

HOUSE BILL NO. 1211

Introduced by

Representatives Damschen, Grande, Ruby

Senator Sitte

1 A BILL ~~for an Act to amend and reenact sections 15.1-23-01, 15.1-23-08, 15.1-23-09,~~
2 ~~15.1-23-11, 15.1-23-13, and 15.1-23-17 of the North Dakota Century Code, relating to home-~~
3 ~~education; and to repeal sections 15.1-23-03, 15.1-23-06, 15.1-23-07, and 15.1-23-12 of the~~
4 ~~North Dakota Century Code, relating to home education.~~for an Act to amend and reenact
5 sections 15.1-23-01, 15.1-23-02, 15.1-23-03, 15.1-23-06, 15.1-23-08, and 15.1-23-17 of the
6 North Dakota Century Code, relating to home education.

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

8 ~~— **SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **15.1-23-01. (Effective through July 31, 2011) Home education – Definition.**~~

11 ~~— For purposes of this chapter, "home education" means a program of education supervised~~
12 ~~by a child's parent in accordance with the requirements of this chapter.~~

13 ~~— **(Effective after July 31, 2011) Home education – Definition.** For purposes of this chapter,~~
14 ~~"home education" means a program of education supervised by a child's parent, in the child's~~
15 ~~home, in accordance with the requirements of this chapter.~~

16 ~~— **SECTION 2. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~— **15.1-23-08. (Effective through July 31, 2011) Test administration.**~~

19 ~~— An individual who in accordance with this chapter administers a standardized achievement~~
20 ~~test to a child receiving home education shall notify the child's school district of residence.~~

21 ~~— **(Effective after July 31, 2011) Monitoring or test administration.** An individual who in~~
22 ~~accordance with this chapter monitors a child receiving home education or who administers a~~
23 ~~standardized achievement test to a child receiving home education shall notify the child's school~~
24 ~~district of residence.~~

1 ~~—~~ **SECTION 3. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 ~~—~~ **15.1-23-09. Home education – Standardized achievement test – Exemption.**

4 ~~—~~ 1. a. While in grades four, six, eight, and ten, each child receiving home education
5 shall take a:

6 ~~—~~ (1) ~~A standardized achievement test used by the school district in which the~~
7 ~~child resides; or, if requested by the parent, shall take a~~

8 ~~—~~ (2) ~~A nationally normed standardized achievement test if requested by the~~
9 ~~child's parent.~~

10 ~~—~~ b. The child shall take the test in the child's learning environment or, if requested by
11 the child's parent, in a public school. An individual licensed to teach by the
12 education standards and practices board or approved to teach by the education
13 standards and practices board shall administer the test.

14 ~~—~~ 2. a. ~~The requirement of subsection 1 does not apply if the parent notifies the school~~
15 ~~district in which the child resides that the parent has a philosophical, moral, or~~
16 ~~religious objection to the use of standardized achievement tests and the parent:~~

17 ~~—~~ (1) ~~Is licensed to teach by the education standards and practices board or~~
18 ~~approved to teach by the education standards and practices board;~~

19 ~~—~~ (2) ~~Holds a baccalaureate degree; or~~

20 ~~—~~ (3) ~~Has met or exceeded the cutoff score of a national teacher examination~~
21 ~~given in this state or in any other state if this state does not offer such an~~
22 ~~examination.~~

23 ~~—~~ b. ~~The parent must file the notification required by this subsection with the school~~
24 ~~district at the same time that the parent files the statement of intent to supervise~~
25 ~~home education required by section 15.1-23-02.~~

26 ~~—~~ **SECTION 4. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 ~~—~~ **15.1-23-11. Home education – Standardized achievement test – Results.**

29 ~~—~~ 1. A parent supervising home education shall file the results of the child's standardized
30 achievement test with the superintendent of the district in which the child resides or with the
31 county superintendent if the district does not employ a superintendent.

1 ~~2. If the child's basic composite score on a standardized achievement test is less than~~
2 ~~the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the~~
3 ~~child for a potential learning problem under rules adopted by the superintendent of~~
4 ~~public instruction.~~

5 ~~3. If the multidisciplinary assessment team determines that the child is not disabled and~~
6 ~~the child's parent wishes to continue home education, the parent, with the advice and~~
7 ~~consent of an individual who is licensed to teach by the education standards and~~
8 ~~practices board or approved to teach by the education standards and practices board,~~
9 ~~shall prepare a remediation plan to address the child's academic deficiencies and file~~
10 ~~the plan with the superintendent of the school district or with the county superintendent~~
11 ~~if the district does not employ a superintendent. The parent is responsible for any~~
12 ~~costs associated with the development of the remediation plan. If the parent fails to file~~
13 ~~a remediation plan, the parent is deemed to be in violation of compulsory school~~
14 ~~attendance provisions and may no longer supervise the home education of the child.~~

15 ~~**SECTION 5. AMENDMENT.** Section 15.1-23-13 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~

17 ~~**15.1-23-13. Home education - Disabilities - Services plan.**~~

18 ~~1. a. If at the request of a child's parent a multidisciplinary assessment team,~~
19 ~~evaluates the child using eligibility criteria established by the superintendent of~~
20 ~~public instruction, and determines that the child is disabled, that the child requires~~
21 ~~specially designed instruction due to the disability, and that this instruction cannot~~
22 ~~be provided without special education and related services, the parent may~~
23 ~~continue to supervise home education, provided that:~~

24 ~~(1) The parent files with the school district superintendent a services plan that~~
25 ~~was developed privately or through the school district; and~~

26 ~~(2) The services plan demonstrates that the child's special needs are being~~
27 ~~addressed by persons qualified to provide special education or related~~
28 ~~services.~~

29 ~~b. If the multidisciplinary team determines that the child has a developmental~~
30 ~~disability, the parent may continue to supervise home education under the~~
31 ~~provisions of sections 15.1-23-14 and 15.1-23-15.~~

1 ~~2. Annually, the superintendent of the child's school district of residence shall determine~~
2 ~~reasonable academic progress based on the child's services plan.~~

3 ~~3. If a parent fails to file a services plan as required by this section, the parent is deemed~~
4 ~~to be in violation of the compulsory school attendance provisions and may no longer~~
5 ~~supervise the home education of the child.~~

6 ~~4. A child who was once evaluated by a multidisciplinary assessment team need not be~~
7 ~~reevaluated for a potential learning problem upon scoring below the thirtieth percentile~~
8 ~~on a subsequent standardized achievement test unless the reevaluation is performed~~
9 ~~pursuant to the child's services plan.~~

10 ~~**SECTION 6. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~

12 ~~**15.1-23-17. (Effective through July 31, 2011) Home education -- High school diplomas.**~~

13 ~~1. A child's school district of residence, an approved nonpublic high school, or the center~~
14 ~~for distance education may issue a high school diploma to a child who, through home~~
15 ~~education, has met the issuing entity's requirements for high school graduation~~
16 ~~provided the child's parent submits to the issuing entity a description of the course~~
17 ~~material covered in each high school subject, a description of the course objectives~~
18 ~~and how the objectives were met, and a transcript of the child's performance in grades~~
19 ~~nine through twelve.~~

20 ~~2. In the alternative, a high school diploma may be issued by the child's school district of~~
21 ~~residence, an approved nonpublic high school, or the center for distance education~~
22 ~~provided the child, through home education, has completed at least twenty-one units~~
23 ~~of high school coursework from the minimum required curriculum offerings established~~
24 ~~by law for public and nonpublic schools and the child's parent or legal guardian~~
25 ~~submits to the issuing entity a description of the course material covered in each high~~
26 ~~school subject, a description of the course objectives and how the objectives were~~
27 ~~met, and a transcript of the child's performance in grades nine through twelve. The~~
28 ~~issuing entity may indicate on a diploma issued under this subsection that the child~~
29 ~~was provided with home education. Beginning with the 2009-10 school year, the~~
30 ~~number of units required by this section increases to twenty-two and beginning with~~
31 ~~the 2011-12 school year, the number of units required by this section increases to~~

1 ~~twenty-four. Beginning with the 2010-11 school year, the number of units required by~~
2 ~~this section increases to twenty-two.~~

3 ~~— 3. — If for any reason the documentation required in subsection 1 or 2 is unavailable, the~~
4 ~~entity issuing the diploma may accept any other reasonable proof that the child has~~
5 ~~met the applicable requirements for high school graduation.~~

6 ~~— **(Effective after July 31, 2011) Home education – High school diplomas.**~~

7 ~~— 1. — A child's school district of residence, an approved nonpublic high school, or the center~~
8 ~~for distance education may issue a high school diploma to a child who, through home~~
9 ~~education, has met the issuing entity's requirements for high school graduation~~
10 ~~provided the child's parent submits to the issuing entity a description of the course~~
11 ~~material covered in each high school subject, a description of the course objectives~~
12 ~~and how the objectives were met, and a transcript of the child's performance in grades~~
13 ~~nine through twelve.~~

14 ~~— 2. — In the alternative, a high school diploma may be issued by the child's school district of~~
15 ~~residence, an approved nonpublic high school, or the center for distance education~~
16 ~~provided the child, through home education, has completed at least twenty-one units~~
17 ~~of high school coursework from the minimum required curriculum offerings established~~
18 ~~by law for public and nonpublic schools and the child's parent or legal guardian~~
19 ~~submits to the issuing entity a description of the course material covered in each high~~
20 ~~school subject, a description of the course objectives and how the objectives were~~
21 ~~met, and a transcript of the child's performance in grades nine through twelve. The~~
22 ~~issuing entity may indicate on a diploma issued under this subsection that the child~~
23 ~~was provided with home education. Beginning with the 2010-11 school year, the~~
24 ~~number of units required by this section increases to twenty-two.~~

25 ~~— 3. — If for any reason the documentation required in subsection 1 or 2 is unavailable, the~~
26 ~~entity issuing the diploma may accept any other reasonable proof that the child has~~
27 ~~met the applicable requirements for high school graduation.~~

28 ~~— **SECTION 7. REPEAL.** Sections 15.1-23-03, 15.1-23-06, 15.1-23-07, and 15.1-23-12 of the~~
29 ~~North Dakota Century Code are repealed.~~

30 **SECTION 1. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-23-01. ~~(Effective through July 31, 2011)~~ Home education - Definition.**

2 For purposes of this chapter, "home education" means a program of education supervised
3 by a child's parent in accordance with the requirements of this chapter.

4 ~~(Effective after July 31, 2011) Home education -- Definition. For purposes of this chapter,
5 "home education" means a program of education supervised by a child's parent, in the child's
6 home, in accordance with the requirements of this chapter.~~

7 **SECTION 2. AMENDMENT.** Section 15.1-23-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-23-02. Statement of intent to supervise home education.**

10 At least fourteen days before beginning home education or within fourteen days of
11 establishing a child's residence in a school district, and once each year thereafter, a parent
12 intending to supervise or supervising home education shall file a statement, reflecting that intent
13 or fact, with the superintendent of the child's school district of residence or if no superintendent
14 is employed, with the county superintendent of schools for the child's county of residence.

15 1. The statement must include:

- 16 a. The name and address of the child receiving home education;
17 b. The child's date of birth;
18 c. The child's grade level;
19 d. The name and address of the parent who will supervise the home education;
20 e. The qualifications of the parent who will supervise the home education;
21 f. Any public school courses in which the child intends to participate and the school
22 district offering the courses; and
23 g. Any extracurricular activities in which the child intends to participate and the
24 school district or approved nonpublic school offering the activities.

25 2. The statement must be accompanied by a copy of the child's immunization record and
26 proof of the child's identity as required by section 54-23.2-04.2.

27 3. The superintendent of the child's school district of residence or if no superintendent is
28 employed, the county superintendent of schools for the child's county of residence
29 shall report the number of statements of intent that have been filed in accordance with
30 this section to the superintendent of public instruction at the time and in the manner
31 required by the superintendent of public instruction.

1 **SECTION 3. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **15.1-23-03. ~~(Effective through July 31, 2011)~~ Home education - Parental qualifications.**

4 A parent may supervise home education if the parent:

- 5 1. Holds a high school diploma or a general educational development diploma; or
- 6 2. Meets the requirements of section 15.1-23-06.

7 ~~**(Effective after July 31, 2011) Home education -- Parental qualifications.** A parent may~~
8 ~~supervise home education if the parent:~~

- 9 ~~1. Is licensed to teach by the education standards and practices board or approved to~~
10 ~~teach by the education standards and practices board;~~
- 11 ~~2. Holds a baccalaureate degree;~~
- 12 ~~3. Has met or exceeded the cutoff score of a national teacher examination given in this~~
13 ~~state or in any other state if this state does not offer such a test; or~~
- 14 ~~4. Meets the requirements of section 15.1-23-06.~~

15 **SECTION 4. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-23-06. (Effective through July 31, 2011) Home education - Required monitoring**
18 **of progress.**

19 A parent who does not meet the qualifications provided in section 15.1-23-03 may supervise
20 home education but must be monitored in accordance with section 15.1-23-07 for the first two
21 years. If a child receiving home education obtains a basic composite standardized achievement
22 test score below the fiftieth percentile nationally, the parent must be monitored for at least one
23 additional school year and until the child receives a test score at or above the fiftieth percentile.
24 If testing is not required by section 15.1-23-07 during the first two years of monitoring, the
25 period of monitoring may not be extended, except upon the mutual consent of the parent and
26 the monitor. If a parent completes the monitoring requirements of this section for one child, the
27 parent may not be monitored with respect to other children for whom the parent supervises
28 home education.

29 ~~**(Effective after July 31, 2011) Home education -- Required monitoring of progress.** A~~
30 ~~parent who has a high school diploma or a general education development certificate may~~
31 ~~supervise home education but must be monitored in accordance with section 15.1-23-07 for the~~

1 ~~first two years. If a child receiving home education obtains a basic composite standardized~~
2 ~~achievement test score below the fiftieth percentile nationally, the parent must be monitored for~~
3 ~~at least one additional school year and until the child receives a test score at or above the~~
4 ~~fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of~~
5 ~~monitoring, the period of monitoring may not be extended, except upon the mutual consent of~~
6 ~~the parent and the monitor. If a parent completes the monitoring requirements of this section for~~
7 ~~one child, the parent may not be monitored with respect to other children for whom the parent~~
8 ~~supervises home education.~~

9 **SECTION 5. AMENDMENT.** Section 15.1-23-08 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **15.1-23-08. (Effective through July 31, 2011) Test administration.**

12 An individual who in accordance with this chapter administers a standardized achievement
13 test to a child receiving home education shall notify the child's school district of residence.

14 ~~—(Effective after July 31, 2011) Monitoring or test administration. An individual who in~~
15 ~~accordance with this chapter monitors a child receiving home education or who administers a~~
16 ~~standardized achievement test to a child receiving home education shall notify the child's school~~
17 ~~district of residence.~~

18 **SECTION 6. AMENDMENT.** Section 15.1-23-17 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-23-17. (Effective through July 31, 2011) Home education - High school diplomas.**

21 1. A child's school district of residence, an approved nonpublic high school, or the center
22 for distance education may issue a high school diploma to a child who, through home
23 education, has met the issuing entity's requirements for high school graduation
24 provided the child's parent submits to the issuing entity a description of the course
25 material covered in each high school subject, a description of the course objectives
26 and how the objectives were met, and a transcript of the child's performance in grades
27 nine through twelve.

28 2. In the alternative, a high school diploma may be issued by the child's school district of
29 residence, an approved nonpublic high school, or the center for distance education
30 provided the child, through home education, has completed at least
31 ~~twenty-one~~twenty-two units of high school coursework from the minimum required

1 curriculum offerings established by law for public and nonpublic schools and the child's
2 parent or legal guardian submits to the issuing entity a description of the course
3 material covered in each high school subject, a description of the course objectives
4 and how the objectives were met, and a transcript of the child's performance in grades
5 nine through twelve. The issuing entity may indicate on a diploma issued under this
6 subsection that the child was provided with home education. ~~Beginning with the~~
7 ~~2009-10 school year, the number of units required by this section increases to~~
8 ~~twenty-two and beginning with the 2011-12 school year, the number of units required~~
9 ~~by this section increases to twenty-four. Beginning with the 2010-11 school year, the~~
10 ~~number of units required by this section increases to twenty-two.~~

- 11 3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the
12 entity issuing the diploma may accept any other reasonable proof that the child has
13 met the applicable requirements for high school graduation.

14 ~~**(Effective after July 31, 2011) Home education -- High school diplomas.**~~

- 15 ~~1. A child's school district of residence, an approved nonpublic high school, or the center~~
16 ~~for distance education may issue a high school diploma to a child who, through home~~
17 ~~education, has met the issuing entity's requirements for high school graduation~~
18 ~~provided the child's parent submits to the issuing entity a description of the course~~
19 ~~material covered in each high school subject, a description of the course objectives~~
20 ~~and how the objectives were met, and a transcript of the child's performance in grades~~
21 ~~nine through twelve.~~
- 22 ~~2. In the alternative, a high school diploma may be issued by the child's school district of~~
23 ~~residence, an approved nonpublic high school, or the center for distance education~~
24 ~~provided the child, through home education, has completed at least twenty-one units~~
25 ~~of high school coursework from the minimum required curriculum offerings established~~
26 ~~by law for public and nonpublic schools and the child's parent or legal guardian~~
27 ~~submits to the issuing entity a description of the course material covered in each high~~
28 ~~school subject, a description of the course objectives and how the objectives were~~
29 ~~met, and a transcript of the child's performance in grades nine through twelve. The~~
30 ~~issuing entity may indicate on a diploma issued under this subsection that the child~~

1
2
3
4
5

~~was provided with home education. Beginning with the 2010-11 school year, the number of units required by this section increases to twenty-two.~~

~~3. If for any reason the documentation required in subsection 1 or 2 is unavailable, the entity issuing the diploma may accept any other reasonable proof that the child has met the applicable requirements for high school graduation.~~