

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

SENATE BILL NO. 2217
(Senators Cook, Bakke, Wardner)
(Representatives D. Johnson, R. Kelsch, Mueller)

AN ACT to amend and reenact section 15.1-20-03 of the North Dakota Century Code, relating to compulsory school attendance; to provide for a legislative council report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-20-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-03. Compulsory attendance law - Enforcement - Penalty.

1. ~~Each teacher and administrator is charged with the enforcement of compulsory school attendance provisions. The compulsory school attendance provisions are applicable to any child who is offered school facilities by a school district, regardless of whether or not the child actually resides in the district. Each individual listed in this section shall investigate any alleged violation of the compulsory attendance provisions and shall obtain from the parent of any child not attending school in accordance with the requirements of this chapter the reason, if any, for the absence. In any school district not having a district superintendent, the county superintendent of schools must be notified of any allegation regarding the violation of compulsory attendance provisions and the county superintendent shall report the allegation to the state's attorney of the county. In all other districts, the school district superintendent or the principal of the child's school shall report to the state's attorney of the county the facts in connection with any alleged violation of the compulsory attendance provisions. The state's attorney may petition a court, pursuant to chapter 27-20, for a determination as to whether a child is educationally deprived.~~
2. If a teacher determines that a child is not in attendance as required by this chapter and that the child has not been excused in accordance with this chapter or in accordance with the school's or school district's policies, the teacher shall notify the administrator of the school.
3. Upon receiving notice of a child's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the child has failed to ensure that the child is in attendance, the administrator shall refer the matter to the local law enforcement agency.
4. Any person who fails to ensure that a child is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.
5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the child is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the child to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

SECTION 2. ADVISORY COMMITTEE ON TRUANCY - REPORT TO LEGISLATIVE COUNCIL. The superintendent of public instruction shall appoint an advisory committee on truancy. The committee must include representatives of school administrators, teachers, social workers, law

enforcement, and state's attorneys. The committee shall review existing school district policies and responses to truancy and shall explore the desirability and feasibility of making available counseling and intervention options and alternative learning environments; the effectiveness of imposing punitive measures on the truant students, on the parents of truant students, or both; and any other solutions designed to decrease incidences of truancy. Before September 1, 2010, the committee shall report its findings and recommendations to the legislative council.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2217.

Senate Vote: Yeas 44 Nays 3 Absent 0

House Vote: Yeas 75 Nays 18 Absent 1

Secretary of the Senate

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