

HOUSE BILL NO. 1472

Introduced by

Representatives Morton, Bolinske, Hendrix, Kasper, Koppelman, S. Olson

Senators Boehm, Clemens, Powers

1 A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century
2 Code, relating to the authorization of microschools.

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

4 **SECTION 1.** A new chapter to title 15.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Collegiate model school" means a school requiring a student to attend classes in
9 person two to three days per week and complete assignments virtually or remotely two
10 to three days per week.
- 11 2. "Microschool" means a school providing educational programming to no more than
12 fifty students. The term does not include:
- 13 a. A home education provider;
- 14 b. A public or nonpublic school;
- 15 c. A day care center, child care facility, preschool, headstart program, or nursery
16 school;
- 17 d. An individual providing private individual or small group lessons, including music
18 lessons or tutoring; or
- 19 e. A tutoring center.
- 20 3. "Parent" means the parent or guardian of a child under the age of eighteen.
- 21 4. "Primary education" means a program of education for a student in kindergarten
22 through grade twelve, including grade level appropriate instruction in:
- 23 a. English language arts, including reading, composition, creative writing, English
24 grammar, and spelling;

1 b. Mathematics;

2 c. Social studies; and

3 d. Science.

4 5. "Teacher" means an individual who provides primary education to a student at a
5 microschool.

6 **Microschools.**

7 A microschool:

8 1. Shall provide primary education to at least one student and may charge tuition.

9 2. May operate in a residential property, accessory dwelling unit, farm or homestead,
10 nonresidential property, or public space, including a church, library, community center,
11 museum, or park.

12 3. May be operated by one or more parents, entrepreneurs, or teachers.

13 4. May use the collegiate model school.

14 5. Is a permitted use in all zoning districts within a municipality. Each land use application
15 for approval required for a microschool, including an application for a building permit,
16 must be processed on a first priority basis.

17 6. Shall ensure a teacher has obtained a high school diploma or equivalent.

18 **Notice required - Compulsory attendance.**

19 1. The parent of a child participating in a microschool shall provide notice to the
20 superintendent of the child's school district of residence or if no superintendent is
21 employed, to the county superintendent of schools for the child's county of residence.

22 The notice must include:

23 a. The name, address, and age of the child;

24 b. The name and address of the microschool the child will attend;

25 c. Any public school courses in which the child intends to participate and the school
26 district offering the courses; and

27 d. Any extracurricular activities in which the child intends to participate and the
28 school district offering the activities.

29 2. A parent whose child is participating in a microschool satisfies the compulsory
30 attendance requirements under section 15.1-20-01.

Assessments - Records of academic progress - Diploma.

1. While in grades four, six, eight, and ten, each child participating in a microschool shall take:
 - a. A nationally normed standardized achievement test in the subjects of reading, language, mathematics, science, and social studies, which must be administered in accordance with the instructions of the selected test and by a qualified person under the test's published guidelines;
 - b. An assessment embedded in a nationally recognized, research-informed curriculum; or
 - c. An equivalent alternative academic assessment of proficiency or progress.
2. A parent shall maintain an annual record of courses and academic progress assessments, including standardized achievement test results, taken by the parent's child participating in a microschool. If the child transfers to a public school district, the parent shall furnish the record to the superintendent of the child's school district of residence or other administrator upon request.
3. A child participating in a microschool may obtain a high school diploma under section 15.1-23-17 in the same manner as a child receiving home education.

Exemptions from laws and regulations - Discrimination - Prohibited.

1. Except as required under this chapter, microschools are exempt from any law or rule related to:
 - a. Elementary and secondary education;
 - b. Teacher certification;
 - c. Criminal history record checks; and
 - d. Child care facilities, including building codes, fire codes, health codes, and food service regulations.
2. A school district or institution of higher education under the administration of the state board of higher education may not discriminate against a child participating in a microschool in admissions or other circumstance.