

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1265  
(Representatives Sitte, Grande, Kempenich, L. Meier)  
(Senators Dever, O'Connell)

AN ACT to amend and reenact sections 15.1-20-02, 15.1-23-13, 15.1-23-14, and 15.1-23-15 of the North Dakota Century Code, relating to home education of students with developmental disabilities.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-20-02. Compulsory attendance - Exceptions.**

1. 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 that:
  - a. The child is in attendance for the same length of time at an approved nonpublic school;
  - b. The child has completed high school;
  - c. The child is necessary to the support of the child's family;
  - d. A multidisciplinary team that includes 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
  - e. 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.~~
2. A decision by the board of a school district under subsection 1 is appealable to the district court.

**SECTION 2. AMENDMENT.** Section 15.1-23-13 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-13. Home education - Disabilities - Services plan.**

1. a. If a multidisciplinary assessment team, using eligibility criteria established by the superintendent of public instruction, determines that the child is disabled, that the child requires specially designed instruction due to the disability, and that this instruction cannot be provided without special education and related services, the parent may continue to supervise home education, provided that:
  - ~~a. The child does not have a developmental disability;~~
  - b. (1) The parent files with the school district superintendent a services plan that was developed privately or through the school district; and

- e. (2) The services plan demonstrates that the child's special needs are being addressed by persons qualified to provide special education or related services.
  - b. If the multidisciplinary team determines that the child has a developmental disability, the parent may continue to supervise home education under the provisions of sections 15.1-23-14 and 15.1-23-15.
2. Annually, the superintendent of the child's school district of residence shall determine reasonable academic progress based on the child's services plan.
  3. If a parent fails to file a services plan as required by this section, the parent is deemed to be in violation of the compulsory school attendance provisions and may no longer supervise the home education of the child.
  4. A child who was once evaluated by a multidisciplinary assessment team need not be reevaluated for a potential learning problem upon scoring below the thirtieth percentile on a subsequent standardized achievement test unless the reevaluation is performed pursuant to the child's services plan.

**SECTION 3. AMENDMENT.** Section 15.1-23-14 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The child has been determined to ~~be autistic~~ have a developmental disability 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~~ a developmental disability prepared and attested to by a licensed psychologist; and
  - c. A services 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 services plan, developed and followed, according to section 15.1-23-15, by a services plan team selected by and compensated by the child's parent.

**SECTION 4. AMENDMENT.** Section 15.1-23-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-15. ~~Children~~ Child with autism a developmental disability - 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~~ a child with a developmental disability under section 15.1-23-14 shall file with the superintendent of the child's school district of residence progress reports prepared by the services plan team selected under section 15.1-23-14. If at any time the services 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.

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1265.

House Vote:      Yeas    91      Nays    0      Absent    3

Senate Vote:    Yeas    44      Nays    2      Absent    1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State