

## NORTH DAKOTA

- Compulsory Attendance Ages:** “a child between the ages of seven and sixteen years.” North Dakota Century Code § 15.1-20-01.
- Required Days of Instruction:** Instruction must be provided for at least four hours per day for a minimum of 175 days per year. N.D. Cent. Code § 15.1-23-04.
- Required Subjects:** English language arts, including reading, composition, creative writing, English grammar, and spelling; mathematics; social studies, including the United States Constitution, and United States history, geography, and government; science, including agriculture; physical education; health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics. N.D. Cent. Code §§ 15.1-23-04 and 15.1-21-01.

**Home School Statute:** N.D. Cent. Code § 15.1-20-04:

Home education is an educational program for a child provided by the child’s parent in the child’s home. N.D. Cent. Code §§ 15.1-20-04 and 15.1-23-01. Compulsory attendance requirements do not apply to a child receiving home education. N.D. Cent. Code § 15.1-20-02. Each home school must meet the following conditions:

1. Every parent shall maintain an annual record of courses and the child’s academic progress assessments, including any standardized achievement test results. N.D. Cent. Code § 15.1-23-05.
2. The parent must file an annual statement of intent to home school with the local or county superintendent of schools. The statement must be filed at least 14 days prior to the beginning of home education or within 14 days of the establishment of residency within the district. The statement must include: the names and addresses of both the children and the parent who will supervise the home education, the dates of birth and grade levels of the children, and the qualifications of the parents who will supervise the instruction. The statement must include any public school courses in which the child intends to participate and the school district offering the courses and any extracurricular activities in which the child intends to participate and the school district or approved nonpublic school offering the activities. It must include a copy of the child’s birth certificate (§ 54-23.2-04.2) and proof of an immunization record (§ 23-07-16). N.D. Cent. Code § 15.1-23-02.
3. The parent must meet the qualification requirements below.
4. Children with “developmental disabilities” may be home schooled, by meeting the requirements of N.D. Cent. Code §§ 15.1-23-14 and 15.1-23-15.

**Teacher Qualifications:** A parent is qualified to supervise a program of home education if the parent meets one of the following requirements: **1.** certified to teach in North Dakota; or, **2.** has a baccalaureate degree; or, **3.** has a high school diploma or a GED certificate and is monitored by a certified teacher during the first two years of home instruction, and thereafter in succeeding years unless the basic composite score on the required standardized achievement test is at least at the 50th percentile (if testing is not required in either of the first two years of monitoring, the monitoring may not be extended without the mutual consent of the parents and the monitor); or, **4.** has met or exceeded the cut-off score of the national teacher exam given in North Dakota, or any other state if North Dakota does not offer such a test. N.D. Cent. Code § 15.1-23-03.

Any certified teacher supervising home education for one child shall spend an “average of one hour per week in contact with the child and the child’s parent. If two or more children receive home education, the individual shall spend one-half hour per month for each additional child receiving home education.” The time may be reduced proportionately if the child is in attendance in a public school or an approved private school on a part-time basis. The teacher shall evaluate and report on the student’s progress at least twice annually to the district or county superintendent. N.D. Cent. Code § 15.1-23-07.

**Standardized Tests:** Under the home school statute, a standardized achievement test must be given to each home schooled student in grades 4, 6, 8, and 10. A certified teacher must administer the test, and it must be given in the child’s learning environment or the public school at the option of the parent. Results must be provided to the local public school superintendent or county superintendent of schools. N.D. Cent. Code §§ 15.1-23-09 and 15.1-23-11.

If the child’s basic composite scores fall below the 30th percentile, the child must be professionally evaluated for a potential learning problem by a multidisciplinary assessment team. If the multidisciplinary team determines that the child is not learning disabled and does not need special education services, the parent may continue to provide instruction if the parent files with the local superintendent or county superintendent (if there is no local superintendent) a plan of remediation to address the academic deficiencies of the child. This plan must be developed by the parent in consultation with and with the approval of a state-certified teacher. The plan of remediation must remain in effect until the child achieves a test score at or above the 30th percentile or a score indicating one year of academic progress. If a child has a disability which requires special education services, the parent must file an individualized education program with the superintendent of the school district. N.D. Cent. Code §§ 15.1-23-11, 15.1-23-12, and 15.1-23-13.

*Conklin v. Sanstead*, Civil No. 92-31 was filed by HSLDA in the Southeastern Judicial District Court of North Dakota challenging the Department of Education’s regulations which mandated mental aptitude testing. Consequently, the Department of Education agreed to rescind their regulations and stated in the stipulated order of dismissal “students involved in home based instruction do not have to take aptitude tests.” The court signed the order in June 1993.

#### **Alternative Statute Allowing for Home Schools: N.D. Cent. Code § 15.1-20-02:**

Parents educating their children at home are free to elect between the private school exception and the home education exception to the compulsory attendance law. *Birst v. Sanstead*, 493 N.W. 2d 609 (N.D. 1992).

Therefore, a parent can choose to conduct home instruction as a private school by doing the following: (1) the child must be in attendance for the same length of time as public schools are in session (180 days); (2) the private school must be approved by the county superintendent of schools and the superintendent of public instruction; and (3) approval will not be granted unless the parent is a state-certified teacher and the required subjects are taught as described above. N.D. Cent. Code § 15.1-20-02.

#### **Children with Developmental Disabilities:**

A parent providing home schooling to a child with developmental disabilities must file with the local superintendent progress reports prepared by an individualized education program team selected by the parent on or before November 1, February 1, and May 1 of each school year. A parent may provide home education to a developmentally disabled child under the following conditions: **1.** The child has been determined to have a developmental disability by a licensed psychologist; **2.** the child’s parent qualifies to provide home education under § 15.1-23-03, as described above; and **3.** the child’s parent files with the superintendent of the child’s school district of residence: (a) a notice that the child will receive home education, (b) a copy of the child’s diagnosis of a developmental disability prepared and attested to by a licensed psychologist, and (c) a services plan developed and followed by the child’s school district of residence and the child’s parent; or, after providing written notice to the superintendent of the child’s school district of residence, a substitute services plan, developed and followed by a services plan team selected by and compensated by the child’s parent. N.D. Cent. Code §§ 15.1-23-14 and 15.1-23-15.

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