

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1132
(Representatives Pyle, Cory, Ista, Longmuir, Mock, Roers Jones, M. Ruby)
(Senators Burckhard, Dever, Meyer, Weber)

AN ACT to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-29 of the North Dakota Century Code, relating to virtual instruction of military-connected students; and to amend and reenact section 15.1-20-02 of the North Dakota Century Code, relating to compulsory school attendance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Virtual learning - Military-connected students, students with a medical condition, or students moving out of state - School district policy.

1. For purposes of this section, a "military-connected student" means a student impacted by a military-directed reassignment or mid-year relocation.
2. A school district may allow a military-connected student, a student with a medical condition unable to physically attend school, or a student moving out of state to enroll early or remain enrolled and attend a school by engaging in virtual instruction.
3. The period of virtual instruction permitted under this section may not extend beyond the current school year.
4. If the board of a school district that operates a physical plant chooses to provide virtual instruction under this section, the board shall adopt a local policy.

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~~Section 15.1-20-01 ~~does~~ not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
 - a. The child is in attendance 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~~including 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; or
 - f. The child is a military-connected student engaging in virtual instruction under section 1 of this Act at the educational entity of the gaining or losing military installation, a student

with a medical condition unable to physically attend school, or a student moving out of state and virtual instruction is allowed by the gaining or losing educational entity.

2. The period of virtual instruction under subdivision f of subsection 1 may not extend beyond the current school year.
3. A decision by the board of a school district under subsection 1 is appealable to the district court.

SECTION 3. A new section to chapter 15.1-29 of the North Dakota Century Code is created and enacted as follows:

Military-connected student - Average daily membership.

A military-connected student engaging in virtual instruction under section 1 of this Act qualifies for average daily membership in the school district.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1132.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State