

HOUSE BILL NO. 1211

Introduced by

Representatives Damschen, Grande, Ruby

Senator Sitte

1 A BILL for an Act to amend and reenact sections 15.1-23-01, 15.1-23-08, 15.1-23-09,
2 15.1-23-11, 15.1-23-13, and 15.1-23-17 of the North Dakota Century Code, relating to home
3 education; and to repeal sections 15.1-23-03, 15.1-23-06, 15.1-23-07, and 15.1-23-12 of the
4 North Dakota Century Code, relating to 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. ~~(Effective through July 31, 2011)~~ Home education - Definition.**

9 For purposes of this chapter, "home education" means a program of education supervised
10 by a child's parent in accordance with the requirements of this chapter.

11 ~~**(Effective after July 31, 2011) Home education -- Definition.** For purposes of this chapter,~~
12 ~~"home education" means a program of education supervised by a child's parent, in the child's~~
13 ~~home, in accordance with the requirements of this chapter.~~

14 **SECTION 2. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15.1-23-08. ~~(Effective through July 31, 2011)~~ Test administration.**

17 An individual who in accordance with this chapter administers a standardized achievement
18 test to a child receiving home education shall notify the child's school district of residence.

19 ~~**(Effective after July 31, 2011) Monitoring or test administration.** An individual who in~~
20 ~~accordance with this chapter monitors a child receiving home education or who administers a~~
21 ~~standardized achievement test to a child receiving home education shall notify the child's school~~
22 ~~district of residence.~~

23 **SECTION 3. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **15.1-23-09. Home education - Standardized achievement test - Exemption.**

2 1. a. While in grades four, six, eight, and ten, each child receiving home education
3 shall take a:

4 (1) A standardized achievement test used by the school district in which the
5 child resides; ~~or, if requested by the parent, shall take a~~

6 (2) A nationally normed standardized achievement test if requested by the
7 child's parent.

8 b. The child shall take the test in the child's learning environment or, if requested by
9 the child's parent, in a public school. An individual licensed to teach by the
10 education standards and practices board or approved to teach by the education
11 standards and practices board shall administer the test.

12 2. a. The requirement of subsection 1 does not apply if the parent notifies the school
13 district in which the child resides that the parent has a philosophical, moral, or
14 religious objection to the use of standardized achievement tests and the parent:

15 (1) Is licensed to teach by the education standards and practices board or
16 approved to teach by the education standards and practices board;

17 (2) Holds a baccalaureate degree; or

18 (3) Has met or exceeded the cutoff score of a national teacher examination
19 given in this state or in any other state if this state does not offer such an
20 examination.

21 b. The parent must file the notification required by this subsection with the school
22 district at the same time that the parent files the statement of intent to supervise
23 home education required by section 15.1-23-02.

24 **SECTION 4. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **15.1-23-11. Home education - Standardized achievement test - Results.**

27 4-A parent supervising home education shall file the results of the child's standardized
28 achievement test with the superintendent of the district in which the child resides or with the
29 county superintendent if the district does not employ a superintendent.

30 2. ~~If the child's basic composite score on a standardized achievement test is less than~~
31 ~~the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the~~

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

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

15 **15.1-23-13. Home education - Disabilities - Services plan.**

- 16 1. a. ~~If at the request of a child's parent~~ a multidisciplinary assessment team,
17 ~~evaluates the child~~ using eligibility criteria established by the superintendent of
18 public instruction, ~~and~~ determines that the child is disabled, that the child requires
19 specially designed instruction due to the disability, and that this instruction cannot
20 be provided without special education and related services, the parent may
21 continue to supervise home education, provided that:
- 22 (1) The parent files with the school district superintendent a services plan that
23 was developed privately or through the school district; and
24 (2) The services plan demonstrates that the child's special needs are being
25 addressed by persons qualified to provide special education or related
26 services.
- 27 b. If the multidisciplinary team determines that the child has a developmental
28 disability, the parent may continue to supervise home education under the
29 provisions of sections 15.1-23-14 and 15.1-23-15.
- 30 2. Annually, the superintendent of the child's school district of residence shall determine
31 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 deemed
2 to be in violation of the compulsory school attendance provisions and may no longer
3 supervise the home education of the child.

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

8 **SECTION 6. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-23-17. (Effective through July 31, 2011) Home education -- High school diplomas.**

11 1. ~~A child's school district of residence, an approved nonpublic high school, or the center~~
12 ~~for distance education may issue a high school diploma to a child who, through home~~
13 ~~education, has met the issuing entity's requirements for high school graduation~~
14 ~~provided the child's parent submits to the issuing entity a description of the course~~
15 ~~material covered in each high school subject, a description of the course objectives~~
16 ~~and how the objectives were met, and a transcript of the child's performance in grades~~
17 ~~nine through twelve.~~

18 2. ~~In the alternative, a high school diploma may be issued by the child's school district of~~
19 ~~residence, an approved nonpublic high school, or the center for distance education~~
20 ~~provided the child, through home education, has completed at least twenty-one units~~
21 ~~of high school coursework from the minimum required curriculum offerings established~~
22 ~~by law for public and nonpublic schools and the child's parent or legal guardian~~
23 ~~submits to the issuing entity a description of the course material covered in each high~~
24 ~~school subject, a description of the course objectives and how the objectives were~~
25 ~~met, and a transcript of the child's performance in grades nine through twelve. The~~
26 ~~issuing entity may indicate on a diploma issued under this subsection that the child~~
27 ~~was provided with home education. Beginning with the 2009-10 school year, the~~
28 ~~number of units required by this section increases to twenty-two and beginning with~~
29 ~~the 2011-12 school year, the number of units required by this section increases to~~
30 ~~twenty-four. Beginning with the 2010-11 school year, the number of units required by~~
31 ~~this section increases to twenty-two.~~

1 3. ~~If for any reason the documentation required in subsection 1 or 2 is unavailable, the~~
2 entity issuing the diploma may accept any other reasonable proof that the child has
3 met the applicable requirements for high school graduation.

4 **(Effective after July 31, 2011) Home education - High school diplomas.**

5 1. A child's school district of residence, an approved nonpublic high school, or the center
6 for distance education may issue a high school diploma to a child who, through home
7 education, has met the issuing entity's requirements for high school graduation
8 provided the child's parent submits to the issuing entity a description of the course
9 material covered in each high school subject, a description of the course objectives
10 and how the objectives were met, and a transcript of the child's performance in grades
11 nine through twelve.

12 2. ~~In the alternative, a high school diploma may be issued by the child's school district of~~
13 ~~residence, an approved nonpublic high school, or the center for distance education~~
14 ~~provided the child, through home education, has completed at least twenty-one units~~
15 ~~of high school coursework from the minimum required curriculum offerings established~~
16 ~~by law for public and nonpublic schools and the child's parent or legal guardian~~
17 ~~submits to the issuing entity a description of the course material covered in each high~~
18 ~~school subject, a description of the course objectives and how the objectives were~~
19 ~~met, and a transcript of the child's performance in grades nine through twelve. The~~
20 ~~issuing entity may indicate on a diploma issued under this subsection that the child~~
21 ~~was provided with home education. Beginning with the 2010-11 school year, the~~
22 ~~number of units required by this section increases to twenty-two.~~

23 3. If for any reason the documentation required in subsection 1 ~~or~~ 2 is unavailable, the
24 entity issuing the diploma may accept any other reasonable proof that the child has
25 met the applicable requirements for high school graduation.

26 **SECTION 7. REPEAL.** Sections 15.1-23-03, 15.1-23-06, 15.1-23-07, and 15.1-23-12 of the
27 North Dakota Century Code are repealed.