

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1283

Introduced by

Representatives B. Koppelman, Brabandt, Dosch, Kasper, K. Koppelman, Ruby, Streyle,
Toman

Senators Larsen, Miller, Unruh

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-20 of the North Dakota~~
2 ~~Century Code, relating to student attendance; to amend and reenact sections 15.1-21-08,~~
3 ~~15.1-21-17, 15.1-21-18, and 15.1-21-19 of the North Dakota Century Code, relating to parental~~
4 ~~directives regarding statutorily mandated assessments; and to declare an emergency~~for an Act
5 to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code,
6 relating to parental directives; and to provide an expiration date.

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

8 ~~— **SECTION 1.** A new section to chapter 15.1-20 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~

10 ~~— **Administration of test or assessment – Student attendance.**~~

11 ~~— 1. If a parent directs that a test or an assessment not be administered to a child, as~~
12 ~~permitted under sections 15.1-21-08, 15.1-21-17, 15.1-21-18, and 15.1-21-19, the~~
13 ~~parent may withhold the child from school during the period of time within which~~
14 ~~normal classroom activities are not occurring because of the test or assessment~~
15 ~~administration.~~

16 ~~— 2. A child withheld from school under the provisions of subsection 1 is deemed to be in~~
17 ~~attendance for all purposes under this title.~~

18 ~~— **SECTION 2. AMENDMENT.** Section 15.1-21-08 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~— **15.1-21-08. Reading, mathematics, and science – Administration of test.**~~

21 ~~— 1. The superintendent of public instruction shall administer to public school students a~~
22 ~~test that is aligned to the state content and achievement standards in reading and~~
23 ~~mathematics. This test must be administered annually to all public school students in~~

1 grades three, four, five, six, seven, eight, and in at least one grade level selected from
2 nine through eleven.

3 ~~2.~~ The superintendent of public instruction shall administer a test that is aligned to the
4 state content and achievement standards in science. This test must be administered to
5 all public school students in at least one grade level selected from three through five,
6 in at least one grade level selected from six through nine, and in at least one grade
7 level selected from ten and eleven.

8 ~~3.~~ Prior to administering any tests required by this section, the parents of students under
9 the age of eighteen must be informed of the proposed test and their right to direct that
10 the test not be administered to their child. This information must be conveyed by
11 means of a notice posted on the school district's website or by any other method
12 determined to be appropriate by the board of the school district.

13 ~~SECTION 3. AMENDMENT.~~ Section 15.1-21-17 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 ~~15.1-21-17. Interim assessment.~~

16 ~~1.~~ Each school district shall administer annually to students in grades two through ten the
17 measures of academic progress test or any other interim assessment approved by the
18 superintendent of public instruction.

19 ~~2.~~ Prior to administering any test or assessment required by this section, the parents of
20 students must be informed of the proposed test or assessment and their right to direct
21 that the test not be administered to their child. This information must be conveyed by
22 means of a notice posted on the school district's website or by any other method
23 determined to be appropriate by the board of the school district.

24 ~~SECTION 4. AMENDMENT.~~ Section 15.1-21-18 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 ~~15.1-21-18. Career interest inventory -- Educational and career planning --~~

27 ~~Consultation.~~

28 ~~1. a.~~ A school district shall administer to students, once during their enrollment in
29 grade seven or eight and once during their enrollment in grade nine or ten, a
30 career interest inventory recommended by the department of career and
31 technical education and approved by the superintendent of public instruction.

1 ~~_____ b. Prior to administering a career interest inventory, as required by this section, the~~
2 ~~parents of the students must be informed of the proposed career interest~~
3 ~~inventory and their right to direct that the test not be administered to their child.~~
4 ~~This information must be conveyed by means of a notice posted on the school~~
5 ~~district's website or by any other method determined to be appropriate by the~~
6 ~~board of the school district.~~

7 ~~_____ 2. At least once during the seventh or eighth grade, each school district shall arrange for~~
8 ~~students to participate in either an individual consultative process or a nine-week~~
9 ~~course, for the purpose of discussing the results of their career interest inventory,~~
10 ~~selecting high school courses appropriate to their educational pursuits and career~~
11 ~~interests, and developing individual high school education plans.~~

12 ~~_____ 3. Each school district shall notify its high school students that, upon request, a student is~~
13 ~~entitled to receive a consultative review of the student's individual high school~~
14 ~~education plan at least once during each high school grade. Upon the request of a~~
15 ~~student, the school district shall provide the consultative review.~~

16 ~~_____ 4. Each school district shall verify compliance with the requirements of this section at the~~
17 ~~time and in the manner required by the superintendent of public instruction.~~

18 ~~_____ **SECTION 5. AMENDMENT.** Section 15.1-21-19 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~_____ **15.1-21-19. Summative assessment - Selection - Cost - Exemptions.**~~

21 ~~_____ 1. a. Except as otherwise provided, each public and nonpublic school student in grade~~
22 ~~eleven shall take the ACT, including the writing test, or three WorkKeys~~
23 ~~assessments recommended by the department of career and technical education~~
24 ~~and approved by the superintendent of public instruction.~~

25 ~~_____ b. The student shall determine which summative assessment to take.~~

26 ~~_____ c. Prior to administering the summative assessment required by this section, the~~
27 ~~parents of students under the age of eighteen must be informed of the~~
28 ~~assessment and their right to direct that the assessment not be administered to~~
29 ~~their child. This information must be conveyed by means of a notice posted on~~
30 ~~the school district's website or by any other method determined to be appropriate~~
31 ~~by the board of the school district.~~

1 ~~_____ d. The superintendent of public instruction is responsible for the cost of procuring~~
2 ~~and administering one summative assessment per student.~~

3 ~~_____ 2. The student's career advisor or guidance counselor shall meet with the student to~~
4 ~~review the student's assessment results.~~

5 ~~_____ 3. A school district superintendent or a school administrator in the case of a nonpublic~~
6 ~~school student may exempt a student from the requirements of this section if taking~~
7 ~~the test is not required by the student's individualized education program plan or if~~
8 ~~other special circumstances exist.~~

9 ~~_____ 4. At the time and in the manner determined by the superintendent of public instruction,~~
10 ~~each school district superintendent and each school administrator in the case of a~~
11 ~~nonpublic school shall report the number of eleventh grade students who:~~

12 ~~_____ a. Took the ACT, including the writing test;~~

13 ~~_____ b. Took the three WorkKeys assessments; and~~

14 ~~_____ c. Were exempted from the requirements of this section, together with the reason~~
15 ~~for each exemption.~~

16 ~~_____ **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.~~

17 **SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Parental directive - Administration of tests and assessments - Report.**

20 1. A student's parent may direct that the school district in which the student is enrolled
21 not administer to the student any state test or state assessment required in
22 accordance with section 15.1-21-08.

23 2. In addition to the authority granted under subsection 1, a student's parent may direct
24 that the school district in which the student is enrolled not administer any other specific
25 test or assessment to the student, provided that a parental directive under this
26 subsection does not apply to:

27 a. Any test or assessment required by the student's school district of enrollment or
28 this state for the completion of any grade from kindergarten through twelve;

29 b. Any test or assessment required by the student's school district of enrollment or
30 this state for high school graduation;

31 c. The ACT; or

- 1 d. WorkKeys assessments.
- 2 3. a. A parental directive is valid only if it is presented to the school district using a
- 3 standardized form, prepared by the superintendent of public instruction, and
- 4 signed by the student's custodial parent.
- 5 b. A parental directive is valid only until the conclusion of the school year in which it
- 6 is received by the school district.
- 7 c. A parental directive submitted to a school district in accordance with this section
- 8 must be retained as part of the student's educational record.
- 9 4. A school district is not liable for any consequences incurred by a student as a result of
- 10 a parental directive submitted in accordance with this section.
- 11 5. A school district is not required to provide instruction or activities for a student during
- 12 the administration of any test or assessment referenced in the parental directive
- 13 submitted by the student's parent.
- 14 6. Each school district shall post the parental directive form on its website and make the
- 15 form available to a parent, upon request.
- 16 7. At the time and in the manner directed by the superintendent of public instruction,
- 17 each school district shall provide a report regarding:
- 18 a. The number of parental directives received;
- 19 b. The number of parental directives applicable to students who are economically
- 20 disadvantaged, students from major racial and ethnic groups, students with
- 21 disabilities, and students with limited English proficiency; and
- 22 c. Any loss of funding stemming from the parental directives.

23 **SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2017, and after that
24 date is ineffective.