

HOUSE BILL NO. 1265

Introduced by

Representatives Sitte, Grande, Kempenich, L. Meier

Senators Dever, O'Connell

1 A BILL for an Act to amend and reenact sections 15.1-20-02, 15.1-20-04, 15.1-23-01,
2 15.1-23-03, 15.1-23-08, and 15.1-23-19 of the North Dakota Century Code, relating to home
3 education; and to repeal sections 15.1-23-06, 15.1-23-07, 15.1-23-14, and 15.1-23-15 of the
4 North Dakota Century Code, relating to required monitoring of children who receive home
5 education and to the provision of home education to children with autism.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-20-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-20-02. Compulsory attendance - Exceptions.**

- 10 1. The provisions of section 15.1-20-01 do not apply if the person having
11 responsibility for the child demonstrates to the satisfaction of the school board that:
- 12 a. The child is in attendance for the same length of time at an approved
13 nonpublic school;
 - 14 b. The child has completed high school;
 - 15 c. The child is necessary to the support of the child's family;
 - 16 d. A multidisciplinary team that includes the child's school district
17 superintendent, the director of the child's special education unit, the child's
18 classroom teacher, the child's physician, and the child's parent has
19 determined that the child has a disability that renders attendance or
20 participation in a regular or special education program inexpedient or
21 impracticable; or
 - 22 e. The child is receiving home education; ~~provided, however, that this exception~~
23 ~~is not available if the child has developmental disabilities as defined by~~
24 ~~subsection 1 of section 25-01.2-01.~~

1 2. A decision by the board of a school district under subsection 1 is appealable to the
2 district court.

3 **SECTION 2. AMENDMENT.** Section 15.1-20-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-20-04. Home education - Definition.** For purposes of this chapter, "home
6 education" means an educational program for a child provided in accordance with chapter
7 15.1-23 ~~by the child's parent in the child's home.~~

8 **SECTION 3. AMENDMENT.** Section 15.1-23-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-23-01. Home education - Definition.** For purposes of this chapter, "home
11 education" means a program of education supervised by a child's parent, ~~in the child's home,~~ in
12 accordance with the requirements of this chapter.

13 **SECTION 4. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-23-03. Home education - Parental qualifications.** A parent may supervise
16 home education if the parent:

- 17 ~~1. Is licensed to teach by the education standards and practices board or approved to~~
18 ~~teach by the education standards and practices board;~~
19 ~~2. Holds a baccalaureate degree;~~
20 ~~3. Has met or exceeded the cutoff score of a national teacher examination given in~~
21 ~~this state or in any other state if this state does not offer such a test; or~~
22 ~~4. Meets the requirements of section 15.1-23-06~~ holds a high school diploma or a
23 general educational development certificate.

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

26 **15.1-23-08. ~~Monitoring or test~~ Test administration.** An individual who in accordance
27 with this chapter ~~monitors a child receiving home education or who~~ administers a standardized
28 achievement test to a child receiving home education shall notify the child's school district of
29 residence.

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

1 **15.1-23-19. Home education - State aid to school districts.** ~~For purposes of~~
2 ~~allocating state aid to school districts, a child receiving home education is deemed enrolled in~~
3 ~~the child's school district of residence if the child is monitored by an individual who is licensed to~~
4 ~~teach by the education standards and practices board or approved to teach by the education~~
5 ~~standards and practices board and employed by the public school district in which the child~~
6 ~~resides. A school district is entitled to fifty percent of the per student payment provided in~~
7 ~~section 15.1-27-04 times the appropriate factor in section 15.1-27-06 or 15.1-27-07 for each~~
8 ~~child receiving home education.~~ If a child receiving home education is enrolled in public school
9 classes, proportionate payments must be made. The total amount may not exceed the
10 equivalent of one full per student payment times the appropriate weighting factor.

11 **SECTION 7. REPEAL.** Sections 15.1-23-06, 15.1-23-07, 15.1-23-14, and 15.1-23-15
12 of the North Dakota Century Code are repealed.