

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2217

Introduced by

Senators Cook, Bakke, Wardner

Representatives D. Johnson, R. Kelsch, Mueller

1 A BILL for an Act to amend and reenact section 15.1-20-03 of the North Dakota Century Code,
2 relating to compulsory school attendance; to provide for a legislative council report; and to
3 provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-20-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-20-03. Compulsory attendance law - Enforcement - Penalty.**

8 1. Each teacher and administrator is charged with the enforcement of compulsory
9 school attendance provisions. The compulsory school attendance provisions are
10 applicable to any child who is offered school facilities by a school district,
11 regardless of whether or not the child actually resides in the district. ~~Each~~
12 ~~individual listed in this section shall investigate any alleged violation of the~~
13 ~~compulsory attendance provisions and shall obtain from the parent of any child not~~
14 ~~attending school in accordance with the requirements of this chapter the reason, if~~
15 ~~any, for the absence. In any school district not having a district superintendent, the~~
16 ~~county superintendent of schools must be notified of any allegation regarding the~~
17 ~~violation of compulsory attendance provisions and the county superintendent shall~~
18 ~~report the allegation to the state's attorney of the county. In all other districts, the~~
19 ~~school district superintendent or the principal of the child's school shall report to~~
20 ~~the state's attorney of the county the facts in connection with any alleged violation~~
21 ~~of the compulsory attendance provisions. The state's attorney may petition a~~
22 ~~court, pursuant to chapter 27-20, for a determination as to whether a child is~~
23 ~~educationally deprived.~~

1 2. If a teacher determines that a child is not in attendance as required by this chapter
2 and that the child has not been excused in accordance with this chapter or in
3 accordance with the school's or school district's policies, the teacher shall notify
4 the administrator of the school.

5 3. Upon receiving notice of a child's absence under subsection 2, the administrator
6 shall initiate an investigation into the cause of the absence. If the administrator
7 has reason to believe that the person having responsibility for the child has failed
8 to ensure that the child is in attendance, the administrator shall refer the matter to
9 the local law enforcement agency.

10 4. Any person who fails to ensure that a child is in attendance as required by this
11 chapter is guilty of an infraction for a first offense and is guilty of a class B
12 misdemeanor for a second or subsequent offense.

13 5. In a prosecution for an offense under this section, it is an affirmative defense if the
14 person responsible for ensuring that the child is in attendance has made
15 substantial and reasonable efforts to comply with the requirements of this section,
16 but is unable to compel the child to attend school. If the court determines that the
17 affirmative defense is valid, the court shall dismiss the complaint against the
18 person.

19 **SECTION 2. ADVISORY COMMITTEE ON TRUANCY - REPORT TO LEGISLATIVE**

20 **COUNCIL.** The superintendent of public instruction shall appoint an advisory committee on
21 truancy. The committee must include representatives of school administrators, teachers, social
22 workers, law enforcement, and state's attorneys. The committee shall review existing school
23 district policies and responses to truancy and shall explore the desirability and feasibility of
24 making available counseling and intervention options and alternative learning environments;
25 the effectiveness of imposing punitive measures on the truant students, on the parents of truant
26 students, or both; and any other solutions designed to decrease incidences of truancy. Before
27 September 1, 2010, the committee shall report its findings and recommendations to the
28 legislative council.