

EDUCATION SERVICES COMMITTEE

The Education Services Committee was assigned one study. House Concurrent Resolution No. 3007 directed a continued study of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education, for the purpose of recommending changes to laws that are found to be irrelevant, duplicative, inconsistent, illogically arranged, or unclear in their intent and direction. The committee also was directed to receive a progress report from the Education Standards and Practices Board regarding implementation of the reciprocal acceptance of teaching certificates issued by other states. Committee members were Senators Ray Holmberg (Chairman), Tim Flakoll, Layton Freborg, Jerome Kelsh, Pete Naaden, David O'Connell, and Rolland W. Redlin and Representatives Michael D. Brandenburg, Bruce A. Eckre, Lyle Hanson, RaeAnn G. Kelsch, Jon Martinson (until his resignation from the Legislative Assembly on June 30, 2000), David Monson, Darrell D. Nottestad, Dorvan Solberg, and Laurel Thoreson.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 2000. The Council accepted the report for submission to the 57th Legislative Assembly.

PROVISIONS OF NORTH DAKOTA CENTURY CODE TITLE 15 WHICH RELATE TO ELEMENTARY AND SECONDARY EDUCATION

Background

Section 11 of 1995 Senate Bill No. 2013 directed the State Auditor to conduct a performance audit of the Department of Public Instruction. The State Auditor presented the audit to the Legislative Audit and Fiscal Review Committee during the 1995-96 interim. Because the audit addressed a number of issues relating to education programs and to their administration, the Legislative Council chairman, at the request of the Legislative Audit and Fiscal Review Committee, directed the 1995-96 interim Education Finance Committee to review the audit and make recommendations. The Education Finance Committee found that the issues highlighted within the audit were indicative of a pressing need to review all the provisions of Title 15 which relate to elementary and secondary education--various provisions were duplicative, inconsistent, or unclear in intent or requirements, and many provisions were illogically arranged.

The 1995-96 interim Education Finance Committee concluded that a title rewrite was a project of considerable scope. It would require a significant time commitment on the part of a committee, together with significant involvement by parties having legal, educational, and administrative expertise. The committee recommended a Legislative Council study to undertake such a task. The task was assigned to the 1997-98 interim Education Services Committee.

Objectives and Scope of Committee's Efforts

The 1997-98 interim Education Services Committee determined that the rewrite of North Dakota Century Code (NDCC) Title 15 would necessarily involve addressing laws found to be irrelevant, duplicative, inconsistent, illogically arranged, or unclear in their intent and direction. However, the committee also determined that an equally important objective was to ensure that the rewritten sections accurately reflected the manner in which business was conducted at the school level, the school district level, and within the Department of Public Instruction. The ultimate objective was to craft a document that would clearly indicate rights, duties, obligations, and consequences with respect to the provision of elementary and secondary education in the state. Because the committee discovered the scope of the undertaking would preclude its completion without compromise of the stated objectives, the committee determined that only a portion of the title should be addressed during the 1997-98 interim. The committee determined that chapters that did not relate directly to kindergarten through grade 12 education would remain within Title 15, while those that did relate directly to kindergarten through grade 12 education would become part of the new Title 15.1. This also gave the committee an opportunity to arrange chapters in a conceptually appropriate manner. Of 36 proposed chapters, 16 were rewritten and the remaining 20 chapters were reserved for a future effort during the 1999-2000 interim.

When the 1999-2000 interim Education Services Committee began its work, it reiterated the stated objectives of the 1997-98 interim Education Services Committee and set forth to complete the following chapters:

15.1-13	Education Standards and Practices Board
15.1-14	Superintendent and Director Dismissal
15.1-15	Teacher Dismissal
15.1-16	Teacher Employment Contracts

15.1-17	Teacher Personnel Issues
15.1-18	Teacher Qualifications
15.1-20	Compulsory Attendance
15.1-21	Courses and Curricula
15.1-22	Kindergartens
15.1-23	Home Education
15.1-27	School Finance
15.1-28	State Tuition Fund
15.1-29	Payment of Tuition
15.1-30	Student Transportation
15.1-31	Open Enrollment
15.1-32	Special Education
15.1-33	Multidistrict Special Education Units
15.1-34	Boarding Home Care
15.1-35	Child Nutrition and Food Distribution Programs
15.1-36	School Construction

Substantive Changes

The committee was advised of the North Dakota Supreme Court decision in *City of Fargo v. Annexation Review Commission*, 148 N.W.2d 338 (N.D. 1966). In that case, the court pointed out the Revised Code of 1943 had been prepared by the Code Revision Commission and subsequently adopted by the Legislative Assembly. The court noted, however, that because the record did not indicate an intention to make substantive changes, the Legislative Assembly did not intend to make substantive changes. Because of the impact of this opinion on statutory revision efforts, especially revisions that include substantive changes, the committee determined that any substantive changes should be documented in this report.

The following table sets forth the proposed North Dakota Century Code sections that contain substantive changes and briefly describes those changes:

15.1-13-01	Defines an administrator for purposes relating to the Education Standards and Practices Board
15.1-13-02	Includes an option to appoint a dean of a college of education to the Education Standards and Practices Board
15.1-13-29	Eliminates the Administrator's Professional Practices Board and directs that duties formerly performed by the Administrator's Professional Practices Board be undertaken by a subcommittee of the Education Standards and Practices Board
15.1-14-13 through 15.1-14-32	Sets forth the procedure for the evaluation, renewal, nonrenewal, and discharge of multidistrict special education unit directors and area vocational and technology center directors
15.1-15-04	Provides that if teacher contract negotiations are ongoing, provisions regarding required notices and responses are suspended until negotiations are completed
15.1-15-05	Provides that March 1 is the earliest date for notice of nonrenewal
15.1-17-03	Provides an intermediate level of appeal to the school district superintendent for issues relating to teacher personnel files
15.1-20-02	Clarifies that appeals regarding compulsory attendance are made to the district court
15.1-21-01	Modernizes terminology and clarifies the list of required courses
15.1-21-02	Modernizes terminology and clarifies the list of required courses
15.1-21-03	Clarifies definition of a unit

15.1-22-01	Removes the requirement that a petition for the establishment of a kindergarten have at least 25 signatures
15.1-23-09	Removes requirement that students receiving home education take a standardized test in grade three
15.1-27-08	Removes per student payment for unapproved high schools
15.1-27-15	Refers to "isolated" schools rather than "small but necessary schools"
15.1-29-03	Requires a school board to take into account the best interest of all affected parties when determining whether to send students to another school district; Requires that a petition be signed by a majority of those residents who voted in the most recent school district election rather than by a majority of qualified electors
15.1-29-04	Refers to specific dates on which tuition payments are due
15.1-29-07	Refers to specific dates on which tuition payments are due
15.1-30-01	Clarifies that reimbursement is for meals and lodging
15.1-30-03	Requires written requests for payment
15.1-30-05	Provides a timeframe within which a district's transportation costs are calculated
15.1-30-08	Requires that a transportation contract contain the method by which an equitable adjustment of compensation will be calculated if route changes are necessitated
15.1-32-01	Adds the definition of related services and updates disability designations
15.1-32-08	Clarifies that administrative rules regarding special education are to be issued by the Superintendent of Public Instruction rather than the Director of Special Education
15.1-32-14	Omits the requirement that a student's individualized education program must be written during the last quarter of the school calendar to obtain payment for special education summer programs
15.1-32-22	Clarifies that attorneys' fees and costs are awarded by a court
15.1-32-23	Extends by two years the statutory process for changes in the credentialing of special education teachers
15.1-33-01	Eliminates reference to a corporate seal
15.1-33-04	Clarifies that the organizational plan of a multidistrict special education unit must provide for the manner in which board members are appointed
15.1-35-03	Omits the Superintendent of Public Instruction's authority to accept gifts for use in the child nutrition and food distribution program
15.1-35-05	Omits the five-year maximum preservation period for child nutrition and food distribution program records
15.1-35-06	Expands the purpose of child nutrition and food distribution program appraisals

Omitted Provisions

During the study, the committee determined that a number of NDCC Title 15 provisions were unnecessary or duplicative of other provisions. The committee consequently directed that such provisions be omitted from proposed Title 15.1. The following table lists sections omitted and the reason for their repeal:

15-34.1-02	Outdated
15-34.2-05	Duplicative of Section 15.1-07-21
15-34.2-07.2	New section in Chapter 15.1-09
15-35-15	Unnecessary
15-38-10	Outdated
15-38-11	Outdated

15-38-12	Constitutionally suspect
15-38.1-01	Unnecessary statement of purpose
15-40.1-02	Unnecessary
15-40.1-07.2	Unnecessary
15-40.1-07.5	Outdated
15-40.1-15	Unnecessary definition
15-43-01	Unnecessary
15-43-02	Unnecessary
15-43-03	Unnecessary
15-43-05	Unnecessary
15-43-12	Unnecessary
15-45-03	Duplicates authority of Section 15.1-02-11
15-47-00.1	Unnecessary definition
15-47-34	Outdated
15-59.2-03	Outdated
15-60-01	Unnecessary definition

Cross-Reference Table

The following table sets forth sections of NDCC Title 15 which were the subject of the committee's study this interim and identifies their proposed new placement:

15-21-09.1	15.1-21-05
15-21.1-08	New section in Chapter 15.1-19
15-29-08.5	15.1-21-06
15-29-08.6	15.1-21-07
15-34.1-00.1	15.1-20-04

	15.1-23-01
15- 34.1-01	15.1-20-01
15- 34.1-03	15.1-20-02
15- 34.1-04	15.1-20-03
15- 34.1-06	15.1-23-02
	15.1-23-03
	15.1-23-04
	15.1-23-05
	15.1-23-06
15- 34.1-07	15.1-23-07
	15.1-23-09
	15.1-23-10

	15.1-23-11
	15.1-23-12
	15.1-23-13
15- 34.1-08	15.1-23-19
15- 34.1-09	15.1-23-08
15- 34.1-10	15.1-23-18
15- 34.1- 11.1	15.1-23-17
15- 34.1-12	15.1-23-14
15- 34.1- 12.1	15.1-23-15
15- 34.1-13	15.1-23-16
15- 34.2-01	15.1-30-01

15- 34.2-03	15.1-30-02
15- 34.2-04	15.1-30-03
15- 34.2-06	15.1-30-04
15- 34.2- 06.1	15.1-30-05
15- 34.2-07	15.1-30-06
15- 34.2- 07.1	15.1-30-11
15- 34.2-08	15.1-30-12
15- 34.2-09	15.1-30-07
	15.1-30-08
	15.1-30-09
	15.1-30-10

15- 34.2-10	15.1-30-08
15- 34.2-11	15.1-30-13
15- 34.2-15	15.1-30-14
15- 34.2-16	15.1-30-15
15-35- 01.1	15.1-36-01
15-35- 16	15.1-36-05
15-35- 17	15.1-36-05
15-36- 01	15.1-13-10
15-36- 01.1	15.1-13-16
15-36- 08	15.1-13-11
	15.1-13-12

15-36-11	15.1-13-17
15-36-11.1	15.1-13-17
15-36-11.2	15.1-13-20
15-36-11.3	15.1-13-21
15-36-12	15.1-13-18
	15.1-13-19
15-36-14.1	15.1-13-31
15-36-15	15.1-13-25
	15.1-13-28
15-36-15.1	15.1-13-26
15-36-16	15.1-13-24

	15.1-13-25
15-36-17	15.1-13-27
15-36-18	15.1-13-23
15-37-01	15.1-13-15
15-37-02	New section in Chapter 15-10
15-37-03	New section in Chapter 15-10
15-38-01	15.1-14-01
	15.1-14-02
15-38-07	15.1-21-01
15-38-08	15.1-21-01
15-38-09	15.1-21-01

15-38-16	15.1-13-01
15-38-17	15.1-13-02
	15.1-13-03
	15.1-13-04
	15.1-13-05
	15.1-13-06
	15.1-13-07
15-38-18	15.1-13-08
	15.1-13-09
	15.1-13-30
15-38-18.1	15.1-13-22
15-38-18.2	15.1-13-13

	15.1-13-14
15-38-19	15.1-13-24
15-38.1-02	15.1-16-01
15-38.1-03	15.1-16-02
	15.1-16-03
15-38.1-04	15.1-16-04
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15-38.1-06	15.1-16-06
15-38.1-07	15.1-16-07
15-38.1-08	15.1-16-08
15-38.1-09	15.1-16-09

15- 38.1-10	15.1-16-10
15- 38.1-11	15.1-16-11
15- 38.1- 11.1	15.1-16-12
15- 38.1-12	15.1-16-13
15- 38.1-13	15.1-16-14
	15.1-16-15
15- 38.1-14	15.1-16-16
	15.1-16-17
	15.1-16-18
15- 38.2-01	15.1-17-01
15- 38.2-02	15.1-17-02

15- 38.2-03	15.1-17-03
15- 38.2-04	15.1-17-04
15- 38.2-05	15.1-17-01
15- 38.2-06	15.1-17-05
15- 40.1-01	15.1-27-06
15- 40.1- 04.1	15.1-27-21
15- 40.1-05	15.1-27-01
15- 40.1- 05.1	15.1-27-34
15- 40.1-06	15.1-27-02
	15.1-27-03
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	15.1-27-09
15- 40.1-07	15.1-27-06
	15.1-27-18
15- 40.1- 07.1	15.1-27-13
15- 40.1- 07.3	15.1-27-17
15- 40.1- 07.4	15.1-27-16
15- 40.1- 07.6	15.1-27-10
15- 40.1- 07.7	15.1-27-12
15- 40.1-	15.1-27-11

07.8	
15- 40.1- 07.9	15.1-27-32
15- 40.1- 07.10	15.1-27-19
15- 40.1- 07.11	15.1-27-33
15- 40.1-08	15.1-27-07
15- 40.1- 08.1	15.1-27-15
15- 40.1- 08.2	15.1-27-14
15- 40.1-09	15.1-27-20
	15.1-27-35
15- 40.1- 09.2	15.1-27-23

15- 40.1-11	15.1-27-22
15- 40.1-13	15.1-27-25
15- 40.1-14	15.1-27-24
15- 40.1-16	15.1-27-26
15- 40.1- 16.1	15.1-27-27
	15.1-27-28
15- 40.1-17	15.1-27-29
15- 40.1-18	15.1-27-31
15- 40.1- 18.1	15.1-27-30
15- 40.2-01	15.1-29-03
15- 40.2-02	15.1-29-11

15- 40.2-03	15.1-29-12
15- 40.2-04	15.1-29-13
15- 40.2-05	15.1-29-05
	15.1-29-06
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15- 40.2-06	15.1-29-07
15- 40.2-07	15.1-29-09
15- 40.2-08	15.1-29-14
15- 40.2-09	15.1-29-01
15- 40.2-10	15.1-29-02
15- 40.2-11	15.1-29-10

15- 40.2-12	15.1-29-15
15- 40.2-13	15.1-29-04
15- 40.3-01	15.1-31-01
15- 40.3-02	15.1-31-02
15- 40.3-03	15.1-31-03
15- 40.3-04	15.1-31-04
15- 40.3-05	15.1-31-05
15- 40.3-06	15.1-31-06
15- 40.3-07	15.1-31-07
15-41- 06	15.1-21-03
	15.1-21-04

15-41-24	15.1-21-02
15-41-25	15.1-18-03
15-41-28	15.1-21-02
15-44-01	15.1-28-01
15-44-02	15.1-28-02
15-44-03	15.1-28-03
15-45-01	15.1-22-01
15-45-02	15.1-22-02
	15.1-22-03
15-45-04	15.1-22-04
15-47-26	15.1-15-03

	15.1-15-12
15-47-27	15.1-15-01
	15.1-15-04
15-47-27.1	15.1-15-02
15-47-27.2	15.1-16-20
15-47-28	15.1-13-24
	15.1-13-25
15-47-35	15.1-16-19
15-47-38	15.1-15-05
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15-47-38.2	15.1-14-03
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15-47-42	15.1-18-04
15-47-46	15.1-18-02
15-47-52	15.1-18-01
15-54-01	15.1-35-01
15-54-02	15.1-35-02

15-54-03	15.1-35-03
15-54-04	15.1-35-04
15-54-05	15.1-35-05
15-54-06	15.1-35-06
15-54-09	15.1-35-07
15-59-01	15.1-32-01
15-59-02.1	15.1-32-01
	15.1-32-05
	15.1-32-12
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	15.1-32-17

15-59-03	15.1-32-06
15-59-04	15.1-32-08
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15-59-04.1	15.1-32-11
15-59-05	15.1-32-02
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15-59-05.1	15.1-32-21
15-59-05.2	15.1-32-03
15-59-05.3	15.1-32-23
15-59-06	15.1-32-14
15-59-	

06.1	15.1-32-04
15-59-06.2	15.1-32-18
15-59-07	15.1-32-15
15-59-07.2	15.1-32-19
15-59-08	15.1-32-20
15-59-10	15.1-32-22
15-59.2-01	15.1-33-01
	15.1-33-02
15-59.2-01.1	15.1-33-01
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15- 59.3-06	15.1-34-14

15- 59.3-07	15.1-34-04
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15- 59.3-08	15.1-34-11
15- 59.3-09	15.1-34-07
	15.1-34-12
15- 59.3-10	15.1-34-08
15- 59.3-11	15.1-34-15
15-60- 10	15.1-36-02
	15.1-36-03
15-60- 11	15.1-36-04

Cross-Reference for Proposed Sections

15.1-13-01	15-38-16
15.1-13-02	15-38-17
15.1-13-03	15-38-17
15.1-13-04	15-38-17
15.1-13-05	15-38-17
15.1-13-06	15-38-17
15.1-13-07	15-38-17
15.1-13-08	15-38-18
15.1-13-09	15-38-18
15.1-13-10	15-36-01
15.1-13-11	15-36-08

15.1-13-12	15-36-08
15.1-13-13	15-38-18.2
15.1-13-14	15-38-18.2
15.1-13-15	15-37-01
15.1-13-16	15-36-01.1
15.1-13-17	15-36-11
	15-36-11.1
15.1-13-18	15-36-12
15.1-13-19	15-36-12
15.1-13-20	15-36-11.2
15.1-13-21	15-36-11.3

15.1-13-22	15-38-18.1
15.1-13-23	15-36-18
15.1-13-24	15-36-16
	15-38-19
15.1-13-25	15-36-15
	15-36-16
15.1-13-26	15-36-15.1
15.1-13-27	15-36-17
15.1-13-28	15-36-15
15.1-13-29	New section
15.1-13-30	15-38-18

15.1-13-31	15-36-14.1
15.1-14-01	15-38-01
15.1-14-02	15-38-01
15.1-14-03	15-47-38.2
15.1-14-04	15-47-38.2
15.1-14-05	15-47-38.2
15.1-14-06	15-47-38.2
15.1-14-07	15-47-38.2
15.1-14-08	15-47-38.2
15.1-14-09	15-47-38.2
15.1-14-10	15-47-38.2

15.1-14-11	15-47-38.2
15.1-14-12	15-47-38.2
15.1-14-13	15-47-38.2
15.1-14-14	15-47-38.2
15.1-14-15	15-47-38.2
15.1-14-16	15-47-38.2
15.1-14-17	15-47-38.2
15.1-14-18	15-47-38.2
15.1-14-19	15-47-38.2
15.1-14-20	15-47-38.2
15.1-14-21	15-47-38.2

15.1-14-22	15-47-38.2
15.1-14-23	15-47-38.2
15.1-14-24	15-47-38.2
15.1-14-25	15-47-38.2
15.1-14-26	15-47-38.2
15.1-14-27	15-47-38.2
15.1-14-28	15-47-38.2
15.1-14-29	15-47-38.2
15.1-14-30	15-47-38.2
15.1-14-31	15-47-38.2
15.1-14-32	15-47-38.2

15.1-15-01	15-47-27
15.1-15-02	15-47-27.1
15.1-15-03	15-47-26
15.1-15-04	15-47-27
15.1-15-05	15-47-38
15.1-15-06	15-47-38
15.1-15-07	15-47-38
15.1-15-08	15-47-38
15.1-15-09	15-47-38
15.1-15-10	15-47-38
15.1-15-11	15-47-38

15.1-15-12	15-47-26
15.1-16-01	15-38.1-02
15.1-16-02	15-38.1-03
15.1-16-03	15-38.1-03
15.1-16-04	15-38.1-04
15.1-16-05	15-38.1-05
15.1-16-06	15-38.1-06
15.1-16-07	15-38.1-07
15.1-16-08	15-38.1-08
15.1-16-09	15-38.1-09
15.1-16-10	15-38.1-10

15.1-16-11	15-38.1-11
15.1-16-12	15-38.1-11.1
15.1-16-13	15-38.1-12
15.1-16-14	15-38.1-13
15.1-16-15	15-38.1-13
15.1-16-16	15-38.1-14
15.1-16-17	15-38.1-14
15.1-16-18	15-38.1-14
15.1-16-19	15-47-35
15.1-16-20	15-47-27.2
15.1-17-01	15-38.2-01

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15.1-17-02	15-38.2-02
15.1-17-03	15-38.2-03
15.1-17-04	15-38.2-04
15.1-17-05	15-38.2-06
15.1-18-01	15-47-52
15.1-18-02	15-47-46
15.1-18-03	15-41-25
15.1-18-04	15-47-42
15.1-20-01	15-34.1-01
15.1-20-02	15-34.1-03

15.1-20-03	15-34.1-04
15.1-20-04	15-34.1-00.1
15.1-21-01	15-38-07
	15-38-08
	15-38-09
15.1-21-02	15-41-24
	15-41-28
15.1-21-03	15-41-06
15.1-21-04	15-41-06
15.1-21-05	15-29-09.1
15.1-21-06	15-29-08.5
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21-07	15-29-08.6
15.1-22-01	15-45-01
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15.1-22-03	15-45-02
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15.1-23-04	15-34.1-06
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15.1-23-06	15-34.1-06

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15.1-23-09	15-34.1-07
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15.1-23-11	15-34.1-07
15.1-23-12	15-34.1-07
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15.1-23-19	15-34.1-08
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15.1-27-02	15-40.1-06
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15.1-27-05	15-40.1-06
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15.1-27-07	15-40.1-08
15.1-27-08	15-40.1-06

15.1-27-09	15-40.1-06
15.1-27-10	15-40.1-07.6
15.1-27-11	15-40.1-07.8
15.1-27-12	15-40.1-07.7
15.1-27-13	15-40.1-07.1
15.1-27-14	15-40.1-08.2
15.1-27-15	15-40.1-08.1
15.1-27-16	15-40.1-07.4
15.1-27-17	15-40.1-07.3
15.1-27-18	15-40.1-07
15.1-27-19	15-40.1-07.10

15.1-27-20	15-40.1-09
15.1-27-21	15-40.1-04.1
15.1-27-22	15-40.1-11
15.1-27-23	15-40.1-09.2
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15.1-27-28	15-40.1-16.1
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15.1-27-31	15-40.1-18
15.1-27-32	15-40.1-07.9
15.1-27-33	15-40.1-07.11
15.1-27-34	15-40.1-05.1
15.1-27-35	15-40.1-09
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15.1-29-12	15-40.2-03
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15.1-29-14	15-40.2-08

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15.1-30-02	15-34.2-03
15.1-30-03	15-34.2-04
15.1-30-04	15-34.2-06
15.1-30-05	15-34.2-06.1
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15.1-30-07	15-34.2-09
15.1-30-08	15-34.2-09
15.1-30-09	15-34.2-09
15.1-30-10	15-34.2-09

15.1-30-11	15-34.2-07.1
15.1-30-12	15-34.2-08
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15.1-30-14	15-34.2-15
15.1-30-15	15-34.2-16
15.1-31-01	15-40.3-01
15.1-31-02	15-40.3-02
15.1-31-03	15-40.3-03
15.1-31-04	15-40.3-04
15.1-31-05	15-40.3-05
15.1-31-06	15-40.3-06

15.1-31-07	15-40.3-07
15.1-32-01	15-59-01
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15.1-32-03	15-59-05.2
15.1-32-04	15-59-06.1
15.1-32-05	15-59-02.1
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15.1-32-09	15-59-05

15.1-32-10	15-59-04
15.1-32-11	15-59-04.1
15.1-32-12	15-59-02.1
15.1-32-13	15-59-02.1
15.1-32-14	15-59-06
15.1-32-15	15-59-07
15.1-32-16	15-59-02.1
15.1-32-17	15-59-02.1
15.1-32-18	15-59-06.2
15.1-32-19	15-59-07.2
15.1-32-20	15-59-06.2

15.1-32-21	15-59-05.1
15.1-32-22	15-59-10
15.1-32-23	15-59-05.3
15.1-33-01	15-59.2-01.1
15.1-33-02	15-59.2-01
15.1-33-03	15-59.2-02
15.1-33-04	15-59.2-02
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15.1-33-08	15-59.2-05

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15.1-33-10	15-59.2-05
15.1-34-01	15-59.3-01
15.1-34-02	15-59.3-02
15.1-34-03	15-59.3-04
15.1-34-04	15-59.3-07
15.1-34-05	15-59.3-07
15.1-34-06	15-59.3-05
15.1-34-07	15-59.3-09
15.1-34-08	15-59.3-10
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15.1-34-15	15-59.3-11
15.1-35-01	15-54-01
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15.1-35-07	15-54-09
15.1-36-01	15-35-01.1
15.1-36-02	15-60-10
15.1-36-03	15-60-10
15.1-36-04	15-60-11
15.1-36-05	15-35-16
	15-35-17

Committee Recommendations

The committee recommends [House Bill No. 1045](#) to rewrite those portions of NDCC Title 15 which relate to the Education Standards and Practices Board, superintendent and director dismissal, teacher dismissal, teacher employment contracts, teacher personnel issues, teacher qualifications, compulsory attendance, courses and curricula, kindergartens, home education, school finance, the state tuition fund, the payment of tuition, student transportation, open enrollment, special education, multidistrict special education units, boarding home care, child nutrition and food distribution programs, and school construction.

The committee recommends [House Bill No. 1046](#) to accompany the rewrite of Title 15 provisions. This bill reconciles references to Title 15 provisions found in other portions of the North Dakota Century Code and reconciles inconsistencies and irregularities.

The committee recommends [House Concurrent Resolution No. 3002](#) directing a study of the completed revision of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education for the purpose of reconciling any inconsistencies or irregularities.

RECIPROCAL ACCEPTANCE OF TEACHING LICENSES OR CERTIFICATES - REPORT

In 1999 the Legislative Assembly enacted NDCC Section 15-36-11.2. This section authorizes the Education Standards and

Practices Board to grant an interim reciprocal teaching license to an individual who holds a teaching license or certificate from another state, provided:

- The teaching license or certificate awarded the applicant by the other state was based on at least a baccalaureate degree with a major that met the issuing state's requirements in elementary education, middle-level education, or a content area taught in public high schools;
- The teaching license or certificate awarded the applicant by the other state required the completion of a professional education sequence from a state-approved teacher education program and included supervised student teaching;
- The applicant submitted to a background check such as that required of initial applicants in this state; the background check revealed nothing for which an applicant from this state would be denied initial certification; and
- The applicant submitted a plan for meeting all requirements necessary to become a licensed teacher in this state.

An interim reciprocal certificate granted under this section is valid for two years. An individual teaching under an interim reciprocal certificate is required to submit to the Education Standards and Practices Board evidence of progress on the individual's education plan at the end of the two-year period. The interim reciprocal certificate may be renewed for one additional two-year period if satisfactory progress is demonstrated.

In 1999 the Legislative Assembly also directed the Education Standards and Practices Board to pursue the reciprocal acceptance of teaching licenses or certificates issued by other states and to present a progress report regarding the pursuit.

The portability of teaching licenses or certificates has been discussed by educational organizations for numerous decades. The entity taking the lead role with respect to interstate reciprocity is the National Association of State Directors of Teacher Education and Certification. The association has gathered information regarding state licensure or certification requirements and has encouraged 43 states and Guam to participate in the National Association of State Directors of Teacher Education and Certification Interstate Contract. The contract, which runs from 2000 to 2005, ensures certain commonalities among the parties. Among these commonalities are the completion of an approved program for initial licensure or certification or the completion of an approved program, together with certification, and teaching experience for those not seeking initial licensure. The contract also contains optional terms regarding reciprocity for alternative preparation, certification and experience, multiple level licenses, and certification by the National Board for Professional Teaching Standards.

The Education Standards and Practices Board signed the National Association of State Directors of Teacher Education and Certification Interstate Contract on May 4, 2000. The North Dakota statutory requirements for reciprocity were attached to the contract and individuals seeking reciprocity will be given a maximum of four years to meet North Dakota licensure requirements.