

**HOUSE BILL NO. 1209**

Introduced by

Representatives Klemin, Holman, Sanford

1 A BILL for an Act to amend and reenact sections 15.1-06-01, 15.1-22-02, 15.1-32-01,  
2 15.1-34-01, and 15.1-37-01 of the North Dakota Century Code, relating to the age of admission  
3 to schools.

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 ~~August first of the year of enrollment~~the first day of the school calendar in  
12 the child's district of enrollment;

13 b. The child may not enroll in kindergarten unless the child reaches the age of five  
14 before ~~August first of the year of enrollment~~the first day of the school calendar in  
15 the child's district of enrollment; and

16 c. The child has not reached the age of twenty-one before ~~August first of the year of~~  
17 ~~enrollment~~the first day of the school calendar in the child's district of enrollment.

18 2. Notwithstanding subsection 1, a school district may not enroll in grade one a child who  
19 is not six years old before ~~August first~~the first day of the school calendar in the child's  
20 district of enrollment, unless the child will be six years old before December first and:

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

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

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

8           4. The requirements of this section are not applicable to the children of military families,  
9           to the extent that the requirements conflict with enrollment provisions otherwise  
10          agreed to by the state in the compact on educational opportunity for military children.

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

13          **15.1-22-02. Public kindergarten - Requirements.**

14          A school district operating a kindergarten:

- 15          1. May not employ an individual as a kindergarten teacher unless the individual is  
16          licensed to teach by the education standards and practices board or approved by the  
17          education standards and practices board;
- 18          2. Shall submit to the superintendent of public instruction and follow a developmentally  
19          appropriate curriculum;
- 20          3. Shall provide kindergarten instruction, on a half-day or full-day basis, as determined by  
21          the school board;
- 22          4. Shall provide for a kindergarten instructional calendar equal to at least fifty percent of  
23          the full-time instructional days required in accordance with section 15.1-06-04;
- 24          5. Shall apply all municipal and state health, fire, and safety requirements to the  
25          kindergarten; and
- 26          6. May not enroll a child who is not five years old before ~~August first of the year of~~  
27          ~~enrollment~~the first day of the school calendar in the child's district of enrollment,  
28          unless the child will be five years old before December first and:
- 29                  a. The child, by means of developmental and readiness screening instruments  
30                  approved by the superintendent of public instruction and administered by the

1 kindergarten operator, can demonstrate superior academic talents or abilities and  
2 social and emotional readiness; or

3 b. The child has been enrolled in another approved kindergarten.

4 **SECTION 3. AMENDMENT.** Section 15.1-32-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-32-01. Definitions.**

7 As used in this chapter:

- 8 1. "Related services" means transportation and developmental and corrective or  
9 supportive services required to assist a student with disabilities to benefit from special  
10 education.
- 11 2. "Special education" means instruction designed to meet the needs of a student with  
12 disabilities, transportation, and corrective and supporting services required to assist a  
13 student with disabilities in taking advantage of, or responding to, educational programs  
14 and opportunities.
- 15 3. "Student who is gifted" means an individual who is identified by qualified professionals  
16 as being capable of high performance and who needs educational programs and  
17 services beyond those normally provided in a regular education program.
- 18 4. a. "Student with a disability" means an individual who is at least three years of age  
19 but who has not reached the age of twenty-one before ~~September first of the year~~  
20 ~~in which the individual turns twenty-one~~ the first day of the school calendar in the  
21 student's district of enrollment and who requires special education and related  
22 services because of:
- 23 (1) An intellectual disability;
- 24 (2) A hearing impairment, including deafness;
- 25 (3) Deaf-blindness;
- 26 (4) A speech or language impairment;
- 27 (5) A visual impairment, including blindness;
- 28 (6) An emotional disturbance;
- 29 (7) An orthopedic impairment;
- 30 (8) Autism;
- 31 (9) A traumatic brain injury;

1 (10) Other health impairment; or

2 (11) A specific learning disability.

3 b. "Student with a disability" includes a student age eighteen through twenty-one  
4 who is incarcerated in an adult correctional facility and who, in the last  
5 educational placement prior to incarceration, was identified as being a student  
6 with a disability and did not have an individualized education program or was  
7 identified as being a student with a disability and had an individualized education  
8 program.

9 **SECTION 4. AMENDMENT.** Section 15.1-34-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-34-01. Definitions.**

12 As used in this chapter:

- 13 1. "Boarding home care for a student with disabilities" means the provision of food,  
14 shelter, security, and safety, on a twenty-four-hour basis, to an individual who has  
15 reached the age of three years but who has not reached the age of twenty-one before  
16 ~~September first of the year in which the individual turns twenty-one~~ the first day of the  
17 school calendar in the child's district of enrollment and who because of mental,  
18 physical, emotional, or learning characteristics requires regular or special education  
19 and related services designed to meet the individual's educational needs.
- 20 2. "Department" means the department of human services.
- 21 3. "Family boarding home" means a private residence at which boarding home care is  
22 regularly provided by the owner or lessee to no more than four students with  
23 disabilities. The limit of four students may be exceeded if all the students boarding at  
24 the home are related to each other by blood or marriage.
- 25 4. "Registration" means the process by which the department maintains a record of all  
26 family boarding homes, prescribes standards and adopts rules under section  
27 15.1-34-14, and requires the operator of a home to certify that the operator has  
28 complied with the prescribed standards and adopted rules.
- 29 5. "Registration certificate" means a document issued by the department to provide  
30 public notice that the certificate holder is in compliance with this chapter and the  
31 applicable rules and standards prescribed by the department.

- 1           6. "Relative" means a grandparent, brother, sister, stepparent, stepsister, stepbrother,  
2           uncle, or aunt of the student by marriage, blood, or adoption.

3           **SECTION 5. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **15.1-37-01. Early childhood education program - Approval.**

- 6           1. Any person or school district operating an early childhood education program may  
7           request approval of the program from the superintendent of public instruction. The  
8           superintendent shall approve an early childhood education program if the program:  
9           a. Is taught by individuals who are licensed to teach in early childhood education by  
10           the education standards and practices board;  
11           b. Follows a developmentally appropriate curriculum;  
12           c. Is in compliance with all municipal and state health, fire, and safety requirements;  
13           and  
14           d. Limits its enrollment to children who have reached the age of four before ~~August-~~  
15           ~~first in the year~~the first day of the school calendar in the child's district of  
16           enrollment.  
17           2. In determining the state aid payments to which a school district is entitled, the  
18           superintendent of public instruction may not count any student enrolled in a regular  
19           early childhood education program.