

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2042

Introduced by

Legislative Council

(No Child Left Behind Committee)

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

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

- 1 pursuant to chapter 27-20, for a determination as to whether a child is
2 educationally deprived.
- 3 2. Any person who fails to ensure that a child is in attendance, as required by this
4 chapter, is guilty of an infraction for a first offense and is guilty of a class B
5 misdemeanor for a second or subsequent offense.
- 6 3. In a prosecution for an offense under this section, it is an affirmative defense if the
7 person responsible for ensuring that the child is in attendance has made
8 substantial and reasonable efforts to comply with the requirements of this section,
9 but is unable to compel the child to attend school. If the court determines that the
10 affirmative defense is valid, the court shall dismiss the complaint against the
11 person.