

ARTICLE 67.1-01
GENERAL ADMINISTRATION

Chapter
67.1-01-01 Organization of Board

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ORGANIZATION OF BOARD

Section
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67.1-01-01-01. Organization of the education standards and practices board.

1. **History.** The education standards and practices board consists of ten members appointed by the governor.
2. **Board organization.** The administrator's professional practices board is a subset of the education standards and practices board which includes the two school administrator members, two school board members, and two teacher members selected by the full board.
 - a. **Officers.** The officers are a chairperson, vice chairperson, and secretary, who will be the board executive director. The officers will be elected for one-year terms at the reorganization meeting, which will be the first meeting called following July first of each year.
 - (1) The duties of the chairperson include:
 - (a) Preside at all meetings of the board;
 - (b) Call for special meetings upon the request of a majority of the board in writing;
 - (c) Assist the director in preparing an agenda to be sent with the announcement of the next meeting;
 - (d) Designate board members to attend conferences at board expense;
 - (e) Appoint standing committees and subcommittees;
 - (f) Be responsible for communicating all statements on the actions of the board in the execution of its duties; and
 - (g) Perform other duties as deemed necessary by the board.
 - (2) The duties of the vice chairperson include:
 - (a) Preside at meetings when the chairperson is absent or when called to the chair by the chairperson;
 - (b) Perform the duties of the chairperson until a new chairperson is elected in case of a vacancy in the office of the chairperson; and
 - (c) Perform other duties as deemed necessary by the board.
 - (3) The duties of the executive director include:

- (a) Record attendance of the board members;
 - (b) Keep an accurate record of all proceedings and distribute them to the members;
 - (c) Assist the chairperson in the preparation and distribution of the agenda;
 - (d) Send out all mailings and notices required by the board;
 - (e) Prepare a financial statement for each regular meeting and coordinate vouchers;
 - (f) Release statements to the media, subject to board approval; and
 - (g) In the absence of the chairperson and the vice chairperson, call the meeting to order and preside while a temporary chairperson is elected.
- b. Board members. Board members will have regular and functional attendance at all regular meetings. The chairperson will recommend to the governor that board members missing three consecutive meetings be replaced. Board members will send any materials for inclusion in mailings to the chairperson and director. Members will prepare input for each regular meeting. They will file a written report with the director after attending any subcommittee meetings.

3. **Meetings.**

- a. The education standards and practices board shall hold a minimum of four meetings annually. The year, for purposes of the board, begins July first and ends the last day of June during the ensuing calendar year.
- b. The meetings shall be scheduled by the membership at large, or at the call of the chairperson, or may be held upon the request in writing by a majority of the board members.
- c. Meetings will be conducted according to Robert's rules of order.

4. **Contact information.** Licensure application packets and additional information about the rules of licensure of the education standards and practices board may be obtained by writing or calling:

Education Standards and Practices Board
 2718 Gateway Avenue, Suite 204
 Bismarck, ND 58503
 Telephone: 701-328-9641
 Fax: 701-328-9647
<https://www.nd.gov/espb/>

History: Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; October 1, 2020.

General Authority: NDCC 15.1-13-09, 28-32-02

Law Implemented: NDCC 15.1-13-02, 15.1-13-03, 15.1-13-04, 15.1-13-05, 15.1-13-06, 15.1-13-07, 15.1-13-29, 28-32-02

67.1-01-01-02. Duties of the education standards and practices board.

- 1. **Standards for professional ethics, performance, and practices.** The board continuously reviews the North Dakota educator's code of ethics and rules, standards, and procedures pertaining to licensure, teacher education program approval, and professional development of

educators. The board will solicit input from the teaching profession and representatives of school administrators, school board members, teacher educator professors, and other interested citizens.

2. **Consideration of written complaints relative to code violations.** Requests for an inquiry against any North Dakota licensed educator from any interested citizen will be heard by the board pursuant to procedure in North Dakota Century Code section 15.1-13-24 and herein.
3. **Board-initiated complaints.** The education standards and practices board may initiate proceedings against any North Dakota licensed educator for cause as stated in North Dakota Century Code sections 15.1-13-25 and 15.1-13-26 or for violations of the educator's code of ethics.
4. **Complaint process for violation of North Dakota Century Code section 15.1-13-25.** A complaint by a citizen against a teacher or administrator is made by submitting a completed request for inquiry form to the office of the education standards and practices board.
 - a. A patron, a professional, or a district representative may obtain the request for inquiry forms and procedural guidelines from the office of the education standards and practices board.
 - b. The form must be fully completed and signed by the complainant. Supporting documentation must be included at the time the request for inquiry is submitted.
 - c. Upon receipt of the request for inquiry form, the board secretary shall transmit a copy with the supporting documentation to the affected educator by certified mail.
 - d. The affected educator may submit an answer to the complaint within twenty working days from the day the certified mail is delivered. The answer must be sent to the board and may include supporting documentation. If the affected educator fails to file an answer, the allegations in the complaint will be deemed admitted and the board shall proceed to a hearing pursuant to North Dakota Century Code sections 15.1-13-24 and 15.1-13-25.
 - e. Upon receipt of the response, or passage of the deadline for a response, the board secretary will place the request for inquiry on the agenda of the next meeting of the education standards and practices board or administrator's professional practices board for preliminary discussion.
 - f. The board or administrator's professional practices board will review the written documents presented. No testimony will be heard at this time. Based upon the paper review, the board will determine the following:
 - (1) To dismiss the case.
 - (2) To seek additional information.
 - (3) To offer a settlement.
 - (4) To initiate formal disciplinary action.
 - g. If the board determines to initiate formal disciplinary action that may result in suspension, revocation, or other appropriate disciplinary action, the applicant may request a hearing, in writing.
 - h. Hearings shall be conducted pursuant to North Dakota Century Code chapter 28-32.

- i. An educator who has had an educator's license revoked is not eligible to apply for relicensure for at least one year following the date the revocation order was signed by a board official, unless otherwise specified in the order.

History: Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; October 1, 2020.

General Authority: NDCC 15.1-13-08, 15.1-13-09

Law Implemented: NDCC 15.1-13-08, 15.1-13-24, 15.1-13-25, 15.1-13-26, 15.1-13-29

67.1-01-01-03. Fine for practicing without a license.

The education standards and practices board may impose a fine against any individual without a valid license who is engaged in the profession of teaching.

1. The fine imposed will be fifty dollars per day the individual practices without a valid license, up to a total fine of two hundred fifty dollars.
2. The effective date of the fine will be the first day after the educator's license has expired or the first day practicing before obtaining a valid license.
3. The educator will have five days after notification from the board to submit to the education standards and practices board all required information for license renewal before additional disciplinary action will be taken.
4. The license will be issued upon receiving the completed application and all documentation will be submitted to the board for its review.
5. Educator license information for a suspended or revoked license will be entered into the national association of state directors of teacher education and certification clearinghouse.

History: Effective March 1, 2000; amended effective August 1, 2002; July 1, 2004; October 1, 2020.

General Authority: NDCC 15.1-13-09, 15.1-13-17

Law Implemented: NDCC 15.1-13-17

67.1-01-01-04. Late renewal fee.

If a licensee does not file a completed renewal application, including the required supporting documentation and the renewal fee before the expiration of the license, the licensee shall pay a late renewal fee of one hundred dollars. A renewal application shall not be granted until the late renewal fee is paid. The board may waive the late renewal fee if the licensee provides proof of medical or other hardship rendering the licensee unable to meet the renewal deadline. A renewal fee is not in lieu of a disciplinary action for teaching without a license.

History: Effective October 1, 2014; amended effective October 1, 2020.

General Authority: NDCC 15.1-13-09

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