

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1378
(Representatives R. Kelsch, Bellew, Hatlestad, D. Johnson)
(Senators Bakke, G. Lee)

AN ACT to amend and reenact sections 15.1-06-01 and 15.1-22-02 of the North Dakota Century Code, relating to the age of admission to schools; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-01. Schools free and accessible - School ages.

1. Each public school must be free, open, and accessible at all times to any child provided:
 - a. The child may not enroll in grade one unless the child reaches the age of six before ~~September~~ August first of the year of enrollment;
 - b. The child may not enroll in kindergarten unless the child reaches the age of five before ~~September~~ August first of the year of enrollment; and
 - c. The child has not reached the age of twenty-one before ~~September~~ August first of the year of enrollment.
2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in grade one a child who is not six years old before ~~September~~ August first, unless the child will be six years old before ~~January~~ December first and:
 - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate ~~special talents or abilities~~ academic, social, and emotional readiness; or
 - b. The child has completed an approved kindergarten program.
3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before ~~September~~ August first unless the child will be five years old before ~~January~~ December first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate ~~special talents or abilities~~ academic, social, and emotional readiness.

SECTION 2. AMENDMENT. Section 15.1-22-02 of the North Dakota Century Code is amended and reenacted as follows:

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

1. May not employ an individual as a kindergarten teacher unless the individual is licensed to teach by the education standards and practices board or approved by the education standards and practices board.
2. Shall submit to the superintendent of public instruction and follow a developmentally appropriate curriculum.

3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day or full-day basis, as determined by the school board.
4. Shall apply all municipal and state health, fire, and safety requirements to the kindergarten.
5. May not enroll a child who is not five years old ~~by midnight August thirty first~~ before August first of the year of enrollment, unless the child will be five years old ~~on or~~ before December ~~thirty first first~~ first and:
 - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate ~~special talents or abilities~~ academic, social, and emotional readiness; or
 - b. The child has been enrolled in another approved kindergarten.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 2010.

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 Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1378.

House Vote: Yeas 79 Nays 10 Absent 5

Senate Vote: Yeas 39 Nays 7 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State