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Administrative Rules Committee

Wednesday, March 14, 2012

Harvest Room, State Capitol

Good afternoon, Mr. Chairman and Members of the Administrative Rules Committee. For the record, I am Michael Heilman, member of the Education Standards and Practices Board (ESPB).

As you may remember, Janet Welk, testified before this committee on December 15, 2011 regarding the current status of ESPB's administrative rules process. That process began as soon as the session ended. Draft rules were developed, reviewed, and approved during the summer with final approval of the proposed rules for public review process at their August 11th meeting. The following is the timeline:

August 11	Board approved final draft of rules for public comment.
September 26	Full notice of proposed rules submitted to Legislative Council, Newspaper Association, and Legislators.
November 7	Public Hearing
November 21	Written Comments

ESPB became aware of an issue with the special education degrees coming in from non-categorical states in October when schools were required to

complete the MIS03 reports for the Department of Public Instruction. Because of the issue, ESPB halted the administrative rules process and met with the special education community at its November, December, January, and February meetings.

At the December 15th Administrative Rules meeting, it was determined ESPB could brief the Committee on its existing administrative rules and point out any provisions that appear to be obsolete and any areas in which statutory authority has changed or been repealed since the rules were adopted or amended. With the passage of HB 1270, the following administrative rules have become obsolete.

At their March 8th meeting, the Education Standards and Practices Board voted to ask the Administrative Rules Committee to declare the following North Dakota Administrative Rules obsolete as they are not required by law, have lost their usefulness, and are obsolete:

1. Section 67.1-02-02-02, subsection 1, subdivision b, paragraph 6 delete "The special education major for regular licensure meeting or exceeding the teacher education program approval must include a second major in early childhood, elementary, middle level, or secondary education". The revised paragraph would read, "Effective July 1, 2008, all applicants in special education majors or endorsements must meet or exceed the praxis II test cut scores as set by the education standards and practices board."
2. Section 67.1-02-02-02, subsection 3 delete "An applicant shall

provide three positive recommendations that include consideration of the applicant's character, adequate educational preparation, and general fitness to teach. Two of the recommendations must be secured from the most recent employing board or the applicant's credentialed principal or superintendent. One of the recommendations may be a person of the applicant's choice with knowledge of the applicant's teaching potential and character. If the applicant has not taught in the last three years or it is impossible to secure recommendations from a principal or superintendent, the recommendations must be secured from individuals who can speak with regard to the teaching potential and character of the applicant. All recommendations or letters of recommendation must be dated within six months of submitting the application for licensure." Renumber accordingly.

3. Section 67.1-02-02-02, subsection 6, subdivision b, after "applicant" delete "original signatures of the recommenders or original college placement file." The revised subdivision b would read, "The original completed application form, including the original signature of the application and recommendation by the state-approved teacher education program will be considered for licensure by the education standards and practices board."
4. Section 67.1-02-02-03 delete the entire section entitled, "Distance learning instructor – Definition – Qualifications – Licensure.
   1. "Distance learning instructor" means an out-of-state teacher

who conducts a class that is broadcast or delivered to a location in North Dakota from outside North Dakota by any form of electronic transmission, including fiber optic cable, satellite, television, computer, telephone, or microwave.

2. Every distance learning instructor seen or heard in North Dakota must hold a valid North Dakota teaching license issued by the education standards and practices board. A distance learning instructor shall obtain such a license by providing to the education standards and practices board:

   a. A certified copy of a current teaching license issued by the state of broadcast origin; and

   b. Verification that the distance learning instructor meets that state's regular cortication or licensure standards in the subject area taught via electronic transmission.

3. A North Dakota teaching license issued pursuant to this section only allows a distance learning instructor to teach in North Dakota via electronic transmission from outside this state. If a teacher desires to teach in North Dakota while being physically present in North Dakota, the teacher must obtain a teaching license pursuant to this section.

4. An applicant for a North Dakota teaching license issued pursuant to this section must complete the application form, fingerprinting requirement, submission of fees, and all other requirements pursuant to section 67.1-02-02-02 for an initial two-year license.

   History: Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; April 1, 2006.
   General Authority: NDCC 15.1-13-09, 15.1-13-10
   Law Implemented: NDCC 15.1-13-10, 15.1-13-11"

   Renumber accordingly.

5. Section 67.1-02-02-04, subsection 1, subdivision a, after "dollars", delete "and submit the same recommendations as are required by paragraph 3 of subdivision a of subsection 2". The revised subdivision a would read, "A two-year renewal license will be issued to applicants with less than eighteen months of successful contracted teaching in North Dakota who have completed all of the requirements on the application form, pay the required fee of fifty

dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years after the applicant's birthdate."

6. Section 67.1-02-02-04, subsection 2, subdivision a, paragraph 3, delete the entire paragraph "Three recommendations are required. Two of the recommendations must be secured from the most recent employing board and the applicant's credentialed principal and superintendent. One of the recommendations may be a person of the applicant's choice with knowledge of the applicant's teaching potential and character. If the applicant has not taught in the last three years or it is impossible to secure recommendations from credentialed principals or superintendents, then recommendations must be secured from individuals who can speak with regard to the teaching potential and character of the applicant. Signatures on recommendations must be within a six-month period of the submission of the application for renewal." Renumber accordingly.
7. Section 67.1-02-02-04, subsection 2, subdivision d, delete the entire subdivision d, "If recommendations are not adequate to issue a five-year license, the education standards and practices board shall provide a hearing following North Dakota Century Code chapter 28-32. Following the hearing procedure, the education standards and practices board shall make a determination whether to issue a renewal to the applicant or deny relicensure." Renumber

accordingly.

8. Section 67.1-02-02-05, subsection 2, after "thirty days" delete, "and three recommendations as outlined in subsection 2 of section 67.1-02-02-04". The new subsection would read, "Five-year licensure renewal. As licenses are renewed, after July 1, 2011, six semester hours of reeducation credit will be required for the new five-year period, as documented by college transcripts, earned within the dates of the license, and contracted teaching of a minimum of thirty days. Applicants not meeting these requirements will be processed as indicated under that section."
9. Section 67.1-02-02-06, subsection 3, delete "Who failed to submit appropriate recommendations;" Renumber accordingly.

These changes would allow the Board to accept regular licenses based upon approved teacher education programs from other states that are non-categorical in nature and provide special education licensure, allowing employment in shortage areas for North Dakota schools.

The next step in the process will be to submit the administrative rules to the Attorney General's office and then to the Legislative Council.

This concludes my testimony. Thank you for this opportunity and I would be happy to answer any questions at this time.