

June 2010

Introduced by

1 A BILL for an Act to amend and reenact sections 15.1-06-06, 15.1-13-18, 15.1-13-19, and
2 15.1-13-25 of the North Dakota Century Code, relating to school approval.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-06-06. Approval of public and nonpublic schools.** ~~Each public and nonpublic~~
7 ~~school in this state offering elementary or secondary education to students must be approved~~
8 ~~by the superintendent of public instruction. Except as otherwise provided by law, the~~
9 ~~superintendent may not approve a school unless:~~

- 10 1. To be certified as an approved school by the superintendent of public instruction,
11 the principal of each school shall submit to the superintendent of public instruction
12 a compliance report verifying that:
- 13 a. Each classroom teacher is licensed to teach by the education standards and
14 practices board or approved to teach by the education standards and
15 practices board;
- 16 ~~2.~~ b. Each classroom teacher is teaching only in those course areas or fields for
17 which the teacher is licensed or for which the teacher has received an
18 exception under section 15.1-09-57;
- 19 ~~3.~~ ~~The students are offered all subjects required by law;~~
- 20 ~~4.~~ ~~The school is in compliance with all local and state health, fire, and safety laws;~~
21 ~~and~~
- 22 ~~5.~~ ~~The school has conducted all criminal history record checks required by section~~
23 ~~12-60-24.~~
- 24 c. The school meets all curricular requirements set forth in chapter 15.1-21;

- 1 d. The school has been inspected by the state fire marshal or the state fire
2 marshal's designee in accordance with section 15.1-06-09 or 15.1-06-10 and:
3 (1) Has no unremedied deficiency; or
4 (2) Has deficiencies that have been addressed in a plan of correction which
5 was submitted to and approved by the state fire marshal or the state fire
6 marshal's designee; and
- 7 e. All individuals hired after August 1, 2011, and having unsupervised contact
8 with students at the school, have:
9 (1) Undergone a criminal history background check requested by the
10 employing school district or requested on behalf of the employing
11 nonpublic school; or
12 (2) Undergone a criminal history background check in order to be licensed
13 by the education standards and practices board or by any other state
14 licensing board.
- 15 2. The compliance report required by subsection 1 must:
- 16 a. (1) In the case of a public school, bear the signatures of the school
17 principal, the superintendent of the school district, and the president of
18 the school board; or
19 (2) In the case of a nonpublic school, bear the signatures of the school
20 principal, the superintendent of the school if one is employed, and the
21 president of the school's governing board; and
- 22 b. Be filed with the superintendent of public instruction before five p.m. on the:
23 (1) Fifteenth day of September; or
24 (2) Date of the extension provided under subsection 4.
- 25 3. If a school fails to submit its compliance report at the time and in the manner
26 required by subsection 2, the superintendent of public instruction shall designate
27 the school as unapproved. The superintendent of public instruction shall post a
28 current list of all approved and unapproved schools on the department's website.
- 29 a. In the case of a public school, the superintendent of public instruction shall
30 subtract from any state aid otherwise payable to the school district the
31 prorated amount attributable to the students in attendance at the unapproved

1 school for each day that the school's compliance report is not on file with the
2 superintendent of public instruction.

3 b. In the case of a nonpublic school, the superintendent of public instruction shall
4 notify the parents of students enrolled in the school, either directly or through
5 local media outlets, that the school is unapproved and that the parents may
6 therefore be in violation of the state's compulsory attendance provisions.

7 4. If because of unforeseen or other extenuating circumstances a school is unable to
8 file its compliance report with the superintendent of public instruction before
9 five p.m. on September fifteenth, the school principal may request one extension
10 from the superintendent of public instruction. The superintendent of public
11 instruction shall grant the extension provided the request was received before
12 five p.m. on September fifteenth. An extension under this section terminates at
13 five p.m. on September thirtieth.

14 5. Upon receipt of a school's compliance report, as required by this section, the
15 superintendent of public instruction shall certify the school as being approved. A
16 certification of approval under this subsection expires at the conclusion of the
17 regular school calendar.

18 6. If after being certified as approved a school experiences circumstances or events
19 that would render the information contained in its compliance report inaccurate, the
20 principal of the school shall notify the superintendent of public instruction and work
21 with the superintendent of public instruction to address the circumstances or
22 events at the earliest possible time.

23 **SECTION 2. AMENDMENT.** Section 15.1-13-18 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-13-18. Teaching license - Presentation to business manager.**

26 1. Before being employed to teach by a public school district, an individual shall
27 present to the school district business manager a teaching license or other
28 evidence of approval to teach issued by the board.

29 2. Before being employed to teach by a nonpublic school, an individual shall present
30 to the school business manager a teaching license or other evidence of approval to
31 teach issued by the board.

1 **SECTION 3. AMENDMENT.** Section 15.1-13-19 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-13-19. Teaching license - Expiration.** Notwithstanding any other law, ~~an~~
4 ~~individual whose~~ if an individual's teaching license expires within the final six weeks of a school
5 ~~year may continue teaching under the expired license~~ district's or nonpublic school's calendar,
6 that individual's license is deemed to be extended and in effect until the completion of the
7 school ~~year~~ district's or nonpublic school's calendar.

8 **SECTION 4. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-13-25. Teaching license - Action by board - Causes.**

- 11 1. After holding a public hearing in accordance with chapter 28-32, the board may
12 issue a written warning or reprimand to the individual, suspend the individual's
13 teaching license, or revoke the individual's teaching license if:
- 14 a. The individual obtained a license by means of fraud, misrepresentation, or
15 concealment of facts.
 - 16 b. The board becomes aware of any fact or circumstance that would have
17 caused the board to deny licensure had the board known of the fact or
18 circumstance at the time of initial licensure.
 - 19 c. The individual is incompetent, immoral, intemperate, or cruel.
 - 20 d. The individual has been convicted of, has pled guilty to, or has pled
21 nolo contendere to an offense deemed by the board to have a direct bearing
22 upon an individual's ability to serve as a teacher or an administrator.
 - 23 e. The board believes that the individual, having been convicted of an offense,
24 has not been sufficiently rehabilitated under section 12.1-33-02.1.
 - 25 f. The individual has refused to perform the duties of a teacher or an
26 administrator.
 - 27 g. The individual has breached a contract with a school district or nonpublic
28 school.
 - 29 h. The individual knowingly taught in violation of chapter 15.1-18.

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- 1 i. The individual is an administrator in a school district administrator or a
2 nonpublic school and knowingly permitted another individual to teach in
3 violation of chapter 15.1-18.
- 4 j. The individual has violated this chapter or any rule adopted by the board.
- 5 2. Any action of the board taken under this section may be appealed to the district
6 court of Burleigh County in accordance with chapter 28-32.