

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1389

Introduced by

Representatives B. Koppelman, Rick C. Becker, Louser, Olson, Owens, Rohr, D. Ruby,
Toman

Senators Burckhard, Kannianen, Kreun, O. Larsen

1 A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota
2 Century Code, relating to parental directives; and to declare an emergency.

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

4 **SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Parental directive - Administration of tests and assessments.**

7 ~~—The superintendent of public instruction shall:~~

- 8 1. ~~Respect~~The superintendent of public instruction shall respect and support the right of
9 a parent to opt a child of the parent out of ~~public school and any activity, practice, or~~
10 ~~testing, with no interference from the state, which the parent finds unacceptable~~
11 ~~or survey or testing that is not a part of a curriculum,~~ to which the parent has a
12 philosophical, moral, or religious objection. ~~This subsection does not prohibit the state~~
13 ~~from funding public education on a per-pupil basis.~~
- 14 2. A student's parent may direct that the school district in which the student is enrolled
15 not administer to the student any state test or state assessment required in
16 accordance with ~~sections~~section 15.1-21-08, 15.1-21-17, or 15.1-21-18.
- 17 3. A child withheld from a test or assessment under this section is deemed to be in
18 attendance for all purposes under this title.
- 19 4. a. A parental directive is valid only if it is presented to the school district using a
20 standardized form, prepared by the superintendent of public instruction, and
21 signed by the student's custodial parent.
- 22 b. A parental directive is valid only until the conclusion of the school year in which it
23 is received by the school district.

- 1 c. A parental directive submitted to a school district in accordance with this section
2 must be retained as part of the student's educational record.
- 3 d. A school district is not liable for any consequences incurred by a student as a
4 result of a parental directive submitted in accordance with this section.
- 5 e. A school district is not required to provide instruction or activities for a student
6 during the administration of any test or assessment referenced in the parental
7 directive submitted by the student's parent.
- 8 f. Each school district shall post the parental directive form on its website and make
9 the form available to a parent, upon request.
- 10 g. At the time and manner directed by the superintendent of public instruction, each
11 school district shall provide a report regarding the number of parental directives
12 received.

13 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.