

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-22 -
KINDERGARTENS**

Chapter 15.1-22 of the North Dakota Century Code is created and enacted as follows:

**15.1-22-01. Kindergarten - Establishment by board - Petition for establishment -
Levy.**

1. The board of a school district may, upon its own motion, establish a free public kindergarten for the instruction during a school year of resident children below school age.
2. If the board receives a petition signed by at least five percent of the qualified electors residing in the district, the board must submit the question of establishing a kindergarten to the electorate at the next annual or special school district election. The margins of electoral approval provided in section 57-15-14 must be applied.
3. The board of a school district that establishes a kindergarten under this section may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2.

NOTE: Present Section 15-45-01 provides that the petition to establish a kindergarten must be "signed by qualified electors of the school district comprising at least five percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, but in no case less than twenty-five." The 1997-98 Education Services Committee was concerned that some districts might not have 25 residents. At the request of the committee, the Legislative Council staff reviewed percentages required for other petitions in the title:

Section 15-20.2-13. Referendum on district participation in vocational and technology center - Petition signed by twenty percent of the qualified electors of the school district voting at the last annual school election.

Section 15.1-09-47. Board of education of city of Fargo - Removal of unlimited taxing authority - Petition signed by twenty percent of the individuals enumerated in the most recent school district census.

Subject to committee review, the rewrite maintains the five percent petition signature requirement found in current law but removes the requirement for a minimum of 25 signatures.

1 **15.1-22-02. Public kindergarten - Requirements.** A school district operating a
2 kindergarten:

- 3 1. May not employ an individual as a kindergarten teacher unless the individual is
4 licensed to teach by the education standards and practices board or approved by
5 the education standards and practices board.
- 6 2. Shall submit to the superintendent of public instruction and follow a
7 developmentally appropriate curriculum.
- 8 3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day or
9 full-day basis, as determined by the school board.
- 10 4. Shall apply all municipal and state health, fire, and safety requirements to the
11 kindergarten.
- 12 5. May not enroll a child who is not five years old by midnight August thirty-first of the
13 year of enrollment, unless the child will be five years old on or before December
14 thirty-first and:
 - 15 a. The child, by means of developmental and readiness screening instruments
16 approved by the superintendent of public instruction and administered by the
17 kindergarten operator, can demonstrate special talents or abilities; or
18 b. The child has been enrolled in another approved kindergarten.

NOTE: Present Section 15-45-02. Present Section 15-45-02 also contains the following paragraph:

Any person operating a private or parochial kindergarten may seek approval from the superintendent of public instruction and those programs must meet the requirements of this section in order to be approved. Only programs receiving approval from the superintendent of public instruction may be called approved kindergartens.

The concept of this paragraph has been placed in Section 15.1-22-03.

19 **15.1-22-03. Nonpublic kindergarten - Requirements - Approval.** Any person
20 operating a nonpublic kindergarten may request approval of the kindergarten from the
21 superintendent of public instruction. The superintendent shall approve a nonpublic kindergarten
22 if it meets the requirements of section 15.1-22-02.

NOTE: Present Section 15-45-02. The final paragraph of present Section 15-45-02 provides:

Any person operating a private or parochial kindergarten may seek approval from the superintendent of public instruction and those

programs must meet the requirements of this section in order to be approved. Only programs receiving approval from the superintendent of public instruction may be called approved kindergartens.

This paragraph was separated from the remainder of the section because it deals with a different subject.

- 1 **15.1-22-04. Kindergarten - Discontinuation.** A school board by resolution may cease
- 2 to provide a kindergarten.

NOTE: Present Section 15-45-04.