

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-23 -
HOME EDUCATION**

1 Chapter 15.1-23 of the North Dakota Century Code is created and enacted as follows:

2 **15.1-23-01. Home education - Statement of intent.** At least fourteen days before
3 beginning the provision of home education or within fourteen days of establishing a child's
4 residence in a school district, and once each year thereafter, a parent intending to provide or
5 providing home education shall file a statement, reflecting that intent or fact, with the
6 superintendent of the child's school district of residence or if no superintendent is employed,
7 with the county superintendent of schools for the child's county of residence.

8 1. The statement must include:

- 9 a. The name and address of the child receiving home education;
10 b. The child's date of birth;
11 c. The child's grade level;
12 d. The name and address of the parent who will provide home education;
13 e. The qualifications of the parent who will provide home education;
14 f. Any public school courses in which the child intends to participate; and
15 g. Any extracurricular activities in which the child intends to participate and the
16 public school district or approved nonpublic school offering the activities.

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

NOTE: Present Section 15-34.1-06(4). Present Section 15-34.1-06 contains multiple concepts which have been reordered and separated into several independent sections. Present Section 15-34.1-06(4)(f) provides that the parental statement of intent to home school include "proof of an immunization record as it relates to section 23-07-16." The rewrite requires that the statement be accompanied by a record of the immunization instead of by proof that it exists. The rewrite also eliminates the reference to Section 23-07-16. That section provides that children having contagious diseases must be prohibited from attending school.

1 **15.1-23-02. Home education - Parental qualifications.** A parent may provide home
2 education if the parent:

- 3 1. Holds a valid North Dakota teaching certificate;
- 4 2. Holds a baccalaureate degree;
- 5 3. Has met or exceeded the cutoff score of a national teacher exam given in North
6 Dakota or in any other state if North Dakota does not offer such a test; or
- 7 4. Meets the requirements of section 15.1-23-05.

NOTE: Present Section 15-34.1-06(2)(a). The provisions of present Section
15-34.1-06 have been reordered and separated into several sections.

8 **15.1-23-03. Home education - Required subjects - Instructional time.** A parent
9 providing home education to a child shall include instruction in those subjects required by law to
10 be taught to public school students. The parent shall provide at least four hours of instruction
11 each day for a minimum of one hundred seventy-five days each year.

NOTE: Present Section 15-34.1-06(3). The provisions of present Section 15-34.1-06
have been reordered and separated into several sections.

Present Section 15-34.1-06(3) sets forth the statutory sections that list the required
subjects. The rewrite removes the list and refers instead to "subjects required by law to
be taught to public school students."

12 **15.1-23-04. Home education - Academic records.** A parent providing home
13 education shall maintain an annual record of courses taken by the child and the child's
14 academic progress assessments, including any standardized achievement test results. If the
15 child transfers to a public school district, the parent shall furnish the record, upon request, to the
16 school district superintendent or other administrator.

NOTE: Present Section 15-34.1-06(4). The provisions of present Section 15-34.1-06
have been reordered and separated into several sections.

17 **15.1-23-05. Home education - Required monitoring of progress.** A parent who has
18 a high school diploma or a general education development certificate may provide home
19 education but must be monitored in accordance with section 15.1-23-06 for the first two years
20 or until the child being instructed completes the third grade, whichever is later. If, however, the
21 child being instructed receives a composite standardized achievement test score below the
22 fiftieth percentile nationally, the parent must be monitored for at least one additional school year
23 and until the child receives a test score at or above the fiftieth percentile. If testing is not
24 required by section 15.1-23-06 during the first two years of monitoring, the period of monitoring

1 may not be extended, except upon the mutual consent of the parent and the monitor. If a
2 parent completes the monitoring requirements of this section for one child, the parent may not
3 be monitored with respect to other children for whom the parent provides home education.

NOTE: Present Section 15-34.1-06(2)(b). The provisions of present Section
15-34.1-06 have been reordered and separated into several sections.

4 **15.1-23-06. Home education - Required monitoring of progress - Reporting of**
5 **progress.** An individual holding a valid North Dakota teaching license shall monitor the
6 progress of each child being provided home education under that individual's supervision and
7 shall report the child's progress to the school district superintendent or to the county
8 superintendent if the district does not employ a superintendent. If one child is being provided
9 with home education, the individual shall spend an average of one hour per week in contact
10 with the child and the child's parent. If two or more children are being provided with home
11 education, the individual shall spend one-half hour per month for each additional child being
12 provided with home education. If the child is attending a public or an approved nonpublic
13 school, the time may be proportionately reduced. At the request of a parent providing home
14 education, the school district shall pay the expenses of the individual monitoring the progress of
15 a child, if such is required by section 15.1-23-05. If a parent retains an individual to monitor the
16 progress of a child, the parent is responsible for compensating the individual.

NOTE: Present Section 15-34.1-07(3). Present Section 15-34.1-07 contains a
multitude of concepts. These concepts have been reordered and separated into several
sections.

17 **15.1-23-07. Monitoring or test administration.** An individual who in accordance with
18 this chapter monitors a child being provided with home education or who administers a
19 standardized achievement test to a child being provided with home education shall notify the
20 child's school district of residence. If the individual is not employed by a school district, the
21 parent providing home education is responsible for any costs associated with the monitoring or
22 test administration.

NOTE: Present Section 15-34.1-09.

23 **15.1-23-08. Home education - Standardized achievement test.** While in grades
24 three, four, six, eight, and eleven, each child receiving home education shall take a
25 standardized achievement test used by the school district in which the child's parent resides or,
26 if requested by the parent, shall take a nationally normed standardized achievement test. The

- 1 child shall take the test in the child's learning environment or, if requested by the child's parent,
- 2 in a public school. A licensed teacher shall administer the test.

NOTE: Present Section 15-34.1-07(1). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

Other sections in this chapter reference the school district in which the child resides. This section refers to a test administered by the school district in which the child's parent resides. The committee may wish to examine the validity of this designation. The committee may also wish to examine whether the reference to the school district of the child's parent is sufficiently clear, i.e., this could mean the school district of a noncustodial parent or the school district of a parent other than the one who is providing home education to the child.

- 3 **15.1-23-09. Home education - Standardized achievement test - Cost.** If a child
- 4 being provided home education takes the standardized achievement test used by the school
- 5 district in which the child's parent resides, the school district is responsible for the cost of the
- 6 test, including its administration, if it is administered by a licensed teacher employed by the
- 7 district. If the child takes a nationally normed standardized achievement test not used by the
- 8 school district, the child's parent is responsible for the cost of the test and for the cost of its
- 9 administration if it is administered by a licensed teacher secured by the parent.

NOTE: Present Section 15-34.1-07(1). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections. See note following Section 15.1-23-08.

10 **15.1-23-10. Home education - Standardized achievement test - Results.**

- 11 1. A parent providing home education shall file the results of the child's standardized
- 12 achievement test with the superintendent of the district in which the parent resides
- 13 or with the county superintendent if the district does not employ a superintendent.
- 14 2. If the child's basic composite score on a standardized achievement test is less than
- 15 the thirtieth percentile nationally, a multidisciplinary assessment shall assess the
- 16 child for a potential learning problem under rules adopted by the superintendent of
- 17 public instruction.
- 18 3. If the multidisciplinary assessment team determines that the child is not disabled
- 19 and the child's parent wishes to continue providing home education, the parent,
- 20 with the advice and consent of an individual holding a valid North Dakota teaching
- 21 license, shall prepare a remediation plan to address the child's academic
- 22 deficiencies and file the plan with the superintendent of the school district or with

1 the county superintendent if the district does not employ a superintendent. The
2 parent is responsible for any costs associated with the development of the
3 remediation plan. If the parent fails to file a remediation plan, the parent is deemed
4 to be in violation of compulsory school attendance provisions and may no longer
5 provide home education to the child.

NOTE: Present Section 15-34.1-07(2). The rewrite eliminates the requirement that the child be "professionally" evaluated. It is assumed that a multidisciplinary team will conduct a professional evaluation. The rewrite also changes the requirement that the evaluation take place according to "guidelines established by the superintendent of public instruction." As of October 1999, the superintendent is to have eliminated "guidelines" and replaced them with "rules" adopted under Chapter 28-32.

6 **15.1-23-11. Home education - Remediation plan.** The superintendent of the school
7 district shall use the remediation plan required by section 15.1-23-10 as the basis for
8 determining reasonable academic progress. The remediation plan must remain in effect until
9 such time as the child achieves on a standardized achievement test a basic composite score at
10 or above the thirtieth percentile or a score, which when compared to the previous year's test
11 score, demonstrates one year of academic progress. At the option of the parent, the test may
12 be one required by section 15.1-23-08 or one administered in a higher grade level. The child's
13 parent, with the advice and consent of a teacher holding a valid North Dakota teaching license,
14 may amend the remediation plan from time to time in order to accommodate the child's
15 academic needs. If after a remediation plan is no longer in effect the child fails to demonstrate
16 reasonable academic progress on a subsequent test required by this section, a remediation
17 plan must again be developed and implemented.

NOTE: Present Section 15-34.1-07(2). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

18 **15.1-23-12. Home education - Disabilities - Individualized education plan.**

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

24 a. The child does not have a developmental disability;

- 1 b. The parent files with the school district superintendent an individualized
- 2 education plan that was developed privately or through the school district; and
- 3 c. The individualized education plan demonstrates that the child's special needs
- 4 are being addressed by persons qualified to provide special education or
- 5 related services.
- 6 2. Annually, the superintendent of the child's school district of residence shall
- 7 determine reasonable academic progress based on the child's individualized
- 8 education plan.
- 9 3. If a parent fails to file an individualized education plan, as required by this section,
- 10 the parent is deemed to be in violation of the compulsory school attendance
- 11 provisions and may no longer provide home education to the child.
- 12 4. A child who was once evaluated by a multidisciplinary assessment team need not
- 13 be reevaluated for a potential learning problem upon scoring below the thirtieth
- 14 percentile on a subsequent standardized achievement test, unless the reevaluation
- 15 is performed pursuant to the child's individualized education plan.

NOTE: Present Section 15-34.1-07(2). Present Section 15-34.1-07 contains a multitude of concepts. These concepts have been reordered and separated into several sections.

16 **15.1-23-13. Children with autism - Home education.** Notwithstanding any other law,

17 a parent may provide home education to a developmentally disabled child with autism if:

- 18 1. The child has been determined to be autistic by a licensed psychologist;
- 19 2. The child's parent is qualified to provide home education under this chapter; and
- 20 3. The child's parent files with the superintendent of the child's school district of
- 21 residence:
 - 22 a. A notice that the child will receive home education;
 - 23 b. A copy of the child's diagnosis of autism prepared and attested to by a
 - 24 licensed psychologist; and
 - 25 c. An individualized education program developed and followed by the child's
 - 26 school district of residence and the child's parent; or, after providing written
 - 27 notice to the superintendent of the child's school district of residence, a
 - 28 substitute individualized education program, developed and followed,

1 according to section 15.1-23-14, by an individualized education program team
2 selected by and compensated by the child's parent.

NOTE: Present Section 15-34.1-12.

3 **15.1-23-14. Children with autism - Home education - Progress reports.**

- 4 1. On or before November first, February first, and May first of each school year, a
5 parent providing home education to an autistic child under section 15.1-23-13 shall
6 file with the superintendent of the child's school district of residence progress
7 reports prepared by the individualized education program team selected under
8 section 15.1-23-13. If at any time the individualized education program team
9 agrees that the child is not benefiting from home education, the team shall notify
10 the superintendent of the child's school district of residence and request that the
11 child be evaluated by a multidisciplinary team appointed by the superintendent of
12 the child's school district of residence.
- 13 2. The superintendent of the child's school district of residence shall forward copies of
14 all documentation required by this section to the superintendent of public
15 instruction.

NOTE: Present Section 15-34.1-12.1.

16 **15.1-23-15. Home education - Participation in extracurricular activities.**

- 17 1. A child receiving home education may participate in extracurricular activities either:
18 a. Under the auspices of the child's school district of residence; or
19 b. Under the auspices of an approved nonpublic school, if permitted by the
20 administrator of the school.
- 21 2. For purposes of this section, a child participating under the auspices of the child's
22 school district of residence is subject to the same standards for participation in
23 extracurricular activities as those required of full-time students enrolled in the
24 district.
- 25 3. For purposes of this section, a child participating under the auspices of an
26 approved nonpublic school is subject to the same standards for participation in
27 extracurricular activities as those required of full-time students enrolled in the
28 school.

- 1 4. Once a child's parent has selected the public school district or the approved
2 nonpublic school in which the child will participate for purposes of extracurricular
3 activities and has provided notification of the selection through the statement
4 required by section 15.1-23-01, the child is subject to the transfer rules as provided
5 in the constitution and bylaws of the North Dakota high school activities
6 association.

NOTE: Present Section 15-34.1-13.

7 **15.1-23-16. Home education - High school diplomas.**

- 8 1. A child's school district of residence, an approved nonpublic high school, or the
9 North Dakota division of independent study may issue a high school diploma to a
10 child who, through home education, has met the issuing entity's requirements for
11 high school graduation provided the child's parent submits to the issuing entity a
12 description of the course material covered in each high school subject, a
13 description of the course objectives and how the objectives were met, and a
14 transcript of the child's performance in grades nine through twelve.
- 15 2. In the alternative, a high school diploma may be issued by the child's school district
16 of residence, an approved nonpublic high school, or the North Dakota division of
17 independent study provided the child, through home education, has completed at
18 least seventeen units of high school coursework from the minimum required
19 curriculum offerings established by law for public and nonpublic schools and the
20 child's parent or legal guardian submits to the issuing entity a description of the
21 course material covered in each high school subject, a description of the course
22 objectives and how the objectives were met, and a transcript of the child's
23 performance in grades nine through twelve. The issuing entity may indicate on a
24 diploma issued under this subsection that the child was provided with home
25 education.
- 26 3. If for any reason the documentation required in subsection 1 or 2 is unavailable,
27 the entity issuing the diploma may accept any other reasonable proof that the child
28 has met the applicable requirements for high school graduation.

NOTE: Present Section 15-34.1-11.1.

1 **15.1-23-17. Home education - Liability.** No state agency, school district, or county
2 superintendent may be held liable for accepting as correct the information on the statement of
3 intent or for any damages resulting from a parent's failure to educate the child.

NOTE: Present Section 15-34.1-10.

4 **15.1-23-18. Home education - State aid to school districts.** For purposes of
5 allocating foundation and other state aid to school districts, a child being provided with home
6 education is deemed enrolled in the child's school district of residence if the child is monitored
7 by a licensed teacher employed by the public school district in which the parent resides. A
8 school district is entitled to fifty percent of the per student payment provided in section
9 15.1-28-05 times the appropriate factor in section 15.1-28-07 or 15.1-28-09 for each child being
10 provided with home education. If a child being provided with home education is enrolled in
11 public school classes, proportionate payments must be made as provided in section 15.1-28-07
12 or 15.1-28-09. The total amount may not exceed the equivalent of one full foundation aid
13 payment.

NOTE: Present Section 15-34.1-08. Since this section refers to both the school district in which the child resides and the school district in which the child's parent resides, the committee may wish to examine the validity of the designation and determine whether the reference to the school district of the child's parent is sufficiently clear, i.e., this could mean the school district of a noncustodial parent or the school district of a parent other than the one who is providing home education to the child.