

HOUSE BILL NO. 1378
with Senate AmendmentsSixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1378

Introduced by

Representatives R. Kelsch, Bellew, Hatlestad, D. Johnson

Senators Bakke, G. Lee

1 A BILL for an Act to amend and reenact sections 15.1-06-01 and 15.1-22-02 of the North
2 Dakota Century Code, relating to the age of admission to schools; and to provide an effective
3 date.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-06-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-06-01. Schools free and accessible - School ages.**

- 8 1. Each public school must be free, open, and accessible at all times to any child
9 provided:
- 10 a. The child may not enroll in grade one unless the child reaches the age of six
11 before ~~September~~ August first of the year of enrollment;
- 12 b. The child may not enroll in kindergarten unless the child reaches the age of
13 five before ~~September~~ August first of the year of enrollment; and
- 14 c. The child has not reached the age of twenty-one before ~~September~~ August
15 first of the year of enrollment.
- 16 2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in
17 grade one a child who is not six years old before ~~September~~ August first, unless
18 the child will be six years old before ~~January~~ December first and:
- 19 a. The child, by means of developmental and readiness screening instruments
20 approved by the superintendent of public instruction and administered by the
21 school district, can demonstrate ~~special talents or abilities~~ academic, social,
22 and emotional readiness; or
- 23 b. The child has completed an approved kindergarten program.

- 1 3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a
2 child who is not five years old before ~~September~~ August first unless the child will
3 be five years old before ~~January~~ December first and the child, by means of
4 developmental and readiness screening instruments approved by the
5 superintendent of public instruction and administered by the school district, can
6 demonstrate ~~special talents or abilities~~ academic, social, and emotional readiness.

7 **SECTION 2. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-22-02. Public kindergarten - Requirements.** A school district operating a
10 kindergarten:

- 11 1. May not employ an individual as a kindergarten teacher unless the individual is
12 licensed to teach by the education standards and practices board or approved by
13 the education standards and practices board.
- 14 2. Shall submit to the superintendent of public instruction and follow a
15 developmentally appropriate curriculum.
- 16 3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day
17 or full-day basis, as determined by the school board.
- 18 4. Shall apply all municipal and state health, fire, and safety requirements to the
19 kindergarten.
- 20 5. May not enroll a child who is not five years old ~~by midnight August thirty first~~
21 before August first of the year of enrollment, unless the child will be five years old
22 ~~on or before December thirty first~~ first and:
- 23 a. The child, by means of developmental and readiness screening instruments
24 approved by the superintendent of public instruction and administered by the
25 kindergarten operator, can demonstrate ~~special talents or abilities~~ academic,
26 social, and emotional readiness; or
- 27 b. The child has been enrolled in another approved kindergarten.

28 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2010.