

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2202

Introduced by

Senators Bakke, Freborg, Taylor

Representatives R. Kelsch, L. Meier, Wolf

1 A BILL for an Act to amend and reenact sections 15.1-06-01, 15.1-20-01, 15.1-20-02,  
2 15.1-22-01, and 15.1-22-02 and subsection 1 of section 57-15-14.2 of the North Dakota  
3 Century Code, relating to compulsory kindergarten attendance and the age of admission to  
4 schools; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-06-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-06-01. Schools free and accessible - School ages.**

- 9 1. Each public school must be free, open, and accessible at all times to any child  
10 provided:
- 11 a. The child may not enroll in grade one unless the child reaches the age of six  
12 before ~~September~~ July first of the year of enrollment;
- 13 b. The child may not enroll in kindergarten unless the child reaches the age of  
14 five before ~~September~~ July first of the year of enrollment; and
- 15 c. The child has not reached the age of twenty-one before ~~September~~ July first  
16 of the year of enrollment.
- 17 2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in  
18 grade one a child who is not six years old before ~~September~~ July first, unless the  
19 child will be six years old before ~~January~~ November first and:
- 20 a. The child, by means of developmental and readiness screening instruments  
21 approved by the superintendent of public instruction and administered by the  
22 school district, can demonstrate special talents or abilities; or
- 23 b. The child has completed an approved kindergarten program.

- 1           3.   Notwithstanding subsection 1, a school district may not enroll in kindergarten a  
2           child who is not five years old before ~~September~~ July first unless the child will be  
3           five years old before ~~January~~ November first and the child, by means of  
4           developmental and readiness screening instruments approved by the  
5           superintendent of public instruction and administered by the school district, can  
6           demonstrate special talents or abilities.

7           **SECTION 2. AMENDMENT.** Section 15.1-20-01 of the North Dakota Century Code is  
8   amended and reenacted as follows:

9           **15.1-20-01. Compulsory attendance.**

- 10          1.   a.   Each child who resides in this state and who has reached the age of  
11               compulsory attendance, as set forth in this section, shall enroll in and attend  
12               for the duration of the program, a full-day or a half-day public school  
13               kindergarten program approved by the superintendent of public instruction.  
14          b.   This subsection does not prevent a younger child from enrolling in and  
15               attending a public school kindergarten program approved by the  
16               superintendent of public instruction, provided the child meets the  
17               requirements of section 15.1-06-01.  
18          c.   Upon successful completion of a full-day or a half-day public school  
19               kindergarten program approved by the superintendent of public instruction,  
20               the child shall enroll in and attend the remainder of the public school grades,  
21               beginning with grade one.  
22          2.   Any person having responsibility for a child between the ages of ~~seven~~ six and  
23               sixteen years shall ensure that the child is in attendance at a public school, as  
24               required by this section, for the duration of each school year.  
25          ~~2.~~ 3.   If a person enrolls a child of age ~~six~~ five in a public school, the person shall ensure  
26               that the child is in attendance at the public school for the duration of each school  
27               year. The person may withdraw a child of age ~~six~~ five from the public school.  
28               However, once the child is withdrawn, the person may not reenroll the child until  
29               the following school year. This subsection does not apply if the reason for the  
30               withdrawal is the child's relocation to another school district.

- 3- 4. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

**SECTION 3. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-20-02. Compulsory attendance - Exceptions.**

1. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
  - a. (1) The child is in attendance, if required under section 15.1-20-01 to enroll in and attend a public school kindergarten program approved by the superintendent of public instruction, is enrolled in and attending a nonpublic kindergarten program approved by the superintendent of public instruction, for the duration of the program; or
  - (2) The child, if required under section 15.1-20-01 to enroll in and attend the remainder of the public school grades, is enrolled in and attending, for the same length of time at, an approved nonpublic school;
  - b. The child has completed high school;
  - c. The child is necessary to the support of the child's family;
  - d. A multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or
  - e. The child is receiving home education.
2. A decision by the board of a school district under subsection 1 is appealable to the district court.

**SECTION 4. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-22-01. Kindergarten - Establishment by board -- Request by parent -- Levy.**

1. ~~Upon its own motion, the~~ The board of a school district ~~may establish a free public kindergarten.~~

- 1           2. ~~If the board receives a written request to provide kindergarten from the parent of a~~  
2           ~~student who will be enrolled in the kindergarten, the board either~~ shall either  
3           provide at least a half-day free public kindergarten program for ~~the~~ an eligible  
4           student or pay the tuition required for the student to attend at least a half-day  
5           kindergarten program in another school district.
- 6           3. The board of a school district ~~that establishes a kindergarten under this section~~  
7           may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2 to  
8           support its kindergarten program.

9           **SECTION 5. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is  
10          amended and reenacted as follows:

11          **15.1-22-02. Public kindergarten - Requirements.** A school district operating a  
12          kindergarten:

- 13           1. May not employ an individual as a kindergarten teacher unless the individual is  
14           licensed to teach by the education standards and practices board or approved by  
15           the education standards and practices board.
- 16           2. Shall submit to the superintendent of public instruction and follow a  
17           developmentally appropriate curriculum.
- 18           3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day  
19           or full-day basis, as determined by the school board.
- 20           4. Shall apply all municipal and state health, fire, and safety requirements to the  
21           kindergarten.
- 22           5. May not enroll a child who is not five years old ~~by midnight August thirty-first~~  
23           before July first of the year of enrollment, unless the child will be five years old ~~on~~  
24           ~~or before December thirty-first~~ November first and:
- 25           a. The child, by means of developmental and readiness screening instruments  
26           approved by the superintendent of public instruction and administered by the  
27           kindergarten operator, can demonstrate special talents or abilities; or
- 28           b. The child has been enrolled in another approved kindergarten.

29          **SECTION 6. AMENDMENT.** Subsection 1 of section 57-15-14.2 of the North Dakota  
30          Century Code is amended and reenacted as follows:

- 1           1.   A school board of any school district may levy an amount sufficient to cover
- 2               general expenses, including the costs of the following:
- 3               a.   Board and lodging for high school students as provided in section 15.1-30-04.
- 4               b.   The teachers' retirement fund as provided in section 15-39.1-28.
- 5               c.   Tuition for students in grades seven through twelve as provided in section
- 6                   15.1-29-15.
- 7               d.   Special education program as provided in section 15.1-32-20.
- 8               e.   The establishment and maintenance of an insurance reserve fund for
- 9                   insurance purposes as provided in section 32-12.1-08.
- 10              f.   A final judgment obtained against a school district.
- 11              g.   The district's share of contribution to the old-age survivors' fund and matching
- 12                   contribution for the social security fund as provided by chapter 52-09 and to
- 13                   provide the district's share of contribution to the old-age survivors' fund and
- 14                   matching contribution for the social security fund for contracted employees of
- 15                   a multidistrict special education board.
- 16              h.   The rental or leasing of buildings, property, or classroom space. Minimum
- 17                   state standards for health and safety applicable to school building
- 18                   construction shall apply to any rented or leased buildings, property, or
- 19                   classroom space.
- 20              i.   Unemployment compensation benefits.
- 21              j.   The removal of asbestos substances from school buildings or the abatement
- 22                   of asbestos substances in school buildings under any method approved by
- 23                   the United States environmental protection agency and any repair,
- 24                   replacement, or remodeling that results from such removal or abatement, any
- 25                   remodeling required to meet specifications set by the Americans with
- 26                   Disabilities Act accessibility guidelines for buildings and facilities as contained
- 27                   in the appendix to 28 CFR 36, any remodeling required to meet requirements
- 28                   set by the state fire marshal during the inspection of a public school, and for
- 29                   providing an alternative education program as provided in section 57-15-17.1.
- 30              k.   Participating in cooperative career and technical education programs
- 31                   approved by the state board.

- 1 l. Maintaining a career and technical education program approved by the state
- 2 board and established only for that school district.
- 3 m. Paying the cost of purchasing, contracting, operating, and maintaining
- 4 schoolbuses.
- 5 n. Establishing and maintaining school library services.
- 6 o. Equipping schoolbuses with two-way communications and central station
- 7 equipment and providing for the installation and maintenance of such
- 8 equipment.
- 9 p. Establishing free public kindergartens in connection with the public schools of
- 10 the district for the instruction of resident children ~~below school age~~ during the
- 11 regular school term.
- 12 q. Establishing, maintaining, and conducting a public recreation system.
- 13 r. The district's share of contribution to finance an interdistrict cooperative
- 14 agreement authorized by section 15.1-09-40.

15 **SECTION 7. EFFECTIVE DATE.** Sections 2 through 4 of this Act become effective on  
16 July 1, 2010.