

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1265

Introduced by

Representatives Sitte, Grande, Kempenich, L. Meier

Senators Dever, O'Connell

1 A BILL for an Act to amend and reenact sections 15.1-20-02, 15.1-23-13, 15.1-23-14, and  
2 15.1-23-15 of the North Dakota Century Code, relating to home education of students with  
3 developmental disabilities.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-20-02. Compulsory attendance - Exceptions.**

- 8 1. The provisions of section 15.1-20-01 do not apply if the person having  
9 responsibility for the child demonstrates to the satisfaction of the school board that:
- 10 a. The child is in attendance for the same length of time at an approved  
11 nonpublic school;
- 12 b. The child has completed high school;
- 13 c. The child is necessary to the support of the child's family;
- 14 d. A multidisciplinary team that includes the child's school district  
15 superintendent, the director of the child's special education unit, the child's  
16 classroom teacher, the child's physician, and the child's parent has  
17 determined that the child has a disability that renders attendance or  
18 participation in a regular or special education program inexpedient or  
19 impracticable; or
- 20 e. The child is receiving home education; ~~provided, however, that this exception~~  
21 ~~is not available if the child has developmental disabilities as defined by~~  
22 ~~subsection 1 of section 25-01.2-01.~~
- 23 2. A decision by the board of a school district under subsection 1 is appealable to the  
24 district court.

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

3           **15.1-23-13. Home education - Disabilities - Services plan.**

4           1. a. If a multidisciplinary assessment team, using eligibility criteria established by  
5 the superintendent of public instruction, determines that the child is disabled,  
6 that the child requires specially designed instruction due to the disability, and  
7 that this instruction cannot be provided without special education and related  
8 services, the parent may continue to supervise home education, provided  
9 that:

10           ~~a. The child does not have a developmental disability;~~

11           ~~b. (1)~~   The parent files with the school district superintendent a services plan  
12 that was developed privately or through the school district; and

13           ~~e. (2)~~   The services plan demonstrates that the child's special needs are being  
14 addressed by persons qualified to provide special education or related  
15 services.

16           b. If the multidisciplinary team determines that the child has a developmental  
17 disability, the parent may continue to supervise home education under the  
18 provisions of sections 15.1-23-14 and 15.1-23-15.

19           2. Annually, the superintendent of the child's school district of residence shall  
20 determine reasonable academic progress based on the child's services plan.

21           3. If a parent fails to file a services plan as required by this section, the parent is  
22 deemed to be in violation of the compulsory school attendance provisions and may  
23 no longer supervise the home education of the child.

24           4. A child who was once evaluated by a multidisciplinary assessment team need not  
25 be reevaluated for a potential learning problem upon scoring below the thirtieth  
26 percentile on a subsequent standardized achievement test unless the reevaluation  
27 is performed pursuant to the child's services plan.

28           **SECTION 3. AMENDMENT.** Section 15.1-23-14 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **15.1-23-14. ~~Children with autism~~ Child with a developmental disability - Home**  
2 **education.** ~~Notwithstanding any other law, a~~ A parent may supervise home education for a  
3 ~~developmentally disabled child with autism~~ a developmental disability if:

- 4           1. The child has been determined to ~~be autistic~~ have a developmental disability by a  
5 licensed psychologist;
- 6           2. The child's parent is qualified to supervise home education under this chapter; and
- 7           3. The child's parent files with the superintendent of the child's school district of  
8 residence:
  - 9           a. A notice that the child will receive home education;
  - 10           b. A copy of the child's diagnosis of ~~autism~~ a developmental disability prepared  
11 and attested to by a licensed psychologist; and
  - 12           c. A services plan developed and followed by the child's school district of  
13 residence and the child's parent; or, after providing written notice to the  
14 superintendent of the child's school district of residence, a substitute services  
15 plan, developed and followed, according to section 15.1-23-15, by a services  
16 plan team selected by and compensated by the child's parent.

17           **SECTION 4. AMENDMENT.** Section 15.1-23-15 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **15.1-23-15. ~~Children~~ Child with autism a developmental disability - Home**  
20 **education - Progress reports.**

- 21           1. On or before November first, February first, and May first of each school year, a  
22 parent supervising home education for ~~an autistic~~ a child with a developmental  
23 disability under section 15.1-23-14 shall file with the superintendent of the child's  
24 school district of residence progress reports prepared by the services plan team  
25 selected under section 15.1-23-14. If at any time the services plan team agrees  
26 that the child is not benefiting from home education, the team shall notify the  
27 superintendent of the child's school district of residence and request that the child  
28 be evaluated by a multidisciplinary team appointed by the superintendent of the  
29 child's school district of residence.

Fifty-ninth  
Legislative Assembly

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2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction.