



Education Standards and Practices Board
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ADMINISTRATIVE RULES COMMITTEE
Thursday, June 6, 2013
Prairie Room, State Capitol
Bismarck ND

Mr. Chairman and members of the Administrative Rules Committee, I am Nick Archuleta, Vice-Chair of the Education Standards and Practices Board and wish to testify on the rules delayed from March 13, 2013.

This rule change resulted from the Board realizing the need for changes in out of state applicant licensure requirements to help facilitate schools and districts securing teachers, especially in the western part of North Dakota. The rules procedure used in adopting the rules was provided to you at the March 13, 2013 hearing by Janet Welk. I would like to take this opportunity to discuss the differences between the emergency administrative rules and HB 1296 and why we need both.

HB 1296 allows regularly prepared teachers from other states to bring with them all endorsements on their valid licenses.

The emergency administrative rules granted in August 2012 allows someone that has a valid license from another state but has not completed regular preparation program or the minimum of a bachelor's degree and all other requirements in 15.1-13-20 (1) to pass ND tests and receive a ND license. I'll share an example of how these administrative rules are being used is in Hazen. There is a person living in the

community from TX that has a valid license in school counseling but did not complete the bachelor's degree or requirements as listed in 15.1-13-20 (1). She has a bachelor's degree in psychology and a master's degree in education. She is in the process of completing the ND school counseling tests. Once that is complete she will apply and receive a ND license in school counseling. This will allow Hazen to grow their own counselor to provide services to the students in the community.

Also as part of the emergency administrative rules granted in August, 2012 is the interim substitute license that allows applicants with two years of post-secondary education and a letter from the local school administration to receive a substitute teaching license. This license has allowed ESPB to issue interim substitute licenses to approximately 175 additional substitute teachers in ND and fill a real need for our local school districts.

If there are any questions, I would be happy to answer questions at this time. Thank you for your time, patience, and consideration given these rule changes.

Interim Licenses for Substitute Teachers

June 25, 2012

67.1-02-04-02. Interim licenses for substitute teachers. Interim licensure may be granted for substitute teachers who meet the initial requirements as outlined in subsections 4 through 6 and subsection 10 of section 67.1-02-04-01 submit a letter from a school district administrator requesting such license and hold a minimum of two years of post secondary education (48 semester hours) when a shortage of regularly licensed substitutes exists. If the applicant for the interim substitute license does not hold a bachelor's degree, they may not spend more than ten consecutive days in the same classroom as the substitute teacher. The applicant must complete all of the application requirements, and fees, and submit to the fingerprint background check as stated in subsection 9 of section 67.1-02-02-02 prior to receiving the interim substitute license. The interim license fee for substitute teachers is forty dollars for one year. Renewal is contingent upon continued request from the school employing the substitute. ~~Individuals who hold an interim substitute licensure and wish to accept a full-time or part-time contract must do so under the reentry requirements in sections 67.1-02-02-04 and 67.1-02-02-09, including reeducation hours.~~ The interim license is valid for a minimum of one year and will expire on the applicant's birthdate day.

History: Effective October 16, 1998-April 14, 1999; amended effective June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2010.

General Authority: NDCC 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-10, 15.1-13-11

Approved June 25, 2012.

Work Experience Option for Alternate Access License
June 25, 2012

67.1-02-04-01. Alternative access licenses for teacher shortages. Alternative access licenses will be issued under the following conditions:

1. Consideration for alternative access licenses will not be granted until after August first in any year.
2. Alternative access licenses may be issued only in areas where documented shortages of regularly licensed teachers exist as determined by the education standards and practices board. Shortage areas must be determined by the education standards and practices board based upon the ratio of regularly licensed teachers in the state who are qualified for the position to the number of schools with open positions requesting alternative access licensure. In cases where near shortages exist, the board must give additional consideration to whether the hiring school has made a diligent effort to attract and hire regularly licensed teachers.
3. The request for an alternative access license must be initiated by a school. The school board or administration must make the request in writing to the education standards and practices board for consideration of an alternative access license, indicating intent to offer a contract if licensure can be arranged. The request must document that a diligent effort has been made to employ a regularly licensed teacher to fill the position. Documentation of a diligent effort to employ qualified personnel should include information on how and how long the position was advertised, whether schools of education have been contacted in search of applicants, how many qualified applicants applied, how many applicants were interviewed, whether increases in salary or other incentives were offered in an attempt to attract qualified applicants, and whether these incentives are comparable to those offered by other schools of similar size and means.
4. The candidate must write a letter indicating willingness to accept the position if offered and complete all of the application requirements and fees prior to receiving the alternative access license.
5. Complete official transcripts of all college work must be sent to the education standards and practices board.
6. The applicant must have proficiency and hold minimum qualifications of a content area bachelor's degree in the content area to be assigned or have no less than two years of held a valid license from the other documented by the other state for a minimum of two years education license teaching in the content area to be assigned and have completed the Praxis I, Praxis II PLT, and Praxis II Content specific test in the content area to be assigned. The applicant may apply for the 40-day provisional license prior to submitting the Praxis test score results. If an applicant already qualifies for teacher licensure in another content area, alternative access licensure may not be used to teach in a new content area while obtaining

~~new content area requirements.~~

7. Renewal of alternative access licenses will be reviewed each year and will depend upon the supply of and demand for teachers as evidenced by documented efforts to obtain a licensed person for the position. The alternate access license will be issued only once to complete all testing requirements for regular licensure.
8. Renewal of the alternative access license, if permitted, is contingent upon presentation of at least one-third completion of the requirements for regular licensure as stated in section 67.1-02-02-02 and the North Dakota standards for teacher education program.
9. The fee for the alternative access license is one hundred fifty dollars for each year the license is issued.
10. Alternative access licensure is to address documented shortage areas only. Alternative access licensure may not be issued to applicants who have failed to meet the deadlines or conditions of their regular licensure renewal.
11. Initial applicants for alternative access licensure must also submit to the fingerprint background check as stated in subsection 9 of section 67.1-02-02-02.
12. Upon completion of all of the requirements for regular licensure stated in section 67.1-02-02-02, an individual holding an alternative access license may apply for a regular two-year initial license and begin accruing the eighteen months of successful teaching time required to move into the five-year cycle according to sections 67.1-02-02-02 and 67.1-02-02-04.

History: Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998-April 14, 1999; June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010.

General Authority: NDCC 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

**Work Experience Option for TAFE
June 25, 2012**

67.1-02-03-11. Teaching alternative flexibility endorsement.

1. The applicant wishing to apply for the teaching alternative flexibility endorsement must:
 - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
 - b. Hold a minimum of a minor, or minor equivalency, ~~or have no less than two years of~~ held a valid license from the other ~~documented by the other state for a~~ minimum of two years education license teaching in the course area or field being taught;
 - c. Be a new teacher in the content area or have not taught the content area since January 1, 2002;
 - d. Provide a letter from the school district requesting this endorsement for the applicant and documenting a diligent effort has been made to employ a regularly licensed teacher to fill the position. Documentation of a diligent effort to employ qualified personnel should include information on how and how long the position was advertised, whether schools of education have been contacted in search of applicants, how many qualified applicants applied, how many applicants were interviewed, whether increases in salary or other incentives were offered in an attempt to attract qualified applicants, and whether these incentives are comparable to those offered by other schools of similar size and means;
 - e. Submit a program of study to be completed within three years to become highly qualified; and
 - f. Complete the teaching alternative flexibility endorsement plan form and submit with the seventy-five dollar fee to the education standards and practices board, 2718 gateway avenue, suite 303, Bismarck, ND 58503-0585.

If the applicant under this subsection is a special education teacher, the plan of study will need to be completed in two years and the teaching alternative flexibility endorsement will only be renewed once.

2. The applicant will:
 - a. Be provided by the school during the first year intensive supervision or structured mentoring to become highly qualified in the additional subjects; and
 - b. Have three years, or two years if the applicant is a special education teacher, to complete all requirements which includes all content preparation, pedagogy, and field experiences to become highly qualified in all areas of instruction.

The teaching alternative flexibility endorsement will be valid for one year and can be renewed twice, or once if the applicant is a special education teacher, provided the individual demonstrates successful completion of one-third, or one-half if the applicant is a special education teacher, of the total course of study prior to each renewal.

History: Effective April 1, 2006; amended effective July 1, 2008.

General Authority: NDCC 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

67.1-02-04-04. Forty-day provisional licenses. Provisional licenses will be issued for a period of forty days under the following conditions:

1. Consideration for provisional licenses will not be granted until after August fifteenth in any year.
2. Provisional licenses can only be issued to those individuals who have met all of the other requirements for a license except:
 - a. For the final clearance of the bureau of criminal investigation and the federal bureau of investigation;
 - b. Pending the receipt of official transcripts or other original, signed, or certified documents; or
 - c. The awarding of the degree and the official transcripts as documented by the institution of higher education registrar; Or
 - d. Pending the receipt of the official test scores for the Praxis I or the Praxis II.
3. The school wishing to hire the individual has submitted to the education standards and practices board a letter of need and intent to hire.
4. The individual has submitted the completed application packet and a letter to the education standards and practices board indicating no criminal background and the intent to accept the position.
5. The provisional license is issued for forty days but may be renewed at the discretion of the education standards and practices board and continued request of the school.
6. There is a one-time fee for the provisional license of twenty-five dollars.
7. Once the criminal background investigation has been completed and all official transcripts or other original, signed, or certified documents received, the education standards and practices board may issue the license for which the individual is qualified with its respective fees and conditions.

History: Effective March 1, 2000; amended effective July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010.

General Authority: NDCC 15.1-13-09, 15.1-13-10

Law Implemented: NDCC 15.1-13-10, 15.1-13-11, 15.1-13-13, 15.1-13-14