

CHAPTER 15.1-21

CURRICULUM AND TESTING

15.1-21-01. Elementary and middle schools - Required instruction.

To be approved by the superintendent of public instruction, each public and nonpublic elementary and middle school shall:

1. Provide to students instruction in:
 - a. English language arts, including reading, composition, creative writing, English grammar, and spelling.
 - b. Mathematics.
 - c. Social studies, including:
 - (1) The United States Constitution;
 - (2) United States history;
 - (3) Geography;
 - (4) Government; and
 - (5) North Dakota studies, with an emphasis on geography, history, the federally recognized Indian tribes in the state, and agriculture of this state, in the fourth and eighth grades.
 - d. Science, including agriculture.
 - e. Physical education.
 - f. Health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.
 - g. Computer science, including cybersecurity.
2. Develop a computer science and cybersecurity integration plan to ensure introduction to foundational computer science and cybersecurity knowledge. The board of a public school or school district shall approve a plan by July 1, 2024.

15.1-21-02. High schools - Required units.

1. To be approved by the superintendent of public instruction, each public and nonpublic high school shall provide instruction in or make available to each student:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Four units of mathematics, including:
 - (1) One unit of algebra II; and
 - (2) One unit for which algebra II is a prerequisite;
 - c. Four units of science, including:
 - (1) One unit of physical science; and
 - (2) One unit of biology;
 - d. Four units of social studies, including:
 - (1) One unit of world history;
 - (2) One unit of United States history, including Native American tribal history; and
 - (3) (a) One unit of problems of democracy; or
(b) One-half unit of United States government and one-half unit of economics;
 - e. One-half unit of health;
 - f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;
 - g. Two units of fine arts, at least one of which must be music;
 - h. Two units of the same foreign or native American language;
 - i. One unit of an advanced placement course or one unit of a dual-credit course;
 - j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and
 - k. One unit of computer science or cybersecurity.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall:
 - a. Make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state; and
 - b. Develop a computer science and cybersecurity integration plan to ensure introduction to computer science and cybersecurity knowledge. The board of a public school or school district shall approve a plan by July 1, 2024.
3. Each unit which must be made available under this section must meet or exceed the state content standards, unless a school district or governing board of a nonpublic high school has adopted a mastery framework policy and awards units based on the successful completion of the relevant portions of the North Dakota learning continuum. A mastery framework policy adopted by a school district or governing board of a nonpublic high school must identify the portions of the North Dakota learning continuum which must be mastered for a student to attain units necessary for high school graduation under section 15.1-21-02.2.
4. For purposes of this section, unless the context otherwise requires, "make available" means that:
 - a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;
 - b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and
 - c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.
5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.
6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:
 - a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and
 - b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.
7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.
8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

15.1-21-02.1. High school diploma - Minimum units.

Except as provided in section 15.1-21-02.3 or as otherwise agreed to in the compact on educational opportunity for military children, before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed:

1. The twenty-two units of high school coursework set forth in section 15.1-21-02.2; and
2. Any additional units of high school coursework required by the issuing entity, two of which may be theological studies if taught in a nonpublic school by an approved theological studies instructor.

15.1-21-02.2. High school graduation - Minimum requirements.

1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 - c. Three units of science, consisting of:
 - (1) (a) One unit of biology;
 - (b) One unit of chemistry; and
 - (c) One unit of physics; or
 - (2) (a) One unit of biology;
 - (b) One unit of physical science; and
 - (c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;
 - d. Three units of social studies, including:
 - (1) One unit of United States history, including Native American tribal history;
 - (2) (a) One-half unit of United States government and one-half unit of economics; or
 - (b) One unit of problems of democracy; and
 - (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 - e. (1) One unit of physical education; or
 - (2) One-half unit of physical education and one-half unit of health;
 - f. Three units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses;
 - g. Any five additional units; and
 - h. One unit of computer science or cybersecurity whether under subdivision b, c, or both.
 - i. The requirements of subdivision h are waived if the student has completed a computer science and cybersecurity integration plan approved by the school board.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may:
 - a. Develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.
 - b. Establish a policy to allow a student to receive credit for no more than one unit under subsection 1 for completing an alternative course, including an elective course or dual-credit course, if the student demonstrates an emergent circumstance.

15.1-21-02.3. Optional high school curriculum - Requirements.

1. If after completing at least two years of high school, a student has failed to pass at least one-half unit from three subdivisions in subsection 1 of section 15.1-21-02.2, has failed to demonstrate proficiency in a standards-based grading system, or has a grade point average at or below the twenty-fifth percentile of other students in the district who are enrolled in the same grade, the student may request the student's career advisor, guidance counselor, or principal meet with the student and the student's parent to determine whether the student should be permitted to pursue an optional high school

curriculum, in place of the requirements in section 15.1-21-02.2. If a student's parent consents in writing to the student pursuing the optional high school curriculum, the student is eligible to receive a high school diploma upon completing the following requirements:

- a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Two units of mathematics;
 - c. Two units of science;
 - d. Three units of social studies, which may include up to one-half unit of North Dakota studies and one-half unit of multicultural studies;
 - e. (1) One unit of physical education; or
(2) One-half unit of physical education and one-half unit of health;
 - f. Two units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses; and
 - g. Any seven additional units.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.

15.1-21-02.4. North Dakota career and technical education scholarship.

Repealed by S.L. 2021, ch. 159, § 10.

15.1-21-02.5. North Dakota academic scholarship.

Repealed by S.L. 2021, ch. 159, § 10.

15.1-21-02.6. North Dakota scholarship - Amount - Applicability. (Effective through July 31, 2030)

1.
 - a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
 - b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
 - c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;

- (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and
 - (3) A payment schedule.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. The state board of higher education may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.
6.
 - a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
7. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4, section 15.1-21-02.5, or section 15.1-21-02.10 and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
8.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.
9. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
 - a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

North Dakota scholarship - Amount - Applicability. (Effective after July 31, 2030)

1.
 - a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a

- physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
 - c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;
 - (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and
 - (3) A payment schedule.
2. The state board shall monitor each scholarship recipient to ensure the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.
 3. A student is not entitled to receive more than six thousand dollars under this section.
 4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
 5. The state board of higher education may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.
 6.
 - a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.
 - b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
 7. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.10 and who:
 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
 8.
 - a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.
 - b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.
 - c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:
 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;

- (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.
9. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
- a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

15.1-21-02.7. North Dakota scholarship opportunities - 2009-10 high school graduates.

Repealed by S.L. 2021, ch. 157, § 5.

15.1-21-02.8. North Dakota scholarship - Eligibility - One-time exception. (Effective through July 31, 2030)

- 1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next semester, quarter, or clock-hour term in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
- b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75 for a second time, the student is no longer eligible to receive a North Dakota, North Dakota academic, or North Dakota career and technical education scholarship.
- 2. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
 - a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

North Dakota scholarship - Eligibility - One-time exception. (Effective after July 31, 2030)

- 1. a. Notwithstanding section 15.1-21-02.6, if a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75, the board shall grant an exception and provide the North Dakota scholarship to which the student would otherwise be entitled for the next semester, quarter, or clock-hour term in which the student is enrolled full time. The exception provided by this section is applicable to a student only one time.
- b. If a student's cumulative grade point average as determined by the state board of higher education at the conclusion of a semester, quarter, or clock-hour term is below 2.75 for a second time, the student is no longer eligible to receive a North Dakota scholarship.
- 2. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:
 - a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

15.1-21-02.9. North Dakota scholarship - Information system.

Each school district shall use North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the department of public instruction, to submit official transcripts for the North Dakota scholarship to the superintendent of public instruction.

15.1-21-02.10. North Dakota scholarship.

A resident student who meets the requirements of section 15.1-21-02.6 is eligible to receive a North Dakota scholarship if the student:

1. Completed an individual consultative process or a nine-week course under subsection 2 of section 15.1-21-18;
2. Completed the civics test under section 15.1-21-27;
3. Completed a four-year rolling plan, as determined by the superintendent of public instruction;
4. Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1;
5. Completed the requirements in at least four of the following while enrolled in grades nine through twelve:
 - a. Twenty-five hours of community service;
 - b. A ninety-five percent attendance rate as determined under section 15.1-20-02.1, not including any school-related absences;
 - c. A career exploration experience, as determined by the superintendent of public instruction;
 - d. At least two years in organized cocurricular activities;
 - e. At least two years in organized extracurricular activities;
 - f. A capstone project, as determined by the superintendent of public instruction;
 - g. An online learning course; and
 - h. Successful demonstration of competency in twenty-first century skills, as determined by the superintendent of public instruction; and
6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
 - a. (1) Received:
 - (a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;
 - (b) A composite score of at least twenty-four on an ACT; or
 - (c) A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (f) A score of at least four on an international baccalaureate examination; and
 - (g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses

required for admission to institutions of higher education under the control of the state board of higher education;

- b. (1) Earned:
 - (a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) Three units of the same world language, indigenous language, or sign language; or
 - (c) Two units of career and technical education, one unit of teaching profession education or educational methodology and one unit of advanced placement psychology, dual-credit psychology, child development, peer-to-peer leadership, child-related careers, or any combination thereof;
- (2) Received:
 - (a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;
 - (b) A composite score of at least twenty-four on an ACT;
 - (c) A score of at least 1180 on an SAT; or
 - (d) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- (3) Successfully completed the requirements in at least two of the following:
 - (a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;
 - (c) A technical assessment or industry credential, as determined by the department of career and technical education;
 - (d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;
 - (e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and
 - (f) Received a score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or
- c. (1) Received:
 - (a) A score of at least fifty on an ASVAB test; or
 - (b) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;
- (2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and
- (3) Completed:
 - (a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;
 - (b) Two units of junior reserve officers' training corps;
 - (c) Phase one of the cadet civil air patrol program; or

- (d) Two units of any combination of the following courses:
 - [1] Introduction to military careers;
 - [2] ASVAB essentials: skills for military success;
 - [3] Military health and fitness;
 - [4] Career foundations in military leadership; or
 - [5] Military leadership capstone.

15.1-21-03. High school unit - Instructional time.

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of student engagement per school calendar.
2. The following units must consist of at least one hundred fifty hours of student engagement per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.
5. This section does not apply to units attained from a district-approved mastery framework under section 15.1-21-03.

15.1-21-04. Minimum high school courses - Alternative curriculum plans.

1. Except as otherwise provided in this section, each student shall enroll in at least four units of high school work in each grade from nine through twelve.
2. A student in grade twelve may enroll in fewer than four units of work, provided:
 - a. The student requires fewer than four units of work for graduation; and
 - b. The board of the school district has adopted an alternative high school senior curriculum plan.
3. An alternative high school senior curriculum plan becomes effective if:
 - a. It is adopted by action of the school board;
 - b. It contains specific criteria under which a high school senior may enroll in fewer than four units of work; and
 - c. It has been submitted to and approved by the superintendent of public instruction.

15.1-21-05. Indian education curriculum.

The superintendent of public instruction may develop an Indian education curriculum to be implemented within the minimum curriculum requirements for elementary and secondary schools. The superintendent shall provide for continuing research and evaluation and for inservice training necessary to implement an Indian education curriculum.

15.1-21-05.1. Curriculum - Critical race theory - Prohibited.

Each school district and public school shall ensure instruction of its curriculum is factual, objective, and aligned to the kindergarten through grade twelve state content standards. A school district or public school may not include instruction relating to critical race theory in any portion of the district's required curriculum under sections 15.1-21-01 or 15.1-21-02, or any other curriculum offered by the district or school. For purposes of this section, "critical race theory" means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality. The superintendent of public instruction may adopt rules to govern this section.

15.1-21-06. Goals 2000 - Participation voluntary.

Repealed by S.L. 2021, ch. 139, § 1.

15.1-21-07. School-to-work - Student participation voluntary.

Before an elementary or secondary school student may participate in any course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 [Pub. L. 103-239; 108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain the written consent of the student's parent or legal guardian. Participation by a student is voluntary and may not be deemed a condition of graduation. Neither school personnel, school district personnel, nor the superintendent of public instruction may impose any academic penalties or any other sanctions on a student for failure to participate. A student's participation in a course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 is subject to all state and federal child labor laws.

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

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

15.1-21-08.1. Parental directive - Administration of tests and assessments - Report.

1. A student's parent may direct the school district in which the student is enrolled not to administer to the student any state test or state assessment required in accordance with section 15.1-21-08.
2. In addition to the authority granted under subsection 1, a student's parent may direct that the school district in which the student is enrolled not administer any other specific test or assessment to the student, except a parental directive under this subsection does not apply to:
 - a. Any test or assessment required by the student's school district of enrollment or this state for the completion of any grade from kindergarten through twelve; or
 - b. Any test or assessment required by the student's school district of enrollment or this state for high school graduation.
3.
 - a. A parental directive is valid only if it is presented to the school district using a standardized form, prepared by the superintendent of public instruction, and signed by the student's custodial parent.
 - b. A parental directive is valid only until the conclusion of the school year in which it is received by the school district.
 - c. A parental directive submitted to a school district in accordance with this section must be retained as part of the student's educational record.
4. A school district is not liable for any consequences incurred by a student as a result of a parental directive submitted in accordance with this section.
5. A school district is not required to provide instruction or activities for a student during the administration of any test or assessment referenced in the parental directive submitted by the student's parent.
6. Each school district shall post the parental directive form on its website and make the form available to a parent, upon request.
7. At the time and in the manner directed by the superintendent of public instruction, each school district shall provide a report regarding:
 - a. The number of parental directives received;
 - b. The number of parental directives applicable to students who are economically disadvantaged, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency; and
 - c. Any loss of funding stemming from the parental directives.

15.1-21-09. Test scores - Compilation.

The superintendent of public instruction shall arrange for the compilation of test scores in a manner that indicates achievement and allows a comparison of individual students, classrooms within a given school and school district, schools within the state, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status, and assessment status, unless doing so enables the identification of any student.

15.1-21-10. Test scores - Publication.

Upon receiving notice that the compilation of test scores has been completed, the superintendent of public instruction shall inform the legislative council. The superintendent shall present the test scores publicly for the first time at a meeting of a legislative committee designated by the legislative management. At the meeting, the superintendent and representatives of the testing service that created the tests shall provide detailed testimony regarding the testing instrument, the methodology used to test and assess the students, the established cut scores, the methodology used to determine the cut scores, the validation of all test products, and the significance of the test scores.

15.1-21-11. Superintendent of public instruction - Review of test questions.

The superintendent of public instruction shall require that the entity developing a test to be administered under section 15.1-21-08 not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section.

15.1-21-12. Professional development - Use of available funds.

Repealed by S.L. 2021, ch. 139, § 1.

15.1-21-12.1. Reading curriculum - Content - Professional development - Reports to legislative management.

1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:
 - a. Is scientifically based, evidence based, and research based;
 - b. Focuses on:
 - (1) Phonemic awareness;
 - (2) Phonics;
 - (3) Fluency;
 - (4) Vocabulary; and
 - (5) Comprehension; and
 - c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.
2. Before the 2022-23 school year, each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1.
3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.
4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:

- a. Ensures the placement of highly effective teachers in kindergarten through grade three;
 - b. Has integrated reading instruments used to diagnose reading development and comprehension; and
 - c. Has integrated evidence-based resources to support reading development and comprehension.
5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.
6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.
7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students.

**15.1-21-12.2. Mathematics curriculum - Professional development and intervention.
(Effective through June 30, 2027)**

1. Each school district and nonpublic school shall:
 - a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.
 - b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.
 - (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
 - c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
 - d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.
2. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:
 - a. Ensure the placement of qualified teachers in grades four through eight;
 - b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
 - c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

**15.1-21-12.2. Mathematics curriculum - Professional development and intervention.
(Effective after June 30, 2027)**

1. Each school district and nonpublic school shall:

- a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.
 - b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.
 - (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
 - c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
 - d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.
 - e. For a student in kindergarten through grade three:
 - (1) Use a screening process for early identification of mathematics deficiencies and characteristics of dyscalculia;
 - (2) Inform the student's parent or legal guardian about the screening process, the student's results, and the importance of early intervention;
 - (3) Provide resources and guidance to the student's parent or legal guardian to support mathematics learning at home; and
 - (4) If the student is identified as having characteristics of mathematics deficiencies or dyscalculia, develop an education plan with accommodations.
2. A school district or special education unit shall provide a screening process under paragraph 1 of subdivision e of subsection 1 for a student upon request by a parent, legal guardian, or teacher.
 3. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:
 - a. Ensure the placement of qualified teachers in grades four through eight;
 - b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
 - c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

15.1-21-12.3. Mathematics curriculum and professional development - Rules - Reports to the superintendent of public instruction and the legislative management.

1. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement section 15.1-21-12.2, including rules to monitor implementation.
2. The superintendent of public instruction and the regional education associations shall support school districts with implementation of section 15.1-21-12.2. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of section 15.1-21-12.2 in

improving educational outcomes and student competency in mathematics and shall publish the reports submitted by school districts on the website of the department of public instruction.

15.1-21-13. Content standards - Translation - Curriculum.

Each district shall provide upon request a copy of its content standards in the areas of reading and mathematics, a translation of the district's content standards in the areas of reading and mathematics for individuals who do not have a background in elementary or high school education, and a copy of the curriculum or syllabus used by each teacher of reading and mathematics.

15.1-21-14. Test - Availability for viewing.

Upon request, a school district must allow any individual over the age of twenty to view any test administered under sections 15.1-21-08 through this section as soon as the test is in the possession of the school district.

15.1-21-15. Electronic course delivery - Approval process.

Repealed by S.L. 2017, ch. 146, § 1.

15.1-21-16. Summer school courses and programs - Eligibility for payment.

The summer school courses and programs for which a school district may receive payment as provided in section 15.1-27-19 are:

1.
 - a. Mathematics provided to students enrolled in any grade from kindergarten through eight;
 - b. Reading provided to students enrolled in any grade from kindergarten through eight;
 - c. Science provided to students enrolled in any grade from five through eight; and
 - d. Social studies provided to students enrolled in any grade from five through eight; and
2. Any other high school summer courses that satisfy requirements for graduation, comprise at least as many clock-hours as courses offered during the regular school term, and comply with rules adopted by the superintendent of public instruction.

15.1-21-17. Interim assessment.

Repealed by S.L. 2021, ch. 158, § 9.

15.1-21-17.1. Interim assessment - State-provided or state-approved list.

1. Each public school district shall administer annually to students in grades kindergarten through ten at least two assessments in mathematics and reading. In administering the assessment, a public school district shall use:
 - a. The state-provided interim assessment; or
 - b. An interim assessment from a state-approved list created and maintained by the superintendent of public instruction.
2. The superintendent of public instruction shall contract with an interim assessment vendor to create a state-provided interim assessment and distribute the assessment to each public school district, at no charge to the districts, for the grade levels and subjects provided in subsection 1.
3. If a district chooses to use an assessment from the state-approved list, the district is responsible for any assessment-related costs.
4. To qualify as a state-provided or state-approved vendor of interim assessments, a vendor must share the assessment data electronically with the statewide longitudinal data system for the purposes of statewide aggregated data results. Individual district level data may be shared at the discretion of the local district.
5. The superintendent shall adopt rules to develop the selection and approval criteria for a state-approved interim assessment vendor.

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

1. A school district shall administer to students, once during their enrollment in grade seven or eight and once during their enrollment in grade nine or ten, a career interest inventory recommended by the department of career and technical education and approved by the superintendent of public instruction.
2. At least once during the seventh or eighth grade, each school district shall arrange for students to participate in either an individual consultative process or a nine-week course, for the purpose of discussing the results of their career interest inventory, selecting high school courses appropriate to their educational pursuits and career interests, and developing individual high school education plans.
3. Each school district shall notify its high school students that, upon request, a student is entitled to receive a consultative review of the student's individual high school education plan at least once during each high school grade. Upon the request of a student, the school district shall provide the consultative review.
4. Each school district shall verify compliance with the requirements of this section at the time and in the manner required by the superintendent of public instruction.

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

1. Except as otherwise provided, each public and nonpublic school student in grade eleven may take:
 - a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education, including the writing test; or
 - b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.

15.1-21-20. Summative assessment - General educational development diploma - Selection - Cost.

1. Except as otherwise provided, each student pursuing a general educational development diploma may take:
 - a. The ACT or an equivalent nationally recognized standardized test approved by the state board of higher education; or
 - b. Three WorkKeys assessments or an equivalent nationally recognized standardized test, recommended by the department of career and technical education and approved by the superintendent of public instruction.
2. The student's career advisor or guidance counselor shall meet with the student to review the student's assessment results.
3. This section is applicable only to a student who has not reached the age of twenty-one before August first of the year of enrollment.

15.1-21-21. Financial literacy - Concepts of personal finance - Inclusion in curriculum.

1. Each school district shall require each student to complete one-half unit of financial literacy or ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:
 - a. Budgeting and money management;
 - b. Saving and investing;
 - c. Credit and debt management;
 - d. Banking and financial services;
 - e. Taxation and income;
 - f. Consumer skills and smart spending;
 - g. Insurance and risk management;
 - h. College and career financial planning;

- i. Retirement planning; and
 - j. Entrepreneurship and economic concepts.
- 2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.
- 3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

15.1-21-22. Required reading of historical documents.

Before a student is deemed to have successfully completed either United States government or problems of democracy, as required by section 15.1-21-02.1, the student's school district shall ensure that the student has read the Declaration of Independence, the United States Constitution, and the Bill of Rights.

15.1-21-23. Readiness testing and formative assessments - Kindergarten students - School calendar.

- 1. A school district may conduct readiness testing and formative assessments of incoming kindergarten students. The dates on which the testing and assessments are scheduled may be within the regular school calendar or before the regular school calendar. The school district shall provide to the parents of each incoming kindergarten student the date and time of the student's testing or assessment.
- 2. A district may consider up to two of the days set aside for readiness testing and formative assessments to be kindergarten instructional days for purposes of section 15.1-06-04. However, the attendance of a kindergarten student on those days is limited to the period of time during which the individual student's testing or assessment is scheduled.

15.1-21-24. Health curriculum - Content.

Beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity before and outside of marriage.

15.1-21-25. High school graduation - Minimum requirements.

Redesignated as section 15.1-21-02.2.

15.1-21-26. Driver education curriculum - Content - Anatomical gift.

- 1. Beginning July 1, 2014, each school district shall ensure that its curriculum for driver education includes information regarding the manner in which a student obtaining a driver's license may make an anatomical gift, as provided for in section 23-06.6-04.
- 2. The school district shall provide notification of the curricular requirement set forth in subsection 1 to the parent of each student enrolled in driver education. The notification may be provided electronically or in written form.

15.1-21-27. High school graduation requirement - Civics test.

- 1. For purposes of this section, "civics test" means the one hundred questions that, as of January 1, 2015, officers of the United States citizenship and immigration services use as the basis for selecting the questions posed to applicants for naturalization, in order that the applicants can demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. 1423.

2. a. If a student is enrolled in the twelfth grade during the 2016-17 school year, that student must, as a condition of receiving a high school diploma, correctly answer at least sixty percent of the questions on the civics test.
- b. Before any other student may be awarded a high school diploma, that student must correctly answer at least seventy percent of the questions on the civics test.
3. a. The requirement set forth in this section applies to each student who is:
 - (1) Enrolled in a public school district;
 - (2) Enrolled in a nonpublic school;
 - (3) Enrolled in the center for distance education;
 - (4) Receiving home education if the student is to be issued a high school diploma in accordance with subsection 1 of section 15.1-23-17; or
 - (5) Pursuing a general equivalency diploma.
- b. A student may be exempted from the requirement of this section by the provisions of the student's individualized education program plan.
4. The superintendent of public instruction shall, upon request, provide to the person administering the civics test the correct answer or acceptable answers to each question.
5. A student may take the test, in whole or in part, at any time after enrolling in grade seven and may repeat the test, or any portion thereof, as often as necessary to demonstrate proficiency.
6. Neither the superintendent of public instruction nor a school district may impose or collect any fees or charges in connection with this section.
7. This section is applicable to any student who graduates from high school during or after the 2016-17 school year.

15.1-21-28. Growth and development and human sexuality curriculum - Content.

1. As used in this section:
 - a. "Human growth and development discussion" means an oral, written, or digital lesson, lecture, or presentation about human biology related to pregnancy and human development inside the womb.
 - b. "Human sexuality instruction" means an oral, written, or digital lesson, lecture, or presentation about sexual activity and pregnancy in the context of student health or healthy relationships.
2. A school district's health curriculum must include human growth and development discussion. The human growth and development discussion must include:
 - a. A high-definition ultrasound video, at least three minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
 - b. A high-quality, computer-generated rendering or animation showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.
3. A school district offering human sexuality instruction shall ensure human sexuality instruction includes:
 - a. A high-definition ultrasound video, at least three minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and
 - b. A high-quality, computer-generated rendering or animation showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy until birth.
4. The superintendent of public instruction shall ensure the requirements of this section are included in the North Dakota health content standards.

15.1-21-29. Private tutors.

A board of a school district may adopt a policy to permit private tutors to provide tutoring services on school premises.

15.1-21-30. Curriculum - Kindergarten through grade three - Foreign language - Pilot program.

Beginning with the 2025-26 school year and continuing through the 2026-27 school year, the superintendent of public instruction shall establish and operate a pilot program to provide annual grants to schools that provide instruction in a foreign language to students in kindergarten through grade three. Grants awarded under the program may be used for program costs, materials, or stipends. Grants awarded under this program may not exceed two thousand five hundred dollars per school per year. The superintendent shall develop the requirements and procedures for a school to participate in the program.