

HOUSE BILL NO. 1429

Introduced by

Representatives Olson, Johnston, Steiner, Toman

1 A BILL for an Act to amend and reenact sections 15.1-23-06, 15.1-23-11, and 15.1-23-13 of the
2 North Dakota Century Code, relating to home education standards; and to repeal sections
3 15.1-23-12, 15.1-23-14, and 15.1-23-15 of the North Dakota Century Code, relating to home
4 education standards.

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

6 **SECTION 1. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-23-06. Home education - Required monitoring of progress.**

9 A parent who does not meet the qualifications provided in section 15.1-23-03 may supervise
10 home education but must be monitored in accordance with section 15.1-23-07 for the first two
11 years. If a child receiving home education obtains a basic composite standardized achievement
12 test score below the ~~fiftieth~~thirtieth percentile nationally, the parent must be monitored for at
13 least one additional school year and until the child receives a test score at or above the
14 ~~fiftieth~~thirtieth percentile. If testing is not required by section 15.1-23-07 during the first two
15 years of monitoring, the period of monitoring may not be extended, except upon the mutual
16 consent of the parent and the monitor. If a parent completes the monitoring requirements of this
17 section for one child, the parent may not be monitored with respect to other children for whom
18 the parent supervises home education.

19 **SECTION 2. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-23-11. Home education - Standardized achievement test -~~Results~~results.**

22 4. A parent supervising home education shall file the results of the child's standardized
23 achievement test with the superintendent of the district in which the child resides or with the
24 county superintendent if the district does not employ a superintendent.

- 1 2. ~~If the child's basic composite score on a standardized achievement test is less than~~
2 ~~the thirtieth percentile nationally, a multidisciplinary assessment team shall assess the~~
3 ~~child for a potential learning problem under rules adopted by the superintendent of~~
4 ~~public instruction.~~
- 5 3. ~~If the multidisciplinary assessment team determines that the child is not disabled and~~
6 ~~the child's parent wishes to continue home education, the parent, with the advice and~~
7 ~~consent of an individual who is licensed to teach by the education standards and~~
8 ~~practices board or approved to teach by the education standards and practices board,~~
9 ~~shall prepare a remediation plan to address the child's academic deficiencies and file~~
10 ~~the plan with the superintendent of the school district or with the county superintendent~~
11 ~~if the district does not employ a superintendent. The parent is responsible for any~~
12 ~~costs associated with the development of the remediation plan. If the parent fails to file~~
13 ~~a remediation plan, the parent is deemed to be in violation of compulsory school~~
14 ~~attendance provisions and may no longer supervise the home education of the child.~~

15 **SECTION 3. AMENDMENT.** Section 15.1-23-13 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15.1-23-13. Home education - Disabilities – Services plan**
18 **Participation in special**
19 **education services for children with disabilities.**

- 19 1. a. ~~If a multidisciplinary assessment team, using eligibility criteria established by the~~
20 ~~superintendent of public instruction, determines that the child is disabled, that the child requires~~
21 ~~specially designed instruction due to the disability, and that this instruction cannot be provided~~
22 ~~without special education and related services, the parent may continue to supervise home~~
23 ~~education, provided that:~~
- 24 (1) ~~The parent files with the school district superintendent a services plan that~~
25 ~~was developed privately or through the school district; and~~
- 26 (2) ~~The services plan demonstrates that the child's special needs are being~~
27 ~~addressed by persons qualified to provide special education or related~~
28 ~~services.~~
- 29 b. ~~If the multidisciplinary team determines that the child has a developmental~~
30 ~~disability, the parent may continue to supervise home education under the~~
31 ~~provisions of sections 15.1-23-14 and 15.1-23-15.~~

- 1 2. Annually, the superintendent of the child's school district of residence shall determine-
2 reasonable academic progress based on the child's services plan.
- 3 ~~3.~~ If a parent fails to file a services plan as required by this section, the parent is deemed-
4 to be in violation of the compulsory school attendance provisions and may no longer-
5 supervise the home education of the child.
- 6 4. A child who was once evaluated by a multidisciplinary assessment team need not be-
7 re-evaluated for a potential learning problem upon scoring below the thirtieth-
8 percentile on a subsequent standardized achievement test unless the re-evaluation is-
9 performed pursuant to the child's services planparent, in consultation with an
10 individual who is licensed to teach by the education standards and practices board, or
11 who is approved to teach by the education standards and practices board, determines
12 a child requires special education or related services, the parent may file a request for
13 the school district to provide special education services to the child with the
14 superintendent of the school district in which the child resides or with the county
15 superintendent if the district does not employ a superintendent. The school district
16 shall provide special education services to the child of the requesting parent without
17 cost.

18 **SECTION 4. REPEAL.** Sections 15.1-23-12, 15.1-23-14, and 15.1-23-15 of the North
19 Dakota Century Code are repealed.