

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2226
(Senators Cook, Freborg)
(Representatives R. Kelsch, J. Kelsh, Wall)

AN ACT to create and enact sections 15.1-20-02.1, 15.1-20-03.1, and 15.1-20-03.2 of the North Dakota Century Code, relating to compulsory attendance at school; and to amend and reenact section 15.1-20-03 of the North Dakota Century Code, relating to compulsory attendance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 15.1-20-02.1 of the North Dakota Century Code is created and enacted as follows:

15.1-20-02.1. Attendance - Determination - Policies.

1. To be deemed in attendance for purposes of this chapter, a student may not be absent from school without excuse for more than:
 - a. Three consecutive school days during either the first half or the second half of a school or school district's calendar;
 - b. Six half days during either the first half or the second half of a school or school district's calendar; or
 - c. Twenty-one class periods.
2. The board of each school district and governing body of each nonpublic school shall adopt a policy that:
 - a. Defines an excused absence as any absence from school, if that absence is supported by either a verbal or written excuse supplied by the student's parent, teacher, or school administrator; and
 - b. Articulates the type of documentation that may be requested to verify a student's absence.
3. This chapter does not preclude a school district or nonpublic school from withholding credit, removing a student from a course, or taking other punitive measures against a student who does not arrive in a timely fashion or who exceeds a specific number of absences, as determined by the school district or nonpublic school.

SECTION 2. AMENDMENT. Section 15.1-20-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-03. Compulsory attendance law - Enforcement - Penalty.

1. Each teacher and administrator is charged with the enforcement of compulsory school attendance provisions. The compulsory school attendance provisions are applicable to any ~~child~~student who is offered school facilities by a school district, regardless of whether or not the ~~child~~student actually resides in the district.
2. If a teacher determines that a ~~child~~student is not in attendance as required by this chapter and that the ~~child~~student has not been excused in accordance with this chapter or in accordance with the ~~school's or~~ school district's or nonpublic school's policies, the teacher shall notify the administrator of the school.

3. Upon receiving notice of a child's student's absence under subsection 2, the administrator shall initiate an investigation into the cause of the absence. If the administrator has reason to believe that the person having responsibility for the child student has failed to ensure that the child student is in attendance, the administrator shall refer the matter to the local law enforcement agency.
4. Any person who fails to ensure that a child student is in attendance as required by this chapter is guilty of an infraction for a first offense and is guilty of a class B misdemeanor for a second or subsequent offense.
5. In a prosecution for an offense under this section, it is an affirmative defense if the person responsible for ensuring that the child student is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the child student to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

SECTION 3. Section 15.1-20-03.1 of the North Dakota Century Code is created and enacted as follows:

15.1-20-03.1. Submission of data.

Each school district and nonpublic school shall submit data regarding school attendance and the application of this chapter to the superintendent of public instruction at the time and in the manner directed by the superintendent.

SECTION 4. Section 15.1-20-03.2 of the North Dakota Century Code is created and enacted as follows:

15.1-20-03.2. Truancy prevention and intervention programs - Resources.

The superintendent of public instruction shall disseminate to school districts and nonpublic schools information regarding truancy prevention and intervention programs and research pertaining to best practices in truancy prevention efforts.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2226.

Senate Vote: Yeas 43 Nays 1 Absent 3

House Vote: Yeas 55 Nays 37 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State