

HOUSE BILL NO. 1378
with Senate Amendments

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1378

Introduced by

Representatives R. Kelsch, Bellew, Hatlestad, D. Johnson

Senators Bakke, G. Lee

1 A BILL for an Act to amend and reenact sections 15.1-06-01 and 15.1-22-02 of the North
2 Dakota Century Code, relating to the age of admission to schools; and to provide an effective
3 date.

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

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

7 **15.1-06-01. Schools free and accessible - School ages.**

- 8 1. Each public school must be free, open, and accessible at all times to any child
9 provided:
- 10 a. The child may not enroll in grade one unless the child reaches the age of six
11 before ~~September~~ August first of the year of enrollment;
- 12 b. The child may not enroll in kindergarten unless the child reaches the age of
13 five before ~~September~~ August first of the year of enrollment; and
- 14 c. The child has not reached the age of twenty-one before ~~September~~ August
15 first of the year of enrollment.
- 16 2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in
17 grade one a child who is not six years old before ~~September~~ August first, unless
18 the child will be six years old before ~~January~~ December first and:
- 19 a. The child, by means of developmental and readiness screening instruments
20 approved by the superintendent of public instruction and administered by the
21 school district, can demonstrate ~~special talents or abilities~~ academic, social,
22 and emotional readiness; or
- 23 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 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.