

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2202

Introduced by

Senators Bakke, Freborg, Taylor

Representatives R. Kelsch, L. Meier, Wolf

1 A BILL for an Act to amend and reenact sections 15.1-20-01, 15.1-20-02, and 15.1-22-01 and
2 subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to compulsory
3 kindergarten attendance; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-20-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-20-01. Compulsory attendance.**

8 1. a. Each child who resides in this state and who has reached the age of
9 compulsory attendance, as set forth in this section, shall enroll in and attend
10 for the duration of the program, a full-day or a half-day public school
11 kindergarten program approved by the superintendent of public instruction.

12 b. This subsection does not prevent a younger child from enrolling in and
13 attending a public school kindergarten program approved by the
14 superintendent of public instruction, provided the child meets the
15 requirements of section 15.1-06-01.

16 c. Upon successful completion of a full-day or a half-day public school
17 kindergarten program approved by the superintendent of public instruction,
18 the child shall enroll in and attend the remainder of the public school grades,
19 beginning with grade one.

20 2. Any person having responsibility for a child between the ages of ~~seven~~ six and
21 sixteen years shall ensure that the child is in attendance at a public school, as
22 required by this section, for the duration of each school year.

23 ~~2.~~ 3. If a person enrolls a child of age ~~six~~ five in a public school, the person shall ensure
24 that the child is in attendance at the public school for the duration of each school

year. The person may withdraw a child of age ~~six~~ five from the public school.

However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.

- ~~3.~~ 4. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

SECTION 2. 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. (1) The child is in attendance, if required under section 15.1-20-01 to enroll in and attend a public school kindergarten program approved by the superintendent of public instruction, is enrolled in and attending a nonpublic kindergarten program approved by the superintendent of public instruction, for the duration of the program; or
(2) The child, if required under section 15.1-20-01 to enroll in and attend the remainder of the public school grades, is enrolled in and attending,
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.
2. A decision by the board of a school district under subsection 1 is appealable to the district court.

1 **SECTION 3. AMENDMENT.** Section 15.1-22-01 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-22-01. Kindergarten - ~~Establishment by board~~ -- ~~Request by parent~~ -- Levy.**

- 4 1. ~~Upon its own motion, the~~ The board of a school district ~~may establish a free public~~
5 ~~kindergarten.~~
- 6 2. ~~If the board receives a written request to provide kindergarten from the parent of a~~
7 ~~student who will be enrolled in the kindergarten, the board~~ either shall either
8 provide at least a half-day free public kindergarten program for ~~the~~ an eligible
9 student or pay the tuition required for the student to attend at least a half-day
10 kindergarten program in another school district.
- 11 3. The board of a school district ~~that establishes a kindergarten under this section~~
12 may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2 to
13 support its kindergarten program.

14 **SECTION 4. AMENDMENT.** Subsection 1 of section 57-15-14.2 of the North Dakota
15 Century Code is amended and reenacted as follows:

- 16 1. A school board of any school district may levy an amount sufficient to cover
17 general expenses, including the costs of the following:
- 18 a. Board and lodging for high school students as provided in section 15.1-30-04.
19 b. The teachers' retirement fund as provided in section 15-39.1-28.
20 c. Tuition for students in grades seven through twelve as provided in section
21 15.1-29-15.
22 d. Special education program as provided in section 15.1-32-20.
23 e. The establishment and maintenance of an insurance reserve fund for
24 insurance purposes as provided in section 32-12.1-08.
25 f. A final judgment obtained against a school district.
26 g. The district's share of contribution to the old-age survivors' fund and matching
27 contribution for the social security fund as provided by chapter 52-09 and to
28 provide the district's share of contribution to the old-age survivors' fund and
29 matching contribution for the social security fund for contracted employees of
30 a multidistrict special education board.

- h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.
- i. Unemployment compensation benefits.
- j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36, any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school, and for providing an alternative education program as provided in section 57-15-17.1.
- k. Participating in cooperative career and technical education programs approved by the state board.
- l. Maintaining a career and technical education program approved by the state board and established only for that school district.
- m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.
- n. Establishing and maintaining school library services.
- o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.
- p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children ~~below school age~~ during the regular school term.
- q. Establishing, maintaining, and conducting a public recreation system.
- r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15.1-09-40.

1 **SECTION 5. EFFECTIVE DATE.** Sections 1 through 3 of this Act become effective on
2 July 1, 2010.