

**HOUSE BILL NO. 1283**

Introduced by

Representatives B. Koppelman, Brabandt, Dosch, Kasper, K. Koppelman, Ruby, Streyle,  
Toman

Senators Larsen, Miller, Unruh

A BILL for an Act to create and enact a new section to chapter 15.1-20 of the North Dakota Century Code, relating to student attendance; to amend and reenact sections 15.1-21-08, 15.1-21-17, 15.1-21-18, and 15.1-21-19 of the North Dakota Century Code, relating to parental directives regarding statutorily mandated assessments; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 15.1-20 of the North Dakota Century Code is created and enacted as follows:

**Administration of test or assessment - Student attendance.**

1. If a parent directs that a test or an assessment not be administered to a child, as permitted under sections 15.1-21-08, 15.1-21-17, 15.1-21-18, and 15.1-21-19, the parent may withhold the child from school during the period of time within which normal classroom activities are not occurring because of the test or assessment administration.

2. A child withheld from school under the provisions of subsection 1 is deemed to be in attendance for all purposes under this title.

**SECTION 2. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-08. Reading, mathematics, and science - Administration of test.**

1. The superintendent of public instruction shall administer to public school students a test that is aligned to the state content and achievement standards in reading and mathematics. This test must be administered annually to all public school students in grades three, four, five, six, seven, eight, and in at least one grade level selected from nine through eleven.

2. The superintendent of public instruction shall administer a test that is aligned to the state content and achievement standards in science. This test must be administered to all public school students in at least one grade level selected from three through five, in at least one grade level selected from six through nine, and in at least one grade level selected from ten and eleven.

3. Prior to administering any tests required by this section, the ~~superintendent shall - provide to the~~ parents of students under the age of eighteen ~~notification must be~~ informed of the proposed test and their right to direct that the test not be administered to their child. ~~This information must be conveyed by means of a notice posted on the school district's website or by any other method determined to be appropriate by the board of the school district.~~

**SECTION 3. AMENDMENT.** Section 15.1-21-17 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-17. Interim assessment.**

1. Each school district shall administer annually to students in grades two through ten the measures of academic progress test or any other interim assessment approved by the superintendent of public instruction.
2. Prior to administering any test or assessment required by this section, the ~~school-~~ district superintendent shall ~~provide to students' parents notification~~ parents of students must be informed of the proposed test or assessment and their right to direct that the test not be administered to their child. ~~This information must be conveyed by means of a notice posted on the school district's website or by any other method determined to be appropriate by the board of the school district.~~

**SECTION 4. AMENDMENT.** Section 15.1-21-18 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-18. Career interest inventory - Educational and career planning - Consultation.**

1. a. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.

b. Prior to administering a career interest inventory, as required by this section, the school district superintendent shall provide to the students' parents notification parents of the students must be informed of the proposed career interest inventory and their right to direct that the test not be administered to their child. This information must be conveyed by means of a notice posted on the school district's website or by any other method determined to be appropriate by the board of the school district.

2. At least once during the seventh or eighth grade, each school district shall arrange for students to participate in either an individual consultative process or a nine-week course, for the purpose of discussing the results of their career interest inventory, selecting high school courses appropriate to their educational pursuits and career interests, and developing individual high school education plans.

3. Each school district shall notify its high school students that, upon request, a student is entitled to receive a consultative review of the student's individual high school education plan at least once during each high school grade. Upon the request of a student, the school district shall provide the consultative review.

4. Each school district shall verify compliance with the requirements of this section at the time and in the manner required by the superintendent of public instruction.

**SECTION 5. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

1. a. Except as otherwise provided, each public and nonpublic school student in grade eleven shall take the ACT, including the writing test, or three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction.

b. The student shall determine which summative assessment to take.

c. Prior to administering the summative assessment required by this section, the school district superintendent shall provide to parents of students under the age of eighteen notification must be informed of the assessment and their right to direct that the assessment not be administered to their child. This information must be conveyed by means of a notice posted on the school district's website or

1                    by any other method determined to be appropriate by the board of the school  
2                    district.

3            d.    The superintendent of public instruction is responsible for the cost of procuring  
4                    and administering one summative assessment per student.

5            2.    The student's career advisor or guidance counselor shall meet with the student to  
6                    review the student's assessment results.

7            3.    A school district superintendent or a school administrator in the case of a nonpublic  
8                    school student may exempt a student from the requirements of this section if taking  
9                    the test is not required by the student's individualized education program plan or if  
10                   other special circumstances exist.

11           4.    At the time and in the manner determined by the superintendent of public instruction,  
12                   each school district superintendent and each school administrator in the case of a  
13                   nonpublic school shall report the number of eleventh grade students who:

14                   a.    Took the ACT, including the writing test;

15                   b.    Took the three WorkKeys assessments; and

16                   c.    Were exempted from the requirements of this section, together with the reason  
17                   for each exemption.

18           **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.