

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1607

Introduced by

Representatives Heilman, S. Olson, VanWinkle

Senator Magrum

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 establishment of the educational empowerment account for authorized
3 educational expenses; and to amend and reenact section 15.1-20-02 of the North Dakota
4 Century Code, relating to compulsory attendance exceptions.

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

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

8 **15.1-20-02. Compulsory attendance - Exceptions.**

- 9 1. Section 15.1-20-01 does not apply if the person having responsibility for the child
10 demonstrates to the satisfaction of the school board that:
- 11 a. The child is in attendance for the same length of time at an approved nonpublic
12 school;
 - 13 b. The child has completed high school;
 - 14 c. The child is necessary to the support of the child's family;
 - 15 d. A multidisciplinary team including the child's school district superintendent, the
16 director of the child's special education unit, the child's classroom teacher, the
17 child's physician, and the child's parent has determined that the child has a
18 disability that renders attendance or participation in a regular or special education
19 program inexpedient or impracticable;
 - 20 e. The child is receiving home education; or
 - 21 f. The superintendent of public instruction has received a request form for an
22 educational empowerment account as prescribed under section 2 of this Act; or
 - 23 g. The child is a military-connected student engaging in virtual instruction under
24 section 15.1-07-37 at the educational entity of the gaining or losing military

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

4 2. The period of virtual instruction under subdivision f of subsection 1 may not extend
5 beyond the current school year.

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

8 **SECTION 2.** A new chapter to title 15.1 of the North Dakota Century Code is created and
9 enacted as follows:

10 **Definitions.**

11 As used in this chapter:

12 1. "Institution of higher education" means an educational institution under the control and
13 administration of the state board of higher education or an accredited private
14 postsecondary institution in this state.

15 2. "Parent" means a resident of this state who is the parent or legal guardian of a
16 student.

17 3. "Student" means a resident of this state who is eligible to enroll in a school district in
18 this state.

19 **Educational empowerment account - Superintendent of public instruction - Terms -**
20 **Annual renewal procedure.**

21 1. Each year, to request an educational empowerment account for a student, the parent
22 of a student shall file a request form with the superintendent of public instruction in the
23 manner prescribed by the superintendent, which must be available on the website of
24 the department of public instruction. The form must be signed by the parent and
25 contain an acknowledgment that:

26 a. To access money in the student's account, during the school year for which the
27 money in the account is available, the parent may not:

28 (1) Enroll the student in a school district in the state; or

29 (2) File a statement of intent to supervise home education under section
30 15.1-23-02.

b. Money in the account may be used only for educational expenses authorized under this chapter.

c. Upon the student's graduation from high school, the superintendent of public instruction shall close the student's account and transfer any money remaining in the account to the general fund in the state treasury.

2. If the parent of a student who had an educational empowerment account the previous year fails to file a request form before September first, the superintendent of public instruction shall notify the parent using the parent's last-known email address. On October first, the superintendent of public instruction shall transfer to the state general fund any money remaining in an account for which a parent has not filed a request form for that school year and shall close the account.

Authorized educational expenses.

Money available in the student's educational empowerment account may be used for authorized educational expenses, which are:

1. Tuition and fees;

2. Textbooks, curricula, and other instructional materials and supplies;

3. Tutoring services;

4. Educational therapy;

5. Registration fees for:

a. A nationally standardized achievement test;

b. An advanced placement examination; or

c. Another test or examination related to postsecondary admission;

6. Transportation services between the student's residence and:

a. The nonpublic school in which the student is enrolled;

b. The institution of higher education at which the student takes a course; or

c. A location of a program related to the education of the student; and

7. Technological devices, instruments, and equipment necessary for the student to participate in an educational pursuit.

Transfer - State aid.

Upon receipt of a request form to open an educational empowerment account, the superintendent of public instruction shall transfer the dollar amount for the respective school

1 year under subsection 3 of section 15.1-27-04.1 into the student's educational empowerment
2 account and forward to the parent a debit card for educational expenses authorized under this
3 chapter.

4 **Refunds - Audits - Fraud investigation procedure.**

5 1. If a purchase for goods or services made from a student's educational empowerment
6 account is returned or voided and a refund is required, the refund must be credited to
7 the student's educational empowerment account.

8 2. The superintendent of public instruction shall conduct random audits of educational
9 empowerment accounts to ensure purchases for educational expenses are authorized
10 under this chapter.

11 3. The superintendent of public instruction may forward evidence of misuse or fraud to
12 the attorney general for collection, criminal investigation, or prosecution.

13 4. A parent or student convicted in a court of law for fraud in connection with the
14 student's educational empowerment account is not eligible to participate in the
15 program.

16 **Informational handbook - Home education withdrawal form.**

17 The superintendent of public instruction shall develop and post on the website of the
18 department of public instruction:

19 1. A participant handbook, including information relating to the implementation and use of
20 an educational empowerment account.

21 2. A form to withdraw a statement of intent to supervise home education under section
22 15.1-23-02.

23 **Additional state authority.**

24 This chapter does not authorize the superintendent of public instruction or a school district
25 to exercise additional control or supervision or impose additional requirements or restrictions,
26 other than those provided under this chapter, over a nonpublic school, nonpublic school
27 student, the parent of a nonpublic school student, or a parent providing or student receiving
28 alternative education.