



# North Dakota Legislative Council

Prepared for the Education Policy Committee  
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## **ALTERNATIVE TEACHER LICENSURE STUDY - BACKGROUND MEMORANDUM**

Section 2 of Senate Bill No. [2332](#) (2021) directs the Legislative Management to study criteria for alternative teacher licensure.

Senate Bill No. 2332, as introduced, removed the version of North Dakota Century Code Section 15.1-13-10 regarding the criteria for teacher licensure which was set to become effective after July 31, 2023, and added "special education" to the required subject areas an out-of-state alternative teacher certification program must allow an individual who obtains an initial or renewal license to teach. The section requires the Education Standards and Practices Board (ESPB) to establish the criteria for teacher licensure by rule, including what must be included in the criteria and the licensing issuing process. The section also requires the ESPB to grant initial teacher licenses to individuals who meet certain specific criteria, requires in-state alternative teacher certification programs to operate within the procedures and standards set by the ESPB for teacher education programs, and provides specific criteria out-of-state alternative teacher certification programs must meet. The introduced version also included a Legislative Management study of the criteria for alternative teacher licensure. The bill sponsor testified the bill was intended to review the current status and requirements for and offer improvements to the requirements for alternative teacher certification programs.

Senate Bill No. 2332 allows the study to commence while allowing alternative teacher certification programs to continue with additional improvements. The bill was supported by the American Board for Certification of Teacher Excellence (ABCTE), Designer Genes of North Dakota, Certification Central, graduates of the ABCTE program, and North Dakota Small Organized Schools. The bill was opposed by the North Dakota Association of Colleges for Teacher Education and special educators. A representative of the ESPB testified in a neutral capacity.

Proponents of the bill indicated teacher shortages exist in the state in every subject area, including special education. The testimony indicated alternative teacher certification programs help teachers become licensed and fill positions to reduce teacher shortages. It was noted special education, which is one of the areas in greatest need of teachers, would benefit from alternative teacher certification programs. Neutral testimony by the ESPB and opposition testimony indicated the addition of "special education" to the list of approved subject areas for graduates of out-of-state programs would permit individuals to take a test to qualify to work with high-needs students without requiring any field experience specific to special education teaching or the day-to-day obligations required of special education teachers.

The bill was amended by the Senate to remove the proposed addition of special education to the subject area list an out-of-state alternative teacher certification program must allow individuals who obtain a license to teach; added a requirement that out-of-state alternative teacher certification programs must operate in accordance with procedures and program approval standards and requirements set by ESPB for teacher education programs for the licensure of educators; and added a requirement that the out-of-state alternative teacher certification programs meet the procedures and program approval standards and requirements of ESPB by July 1, 2023. The amendments made out-of-state alternative teacher certification programs subject to the same standards, procedures, and requirements set by the ESPB for in-state programs, and required out-of-state programs to become compliant with the standards by July 1, 2023. The bill was amended by the House to restore special education noting it would not be necessary to amend the criteria for out-of-state programs if there is an ongoing study of alternative teacher licensure criteria that includes a review of out-of-state certification program criteria. The conference committee agreed to combine the efforts of the House and the Senate.

### **TEACHER LICENSURE LAWS AND RULES, METHODS OF BECOMING LICENSED, AND DATA ON ALTERNATIVE TEACHER CERTIFICATION PROGRAMS**

According to the ESPB, a certification refers to a license to teach in the state, a credential verifies an individual has the requisite knowledge and competency to become a licensed teacher, and an endorsement refers to the

content area and level a licensed teacher may teach. There are a number of ways to become licensed to teach in North Dakota. An individual may obtain a license through a traditional pathway, receive a license in another state and then apply for a North Dakota license by meeting all state standards, enroll in an alternative pathway, obtain a 3-year permit as an expert in the field, obtain an alternative access license as an individual who is a subject matter expert but who does not yet have the education or coursework to be qualified to be licensed, or obtain a career and technical education (CTE) license for individuals teaching CTE courses who did not obtain a traditional bachelor's degree in education. The traditional method of obtaining a teaching license consists of receiving a bachelor's degree in education from an accredited university or institution; completing required teaching experience, including student teaching; obtaining a credential verifying qualifications and competency; completing relevant examinations such as the Praxis; applying for a license; paying all relevant fees; and completing any additional required certifications or endorsements.

Alternative certification programs allow individuals to obtain a license outside the traditional pathway. Individuals only may be certified through Certification Central, the approved in-state alternative certification program for special education teachers, or through the ABCTE, the only out-of-state alternative certification program currently satisfying statutory requirements. However, a teacher also may choose to enroll in an alternative certification program and obtain a teaching license in another state, depending on the specific state's rules, and then apply for an out-of-state educator license through the ESPB without going through the traditional licensing method or meeting state standards. According to the ESPB, no individuals who have enrolled in or graduated from Certification Central have yet obtained a license to teach in the state. However, the ESPB has issued 17 licenses to individuals who obtained certification through the ABCTE since the 2019-20 school year, and 9 licenses have been issued for the 2021-22 school year.

### **North Dakota Statutory Provisions**

North Dakota Century Code Chapter 15.1-13, which provides for teacher licensing, authorizes the ESPB to supervise the licensure of teachers, set standards and approve teacher preparation programs, adopt professional practices, issue major and minor equivalency endorsements, and adopt rules. Section 15.1-13-10 addresses the criteria for teacher licensure and requires the ESPB to establish the criteria for teacher licensure and the process for issuing licenses. The criteria must include consideration of character, adequate educational preparation, and general fitness of an individual to teach. The section places requirements on in-state and out-of-state alternative teacher certification programs, and requires the ESPB to grant an initial teaching license to an individual who possesses a bachelor's degree from an accredited institution, passes a criminal history record check, and successfully completes an alternative teacher certification program.

North Dakota Century Code Section 15.1-13-10.1 prohibits the ESPB from requiring individuals licensed to teach in other states to complete student teaching to become licensed in North Dakota. The section provides an exception whereby individuals who completed an alternative education program to obtain their license in another state may be required to complete student teaching. Section 15.1-13-12 provides teaching licenses issued by the ESPB are effective for 1 year, except provisional licenses under Section 15.1-13-13. Section 15.1-13-12.1 requires the ESPB to issue lifetime licenses to individuals who have been licensed to teach in the state for 30 years. Section 15.1-13-13 allows the ESPB to issue provisional licenses to applicants which are valid for 40 days. Section 15.1-13-14 requires the ESPB to conduct criminal history background checks on license applicants. Section 15.1-13-17 requires individuals to hold a teaching license from the ESPB or be approved by the ESPB to teach in the state. The section requires the ESPB to issue a teaching license to an applicant who is a military spouse if the individual satisfies Section 43-51-11.1. Section 15.1-13-20 requires the ESPB to issue a 2- or 5-year teaching license to an applicant licensed in another state if the licensure or certification in the other state is based on a minimum of a bachelor's degree with a major that meets the issuing state's requirements in early childhood education, elementary education, middle education, or a content area taught at a public high school; the licensure or certification is based on the completion of a professional education program from a state-approved teacher education program and includes supervised student teaching; and the applicant pays the required fee and passes a criminal history background check.

North Dakota Century Code Section 15.1-13-22 allows the ESPB to license an individual as an instructor of North Dakota American Indian languages and culture if the individual is recommended for licensure by an indigenous language board created by a tribal government in the state, and if the individual displays competency and has completed a 3-semester-hour course in classroom instruction at a tribal college or other institution of higher education, or has a baccalaureate degree and knowledge and experience in North Dakota American Indian languages and culture. Section 15.1-13-34 requires the ESPB to approve an individual to be an instructor of theological studies upon receipt of the required application, fees, and background check if the individual holds a baccalaureate degree and is recommended for approval as an instructor by the governing board of a nonpublic

school offering a theological studies course. Section 15.1-13-35 requires the ESPB to ensure a candidate for teacher licensure demonstrates competencies in youth mental health.

North Dakota Century Code Chapter 15.1-18 provides for teacher qualifications. Section 15.1-18-01 requires the ESPB to issue optional early childhood education teaching licenses or endorsements to applicants who meet requirements set by the ESPB. Section 15.1-18-02 provides requirements for an individual to teach prekindergarten and kindergarten. Section 15.1-18-02.1 provides requirements for an individual to teach grades 1 through 12. Section 15.1-18-10 allows individuals to teach in specialty areas, including art and computer education, at any grade level from kindergarten through grade 8 if the individual is licensed by the ESPB, is approved to teach in the content area, and meets the requirements set by the Superintendent of Public Instruction. The section also provides requirements for individuals to teach in the specialty areas of Native American languages, trade, industry, technical occupations, and health occupations. Section 15.1-18-10 also permits an individual to teach any subject except elementary education, special education, mathematics, science, language arts, and social studies if the individual has a high school diploma and permit to teach from the ESPB; possesses at least 4,000 hours of relevant work experience in the subject area to be taught over a 5-year period; possesses a certificate, permit, or degree in the subject area to be taught; and enrolls in the North Dakota teacher support system approved mentor program.

North Dakota Century Code Section 15.1-02-16 allows the Superintendent of Public Instruction to adopt rules governing the issuance of credential to certain types of educators. Section 15.1-09-57 allows school districts and nonpublic schools to fill vacant positions with individuals not licensed in the course area or field if the individual is licensed or approved by the ESPB to teach other areas and the individual receives a temporary exception.

### **North Dakota Administrative Rules**

North Dakota Administrative Code Title 67.1 provides the ESPB-established rules and criteria for teacher licensure. Section 67.1-01-01-03 provides the fine associated with engaging in the teaching profession without a valid license is \$50 per day up to a maximum of \$250. Article 67.1-02 provides the rules for program approvals and educator licensure. Section 67.1-02-01-01 requires all college students pursuing education degrees to have classroom-related preprofessional experience before student teaching, and requires student teachers to be assigned to a full-time block consisting of a full day of student teaching for 10 consecutive weeks in accredited schools. The section also provides a student teacher is eligible for a 40-day provisional license if the student teacher completes the requirements for the student teacher's bachelor's degree in education, but the individual is waiting to receive a degree and official transcript.

North Dakota Administrative Code Chapter 67.1-02-02 provides the rules for educator professional licenses. Section 67.1-02-02-01 provides for lifetime licenses for individuals who have been licensed in the state for 30 years. Section 67.1-02-02-02 provides the requirements and criteria for an initial teacher license. To receive an initial teacher license, an individual from an in-state or out-of-state program must obtain a 4-year bachelor's degree from a board-approved teacher education program that includes general studies in liberal arts, and the degree also must include a content-specific major consisting of at least 32 semester hours of coursework specific to the major beyond the introductory level. A secondary level content-specific major must include at least 4 semester hours in special methods of teaching at the secondary level and special methods of teaching in the specific content area. All secondary licensure applicants for grades 5 through 12 are required to meet cut scores for the relevant content and pedagogical tests as determined by the ESPB. The section also provides requirements and criteria for middle level majors, elementary majors, early childhood majors, and professional education components. The section requires initial teacher license applicants to maintain a minimum overall GPA of 2.50, and provides all initial teacher licenses are valid for 2 years. Section 67.1-02-02-04 provides the requirements and criteria for both 2- and 5-year renewal licenses, and various 2-year re-entry licenses for individuals re-entering the teaching profession after a 5-year absence including in-state and out-of-state applicants.

North Dakota Administrative Code Chapter 67.1-02-03 addresses the re-education of teachers and provides the requirements and criteria for licensed teachers to receive endorsements in elementary school, kindergarten, secondary, middle school, bilingual education or English language learner, a minor equivalency, a major equivalency, special education, CTE, early childhood education, teaching alternative flexibility, emotional disturbance special education, intellectually disabled special education, special education strategist, gifted and talented, visually impaired special education, hearing impaired, and out-of-field. Chapter 67.1-02-04 addresses alternative access licenses and provides alternative access licenses only may be issued by the ESPB in areas where documented shortages of licensed teachers exist. The request for an alternative access license may be initiated by a school only after a diligent effort to locate a regularly licensed teacher to fill vacant positions has failed.

North Dakota Administrative Code Chapter 67.1-02-05 addresses licensure policies, and Section 67.1-02-05-04 provides requirements and criteria for endorsements, added degrees, and restrictions. The section provides degrees and endorsements in the content areas of elementary, middle level, secondary schools, educational pedagogy, or educational leadership only may be obtained through regional or state-approved teacher education programs that meet state program approval standards. The section also allows licensed individuals to receive endorsements in early childhood, kindergarten, elementary, middle school, bilingual, secondary, or a content area minor equivalency pursuant to Chapter 67.1-02-03. Chapter 67.1-02-06 addresses other state educator licenses and provides for conditional reciprocity with other states. The chapter requires an applicant to hold a bachelor's degree in education, including student teaching experience, from an accredited university in another state, or have completed a state-approved teacher education program to receive an out-of-state reciprocal license.

### Other States Licensing Requirements

Requirements for teacher licenses and alternative teacher licensing in other states vary. Many states allow alternative teacher certification programs to provide a pathway for prospective teachers who did not obtain a bachelor's degree in education to obtain a license. A 2020 report from the National Council on Teacher Quality, an entity that researches, evaluates, and provides information regarding teacher quality, indicated 46 states and the District of Columbia allow the alternative certification of teachers. Information provided by the Education Commission of the States noted only Alaska, Oregon, Utah, and Wyoming do not permit some form of alternative teacher certification. A 50-State Comparison ([appendix](#)) published in October 2019 by the Education Commission of the States provides the percentage of educator preparation program graduates from alternative preparation programs in each state in 2016-17. The data shows a range of 0 percent from 5 states, including North Dakota, to 58 percent in Texas.

#### Minnesota

Minnesota Statutes, Chapter 122A provides for teacher licensure to individuals who meet the qualifications in one of four tiers. Candidates for a Tier 1 license under Section 122A.181 must have a bachelor's degree to teach a class or course outside a CTE or career pathways course of study. Alternatively, the individual must have an associate's degree, a professional certification, or 5 years of work experience to teach in a CTE or career pathways course of study. Candidates for a Tier 2 license under Section 122A.182 must have a bachelor's degree to teach all subjects except CTE or career pathways and be enrolled in a Minnesota-approved teacher preparation program; the individual must have a master's degree in the specified content area and complete a criminal history background check; or the individual must complete at least two of a Minnesota-approved teacher preparation program, eight upper division credits in the subject area to be taught, training in subject-specific teaching methods, passing scores on state tests in relevant subject areas, and 2 or more years of teaching experience in the relevant subject area. Minnesota requires all teachers to have a bachelor's degree to teach any subject area other than CTE or a career pathways course. Additionally, most teachers are required to undergo teacher preparation programs that include student teaching. However, alternatives are allowed under certain circumstances. For a Tier 2 license, an individual may substitute a master's degree for teaching experience. A candidate for a Tier 2 license also may complete a teacher preparation program and take upper division credits as an alternative to receiving a bachelor's degree.

#### South Dakota

The Administrative Rules of South Dakota Chapter 24:28:06 requires individuals to be certified to teach in the state. To become certified to teach, South Dakota requires candidates to have a bachelor's degree, complete a minimum of 1-clock hour of suicide awareness and prevention training, complete a South Dakota Indian studies course with a grade of "C" or higher, and complete an approved teacher preparation program including passing the Praxis Principles of Teaching and Learning examination for the content area and grade level to be taught and the Praxis Subject Assessments for the endorsements taught. For a certificate for content areas other than CTE, candidates who have a bachelor's degree, but who have not completed an approved teacher preparation program also may receive certification through the state's alternative certification program. The program is designed to help individuals switch to a career in public teaching on an accelerated timeline. Candidates for the program must have an offer of employment from a school, a bachelor's degree from an accredited university with a major in the subject area to be taught at the secondary grade levels, and pass an interview with the Department of Education. A candidate admitted to the program must complete an online teacher preparation program through an approved provider within 2 years, pass appropriate Praxis subject area examinations, and receive a certification recommendation from the candidate's assigned school mentor.

## **RELEVANT 2021 LEGISLATION**

### **Enacted**

House Bill No. 1131 (2021), added specialists trained in dyslexia to the individuals for whom the Superintendent of Public Instruction may adopt rules and to whom the superintendent may issue credentials verifying the individual's qualifications and competency.

### **Failed**

While not specifically addressing criteria for alternative teacher licensure, House Bill No. 1114 (2021), which failed to pass, would have expanded the teacher support program to include both 1<sup>st</sup>- and 2<sup>nd</sup>-year teachers, depending on funding availability. House Bill No. 1432 (2021), would have prohibited the ESPB from distinguishing between applicants for teacher licensure who graduated from an in-state program versus an out-of-state program when setting teacher licensing fees, and treat all applicants the same under the fee structure.

## **PREVIOUS ALTERNATIVE TEACHER LICENSURE STUDIES**

There have been no recent Legislative Management studies of the criteria for alternative teacher licensure. However, a number of previous studies involved teacher licensure and the discussion of teacher shortages. The 1971-72 interim Committee on Education studied teacher certification procedures. The committee noted teaching certificates were issued automatically by the Superintendent of Public Instruction to graduates of North Dakota colleges and universities who graduated with an education degree. Teaching certificates were issued to graduates of other colleges and universities if the graduates held at least a bachelor's degree, completed at least 16 semester hours of professional teaching preparation, and submitted proof of graduation. The committee recommended a bill to change the membership of the Teachers' Professional Practices Commission and require the commission to consult with and advise the Superintendent of Public Instruction on teacher certification. The bill required the criteria for teacher certifications must include consideration of character, adequate educational preparation, and general fitness to teach in public schools.

The 1981-82 Administrative Rules Committee studied the standards and criteria used for teacher certification, including the procedures followed in adopting the standards and criteria, the substance of the standards and criteria, and the effect of the standards and criteria on the state. The committee made no recommendations as a result of the study.

The 1999-2000 interim Education Finance Committee studied the provision of education to public school students in the state and the manner in which education to public school students was delivered. The committee noted quality teachers produced by quality teacher education programs are fundamental to student achievement. The committee noted teacher education programs in the state required students to take coursework in general education courses as well as professional core courses, to have an education or academic major for their degree, to obtain relevant field experience in student teaching, and to receive a baccalaureate degree to be eligible for licensure. The committee also noted almost one-half of all states required a master's degree for full teacher licensure. The committee indicated North Dakota was experiencing a teacher shortage because teachers were retiring or moving out of state and there were not enough new teacher graduates to fill the vacancies. The committee recommended increasing teacher salaries, offering loan forgiveness and other incentives, supporting teacher mentoring programs, supporting the high standards of the ESPB, and supporting continuing education as methods to help combat teacher shortages. The committee did not make any recommendations as part of the study.

## **STUDY APPROACH**

In conducting this study, the committee may wish to receive testimony from representatives of:

- The Department of Public Instruction regarding the rules governing the issuance of teacher credentials;
- The ESPB regarding the specific criteria and rules for alternative teacher certification programs and the licensing of graduates of those programs;
- Certification Central regarding its in-state certification program for special educators;
- The ABCTE regarding the criteria and rules for its out-of-state teacher certification program;
- Other stakeholder groups in the state regarding perceived issues and recommendations for efficiencies in the criteria for alternative teacher licensure and certification; and
- Other organizations, such as the Education Commission of the States and the National Conference of State Legislatures regarding teacher licensure and certification laws in other states and alternative teacher licensure and certification authority in other states.