

HOUSE BILL NO. 1182

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to amend and reenact sections 15.1-23-05, 15.1-23-06, 15.1-23-08,
2 15.1-23-09, 15.1-23-10, 15.1-23-11, and 15.1-23-12 of the North Dakota Century Code, relating
3 to testing of students attending home schools.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-23-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-23-05. Home education - Academic records.** A parent supervising home
8 education shall maintain an annual record of courses taken by the child and the child's
9 academic progress assessments, including results from any standardized achievement test
10 ~~results and the state test as required by section 15.1-21-08~~. If the child transfers to a public
11 school district, the parent shall furnish the record, upon request, to the school district
12 superintendent or other administrator.

13 **SECTION 2. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-23-06. Home education - Required monitoring of progress.** A parent who has
16 a high school diploma or a general education development certificate may supervise home
17 education but must be monitored in accordance with section 15.1-23-07 for the first two years.
18 If a child receiving home education obtains a basic composite ~~standardized achievement test~~
19 score in any subject below the ~~fiftieth percentile nationally~~ proficient level on the state test as
20 required by section 15.1-21-08, the parent must be monitored for at least one additional school
21 year and until the child receives a test score at or above the ~~fiftieth percentile~~ proficient level. If
22 testing is not required by section ~~15.1-23-07~~ 15.1-21-08 during the first two years of monitoring,
23 the period of monitoring may not be extended, except upon the mutual consent of the parent
24 and the monitor. If a parent completes the monitoring requirements of this section for one child,

1 the parent may not be monitored with respect to other children for whom the parent supervises
2 home education.

3 **SECTION 3. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-23-08. Monitoring or test administration.** An individual who in accordance with
6 this chapter monitors a child receiving home education or who administers ~~a standardized~~
7 ~~achievement~~ the state test as required by section 15.1-21-08 to a child receiving home
8 education shall notify the child's school district of residence.

9 **SECTION 4. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-23-09. Home education - ~~Standardized achievement~~ Administration of state**
12 **test.** ~~While in grades four, six, eight, and ten, each~~ Each child receiving home education shall
13 ~~take a standardized achievement test used~~ be administered the state test required by section
14 15.1-21-08 by the school district in which the child resides ~~or, if requested by the parent, shall~~
15 ~~take a nationally normed standardized achievement test.~~ The child shall take the test in the
16 child's learning environment or, if requested by the child's parent, in a public school. An
17 individual licensed to teach by the education standards and practices board or approved to
18 teach by the education standards and practices board shall administer the test.

19 **SECTION 5. AMENDMENT.** Section 15.1-23-10 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-23-10. Home education - ~~Standardized achievement~~ Administration of state**
22 **test - Cost.**

23 ~~4. If a child receiving home education takes the standardized achievement test used~~
24 ~~by the school district in which the child resides, the~~ The school district is
25 responsible for the cost of ~~the test and for the cost of administering the~~ state test
26 as required by section 15.1-21-08. The school district shall ensure that the test is
27 administered by an individual who is ~~employed by the district and who is~~ licensed
28 to teach by the education standards and practices board or approved to teach by
29 the education standards and practices board.

- 1 2. a. ~~If the child takes a nationally normed standardized achievement test not used~~
2 ~~by the school district in which the child resides, the child's parent is~~
3 ~~responsible for the cost of the test.~~
- 4 b. ~~The cost of administering a the examiner who administers the state test under~~
5 ~~this subsection section is the responsibility of the child's parent if the test is~~
6 ~~administered by an individual who is selected by the parent. An individual~~
7 ~~selected by the child's parent to administer a test under this subsection must~~
8 ~~be licensed to teach by the education standards and practices board or~~
9 ~~approved to teach by the education standards and practices board.~~
- 10 e. ~~The cost of administering a test under this subsection is the responsibility of~~
11 ~~the school district if, at the request of the child's parent, the school district~~
12 ~~administers the test. The school district shall ensure that the test is~~
13 ~~administered by an individual who is employed by the district and who is~~
14 ~~licensed to teach by the education standards and practices board or approved~~
15 ~~to teach by the education standards and practices board. A parent may not~~
16 ~~administer the test to the parent's own child.~~

17 **SECTION 6. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **15.1-23-11. Home education - ~~Standardized achievement~~ Administration of state**
20 **test - Results.**

- 21 1. A parent supervising home education shall file the results of the child's
22 ~~standardized achievement state test~~ required by section 15.1-21-08 with the
23 superintendent of the district in which the child resides or with the county
24 superintendent if the district does not employ a superintendent.
- 25 2. If the child's basic composite score in any subject on a standardized achievement
26 ~~the state~~ test is less than the ~~thirtieth percentile nationally~~ partially proficient level,
27 a multidisciplinary assessment team shall assess the child for a potential learning
28 problem under rules adopted by the superintendent of public instruction.
- 29 3. If the multidisciplinary assessment team determines that the child ~~is not disabled~~
30 has no disability and the child's parent wishes to continue home education, the
31 parent, with the advice and consent of an individual who is licensed to teach by the

1 education standards and practices board or approved to teach by the education
2 standards and practices board, shall prepare a remediation plan to address the
3 child's academic deficiencies and file the plan with the superintendent of the school
4 district or with the county superintendent if the district does not employ a
5 superintendent. The parent is responsible for any costs associated with the
6 development of the remediation plan. If the parent fails to file a remediation plan,
7 the parent is deemed to be in violation of compulsory school attendance provisions
8 and may no longer supervise the home education of the child.

9 **SECTION 7. AMENDMENT.** Section 15.1-23-12 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-23-12. Home education - Remediation plan.** The superintendent of the school
12 district shall use the remediation plan required by section 15.1-23-11 as the basis for
13 determining reasonable academic progress. The remediation plan must remain in effect until
14 such time as the child achieves a composite score in all subjects on a standardized
15 achievement the state test ~~a basic composite score at or above the thirtieth percentile or a~~
16 ~~score, which when compared to the previous year's test score, demonstrates one year of~~
17 ~~academic progress. At the option of the parent, the test may be one required by section~~
18 ~~15.1-23-09 or one administered in a higher grade~~ that is at least at the proficient level. The
19 child's parent, with the advice and consent of an individual who is licensed to teach by the
20 education standards and practices board or who is approved to teach by the education
21 standards and practices board, may amend the remediation plan from time to time in order to
22 accommodate the child's academic needs. If after a remediation plan is no longer in effect the
23 child fails to ~~demonstrate reasonable academic progress~~ achieve a composite score in all
24 subjects at least at the proficient level on a subsequent test required by ~~this section~~ 15.1-21-08,
25 a remediation plan must again be developed and implemented.