

**SECOND ENGROSSMENT
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2371

Introduced by

Senators Heckaman, Freborg, Hacker

1 A BILL for an Act to create and enact a new section to chapter 15.1-23 of the North Dakota
2 Century Code, relating to violations of the home education chapter; to amend and reenact
3 sections 15.1-23-03, 15.1-23-05, 15.1-23-06, 15.1-23-09, 15.1-23-10, 15.1-23-11, 15.1-23-12,
4 and 15.1-23-13 of the North Dakota Century Code, relating to the provision of home education;
5 and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-23-03. Home education - Parental qualifications.** A parent may supervise
10 home education if the parent:

- 11 1. Is licensed to teach by the education standards and practices board or approved to
12 teach by the education standards and practices board;
- 13 2. Holds a baccalaureate degree;
- 14 3. Has met or exceeded the ~~cut-off~~ state's qualifying score of a national teacher
15 ~~examination given in this state or in any other state if this state does not offer such~~
16 a on the preprofessional skills test; or
- 17 4. Meets the requirements of section 15.1-23-06.

18 **SECTION 2. AMENDMENT.** Section 15.1-23-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-23-05. Home education - Academic records.** A parent supervising home
21 education shall maintain an annual record of courses taken by the child and the child's
22 academic progress assessments, including the results of any standardized achievement test
23 ~~results or state assessment~~. If the child transfers to a public school district, the parent shall
24 furnish the record, upon request, to the school district superintendent or other administrator.

1 **SECTION 3. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-23-06. Home education - Required monitoring of progress.** A parent who has
4 a high school diploma or a general education development certificate may supervise home
5 education but must be monitored in accordance with section 15.1-23-07 for the first two years.
6 If a child receiving home education obtains either a below grade level proficiency score in any
7 subject tested on the state assessment or a basic composite standardized achievement test
8 score below the fiftieth percentile nationally, in any subject tested on an alternative assessment
9 specified in section 15.1-23-09, the parent must be monitored for at least one additional school
10 year and until the child receives a test score at or above the fiftieth percentile on an alternative
11 assessment allowed under section 15.1-23-09. If testing is not required by section 15.1-23-07
12 during the first two years of monitoring, the period of monitoring may not be extended, except
13 upon the mutual consent of the parent and the monitor or as provided for in section 9 of this
14 Act. If a parent completes the monitoring requirements of this section for one child, the parent
15 may not be monitored with respect to other children for whom the parent supervises home
16 education, except as provided for in section 9 of this Act.

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

19 **15.1-23-09. Home education - ~~Standardized achievement test~~ Required tests.**

- 20 1. While in grades three, four, six, eight, and ~~ten~~ eleven, each child receiving home
21 education shall ~~take a standardized achievement test used by the school district in~~
22 ~~which the child resides or, if requested by the parent, shall:~~
- 23 a. Take the state assessment, as provided in section 15.1-21-08; or
 - 24 b. At the option of the child's parent, take a nationally normed standardized
25 achievement test.
- 26 2. The child shall take the state assessment or the achievement test in the child's
27 learning environment or, if requested by the child's parent, in a public school. An
28 individual licensed to teach by the education standards and practices board or
29 approved to teach by the education standards and practices board shall administer
30 the test.

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

3 **15.1-23-10. Home education - ~~Standardized achievement test~~ Required tests -**
4 **Cost.**

- 5 1. If a child receiving home education takes the ~~standardized achievement test used~~
6 ~~by the school district in which the child resides~~ state assessment, the child's
7 school district of residence is responsible for the cost of the ~~test~~ assessment and
8 for the cost of administering the ~~test~~ assessment. The school district shall ensure
9 that the ~~test~~ assessment is administered by an individual who is employed by the
10 district and who is licensed to teach by the education standards and practices
11 board or approved to teach by the education standards and practices board.
- 12 2. a. If the child takes a nationally normed standardized achievement test ~~not used~~
13 ~~by the school district in which the child resides~~, the child's parent is
14 responsible for the cost of the test:
- 15 b. ~~The~~ and the cost of administering a the test ~~under this subsection is the~~
16 ~~responsibility of the child's parent if the test is administered by an individual~~
17 ~~who is selected by the parent. An individual selected by the child's parent to~~
18 ~~administer a test under this subsection.~~ The test administrator selected by
19 the child's parent must be licensed to teach by the education standards and
20 practices board or approved to teach by the education standards and
21 practices board.
- 22 e. b. ~~The cost of administering a test under this subsection is the responsibility of~~
23 ~~the school district if, at the request of the child's parent, the school district~~
24 ~~administers the test. The school district shall ensure that the test is~~
25 ~~administered by an individual who is employed by the district and who is~~
26 ~~licensed to teach by the education standards and practices board or approved~~
27 ~~to teach by the education standards and practices board~~ child's parent is also
28 responsible for the cost of having the test graded by the testing company.

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

1 **15.1-23-11. Home education - State assessment - Standardized achievement test**
2 **- Results.**

- 3 1. A parent supervising the child's home education shall file the results of the child's
4 state assessment or standardized achievement test with the superintendent of the
5 district in which the child resides or with the county superintendent if the district
6 does not employ a superintendent.
- 7 2. ~~If the child's basic composite score on a standardized achievement test is less~~
8 ~~than the thirtieth percentile nationally~~ a child receiving home education obtains
9 either a score in the lowest achievement level of the state assessment or a score
10 below the thirtieth percentile on a nationally normed standardized achievement
11 test, as specified in section 15.1-23-09, a multidisciplinary assessment team shall
12 assess the child for a potential learning problem under rules adopted by the
13 superintendent of public instruction.
- 14 3. If the multidisciplinary assessment team determines that the child is not disabled
15 and the child's parent wishes to continue home education, the parent, with the
16 advice and consent of an individual who is licensed to teach by the education
17 standards and practices board or approved to teach by the education standards
18 and practices board, shall prepare a remediation plan to address the child's
19 academic deficiencies and file the plan with the superintendent of the school
20 district or with the county superintendent if the district does not employ a
21 superintendent. The parent is responsible for any costs associated with the
22 development of the remediation plan. If the parent fails to file a remediation plan,
23 the parent is deemed to be in violation of compulsory school attendance provisions
24 and may no longer supervise the home education of the child.

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

27 **15.1-23-12. Home education - Remediation plan.** The superintendent of the school
28 district shall use the remediation plan required by section 15.1-23-11 as the basis for
29 determining reasonable academic progress. The remediation plan must remain in effect until
30 such time as the child achieves ~~on a standardized achievement test a basic composite~~ a score
31 above the lowest achievement level on every subject tested on the state assessment, a score

1 at or above the thirtieth percentile on every subject tested on a nationally normed standardized
2 achievement test, as specified in section 15.1-23-09, or a score, which when compared to the
3 previous year's test score, demonstrates one year of academic progress. At the option of the
4 parent, the test may be one required by section 15.1-23-09 or one administered in a higher
5 grade level. The child's parent, with the advice and consent of an individual who is licensed to
6 teach by the education standards and practices board or who is approved to teach by the
7 education standards and practices board, may amend the remediation plan from time to time in
8 order to accommodate the child's academic needs. If after a remediation plan is no longer in
9 effect the child fails to demonstrate reasonable academic progress on a subsequent test
10 required by this section, a remediation plan must again be developed and implemented.

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

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

- 14 1. a. If a multidisciplinary assessment team, using eligibility criteria established by
15 the superintendent of public instruction, determines that the child is disabled,
16 that the child requires specially designed instruction due to the disability, and
17 that this instruction cannot be provided without special education and related
18 services, the parent may continue to supervise the child's home education,
19 provided that:
- 20 (1) The parent files with the school district superintendent a services plan
21 that was developed privately or through the school district; and
22 (2) The services plan demonstrates that the child's special needs are being
23 addressed by persons qualified to provide special education or related
24 services.
- 25 b. If the multidisciplinary team determines that the child has a developmental
26 disability, the parent may continue to supervise home education under the
27 provisions of sections 15.1-23-14 and 15.1-23-15.
- 28 2. Annually, the superintendent of the child's school district of residence shall
29 determine reasonable academic progress based on the child's services plan.

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

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

8 **SECTION 9.** A new section to chapter 15.1-23 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Violation of chapter - Penalty.** If the superintendent of public instruction determines,
11 after a hearing as provided for in chapter 28-32, that a child's parent has violated a provision of
12 this chapter, unless otherwise provided, the superintendent shall direct the child's school district
13 of residence to monitor the parent for a period of one year. If the parent is already being
14 monitored under section 15.1-23-06, the superintendent shall direct the child's school district of
15 residence to extend the monitoring of the parent for a period of one additional year. The child's
16 parent is responsible for the cost of any monitoring required by this section.