

Introduced by

Representatives B. Koppelman, Brabandt, Dosch, Kasper, K. Koppelman, Ruby, Streyle,
Toman

Senators Larsen, Miller, Unruh

1 A BILL for an Act to create and enact a new section to chapter 15.1-20 of the North Dakota
2 Century Code, relating to student attendance; to amend and reenact sections 15.1-21-08,
3 15.1-21-17, 15.1-21-18, and 15.1-21-19 of the North Dakota Century Code, relating to parental
4 directives regarding statutorily mandated assessments; and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 15.1-20 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Administration of test or assessment - Student attendance.**

9 1. If a parent directs that a test or an assessment not be administered to a child, as
10 permitted under sections 15.1-21-08, 15.1-21-17, 15.1-21-18, and 15.1-21-19, the
11 parent may withhold the child from school during the period of time within which
12 normal classroom activities are not occurring because of the test or assessment
13 administration.

14 2. A child withheld from school under the provisions of subsection 1 is deemed to be in
15 attendance for all purposes under this title.

16 **SECTION 2. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **15.1-21-08. Reading, mathematics, and science - Administration of test.**

19 1. The superintendent of public instruction shall administer to public school students a
20 test that is aligned to the state content and achievement standards in reading and
21 mathematics. This test must be administered annually to all public school students in
22 grades three, four, five, six, seven, eight, and in at least one grade level selected from
23 nine through eleven.

1 2. The superintendent of public instruction shall administer a test that is aligned to the
2 state content and achievement standards in science. This test must be administered to
3 all public school students in at least one grade level selected from three through five,
4 in at least one grade level selected from six through nine, and in at least one grade
5 level selected from ten and eleven.

6 3. Prior to administering any tests required by this section, the parents of students under
7 the age of eighteen must be informed of the proposed test and their right to direct that
8 the test not be administered to their child. This information must be conveyed by
9 means of a notice posted on the school district's website or by any other method
10 determined to be appropriate by the board of the school district.

11 **SECTION 3. AMENDMENT.** Section 15.1-21-17 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-21-17. Interim assessment.**

14 1. Each school district shall administer annually to students in grades two through ten the
15 measures of academic progress test or any other interim assessment approved by the
16 superintendent of public instruction.

17 2. Prior to administering any test or assessment required by this section, the parents of
18 students must be informed of the proposed test or assessment and their right to direct
19 that the test not be administered to their child. This information must be conveyed by
20 means of a notice posted on the school district's website or by any other method
21 determined to be appropriate by the board of the school district.

22 **SECTION 4. AMENDMENT.** Section 15.1-21-18 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-21-18. Career interest inventory - Educational and career planning -**
25 **Consultation.**

26 1. a. A school district shall administer to students, once during their enrollment in
27 grade seven or eight and once during their enrollment in grade nine or ten, a
28 career interest inventory recommended by the department of career and
29 technical education and approved by the superintendent of public instruction.

30 b. Prior to administering a career interest inventory, as required by this section, the
31 parents of the students must be informed of the proposed career interest

1 inventory and their right to direct that the test not be administered to their child.
2 This information must be conveyed by means of a notice posted on the school
3 district's website or by any other method determined to be appropriate by the
4 board of the school district.

5 2. At least once during the seventh or eighth grade, each school district shall arrange for
6 students to participate in either an individual consultative process or a nine-week
7 course, for the purpose of discussing the results of their career interest inventory,
8 selecting high school courses appropriate to their educational pursuits and career
9 interests, and developing individual high school education plans.

10 3. Each school district shall notify its high school students that, upon request, a student is
11 entitled to receive a consultative review of the student's individual high school
12 education plan at least once during each high school grade. Upon the request of a
13 student, the school district shall provide the consultative review.

14 4. Each school district shall verify compliance with the requirements of this section at the
15 time and in the manner required by the superintendent of public instruction.

16 **SECTION 5. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**

19 1. a. Except as otherwise provided, each public and nonpublic school student in grade
20 eleven shall take the ACT, including the writing test, or three WorkKeys
21 assessments recommended by the department of career and technical education
22 and approved by the superintendent of public instruction.

23 b. The student shall determine which summative assessment to take.

24 c. Prior to administering the summative assessment required by this section, the
25 parents of students under the age of eighteen must be informed of the
26 assessment and their right to direct that the assessment not be administered to
27 their child. This information must be conveyed by means of a notice posted on
28 the school district's website or by any other method determined to be appropriate
29 by the board of the school district.

30 d. The superintendent of public instruction is responsible for the cost of procuring
31 and administering one summative assessment per student.

- 1 2. The student's career advisor or guidance counselor shall meet with the student to
- 2 review the student's assessment results.
- 3 3. A school district superintendent or a school administrator in the case of a nonpublic
- 4 school student may exempt a student from the requirements of this section if taking
- 5 the test is not required by the student's individualized education program plan or if
- 6 other special circumstances exist.
- 7 4. At the time and in the manner determined by the superintendent of public instruction,
- 8 each school district superintendent and each school administrator in the case of a
- 9 nonpublic school shall report the number of eleventh grade students who:
- 10 a. Took the ACT, including the writing test;
- 11 b. Took the three WorkKeys assessments; and
- 12 c. Were exempted from the requirements of this section, together with the reason
- 13 for each exemption.

14 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.