

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

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

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

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

6 **15.1-20-03. Compulsory attendance law - Enforcement - Penalty.** ~~Each teacher~~
7 ~~and administrator is charged with the enforcement of compulsory school attendance provisions.~~
8 ~~The compulsory school attendance provisions are applicable to any child who is offered school~~
9 ~~facilities by a school district, regardless of whether or not the child actually resides in the~~
10 ~~district. Each individual listed in this section shall investigate any alleged violation of the~~
11 ~~compulsory attendance provisions and shall obtain from the parent of any child not attending~~
12 ~~school in accordance with the requirements of this chapter the reason, if any, for the absence.~~
13 ~~In any school district not having a district superintendent, the county superintendent of schools~~
14 ~~must be notified of any allegation regarding the violation of compulsory attendance provisions~~
15 ~~and the county superintendent shall report the allegation to the state's attorney of the county.~~
16 ~~In all other districts, the school district superintendent or the principal of the child's school shall~~
17 ~~report to the state's attorney of the county the facts in connection with any alleged violation of~~
18 ~~the compulsory attendance provisions. The state's attorney may petition a court, pursuant to~~
19 ~~chapter 27-20, for a determination as to whether a child is educationally deprived.~~

20 1. A student may not be absent for more than ten days or for the number of class
21 periods equivalent to ten schooldays. If a student exceeds this limit, the principal
22 or administrator of the student's school shall file a report with the state's attorney
23 for the county in which the school is located and the state's attorney shall
24 investigate the reason for the student's absences.

- 1 2. If the person having responsibility for the student provides documentation
2 indicating that the student was absent for medical reasons, the state's attorney
3 shall conclude the investigation, shall notify the principal or administrator of the
4 documentation within five days, and may not take further action. If the person
5 having responsibility for the student cannot provide documentation indicating that
6 the student's absence in excess of ten days was for medical reasons, the state's
7 attorney shall notify the school within five days and initiate legal action to recover
8 from that person the monetary penalty provided for in this section.
- 9 3. To determine the monetary penalty to be assessed under this section, a court
10 shall:
 - 11 a. Divide the per student payment established in section 15.1-27-07 by the
12 number of hours per school calendar that the student should be in
13 attendance; and
 - 14 b. Multiply the amount determined under subdivision a by the number of
15 classroom hours that the student was absent in excess of ten days without a
16 medical reason.
- 17 4. If a student must be absent from school for more than ten days and the absence in
18 excess of ten days is not medically justified, the person having responsibility for the
19 student shall file a petition with the court seeking the court's permission for the
20 absence. If the person fails to obtain the court's permission before the student's
21 absence exceeds the maximum established by this section, the person shall be
22 assessed the monetary penalty provided for in this section.
- 23 5. If the student is enrolled in a public school, any penalty assessed under this
24 section must be paid to the school district in which the child is enrolled. In all other
25 cases, any penalty assessed under this section must be paid to the child's school
26 district of residence.
- 27 6. In addition to the penalty provided for under this section, a court may order the
28 person having responsibility for the student to pay court costs.