

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:

“A parent supervising home education shall include instruction in those subjects required by law to be taught to public school students.” N.D. Cent. Code § 15.1-23-04. **Elementary and middle school:** English language arts, including reading, composition, creative writing, English grammar, and spelling; mathematics; social studies, including the United States Constitution, United States history, geography, government, and North Dakota studies, with an emphasis on the geography, history, and agriculture of North Dakota, in the fourth and eighth grades; science, including agriculture; physical education; and 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. **High school:** None. Homeschooled students who wish to receive a high school diploma from a school district, nonpublic school, or the center for distance education must meet the issuing entity’s graduation requirements. N.D. Cent. Code § 15.1-23-17. At the high school level, public schools need only “make available” the following subjects from which students are allowed to select over the course of a high school career: 4 units of English language arts, including literature, composition, and speech; 4 units of math, including 1 unit of Algebra II and 1 unit for which Algebra II is a prerequisite; 4 units of science, including 1 unit of physical science and 1 unit of biology; 4 units of social studies, including 1 unit of world history, 1 unit of United States history, and 1 unit of problems of democracy or ½ unit of United States government and ½ unit of economics; ½ unit of health; ½ unit of physical education during each school year (provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness); 2 units of fine arts, at least 1 of which must be music; 2 units of the same foreign or native American language; 1 unit of an advanced placement course or 1 unit of a dual-credit course; 2 units of career and technical education; and once every two years, ½ unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of the state. N.D. Cent. Code § 15.1-21-02.

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

“Home education’ means a program of education supervised by a child’s parent in accordance with chapter 15.1-23.” 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 child and the parent who will supervise the home education, the date of birth and grade level of the child, 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, a certified transcript, or similar student records from the previous school, or any other documentary evidence the school, licensed day care facility, or school superintendent considers appropriate proof of identity (§ 12-60-26) and proof of an immunization record (§ 23-07-17.1(1)). 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) has a high school diploma or general equivalency diploma (GED) or (2) has no diploma and is monitored by a certified teacher during the first two years of home instruction. If the child scores below the 50th percentile on a required standardized achievement test during the time of monitoring, the monitoring must continue until the child achieves a score at or above 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. N.D. Cent. Code §§ 15.1-23-03 and 15.1-23-06.

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 nonpublic 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: A standardized achievement test used by the school district in which the child resides or a nationally normed 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. The parent must provide the results to the local public school superintendent or county superintendent of schools. Testing is not required if the parent notifies the school district at the time of filing the statement of intent that the parent has a philosophical, moral, or religious objection to the use of standardized testing. To qualify for this exemption, the parent must be a state-certified teacher, have a bachelor’s degree, or have met or exceeded the cutoff score of a national teacher exam given in North Dakota or in another state if North Dakota does not offer the exam. N.D. Cent. Code §§ 15.1-23-09 and 15.1-23-11.

If the child's basic composite score falls 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 690 (N.D. 1992).

The child must be in attendance for the same length of time as public schools are in session (180 days) at an approved nonpublic school. N.D. Cent. Code § 15.1-20-02. All teachers in the private school must be state-certified, must teach the subjects required of public schools, and must have undergone criminal history record checks. N.D. Cent. Code § 15.1-06-06. Private schools conducted in the home do not have to comply with municipal and state health, fire, and safety laws. *Birst v. Sanstead*.

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.