

September 2010

Introduced by

1 A BILL for an Act to create and enact sections 15.1-06-06.1 and 15.1-06-06.2 of the North
2 Dakota Century Code, relating to school approval; to amend and reenact sections 15.1-02-11,
3 15.1-06-06, 15.1-13-18, 15.1-13-19, and 15.1-13-25 of the North Dakota Century Code, relating
4 to school approval; to repeal sections 15.1-27-08 and 15.1-27-09 of the North Dakota Century
5 Code, relating to payment reductions for unaccredited schools; to provide an effective date; and
6 to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-02-11 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-02-11. Superintendent of public instruction - Accreditation of schools -**

11 **Rules.** The superintendent of public instruction may adopt rules governing the accreditation of
12 public and nonpublic schools. Any rule adopted under this section must incorporate measures
13 of student achievement and bear a direct relationship to improving student achievement.

14 **SECTION 2. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15.1-06-06. Approval of public and nonpublic schools.** ~~Each public and nonpublic~~
17 ~~school in this state offering elementary or secondary education to students must be approved~~
18 ~~by the superintendent of public instruction. Except as otherwise provided by law, the~~
19 ~~superintendent may not approve a school unless:~~

- 20 1. To be certified as an approved school by the superintendent of public instruction,
21 the principal of each school shall submit to the superintendent of public instruction
22 a compliance report verifying that:

- 1 a. Each classroom teacher is licensed to teach by the education standards and
2 practices board or approved to teach by the education standards and
3 practices board;
- 4 ~~2.~~ b. Each classroom teacher is teaching only in those course areas or fields for
5 which the teacher is licensed or for which the teacher has received an
6 exception under section 15.1-09-57;
- 7 ~~3.~~ The students are offered all subjects required by law;
- 8 ~~4.~~ The school is in compliance with all local and state health, fire, and safety laws;
9 and
- 10 ~~5.~~ The school has conducted all criminal history record checks required by section
11 ~~42-60-24.~~
- 12 c. The school meets all curricular requirements set forth in chapter 15.1-21;
- 13 d. The school participates in and meets the requirements of a review process
14 that is:
- 15 (1) Designed to improve student achievement through a continuous cycle
16 of improvement; and
- 17 (2) Approved by the superintendent of public instruction;
- 18 e. The school has been inspected by the state fire marshal or the state fire
19 marshal's designee in accordance with section 15.1-06-09 or 15.1-06-10 and:
- 20 (1) Has no unremedied deficiency; or
- 21 (2) Has deficiencies that have been addressed in a plan of correction which
22 was submitted to and approved by the state fire marshal or the state fire
23 marshal's designee; and
- 24 f. All individuals hired after July 31, 2011, and having unsupervised contact with
25 students at the school, have:
- 26 (1) Undergone a criminal history background check requested by the
27 employing school district or requested on behalf of the employing
28 nonpublic school; or
- 29 (2) Undergone a criminal history background check in order to be licensed
30 by the education standards and practices board or by any other state
31 licensing board.

- 1 2. The compliance report required by subsection 1 must:
- 2 a. (1) In the case of a public school, bear the signatures of the school
- 3 principal, the superintendent of the school district, and the president of
- 4 the school board; or
- 5 (2) In the case of a nonpublic school, bear the signatures of the school
- 6 principal, the superintendent of the school if one is employed, and the
- 7 president of the school's governing board; and
- 8 b. Be filed with the superintendent of public instruction before five p.m. on the:
- 9 (1) Fifteenth day of September; or
- 10 (2) Date of the extension provided under subsection 5.
- 11 3. On the tenth day of September and on the fourteenth day of September, the
- 12 superintendent of public instruction shall provide to each individual required to sign
- 13 a compliance report under subsection 2, electronic notification that the compliance
- 14 report is due on the fifteenth day of September.
- 15 4. If a school's compliance report is not submitted at the time and in the manner
- 16 required by subsection 2, the superintendent of public instruction shall designate
- 17 the school as unapproved. The superintendent of public instruction shall post a
- 18 current list of all approved and unapproved schools on the department's website.
- 19 a. In the case of a public school, the superintendent of public instruction shall
- 20 subtract from any state aid otherwise payable to the school district the
- 21 prorated amount attributable to the students in attendance at the unapproved
- 22 school for each day that the school's compliance report is not on file with the
- 23 superintendent of public instruction.
- 24 b. In the case of a nonpublic school, the superintendent of public instruction shall
- 25 notify the parents of students enrolled in the school, either directly or through
- 26 local media outlets, that the school is unapproved and that the parents may
- 27 therefore be in violation of the state's compulsory attendance provisions.
- 28 5. If because of unforeseen or other extenuating circumstances a school is unable to
- 29 file its compliance report with the superintendent of public instruction before
- 30 five p.m. on September fifteenth, the school principal may request one extension
- 31 from the superintendent of public instruction. The superintendent of public

1 instruction shall grant the extension provided the request was received before
2 five p.m. on September fifteenth. An extension under this section terminates at
3 five p.m. on September thirtieth.

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

8 7. If after being certified as approved a school experiences circumstances or events
9 that would render the information contained in its compliance report inaccurate, the
10 principal of the school shall notify the superintendent of public instruction and work
11 with the superintendent of public instruction to address the circumstances or
12 events at the earliest possible time.

13 **SECTION 3.** Section 15.1-06-06.1 of the North Dakota Century Code is created and
14 enacted as follows:

15 **15.1-06-06.1. Compliance report - Impossibility of timely submission.** The
16 superintendent of public instruction may delay imposing the sanctions set forth in subsection 4
17 of section 15.1-06-06, until a time certain, if:

- 18 1. The required submission of a school's compliance report is an impossibility due to:
19 a. A natural disaster or act of God, including fire, earthquake, or tornado;
20 b. An unauthorized or illegal act by a third party, including terrorism, sabotage,
21 riot, or vandalism;
22 c. Death;
23 d. A medical or personal emergency;
24 e. Operational interruption, including electrical failure, and computer hardware or
25 software failures; or
26 f. Governmental action, including an emergency order or judicial or law
27 enforcement action; and
- 28 2. The superintendent of public instruction determines that the report, had it been
29 submitted, would have demonstrated compliance with the approval requirements,
30 in accordance with section 15.1-06-06.

1 **SECTION 4.** Section 15.1-06-06.2 of the North Dakota Century Code is created and
2 enacted as follows:

3 **15.1-06-06.2. Required records - Verification of information - Site visits.**

4 1. The superintendent of public instruction shall notify each school and school district
5 of the records that must be maintained in order to allow the superintendent of
6 public instruction to verify the information contained in each compliance report.

7 The superintendent of public instruction shall establish the length of time that the
8 records must be maintained.

9 2. The superintendent of public instruction may examine the records at any time and
10 may conduct site visits to ensure the accuracy of information provided on the
11 compliance report. The site visits may be scheduled or unscheduled.

12 **SECTION 5. AMENDMENT.** Section 15.1-13-18 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-13-18. Teaching license - Presentation to business manager.**

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

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

21 **SECTION 6. AMENDMENT.** Section 15.1-13-19 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **15.1-13-19. Teaching license - Expiration.** Notwithstanding any other law, ~~an~~
24 ~~individual whose~~ if an individual's teaching license expires within the final six weeks of a school
25 ~~year may continue teaching under the expired license~~ district's or nonpublic school's calendar,
26 that individual's license is deemed to be extended and in effect until the completion of the
27 school year district's or nonpublic school's calendar.

28 **SECTION 7. AMENDMENT.** Section 15.1-13-25 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **15.1-13-25. Teaching license - Action by board - Causes.**

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

26 **SECTION 8. REPEAL.** Sections 15.1-27-08 and 15.1-27-09 of the North Dakota
27 Century Code are repealed.

28 **SECTION 9. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011.

29 **SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure.