

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-23 -  
HOME EDUCATION**

Chapter 15.1-23 of the North Dakota Century Code is created and enacted as follows:

**15.1-23-01. Home education - Definition.** For purposes of this chapter, "home education" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of this chapter.

**NOTE:** Present Section 15-34.1-00.1(1).

**15.1-23-02. Statement of intent to provide home education.** At least fourteen days before beginning home education or within fourteen days of establishing a child's residence in a school district, and once each year thereafter, a parent intending to supervise or supervising home education shall file a statement, reflecting that intent or fact, with the superintendent of the child's school district of residence or if no superintendent is employed, with the county superintendent of schools for the child's county of residence.

1. The statement must include:

- a. The name and address of the child receiving home education;
- b. The child's date of birth;
- c. The child's grade level;
- d. The name and address of the parent who will supervise the home education;
- e. The qualifications of the parent who will supervise the home education;
- f. Any public school courses in which the child intends to participate; and
- g. Any extracurricular activities in which the child intends to participate and the public school district or approved nonpublic school offering the activities.

2. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity as required by section 54-23.2-04.2.

**NOTE:** Present Section 15-34.1-06(4). Present Section 15-34.1-06 contains multiple concepts that have been reordered and separated into several independent sections.

Present Section 15-34.1-06(4)(f) provides that the parental statement of intent to home school include "proof of an immunization record as it relates to section 23-07-16." The rewrite requires that the statement be accompanied by a record of the immunization instead of by proof that it exists. The rewrite also eliminates the reference to Section 23-07-16. That section provides that children having contagious diseases must be prohibited from attending school.

**15.1-23-03. Home education - Parental qualifications.** A parent may supervise home education if the parent:

1. Holds a North Dakota teaching certificate;
2. Holds a baccalaureate degree;
3. Has met or exceeded the cutoff score of a national teacher exam given in North Dakota or in any other state if North Dakota does not offer such a test; or
4. Meets the requirements of section 15.1-23-06.

**NOTE:** Present Section 15-34.1-06(2)(a). The provisions of present Section 15-34.1-06 have been reordered and separated into several sections.

**15.1-23-04. Home education - Required subjects - Instructional time.** A parent supervising home education shall include instruction in those subjects required by law to be taught to public school students. The instruction must have a duration of at least four hours each day for a minimum of one hundred seventy-five days each year.

**NOTE:** Present Section 15-34.1-06(3). The provisions of present Section 15-34.1-06 have been reordered and separated into several sections.

Present Section 15-34.1-06(3) sets forth the statutory sections that list the required subjects. The rewrite removes the list and refers instead to "subjects required by law to be taught to public school students."

**15.1-23-05. Home education - Academic records.** A parent supervising home education shall maintain an annual record of courses taken by the child and the child's academic progress assessments, including any standardized achievement test results. If the child transfers to a public school district, the parent shall furnish the record, upon request, to the school district superintendent or other administrator.

**NOTE:** Present Section 15-34.1-06(4). The provisions of present Section 15-34.1-06 have been reordered and separated into several sections.

**15.1-23-06. Home education - Required monitoring of progress.** A parent who has a high school diploma or a general education development certificate may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a composite standardized achievement test score

- 1 below the fiftieth percentile nationally, the parent must be monitored for at least one additional  
2 school year and until the child receives a test score at or above the fiftieth percentile. If testing  
3 is not required by section 15.1-23-07 during the first two years of monitoring, the period of  
4 monitoring may not be extended, except upon the mutual consent of the parent and the  
5 monitor. If a parent completes the monitoring requirements of this section for one child, the  
6 parent may not be monitored with respect to other children for whom the parent supervises  
7 home education.

**NOTE:** Present Section 15-34.1-06(2)(b). The provisions of present Section 15-34.1-06 have been reordered and separated into several sections.

Present Section 15-34.1-06(2)(b) provides that a "parent who has a high school diploma or a general education development certificate is qualified to supervise home education but must be monitored by a licensed teacher during the first two years the parent supervises home education or until the child being instructed completes the third grade, whichever is later." The rewrite eliminates the phrase "or until the child being instructed completes the third grade." That phrase was initially inserted as a demarcation. It coincided with Section 15-34.1-07(1) that required a standardized achievement test used by the public school in the school district in which the parent resides be given in grades 3, 4, 6, 8, and 11.

Testimony from Department of Public Instruction staff, as well as representatives of the Home Education Association, indicated that school districts now offer standardized tests only in grades 4, 6, 8, and 10. The committee amended Section 15.1-23-09 to reflect this fact and asked that Sections 15.1-23-06 and 15.1-23-09 be reconciled.

8 **15.1-23-07. Home education - Required monitoring of progress - Reporting of**  
9 **progress - Compensation.**

- 10 1. If monitoring is required under section 15.1-23-06, the school district shall assign  
11 and compensate an individual to monitor a child receiving home education, unless  
12 the parent notifies the school district that the parent shall select and compensate  
13 an individual to monitor the child.
- 14 2. The individual assigned by the school district or selected by the parent under  
15 subsection 1 must hold a North Dakota teaching license.
- 16 3. Twice during each school year, the individual shall report the child's progress to the  
17 school district superintendent or to the county superintendent if the district does not  
18 employ a superintendent.
- 19 4. If one child receives home education, the individual shall spend an average of one  
20 hour per week in contact with the child and the child's parent. If two or more  
21 children receive home education, the individual shall spend one-half hour per

month for each additional child receiving home education. If the child attends a public or an approved nonpublic school, the time may be proportionately reduced.

**NOTE:** Present Section 15-34.1-07(3). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

**15.1-23-08. Monitoring or test administration.** An individual who in accordance with this chapter monitors a child receiving home education or who administers a standardized achievement test to a child receiving home education shall notify the child's school district of residence. If the individual is not assigned by a school district under subsection 1 of section 15.1-23-07, the parent supervising home education is responsible for any costs associated with the monitoring or test administration.

**NOTE:** Present Section 15-34.1-09.

**15.1-23-09. Home education - Standardized achievement test.** While in grades four, six, eight, and ten, each child receiving home education shall take a standardized achievement test used by the school district in which the child resides or, if requested by the parent, shall take a nationally normed standardized achievement test. The child shall take the test in the child's learning environment or, if requested by the child's parent, in a public school. A licensed teacher shall administer the test.

**NOTE:** Present Section 15-34.1-07(1). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

Present law refers to a test administered by the school district in which the child's parent resides. The committee examined this designation and determined that the reference should be made consistent with others in this chapter. The rewrite therefore refers to the district in which the child resides.

**15.1-23-10. Home education - Standardized achievement test - Cost.** If a child receiving home education takes the standardized achievement test used by the school district in which the child resides, the school district is responsible for the cost of the test and its administration by an individual who holds a teaching license and who is employed by the district. If the child takes a nationally normed standardized achievement test not used by the school district, the child's parent is responsible for the cost of the test and for the cost of its administration by an individual who is secured by the parent and holds a North Dakota teaching license.

**NOTE:** Present Section 15-34.1-07(1). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections. See note following Section 15.1-23-09.

**15.1-23-11. Home education - Standardized achievement test - Results.**

1. A parent supervising home education shall file the results of the child's standardized achievement test with the superintendent of the district in which the child resides or with the county superintendent if the district does not employ a superintendent.
2. If the child's basic composite score on a standardized achievement test is less than the thirtieth percentile nationally, a multidisciplinary assessment shall assess the child for a potential learning problem under rules adopted by the superintendent of public instruction.
3. If the multidisciplinary assessment team determines that the child is not disabled and the child's parent wishes to continue home education, the parent, with the advice and consent of an individual holding a North Dakota teaching license, shall prepare a remediation plan to address the child's academic deficiencies and file the plan with the superintendent of the school district or with the county superintendent if the district does not employ a superintendent. The parent is responsible for any costs associated with the development of the remediation plan. If the parent fails to file a remediation plan, the parent is deemed to be in violation of compulsory school attendance provisions and may no longer supervise the home education of the child.

**NOTE:** Present Section 15-34.1-07(2). The rewrite eliminates the requirement that the child be "professionally" evaluated. It is assumed that a multidisciplinary team will conduct a professional evaluation. The rewrite also changes the requirement that the evaluation take place according to "guidelines established by the superintendent of public instruction." As of October 1999, the superintendent is to have eliminated "guidelines" and replaced them with "rules" adopted under Chapter 28-32.

**15.1-23-12. Home education - Remediation plan.** The superintendent of the school district shall use the remediation plan required by section 15.1-23-11 as the basis for determining reasonable academic progress. The remediation plan must remain in effect until such time as the child achieves on a standardized achievement test a basic composite score at or above the thirtieth percentile or a score, which when compared to the previous year's test score, demonstrates one year of academic progress. At the option of the parent, the test may

1 be one required by section 15.1-23-09 or one administered in a higher grade level. The child's  
2 parent, with the advice and consent of an individual holding a North Dakota teaching license,  
3 may amend the remediation plan from time to time in order to accommodate the child's  
4 academic needs. If after a remediation plan is no longer in effect the child fails to demonstrate  
5 reasonable academic progress on a subsequent test required by this section, a remediation  
6 plan must again be developed and implemented.

**NOTE:** Present Section 15-34.1-07(2). Present Section 15-34.1-07 contains a  
multitude of concepts. These concepts have been reordered and separated into several  
sections.

7 **15.1-23-13. Home education - Disabilities - Individualized education plan.**

- 8 1. If a multidisciplinary assessment team, using eligibility criteria established by the  
9 superintendent of public instruction, determines that the child is disabled, that the  
10 child requires specially designed instruction due to the disability, and that this  
11 instruction cannot be provided without special education and related services, the  
12 parent may continue to supervise home education, provided that:
  - 13 a. The child does not have a developmental disability;
  - 14 b. The parent files with the school district superintendent an individualized  
15 education plan that was developed privately or through the school district; and
  - 16 c. The individualized education plan demonstrates that the child's special needs  
17 are being addressed by persons qualified to provide special education or  
18 related services.
- 19 2. Annually, the superintendent of the child's school district of residence shall  
20 determine reasonable academic progress based on the child's individualized  
21 education plan.
- 22 3. If a parent fails to file an individualized education plan, as required by this section,  
23 the parent is deemed to be in violation of the compulsory school attendance  
24 provisions and may no longer supervise the home education of the child.
- 25 4. A child who was once evaluated by a multidisciplinary assessment team need not  
26 be reevaluated for a potential learning problem upon scoring below the thirtieth  
27 percentile on a subsequent standardized achievement test, unless the reevaluation  
28 is performed pursuant to the child's individualized education plan.

**NOTE:** Present Section 15-34.1-07(2). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

**15.1-23-14. Children with autism - Home education.** Notwithstanding any other law, a parent may supervise home education for a developmentally disabled child with autism if:

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent is qualified to supervise home education under this chapter; and
3. The child's parent files with the superintendent of the child's school district of residence:
  - a. A notice that the child will receive home education;
  - b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
  - c. An individualized education plan developed and followed by the child's school district of residence and the child's parent; or, after providing written notice to the superintendent of the child's school district of residence, a substitute individualized education plan, developed and followed, according to section 15.1-23-15, by an individualized education plan team selected by and compensated by the child's parent.

**NOTE:** Present Section 15-34.1-12.

**15.1-23-15. Children with autism - Home education - Progress reports.**

1. On or before November first, February first, and May first of each school year, a parent supervising home education for an autistic child under section 15.1-23-14 shall file with the superintendent of the child's school district of residence progress reports prepared by the individualized education plan team selected under section 15.1-23-14. If at any time the individualized education plan team agrees that the child is not benefiting from home education, the team shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team appointed by the superintendent of the child's school district of residence.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction.

**NOTE:** Present Section 15-34.1-12.1.

**15.1-23-16. Home education - Participation in extracurricular activities.**

1. A child receiving home education may participate in extracurricular activities either:
  - a. Under the auspices of the child's school district of residence; or
  - b. Under the auspices of an approved nonpublic school, if permitted by the administrator of the school.
2. For purposes of this section, a child participating under the auspices of the child's school district of residence is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the district.
3. For purposes of this section, a child participating under the auspices of an approved nonpublic school is subject to the same standards for participation in extracurricular activities as those required of full-time students enrolled in the school.
4. Once a child's parent has selected the public school district or the approved nonpublic school in which the child will participate for purposes of extracurricular activities and has provided notification of the selection through the statement required by section 15.1-23-02, the child is subject to the transfer rules as provided in the constitution and bylaws of the North Dakota high school activities association.

**NOTE:** Present Section 15-34.1-13.

**15.1-23-17. Home education - High school diplomas.**

1. A child's school district of residence, an approved nonpublic high school, or the North Dakota division of independent study may issue a high school diploma to a child who, through home education, has met the issuing entity's requirements for high school graduation provided the child's parent submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve.
2. In the alternative, a high school diploma may be issued by the child's school district of residence, an approved nonpublic high school, or the North Dakota division of



independent study provided the child, through home education, has completed at least seventeen units of high school coursework from the minimum required curriculum offerings established by law for public and nonpublic schools and the child's parent or legal guardian submits to the issuing entity a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the child's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the child was provided with home education.

3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.

**NOTE:** Present Section 15-34.1-11.1.

**15.1-23-18. Home education - Liability.** No state agency, school district, or county superintendent may be held liable for accepting as correct the information on the statement of intent or for any damages resulting from a parent's failure to educate the child.

**NOTE:** Present Section 15-34.1-10.

**15.1-23-19. Home education - State aid to school districts.** For purposes of allocating foundation and other state aid to school districts, a child receiving home education is deemed enrolled in the child's school district of residence if the child is monitored by a licensed teacher employed by the public school district in which the child resides. A school district is entitled to fifty percent of the per student payment provided in section 15.1-27-04 times the appropriate factor in section 15.1-27-06 or 15.1-27-07 for each child receiving home education. If a child receiving home education is enrolled in public school classes, proportionate payments must be made. The total amount may not exceed the equivalent of one full foundation aid payment.

**NOTE:** Present Section 15-34.1-08. Present law refers to both the school district in which the child resides and the school district in which the child's parent resides. The committee examined the designation and determined that the references should be made consistent. The committee therefore amended the section to refer solely to the school district in which the child resides.