the preparation and submission of the biennial budget, department payroll, and the internal accounting system.~~ Responsibilities include the preparation of financial statements and various fiscal reports, maintenance of the department budget, grant and contract files, process and issuance of all payments, receipt of all revenue, and coordination of school districts and other sub-recipient audits. The director coordinates agency risk

management activities, maintaining the department's budget, accounting, preparation of financial statements and reports, maintaining grants and contracts, processing of payments and revenue, and payroll operations., This unit also interprets and implements state and federal program statutes, state and federal regulations, and policy directives. This unit is also responsible for activities in the area of school district finance. This unit supervises the distribution of state aid and assists with the implementation of the uniform accounting system. The unit provides technical assistance to schools and school districts regarding annexation, reorganization, and dissolution procedures; provides support and technical assistance for open enrollment; approves school construction; and manages school construction loan programs.

- b. Human resources management and office services. This unit performs personnel services for the department, including recruitment, salary administration, performance management, training, and policy development and supervises the ~~administrative areas that support internal departmental functions, including printing, mail distribution, purchasing, and business communications.~~
- c. Child nutrition and food distribution. This unit administers United States department of agriculture's child nutrition programs, nutrition education and training programs, and commodity assistance for schools, institutions, and low-income individuals.
- d. Management information systems. This unit ~~performs information technology and data management services to assist state and local education agencies, school personnel, and legislators. This includes administration and support of the local area network, hardware and software, training for users, and coordination with the North Dakota information technology department. This unit also provides application development and consulting services.~~ is responsible for collecting data from all North Dakota schools for State and Federal reporting. This unit is also responsible for oversight of the external and internal websites. In addition, this unit provides technical assistance and support for department staff and its partners.
- e. School approval and ~~accreditation opportunity.~~ This unit assists kindergarten through grade twelve schools in providing quality education; administers the accreditation program; and reviews public and nonpublic schools for statutory compliance; administers the statewide standardized achievement test program; and provides technical assistance for dual credit. The unit also administers the issuance of credentials for administrators, counselors, and library media personnel, and driver education personnel. This unit administers the twenty-first century community learning centers grant, a competitive grant that provides opportunities for student academic enrichment in an afterschool or out of school time setting. This unit is also responsible for administrative rules development and updates. In addition, this unit processes and approves student applications for the North Dakota academic and CTE scholarship program.

f. ~~School finance and organization. This unit is responsible for several major areas of activity. In the area of school district finance, this unit supervises the distribution of state aid and assists with the implementation of the uniform accounting system. In the area of school organization, the unit provides technical assistance to schools and school districts regarding annexation, reorganization, and dissolution procedures; provides support and technical assistance for open enrollment; supervises the school bus transportation program; approves school construction; and manages school construction loan programs. This unit also provides administrative support to the state board for public school education and collects teacher compensation data.~~

g. ~~Adult education and literacy. This unit provides funding and technical assistance to local programs and monitors progress of each funded project. This unit is also responsible for the administration of the general education development testing program.~~

hf. ~~Compensatory education. Educational equity and support. This unit provides financial and technical assistance to state and local educational agencies to meet the needs of educationally deprived, at-risk all children. This office oversees Title I, Homeless Education Program, Neglected and Delinquent Education Program, and Title IV. The goal purpose of title I is to provide instructional services and activities to meet the needs of disadvantaged children identified as failing, or most at risk of failing, the state's challenging performance content standards. This includes programs for migrant education and education of homeless children. The even start intergenerational literacy program, reading first, and the comprehensive school reform are also coordinated through this unit. The purpose of Title IV is to provide student support and academic enrichment, with the goal of creating safe, healthy, and well-rounded children. Multi-tiered systems of support, foster care programs, safe and healthy portfolios, etc. are coordinated through this office. This office is also responsible for the overall administration of school improvement grants to the lowest performing schools in the state, those identified as targeted support improvement and comprehensive school improvement.~~

i. ~~Education improvement. This unit is responsible for the overall administration of the department's education improvement efforts, the development of state content standards and assessments, administration of title III English language acquisition programs and immigration, and offers statewide professional development opportunities (title II) and innovative programs (title V).~~

j-g. ~~Special education. This unit prescribes state and federal rules and regulations for special education and assists school districts and special education units in the development and administration of special education programs.~~

- ~~k. Special projects. This unit administers the twenty-first century community learning centers grant, a competitive grant that provides opportunities for student academic enrichment in an afterschool or out of school time setting. Additionally, this unit assists with administrative rules development and special projects that arise.~~
- ~~l. School health programs. This unit administers the title IV-part A safe and drug free schools program and coordinates health education including AIDS prevention.~~
- ~~m. Education technology. This unit allocates federal title II-D technology grants funds to school districts to implement and integrate technology with school curricula in core academic skills. Allocation of grant funds is based on a competitive application process.~~
- h. Academic support. This unit encompasses multiple facets of the division of student support & innovation providing students, and the schools that serve those students, with student centered resources as well as professional learning and development opportunities for educators. This unit closely collaborates with other units throughout the division and department, several education and social service agencies across North Dakota. Key initiatives the unit supports span across pre-kindergarten through grade twelve and include projects supporting the transition to higher education and career. These projects include leveraging the senior year; advanced coursework opportunities including Advanced Placement, dual credit, and early entry; college ready English and math developmental coursework; multiple professional learning and development opportunities; pre-kindergarten through grade 12 standards development and implementation support; North Dakota comprehensive literacy program; dyslexia pilot; music education grants; leadership scholarships and opportunities; civics education supports; and the federal Title II program.
- i. Assessment. This unit provides professional services and guidelines to administer the North Dakota state assessment, North Dakota alternate assessment, ACCESS for English learners, and ACT in accordance with state and federal law. This unit also coordinates the National Assessment of Education Progress in accordance with federal laws through the United States Department of Education. In providing the mentioned assessments, the office also plays a role in school accountability and measuring student learning. The adult education program, including general equivalency diploma testing program, provides funding and technical assistant to regional adult learning centers and monitors progress of each funded location and is also a part of this unit.

- j. Early learning. This unit is responsible for the administration of the department's efforts for birth through kindergarten education, including early Head Start/Head Start, Early Childhood Special Education IDEA Part B, pre-kindergarten, and early learning state standards.
- k. Indian and multicultural education. This unit administers the Title III and migrant summer program funding and assists school districts in the development and administration of English learner, migrant and Indian education programs.
- l. Outreach and engagement. This unit disseminates information about the department's initiatives and operations to families, students, educators and other education stakeholders, as well as to legislators, policymakers, and the news media using a number of methods, including traditional and social media channels.

#### 4. Divisions.

- a. North Dakota state library. The state library was established as the public library commission in 1907 and occupied a single room in the state capitol. In 1909, the library's name was changed to the state library commission. The commission consisted of three members - the superintendent of public instruction, the president of the North Dakota library association, and a member appointed by the governor. In 1927 the library was removed from the board of regents; it came under the auspices of the director of institutions until administrative authority was transferred to the superintendent of public instruction in 1989, effective January 1, 1991. The state library commission occupied the liberty memorial building on the capitol grounds from 1936-70 and later moved to the Randal building north of Bismarck. The agency's name was changed to the North Dakota state library in 1979 and in 1982 the state library returned to the liberty memorial building, its present location.

Today the superintendent appoints the state librarian. The state library specializes in state-of-the-art information services to state agencies and the general public and assumes a leadership role in promoting the development of library service for all North Dakota residents. Major goals of the state library are to provide library services to state government officials and employees, provide library services to patrons without direct local library services and to persons who are blind and physically disabled, and to provide libraries with consulting services in areas of collection, development, and evaluation. The state library coordinates the sharing of resources, provides continuing educational opportunities for librarians and public trustees, and maintains the state document depository program.

- b. North Dakota vision services - school for the blind. The school for the blind was created by the constitution in 1889, established by the legislative assembly in 1895, and opened in Bathgate, North Dakota, in 1908. In 1952, a constitutional amendment authorized selection of another location. An initiated measure adopted in 1958 provided funds for a new school located near the university of

North Dakota in Grand Forks. The new facilities, administered by the director of institutions, opened in September of 1961. Authority for the supervision of the school was transferred to the department of public instruction in 1989, effective January 1, 1991. The 2001 legislative assembly changed its name to North Dakota vision services - school for the blind and it now functions as a statewide, comprehensive resource center and works cooperatively with related agencies in providing a full range of services to all persons who are blind or visually impaired, including those with multidisabilities. The superintendent of public instruction appoints the school superintendent. Land grant income and legislative appropriation support the school.

- c. North Dakota school for the deaf. The school for the deaf, created by the constitution in 1889 and established by the first legislative assembly in 1890, opened in 1890 and was located in Devils Lake, North Dakota. The school for the deaf was administered by the director of institutions until January 1, 1991, when supervision was transferred to the department of public instruction. The school provides a free educational program for deaf children between the ages of birth and twenty-one. In addition to the school's traditional role as an educational institution, North Dakota school for the deaf also has become a resource center on deafness, serving the needs of hearing-impaired citizens statewide. The school is supported by land grant income and legislative appropriation.

**History:** Amended effective January 1, 1982; September 1, 1983; November 1, 1985; January 1, 1986; May 1, 1988; September 1, 1988; December 1, 2003; April 1, 2021.

**General Authority:** NDCC 28-32-02(2)

**Law Implemented:** NDCC 28-32-02(2)

#### **67-01-01-02. Inquiries and contact information.**

The public may obtain information or make submissions or requests by contacting the department of public instruction.

1. General inquiries regarding the department of public instruction may be addressed to the superintendent of public instruction at:

North Dakota Department of Public Instruction  
600 East Boulevard Avenue, Dept. 201  
Floors 9, 10, and 11  
Bismarck, ND 58505-0440

Telephone inquiries:

Local: (701) 328-2260

Fax: (701) 328-2464 4770

Inquiries regarding the functions of a specific division may be addressed to the director of that division.

2. Mailing address for the North Dakota Vision Services - School for the Blind:

North Dakota Vision Services - School for the Blind  
500 Stanford Road  
Grand Forks, ND 58203-2799

Telephone inquiries:

Local: (701) 795-2700  
Toll free: (800) 421-1181  
Fax: (701) 795-2727

3. Mailing address for the North Dakota School for the Deaf:

North Dakota School for the Deaf  
1401 College Drive N.  
Devils Lake, ND 58301

Telephone inquiries:

Local: (701) ~~662-9000~~ 665-4400  
Fax: (701) ~~662-9009~~ 665-4409

4. Mailing address for the North Dakota State Library:

North Dakota State Library  
604 East Boulevard Avenue, Dept. 250  
Bismarck, ND 58505-0800

Telephone inquiries:

Local: (701) ~~328-2492~~ 4622  
Fax: (701) 328-2040  
In state toll free: (800) 472-2104

5. The Department of Public Instruction's web page address is <http://www.dpi.state.nd.us/>.

**History:** Effective December 1, 2003; Amended April 1, 2021.

**General Authority:** NDCC 28-32-02.1

**Law Implemented:** NDCC 28-32-02.1

## **CHAPTER 67-01-02**

### **DEFINITIONS**

Section  
67-01-02-01 Definitions

#### **67-01-02-01. Definitions.**

As used in this title, unless the context otherwise requires:

1. "Department" means the North Dakota department of public instruction.
2. "Superintendent" means the superintendent of public instruction.
3. "Title I" means title I of the Elementary and Secondary Education Act, ~~as amended by the No Child Left Behind Act of 2001, Pub. L. 107-110, 20 USC 6301 et seq. (2002).~~

**History:** Effective October 1, 2006; Amended April 1, 2021.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02



## **CHAPTER 67-11-04 LIBRARY MEDIA CREDENTIAL**

### **Section**

67-11-04-01	Credentials Required
67-11-04-02	Issuing Agency
67-11-04-03	Approval for Library Media Programs
67-11-04-04	Types of Credentials
67-11-04-05	Credential Standards
67-11-04-06	Application Process
67-11-04-07	Renewal Requirements
67-11-04-08	Reconsideration

### **67-11-04-01. Credentials required.**

For purposes of school accreditation, a school may employ as a librarian only a person who holds a library media credential as outlined in this chapter or who has been authorized by the North Dakota education standards and practices board in this specialty at a level the department determines meets or exceeds the requirements of this chapter and is consistent with the North Dakota teacher education program approval standards 2004 with 2006 revisions adopted by the education standards and practices board. An individual holding a library media credential issued under this chapter may serve students in prekindergarten through grade twelve.

**History:** Effective February 1, 2000; amended effective November 1, 2002; October 1, 2006; January 1, 2010; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

### **67-11-04-02. Issuing agency.**

The library media credential is issued by:

Superintendent of Public Instruction  
Department of Public Instruction  
600 East Boulevard Avenue, Dept. 201  
Bismarck, ND 58505-0440

**History:** Effective February 1, 2000; amended effective October 1, 2006; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

### **67-11-04-03. Approval for library media programs.**

Whenever this chapter refers to "state-approved program", it refers to the process by which the North Dakota education standards and practices board approves programs at those colleges within the state of North Dakota which provide library media preparation. Preparation from an out-of-state college must be from an approved program for library media in that state and meet or exceed North Dakota standards.

**History:** Effective February 1, 2000; amended effective May 16, 2000; October 1, 2006; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

**67-11-04-04. Types of credentials.**

1. Beginning on April 1, 2021, the plan of study option to qualify for a library media credential is:
  - a. Issued to an individual licensed to teach or approved to teach by the North Dakota education standards and practices board;
  - b. Issued to an individual who is employed as a librarian in a school ~~that is unable to employ a credentialed librarian and~~ who does not meet the qualifications for an LM01, LM02, or LM03 credential, ~~as required by the total number of students served~~;
  - c. Issued to an individual who is enrolled in a state-approved program of library media preparation and has obtained a letter from a supervisor recommending the individual for a library media plan of study credential ~~has completed a minimum of six semester hours of undergraduate or graduate credits in library media from subsection 1 of section 67-11-04-05; and~~
  - d. Issued to an individual who submits a written plan of study for approval to become a credentialed librarian and who annually submits college transcripts showing a minimum of six semester hours of undergraduate or graduate credits in library media until the licensed teacher qualifies for the required credential.
2. Beginning on April 1, 2021, the librarian credential (LM03) is:
  - a. Issued to coincide with the period for which the individual is licensed to teach or approved to teach by the North Dakota education standards and practices board; however, an individual holding a lifetime educator's professional license must renew the credential every five years;
  - b. Issued to an individual who has completed a minimum of fifteen semester hours of undergraduate or graduate credits in library media, of which at least one course must come from subsection 4 a subdivision of each of subsections 1 through 5 of section 67-11-04-05.
3. Beginning on April 1, 2021, the library media specialist credential (LM02) is:
  - a. Issued to coincide with the period for which the individual is licensed to teach or approved to teach by the North Dakota education standards and practices board; however, an individual holding a lifetime educator's professional license must renew the credential every five years; and
  - b. Issued to an individual who has completed a minimum of ~~fifteen~~ twenty-four semester hours of undergraduate or graduate credits in library media, of which at least one course must come from subsection 4 a subdivision of each of subsections 1 through 5 of section 67-11-04-05, ~~and nine semester hours of~~

~~undergraduate or graduate credits in library media from subsection 2 of section 67-11-04-05.~~

4. Beginning on April 1, 2021, the library media director credential (LM01) is:
  - a. Issued to coincide with the period for which the individual is licensed to teach or approved to teach by the North Dakota education standards and practices board; however, an individual holding a lifetime educator's professional license must renew the credential every five years;
  - b. Issued to an individual who: ~~holds a master's degree in library science, media education, another field of education, or education administration from a state-approved program; and~~
    - i. Holds a master's degree in library media and information science; or
    - ii. Holds a master's degree certifiable by the North Dakota education standards and practices board and meet all requirements of subsection 3 of this section.
  - c. ~~Issued to an individual who has completed a minimum of fifteen semester hours of undergraduate or graduate credits in library media from subsection 1 of section 67-11-04-05, nine semester hours of undergraduate or graduate credits in library media from subsection 2 of section 67-11-04-05, and six semester hours of graduate credits in library or education coursework under subsection 3 of section 67-11-04-05.~~
5. If a credential issued under this chapter will expire within twelve months of issuance because the educator's professional license will expire within twelve months of the issuance of the credential, the credential will be issued for a period coinciding with the period of licensure of the succeeding educator's professional license.

**History:** Effective February 1, 2000; amended effective May 16, 2000; November 1, 2002; October 1, 2006; January 1, 2010; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

#### **67-11-04-05. Credential standards.**

4. Coursework required for all library media credentials and the plan of study option identified in section 67-11-04-04 must be taken from a state-approved library media program. ~~and must include at least fifteen semester hours of undergraduate or graduate credits, in the following areas:~~ The standards for library media credentials are:
  - a. ~~Introduction to the role of the librarian in the school library;~~
  - b. ~~Reference;~~
  - c. ~~Selection of materials and collection development;~~
  - d. ~~Classification and cataloging of library materials; and~~

~~e. Library administration.~~

~~A minimum of two semester hours must be taken in each area identified in subdivisions a through e.~~

1. The learner and learning, which includes:

- a. Learner development;
- b. Learner diversity;
- c. Learning differences; and
- d. Learning environments.

2. Planning for instruction, which includes:

- a. Instructional strategies;
- b. Integrating ethical use of information into instructional practice; and
- c. Assessment.

3. Knowledge of Application and Content, which includes:

- a. Reading engagement;
- b. Information literacy; and
- c. Technology-enabled learning.

4. Organization and access, which includes:

- a. Access;
- b. Information resources; and
- c. Evidence-based decision making.

5. Leadership, advocacy, and professional responsibility, which includes:

- a. Professional learning;
- b. Leadership and collaboration;
- c. Advocacy; and
- d. Ethical practice.

~~2. Coursework required for the LM01 and LM02 credentials identified in section 67-11-04-04 must be taken from a state-approved library media program and must include at least nine semester hours of undergraduate or graduate credits in the following areas:~~

- ~~a. Conducting research following state and national library standards;~~
- ~~b. Current issues in school librarianship; and~~
- ~~c. A study of children's literature or young adult literature or reading methods which may be accomplished through a class taken in either a state-approved library or state-approved education program.~~

~~A minimum of two semester hours must be taken in each area identified in subdivisions a through c.~~

~~3. Coursework required for the LM01 credential identified in section 67-11-04-04 must be taken from a state-approved library or state-approved education program and must include at least six semester hours of graduate credits from two or more courses in the following areas:~~

- ~~a. Personnel supervision;~~
- ~~b. Policy and educational finance;~~
- ~~c. Staff and program evaluation; or~~
- ~~d. Curriculum, instruction, and learning theory.~~

**History:** Effective February 1, 2000; amended effective May 16, 2000; October 1, 2006; January 1, 2010; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

#### **67-11-04-06. Application process.**

An applicant must submit the following:

1. A completed online application, ~~SFN 14236, available on the department of public instruction's web site;~~ and
2. A copy of college transcripts showing coursework for the desired credential.

**History:** Effective February 1, 2000; amended effective May 16, 2000; November 1, 2002; October 1, 2006; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

**67-11-04-07. Renewal requirements.**

All library media credentials are renewed by submitting the following:

1. A completed online application, ~~SFN 14236, available on the department of public instruction's web site;~~ and
2. A copy of college transcripts showing completion of two semester hours of graduate credit in library media and information science, computer science, cybersecurity, or other related content.

**History:** Effective February 1, 2000; amended effective May 16, 2000; November 1, 2002; October 1, 2006; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

**67-11-04-08. Reconsideration.**

If issuance or renewal of any credential under this chapter is denied, the denial must be in writing and must state all reasons for denial and the applicant must be notified of the opportunity for reconsideration. If an application for issuance or renewal of any credential under this chapter is denied, the applicant may request a reconsideration of the decision. A request for reconsideration must be in writing and must be received by the superintendent of public instruction within three weeks of mailing of the denial. Late requests will not be considered. The reconsideration request must state the following:

1. The facts, law, or rule the applicant believes was erroneously interpreted or applied; and
2. The applicant's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction shall issue a final written response on the reconsideration request within three weeks after receiving a reconsideration request.

**History:** Effective February 1, 2000; amended effective November 1, 2002; October 1, 2006; April 1, 2021.

**General Authority:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16, 28-32-02

**Law Implemented:** NDCC 15.1-02-04, 15.1-02-11, 15.1-02-16

## ARTICLE 67-12 STANDARDS FOR SCHOOLBUSES

Chapter  
67-12-01 Standards for Schoolbuses

### CHAPTER 67-12-01 STANDARDS FOR SCHOOLBUSES

Section  
67-12-01-01 Minimum Standards Required  
67-12-01-02 National Standards Adopted  
67-12-01-03 Additional Standards  
67-12-01-04 Effective Date  
67-12-01-05 Investigation and Enforcement

#### **67-12-01-01. Minimum standards required.**

Except as specifically provided in this chapter, all public schoolbuses operated in North Dakota must meet the minimum body and chassis standards established or referenced in this chapter. A school may use a multifunction school activity bus as defined by the national highway traffic safety administration 2003 ruling for purpose that do not include transportation between home and school for students from kindergarten through grade 12. ~~Through June 30, 2008, a school may use a noncomplying van to transport school children to and from school and school-related activities if:~~

- ~~1. The van was purchased by the school district and placed into service for the purpose of transporting school children to and from school and school-related activities prior to March 1, 2003;~~
- ~~2. The van is equipped with a seatbelt for the driver and each passenger in the van; and~~
- ~~3. The van is driven in compliance with rules of the road applicable to schoolbuses.~~

**History:** Effective May 1, 1999; amended effective July 1, 2003; December 1, 2003; April 1, 2021.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

#### **67-12-01-02. National standards adopted.**

Except as provided in section 67-12-01-03, the body and chassis standards identified in the federal motor vehicle safety standards for schoolbuses, 49 CFR part 571 [as revised through ~~July 1, 2005~~ October 01, 2011], are hereby adopted for schoolbuses in this state.

**History:** Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006; April 1, 2021.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**67-12-01-03. Additional standards.**

1. Whenever body and chassis standards identified in the ~~2005-2015~~ revised edition of the national minimum standards for schoolbus construction, as developed by the ~~fourteenth~~ sixteenth national conference on school transportation, ~~May 15-19, 2005~~ May 17-20, 2015, exceed or are in addition to the federal motor vehicle safety standards for schoolbuses, those national minimum standards for schoolbus construction apply and are hereby adopted by reference.
2. All schoolbuses purchased after September 1, 2006, may not include interior overhead racks unless the rack:
  - a. Meets head requirements of FMVSS no. 222 effective on July 1, 2002, when applicable;
  - b. Has a maximum rated capacity displayed for each compartment;
  - c. Is completely enclosed and equipped with latching doors which must be sufficient to withstand a force of five times the maximum rated capacity of the compartment;
  - d. Has all corners and edges rounded with a minimum radius of one inch [25.4 millimeters] or padded equivalent to door header padding;
  - e. Is attached to the bus sufficiently to withstand a force equal to twenty times the maximum rated capacity of the compartment; and
  - f. Has no protrusions greater than one-fourth of one inch [6.35 millimeters].

**History:** Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006; April 1, 2021.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**67-12-01-04. Effective date.**

These specifications apply to bus chassis and bodies manufactured after January 1, 2000.

**History:** Effective May 1, 1999.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**67-12-01-05. Investigation and enforcement.**

If the department of public instruction has reason to believe that a school district is operating a bus which does not conform to the standards established by this chapter, the department shall request that the North Dakota highway patrol investigate and report its findings to the department. If the findings indicate noncompliance, the department of public instruction shall notify the school district accordingly and order that the vehicle not be operated until it is in compliance. The department shall also notify the school district of its opportunity to request a review and reconsideration of the decision if such request is made in writing within two weeks of the date of mailing by the department of public instruction. The reconsideration request must state the following:

1. The facts, law, or rule which the school district believes was erroneously interpreted or applied; and



2. The school district's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction will issue a final written response on the reconsideration request within two weeks after receiving a complete reconsideration request.

**History:** Effective May 1, 1999; amended effective July 1, 2003.

**General Authority:** NDCC 28-32-02, 39-21-27, 39-21-27.1

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

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## **CHAPTER 67-23-05 SPECIAL EDUCATION DISPUTE RESOLUTION**

### **Section**

67-23-05-01 Dispute Resolution Options Under Part B of IDEA

67-23-05-02 Due Process Hearing Under Part B of IDEA

67-23-05-03 Facilitated IEP Meeting

### **67-23-05-01. Dispute resolution options under part B of IDEA.**

Federal law sets out the procedures for the following special education dispute resolution options: mediation, state complaint investigation, and due process. Specific information on these options may be found in the Individuals With Disabilities Education Improvement Act of 2004, Public Law 108-446 [118 Stat. 2647], 20 U.S.C. 1400 to 1419; at federal regulations implementing IDEA at 34 CFR part 300; and at the department's web site at [www.dpi.state.nd.us/speced/resource/conflict/index.shtm](http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm) [www.nd.gov/dpi/education-programs/special-education](http://www.nd.gov/dpi/education-programs/special-education).

**History:** Effective January 1, 2008; Amended effective April 1, 2020.

**General Authority:** NDCC 15.1-32-09

**Law Implemented:** NDCC 15.1-32-02, 15.1-32-08, 15.1-32-12; 20 USC 1415

### **67-23-05-02. Due process hearing under part B of IDEA.**

1. A due process hearing request must be made to:  
Director of Special Education  
North Dakota Department of Public Instruction  
600 East Boulevard Avenue, Dept. 201  
Bismarck, ND 58505-0440
2. An administrative law judge from the office of administrative hearings shall conduct the due process hearing.

**History:** Effective January 1, 2008.

**General Authority:** NDCC 15.1-32-09

**Law Implemented:** NDCC 15.1-32-02; 20 USC 1415

### **67-23-05-03. Facilitated IEP meeting.**

A school or a parent of a student with a disability may request a facilitated individualized education program meeting in the form and manner prescribed by the department. A facilitated IEP meeting may be requested after an individualized education program meeting has occurred in which a facilitator did not participate. If both the school and a parent of a student with a disability agree to participate in a facilitated individualized education program meeting, the department shall select and compensate a facilitator for the meeting. A person eligible to act as a facilitator must be knowledgeable and experienced in the IEP planning process, unaffiliated with any party, and neutral. The facilitator guides the IEP meeting to ensure that the meeting is focused on the student. The facilitator does not make decisions and does not provide legal advice.

**History:** Effective January 1, 2008.

**General Authority:** NDCC 15.1-32-09

**Law Implemented:** NDCC 15.1-32-02, 15.1-32-08, 15.1-32-12

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