

SENATE BILL NO. 2095

Introduced by

Education Committee

(At the request of the Education Standards and Practices Board)

1 A BILL for an Act to amend and reenact section 15-38-19 of the North Dakota Century Code,
2 relating to complaints against teachers and school administrators.

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

4 **SECTION 1. AMENDMENT.** Section 15-38-19 of the 1995 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **15-38-19. Complaints against teachers and school administrators.** The education
7 standards and practices board or the administrator's professional practices board shall accept
8 complaints against any member of the teaching profession engaged in teaching or
9 administration alleging a violation ~~or violations~~ of rules ~~promulgated~~ adopted in accordance with
10 section 15-38-18 or alleging grounds as set forth in section 15-36-15. The complainant shall
11 prepare and file a clear and concise complaint with the appropriate board. The complaint must
12 contain a concise statement of the claims or charges upon which the complainant relies
13 ~~including references to the statute or rule allegedly violated.~~ The complaint must be signed and
14 may include supporting affidavits documentation. Upon the filing of the complaint with the
15 appropriate board, that board shall serve a copy of the complaint and any supporting affidavits
16 documentation upon the teacher or administrator personally or by certified mail. Within twenty
17 days of the receipt of the complaint by the teacher or administrator, the teacher or administrator
18 may file with the appropriate board a clear and concise answer to the complaint. The answer
19 may include supporting ~~affidavits~~ documentation. If the teacher or administrator fails to file an
20 answer with the appropriate board, the allegations in the complaint will be deemed admitted
21 and the appropriate board shall proceed to hold a hearing pursuant to section 15-36-16. If an
22 answer is submitted by the teacher or administrator, the appropriate board shall hold a ~~hearing~~
23 meeting for the purpose of reviewing and discussing the documentation submitted by the
24 respective parties. No testimony by any witnesses may be permitted at this ~~hearing~~ meeting.

Fifty-fifth
Legislative Assembly

- 1 Following the ~~hearing~~ meeting, the board may dismiss a complaint as unfounded, issue a
- 2 written warning and reprimand, or, upon the determination that sufficient evidence exists to
- 3 sustain the charges, order a hearing pursuant to section 15-36-16.