

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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; or  
12 2. Grandparent, in the grandparent's home.

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

15 **15.1-23-02. Statement of intent to supervise home education.** At least fourteen  
16 days before beginning home education or within fourteen days of establishing a child's  
17 residence in a school district, and once each year thereafter, ~~a parent~~ the individual intending  
18 to supervise or supervising home education shall file a statement, reflecting that intent or fact,  
19 with the superintendent of the child's school district of residence or if no superintendent is  
20 employed, with the county superintendent of schools for the child's county of residence.

- 21 1. The statement must include:  
22 a. The name and address of the child receiving home education;  
23 b. The child's date of birth;  
24 c. The child's grade level;

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

11 **SECTION 3. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is

12 amended and reenacted as follows:

13 **15.1-23-03. Home education - ~~Parental qualifications~~ Qualifications.** ~~A parent~~ An

14 individual may supervise home education if the ~~parent~~ individual:

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

21 **SECTION 4. AMENDMENT.** Section 15.1-23-04 of the North Dakota Century Code is

22 amended and reenacted as follows:

23 **15.1-23-04. Home education - Required subjects - Instructional time.** ~~A parent~~ An

24 individual supervising home education shall include instruction in those subjects required by

25 law to be taught to public school students. The instruction must have a duration of at least four

26 hours each day for a minimum of one hundred seventy-five days each year.

27 **SECTION 5. AMENDMENT.** Section 15.1-23-05 of the North Dakota Century Code is

28 amended and reenacted as follows:

29 **15.1-23-05. Home education - Academic records.** ~~A parent~~ An individual

30 supervising home education shall maintain an annual record of courses taken by the child and

31 the child's academic progress assessments, including any standardized achievement test

1 results. If the child transfers to a public school district, the ~~parent~~ individual supervising home  
2 education shall furnish the record, upon request, to the school district superintendent or other  
3 administrator.

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

6 **15.1-23-06. Home education - Required monitoring of progress.** A ~~parent~~ An  
7 individual who has a high school diploma or a general education development certificate may  
8 supervise home education but must be monitored in accordance with section 15.1-23-07 for the  
9 first two years. If a child receiving home education obtains either a below grade level  
10 proficiency score in any subject tested on the state achievement assessment or a basic  
11 composite standardized achievement test score below the fiftieth percentile nationally, in any  
12 subject tested on an alternative assessment specified in section 15.1-23-09, the ~~parent~~  
13 individual must be monitored for at least one additional school year and until the child receives  
14 a test score at or above the fiftieth percentile on an alternative assessment specified in section  
15 15.1-23-09. If testing is not required by section 15.1-23-07 during the first two years of  
16 monitoring, the period of monitoring may not be extended, except upon the mutual consent of  
17 the ~~parent~~ individual and the monitor. If a ~~parent~~ an individual completes the monitoring  
18 requirements of this section for one child, the ~~parent~~ individual may not be monitored with  
19 respect to other 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~~  
15 ~~four, six, eight, and ten, each~~ Each child receiving home education shall take a the  
16 standardized achievement test used by the school district in which the child resides or, if  
17 ~~requested by the parent, shall take a nationally normed standardized achievement test in the~~  
18 subjects and grades specified in section 15.1-21-08 or, if requested by the individual  
19 supervising the child's home education, shall take in grades three, four, six, eight, and eleven  
20 either the state achievement assessment specified in section 15.1-21-08 or a nationally normed  
21 standardized achievement test in the subjects specified in section 15.1-21-08. The child shall  
22 take the test in the child's learning environment or, if requested by the ~~child's parent~~ individual  
23 supervising the child's home education, in a public school. An individual licensed to teach by  
24 the education standards and practices board or approved to teach by the education standards  
25 and practices board shall administer the test.

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

28 **15.1-23-10. Home education - Standardized achievement test - Cost.**

29 1. If a child receiving home education takes the standardized achievement test used  
30 by the school district in which the child resides, the school district is responsible for  
31 the cost of the test and for the cost of administering the test. The school district

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

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

24 **15.1-23-11. Home education - Standardized achievement test - Results.**

- 25 1. ~~A parent~~ An individual supervising the child's home education shall file the results  
26 of the child's standardized achievement test with the superintendent of the district  
27 in which the child resides or with the county superintendent if the district does not  
28 employ a superintendent.
- 29 2. ~~If the child's basic composite score on a standardized achievement test is less~~  
30 ~~than the thirtieth percentile nationally~~ a child receiving home education obtains  
31 either a score in the lowest achievement level of the state achievement

1           assessment or a score below the thirtieth percentile on an alternative assessment  
2           specified in section 15.1-23-09, a multidisciplinary assessment team shall assess  
3           the child for a potential learning problem under rules adopted by the  
4           superintendent of public instruction.

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

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

20          **15.1-23-12. Home education - Remediation plan.** The superintendent of the school  
21          district shall use the remediation plan required by section 15.1-23-11 as the basis for  
22          determining reasonable academic progress. The remediation plan must remain in effect until  
23          such time as the child achieves ~~on a standardized achievement test a basic composite~~ a score  
24          above the lowest achievement level on every subject tested on the state achievement  
25          assessment or at or above the thirtieth percentile on every subject tested on an alternative  
26          assessment specified in section 15.1-23-09, or a score, which when compared to the previous  
27          year's test score, demonstrates one year of academic progress. At the option of the ~~parent~~  
28          individual supervising the child's home education, the test may be one required by section  
29          15.1-23-09 or one administered in a higher grade level. The individual supervising the child's  
30          ~~parent~~ home education, with the advice and consent of ~~an individual~~ one who is licensed to  
31          teach by the education standards and practices board or who is approved to teach by the

1 education standards and practices board, may amend the remediation plan from time to time in  
2 order to accommodate the child's academic needs. If after a remediation plan is no longer in  
3 effect the child fails to demonstrate reasonable academic progress on a subsequent test  
4 required by this section, a remediation plan must again be developed and implemented.

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

7 **15.1-23-13. Home education - Disabilities - Services plan.**

- 8 1. a. If a multidisciplinary assessment team, using eligibility criteria established by  
9 the superintendent of public instruction, determines that the child is disabled,  
10 that the child requires specially designed instruction due to the disability, and  
11 that this instruction cannot be provided without special education and related  
12 services, the ~~parent~~ individual supervising the child's home education may  
13 continue to supervise the child's home education, provided that:
- 14 (1) The ~~parent~~ individual files with the school district superintendent a  
15 services plan that was developed privately or through the school  
16 district; and
- 17 (2) The services plan demonstrates that the child's special needs are being  
18 addressed by persons qualified to provide special education or related  
19 services.
- 20 b. If the multidisciplinary team determines that the child has a developmental  
21 disability, the ~~parent~~ individual may continue to supervise home education  
22 under the provisions of sections 15.1-23-14 and 15.1-23-15.
- 23 2. Annually, the superintendent of the child's school district of residence shall  
24 determine reasonable academic progress based on the child's services plan.
- 25 3. If a ~~parent~~ the individual supervising the child's home education fails to file a  
26 services plan as required by this section, the ~~parent~~ individual is deemed to be in  
27 violation of the compulsory school attendance provisions and may no longer  
28 supervise the home education of the child.
- 29 4. A child who was once evaluated by a multidisciplinary assessment team need not  
30 be reevaluated for a potential learning problem ~~upon scoring below the thirtieth~~

1           ~~percentile on a subsequent standardized achievement test~~ unless the reevaluation  
2           is performed pursuant to the child's services plan.

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

5           **15.1-23-14. Child with a developmental disability - Home education.** ~~A parent~~ An  
6 individual may supervise home education for a child with a developmental disability if:

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

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

24           **15.1-23-15. Child with a developmental disability - Home education - Progress**  
25 **reports.**

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

1 superintendent of the child's school district of residence and request that the child  
2 be evaluated by a multidisciplinary team appointed by the superintendent of the  
3 child's school district of residence.

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

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

9 **15.1-23-16. Home education - Participation in extracurricular activities.**

10 1. A child receiving home education may participate in extracurricular activities either:

- 11 a. Under the auspices of the child's school district of residence; or  
12 b. Under the auspices of an approved nonpublic school, if permitted by the  
13 administrator of the school.

14 2. For purposes of this section, a child participating under the auspices of the child's  
15 school district of residence is subject to the same standards for participation in  
16 extracurricular activities as those required of full-time students enrolled in the  
17 district.

18 3. For purposes of this section, a child participating under the auspices of an  
19 approved nonpublic school is subject to the same standards for participation in  
20 extracurricular activities as those required of full-time students enrolled in the  
21 school.

22 4. Once ~~a child's parent~~ an individual supervising the child's home education has  
23 selected the public school district or the approved nonpublic school in which the  
24 child will participate for purposes of extracurricular activities and has provided  
25 notification of the selection through the statement required by section 15.1-23-02,  
26 the child is subject to the transfer rules as provided in the constitution and bylaws  
27 of the North Dakota high school activities association.

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

30 **15.1-23-17. Home education - High school diplomas.**

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

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

25           **15.1-23-18. Home education - Liability.** No state agency, school district, or county  
26          superintendent may be held liable for accepting as correct the information on the statement of  
27          intent or for any damages resulting from a ~~parent's~~ the failure of any individual supervising the  
28          child's home education to educate the child.