

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-20 -
COMPULSORY ATTENDANCE**

Chapter 15.1-20 of the North Dakota Century Code is created and enacted as follows:

15.1-20-01. Compulsory attendance. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

NOTE: Present Section 15-34.1-01. Present Section 15-34.1-01 references every person "who resides within any school district, or who resides upon any government base or installation without any school district." Since this is all encompassing, the rewrite simply references any person.

15.1-20-02. Compulsory attendance - Exceptions. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board, subject to appeal, that:

1. The child is in attendance for the same length of time at an approved nonpublic school;
2. The child has completed high school;
3. The child is necessary to the support of the child's family;
4. A multidisciplinary team that included 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; or
5. The child is receiving home education; provided, however, that this exception is not available if the child has developmental disabilities as defined by subsection 1 of section 25-01.2-01.

NOTE: Present Section 15-34.1-03. Present Section 15-34.1-03(1) provides an exception to the compulsory school attendance requirements if the child is in attendance at a parochial or private school approved by the county superintendent and the Superintendent of Public Instruction. The section further provides that no school may be approved unless the teachers are certified in the state of North Dakota, this state's course requirements are met, and this state's health, fire, and safety laws are met. This appears to prohibit sending a child to a boarding school out of state or even transporting a child, because of a shorter distance, to a school across this state's borders. At the direction of the 1997-98 interim Education Services Committee, the rewrite simply requires that the child attend an approved nonpublic school.

Present Section 15-34.1-03(1) includes the parameters for school approval. These have been omitted from this section of the rewrite because they were placed in Section 15.1-06-06.

Present Section 15-34.1-03(3) creates an exception for a child who is needed to support the child's family. The subsection includes the phraseology "which shall be a question of fact to be determined by the governing board of the district with the approval of the county superintendent of schools, and such determination shall be subject to review by the superintendent of public instruction on appeal." Because the first line of the section provides that the reasons for the exceptions must be demonstrated to the satisfaction of the school board and subject to appeal, this language appears to be redundant and has been omitted.

1 **15.1-20-03. Compulsory attendance law - Enforcement.** Each school board
2 member, school superintendent, principal, truant officer, teacher, and county superintendent of
3 schools is charged with the enforcement of compulsory school attendance provisions. The
4 compulsory school attendance provisions are applicable to any child who is offered school
5 facilities by a school district, regardless of whether or not the child actually resides in the
6 district. Each individual listed in this section shall investigate any alleged violation of the
7 compulsory attendance provisions and shall obtain from the parent of any child not attending
8 school in accordance with the requirements of this chapter the reason, if any, for the absence.
9 In any school district not having a district superintendent, the county superintendent of schools
10 must be notified of any allegation regarding the violation of compulsory attendance provisions
11 and the county superintendent shall report the allegation to the state's attorney of the county.
12 In all other districts, the school district superintendent or the principal of the child's school shall
13 report to the state's attorney of the county the facts in connection with any alleged violation of
14 the compulsory attendance provisions. The state's attorney may petition a court, pursuant to
15 chapter 27-20, for a determination as to whether a child is educationally deprived.

NOTE: Present Section 15-34.1-04.

- 1 **15.1-20-04. Home education - Definition.** For purposes of this chapter, "home
2 education" means an educational program for a child provided in accordance with chapter
3 15.1-23 by the child's parent in the child's home.

NOTE: Present Section 15-34.1-00.1. Present Section 15-34.1-00.1 also defines nonpublic school, parent, and school. They have been omitted in the rewrite because they are self-evident.