

CHAPTER 15.1-20 SCHOOL ATTENDANCE

15.1-20-01. Compulsory attendance.

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure the child attends a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure the child attends the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not re-enroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.
4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

15.1-20-02. Compulsory attendance - Exceptions.

1. Section 15.1-20-01 does not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
 - a. The child is in attendance for the same length of time at an approved nonpublic school;
 - b. The child has completed high school;
 - c. The child is necessary to the support of the child's family;
 - d. A multidisciplinary team including the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable;
 - e. The child is receiving home education; or
 - f. The child is a military-connected student engaging in virtual instruction under section 15.1-07-37 at the educational entity of the gaining or losing military installation, a student with a medical condition unable to physically attend school, or a student moving out of state and virtual instruction is allowed by the gaining or losing educational entity.
2. The period of virtual instruction under subdivision f of subsection 1 may not extend beyond the current school year.
3. A decision by the board of a school district under subsection 1 is appealable to the district court.

15.1-20-02.1. Attendance - Determination - Policies.

1. To be deemed in attendance for purposes of this chapter, a student may not be absent from school without excuse for more than:
 - a. Three consecutive school days during either the first half or the second half of a school or school district's calendar;
 - b. Six half days during either the first half or the second half of a school or school district's calendar; or
 - c. Twenty-one class periods.
2. The board of each school district and governing body of each nonpublic school shall adopt a policy that:

- a. Defines an excused absence as any absence from school, if that absence is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator; and
 - b. Articulates the type of documentation that may be requested to verify a student's absence.
3. This chapter does not preclude a school district or nonpublic school from withholding credit, removing a student from a course, or taking other punitive measures against a student who does not arrive in a timely fashion or who exceeds a specific number of absences, as determined by the school district or nonpublic school.

15.1-20-03. Compulsory attendance law - Enforcement - Penalty.

1. Each teacher and administrator is charged with the enforcement of compulsory attendance provisions. The compulsory attendance provisions are applicable to any student who is offered school facilities by a school district, regardless of whether or not the student actually resides in the district.
2. If a teacher determines that a student is not in attendance as required by this chapter and that the student has not been excused in accordance with this chapter or in accordance with the school district's or nonpublic school's policies, the teacher shall notify the administrator of the school.
3. Upon receiving notice of a student's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the student has failed to ensure that the student is in attendance, the administrator shall refer the matter to the local law enforcement agency.
4. Any person who fails to ensure that a student is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.
5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the student is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the student to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

15.1-20-03.1. Submission of data.

Each school district and nonpublic school shall submit data regarding school attendance and the application of this chapter to the superintendent of public instruction at the time and in the manner directed by the superintendent.

15.1-20-03.2. Truancy prevention and intervention programs - Resources.

The superintendent of public instruction shall disseminate to school districts and nonpublic schools information regarding truancy prevention and intervention programs and research pertaining to best practices in truancy prevention efforts.

15.1-20-04. Home education - Definition.

For purposes of this chapter, "home education" means a program of education supervised by a child's parent in accordance with chapter 15.1-23.