

**HOUSE BILL NO. 1436**

Introduced by

Representatives Hawken, Maragos, Delmore

Senators Flakoll, J. Lee, Nelson

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 enrollment in kindergarten.

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

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

6 **15.1-06-01. Schools free and accessible - School ages.**

7 1. Each public school must be free, open, and accessible at all times to any child  
8 provided:

9 a. The child may not enroll in grade one unless the child reaches the age of six  
10 before August first of the year of enrollment;

11 b. The child may not enroll in kindergarten unless the child reaches the age of five  
12 before August first of the year of enrollment; and

13 c. The child has not reached the age of twenty-one before August first of the year of  
14 enrollment.

15 2. Notwithstanding subsection 1, a school district may not enroll in grade one a child who  
16 is not six years old before August first, unless the child will be six years old before  
17 December first and:

18 a. The child, by means of developmental and readiness screening instruments  
19 approved by the superintendent of public instruction and administered by the  
20 school district, can demonstrate academic, social, and emotional readiness; or

21 b. The child has completed an approved kindergarten program.

22 3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child  
23 who is not five years old before August first unless the child will be five years old  
24 before December first and the child, by means of developmental and readiness

1 screening instruments approved by the superintendent of public instruction and  
2 administered by the school district, can demonstrate superior academic; talents or  
3 abilities and social; and emotional readiness.

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

6 **15.1-22-02. Public kindergarten - Requirements.**

7 A school district operating a kindergarten:

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