

SENATE BILL NO. 2371

Introduced by

Senators Heckaman, Freborg, Hacker

1 A BILL for an Act to amend and reenact sections 15.1-23-01, 15.1-23-02, 15.1-23-03,
2 15.1-23-04, 15.1-23-05, 15.1-23-06, 15.1-23-07, 15.1-23-09, 15.1-23-10, 15.1-23-11,
3 15.1-23-12, 15.1-23-13, 15.1-23-14, 15.1-23-15, 15.1-23-16, 15.1-23-17, and 15.1-23-18 of the
4 North Dakota Century Code, relating to the provision of home education.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-23-01. Home education - Definition.** For purposes of this chapter, "home
9 education" means a program of education offered in accordance with this chapter and
10 supervised by a child's ~~parent~~:

- 11 1. Parent, in the child's home, in accordance with the requirements of this chapter;
- 12 2. Grandparent, in the grandparent's home; or
- 13 3. Foster care provider, in the provider's home and with the permission of the
14 department of human services.

15 **SECTION 2. AMENDMENT.** Section 15.1-23-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-23-02. Statement of intent to supervise home education.** At least fourteen
18 days before beginning home education or within fourteen days of establishing a child's
19 residence in a school district, and once each year thereafter, ~~a parent~~ the individual intending to
20 supervise or supervising home education shall file a statement, reflecting that intent or fact, with
21 the superintendent of the child's school district of residence or if no superintendent is employed,
22 with the county superintendent of schools for the child's county of residence.

23 1. The statement must include:

- 24 a. The name and address of the child receiving home education;

- 1 b. The child's date of birth;
- 2 c. The child's grade level;
- 3 d. The name and address of the ~~parent~~ individual who will supervise the home
- 4 education;
- 5 e. The qualifications of the ~~parent~~ individual who will supervise the home
- 6 education;
- 7 f. Any public school courses in which the child intends to participate and the
- 8 school district offering the courses; and
- 9 g. Any extracurricular activities in which the child intends to participate and the
- 10 school district or approved nonpublic school offering the activities.
- 11 2. The statement must be accompanied by a copy of the child's immunization record
- 12 and proof of the child's identity as required by section 54-23.2-04.2.

13 **SECTION 3. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-23-03. Home education - ~~Parental qualifications~~ Qualifications.** A ~~parent~~ An
16 individual may supervise home education if the ~~parent~~ individual:

- 17 1. Is licensed to teach by the education standards and practices board or approved to
- 18 teach by the education standards and practices board;
- 19 2. Holds a baccalaureate degree;
- 20 3. Has met or exceeded the cutoff score of a national teacher examination given in
- 21 this state or in any other state if this state does not offer such a test; or
- 22 4. Meets the requirements of section 15.1-23-06.

23 **SECTION 4. AMENDMENT.** Section 15.1-23-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-23-04. Home education - Required subjects - Instructional time.** A ~~parent~~ An
26 individual supervising home education shall include instruction in those subjects required by law
27 to be taught to public school students. The instruction must have a duration of at least four
28 hours each day for a minimum of one hundred seventy-five days each year.

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

1 **15.1-23-05. Home education - Academic records.** ~~A parent~~ An individual supervising
2 home education shall maintain an annual record of courses taken by the child and the child's
3 academic progress assessments, including any standardized achievement test results. If the
4 child transfers to a public school district, the ~~parent~~ individual supervising home education shall
5 furnish the record, upon request, to the school district superintendent or other administrator.

6 **SECTION 6. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-23-06. Home education - Required monitoring of progress.** ~~A parent~~ An
9 individual who has a high school diploma or a general education development certificate may
10 supervise home education but must be monitored in accordance with section 15.1-23-07 for the
11 first two years. If a child receiving home education obtains a ~~basic composite standardized~~
12 ~~achievement test~~ score below the fiftieth percentile ~~nationally~~, on the basic battery of a
13 standardized achievement test, the ~~parent~~ individual must be monitored for at least one
14 additional school year and until the child receives a test score at or above the fiftieth percentile.
15 If testing is not required by section 15.1-23-07 during the first two years of monitoring, the
16 period of monitoring may not be extended, except upon the mutual consent of the ~~parent~~
17 individual and the monitor. If ~~a parent~~ an individual completes the monitoring requirements of
18 this section for one child, the ~~parent~~ individual may not be monitored with respect to other
19 children for whom the ~~parent~~ individual supervises home education.

20 **SECTION 7. AMENDMENT.** Section 15.1-23-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15.1-23-07. Home education - Required monitoring of progress - Reporting of**
23 **progress - Compensation.**

- 24 1. If monitoring is required under section 15.1-23-06, the school district shall assign
25 and compensate ~~an individual to a monitor a child receiving home education~~
26 unless the ~~parent~~ individual supervising the child's home education notifies the
27 school district that the ~~parent~~ individual shall select and compensate ~~an individual~~
28 ~~to a monitor for~~ the child.
- 29 2. The ~~individual~~ monitor assigned by the school district or selected by the ~~parent~~
30 individual supervising the child's home education under subsection 1 must be

- 1 licensed to teach by the education standards and practices board or approved to
2 teach by the education standards and practices board.
- 3 3. Twice during each school year, the ~~individual~~ monitor shall report the child's
4 progress to the school district superintendent or to the county superintendent if the
5 district does not employ a superintendent.
- 6 4. If one child receives home education, the ~~individual~~ monitor shall spend an
7 average of one hour per week in contact with the child and the ~~child's parent~~
8 individual supervising the child's home education. If two or more children receive
9 home education, the ~~individual~~ monitor shall spend one-half hour per month for
10 each additional child receiving home education. If the child attends a public or an
11 approved nonpublic school, the time may be proportionately reduced.

12 **SECTION 8. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-23-09. Home education - Standardized achievement test.** While in grades four,
15 six, eight, and ten, each child receiving home education shall take a standardized achievement
16 test used by the school district in which the child resides or, if requested by the ~~parent~~
17 individual supervising the child's home education, shall take a ~~nationally normed~~ standardized
18 achievement test selected by the individual supervising the child's home education. The child
19 shall take the test in the child's learning environment or, if requested by the ~~child's parent~~
20 individual supervising the child's home education, in a public school. An individual licensed to
21 teach by the education standards and practices board or approved to teach by the education
22 standards and practices board shall administer the test.

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

25 **15.1-23-10. Home education - Standardized achievement test - Cost.**

- 26 1. If a child receiving home education takes the standardized achievement test used
27 by the school district in which the child resides, the school district is responsible for
28 the cost of the test and for the cost of administering the test. The school district
29 shall ensure that the test is administered by an individual who is employed by the
30 district and who is licensed to teach by the education standards and practices
31 board or approved to teach by 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~~ individual
3 supervising the child's home education is responsible for the cost of the test.
- 4 b. The cost of administering a test under this subsection is the responsibility of
5 the ~~child's parent~~ individual supervising the child's home education if the test
6 ~~is administered by an individual who~~ administrator is selected by the ~~parent~~.
7 ~~An individual selected by the child's parent to administer a test~~ supervising
8 the child's home education. A test administrator selected under this
9 subsection must be licensed to teach by the education standards and
10 practices board or approved to teach by the education standards and
11 practices board.
- 12 c. The cost of administering a test under this subsection is the responsibility of
13 the school district if, at the request of the ~~child's parent~~ individual supervising
14 the child's home education, the school district administers the test. The
15 school district shall ensure that the test administrator is ~~administered by an~~
16 ~~individual who~~ is employed by the district and ~~who~~ is licensed to teach by the
17 education standards and practices board or approved to teach by the
18 education standards and practices board.

19 **SECTION 10. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-23-11. Home education - Standardized achievement test - Results.**

- 22 1. ~~A parent~~ An individual supervising the child's home education shall file the results
23 of the child's standardized achievement test with the superintendent of the district
24 in which the child resides or with the county superintendent if the district does not
25 employ a superintendent.
- 26 2. If the child's ~~basic~~ composite score on the basic battery of a standardized
27 achievement test is less than the thirtieth percentile ~~nationally~~, a multidisciplinary
28 assessment team shall assess the child for a potential learning problem under
29 rules adopted by the superintendent of public instruction.
- 30 3. If the multidisciplinary assessment team determines that the child is not disabled
31 and the individual supervising the child's ~~parent~~ home education wishes to

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

12 **SECTION 11. AMENDMENT.** Section 15.1-23-12 of the North Dakota Century Code is
13 amended and reenacted as follows:

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

29 **SECTION 12. AMENDMENT.** Section 15.1-23-13 of the North Dakota Century Code is
30 amended and reenacted as follows:

31 **15.1-23-13. Home education - Disabilities - Services plan.**

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

14 **SECTION 14. AMENDMENT.** Section 15.1-23-15 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15.1-23-15. Child with a developmental disability - Home education - Progress**
17 **reports.**

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

30 **SECTION 15. AMENDMENT.** Section 15.1-23-16 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-23-16. Home education - Participation in extracurricular activities.**

- 2 1. A child receiving home education may participate in extracurricular activities either:
- 3 a. Under the auspices of the child's school district of residence; or
- 4 b. Under the auspices of an approved nonpublic school, if permitted by the
- 5 administrator of the school.
- 6 2. For purposes of this section, a child participating under the auspices of the child's
- 7 school district of residence is subject to the same standards for participation in
- 8 extracurricular activities as those required of full-time students enrolled in the
- 9 district.
- 10 3. For purposes of this section, a child participating under the auspices of an
- 11 approved nonpublic school is subject to the same standards for participation in
- 12 extracurricular activities as those required of full-time students enrolled in the
- 13 school.
- 14 4. ~~Once a child's parent~~ an individual supervising the child's home education has
- 15 selected the public school district or the approved nonpublic school in which the
- 16 child will participate for purposes of extracurricular activities and has provided
- 17 notification of the selection through the statement required by section 15.1-23-02,
- 18 the child is subject to the transfer rules as provided in the constitution and bylaws
- 19 of the North Dakota high school activities association.

20 **SECTION 16. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is

21 amended and reenacted as follows:

22 **15.1-23-17. Home education - High school diplomas.**

- 23 1. A child's school district of residence, an approved nonpublic high school, or the
- 24 North Dakota division of independent study may issue a high school diploma to a
- 25 child who, through home education, has met the issuing entity's requirements for
- 26 high school graduation provided the ~~child's parent~~ individual supervising the child's
- 27 home education submits to the issuing entity a description of the course material
- 28 covered in each high school subject, a description of the course objectives and
- 29 how the objectives were met, and a transcript of the child's performance in grades
- 30 nine through twelve.

- 1 2. In the alternative, a high school diploma may be issued by the child's school district
2 of residence, an approved nonpublic high school, or the North Dakota division of
3 independent study provided the child, through home education, has completed at
4 least twenty-one units of high school coursework from the minimum required
5 curriculum offerings established by law for public and nonpublic schools and the
6 ~~child's parent or legal guardian~~ individual supervising the child's home education
7 submits to the issuing entity a description of the course material covered in each
8 high school subject, a description of the course objectives and how the objectives
9 were met, and a transcript of the child's performance in grades nine through
10 twelve. The issuing entity may indicate on a diploma issued under this subsection
11 that the child was provided with home education.
- 12 3. If for any reason the documentation required in subsection 1 or 2 is unavailable,
13 the entity issuing the diploma may accept any other reasonable proof that the child
14 has met the applicable requirements for high school graduation.

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

17 **15.1-23-18. Home education - Liability.** No state agency, school district, or county
18 superintendent may be held liable for accepting as correct the information on the statement of
19 intent or for any damages resulting from ~~a parent's~~ the failure of any individual supervising the
20 child's home education to educate the child.