

Sixty-fifth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1389

Introduced by

Representatives B. Koppelman, Rick C. Becker, Louser, Olson, Owens, Rohr, D. Ruby,
Toman

Senators Burckhard, Kannianen, Kreun, O. Larsen

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota~~
2 ~~Century Code, relating to parental directives.~~ for an Act to create and enact a new section to
3 chapter 15.1-21 of the North Dakota Century Code, relating to parental directives; and to
4 provide an expiration date.

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

6 ~~SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Parental directive – Administration of tests and assessments.~~

- 9 ~~1. The superintendent of public instruction shall respect and support the right of a parent~~
10 ~~to opt a child of the parent out of any survey or testing that is not a part of a~~
11 ~~curriculum, to which the parent has a philosophical, moral, or religious objection.~~
- 12 ~~2. A student's parent may direct that the school district in which the student is enrolled~~
13 ~~not administer to the student any state test or state assessment required in~~
14 ~~accordance with section 15.1-21-08, 15.1-21-17, or 15.1-21-18.~~
- 15 ~~3. A child withheld from a test or assessment under this section is deemed to be in~~
16 ~~attendance for all purposes under this title.~~
- 17 ~~4. a. A parental directive is valid only if it is presented to the school district using a~~
18 ~~standardized form, prepared by the superintendent of public instruction, and~~
19 ~~signed by the student's custodial parent.~~
- 20 ~~b. A parental directive is valid only until the conclusion of the school year in which it~~
21 ~~is received by the school district.~~
- 22 ~~c. A parental directive submitted to a school district in accordance with this section~~
23 ~~must be retained as part of the student's educational record.~~

- 1 ~~d. A school district is not liable for any consequences incurred by a student as a~~
2 ~~result of a parental directive submitted in accordance with this section.~~
- 3 ~~e. A school district is not required to provide instruction or activities for a student~~
4 ~~during the administration of any test or assessment referenced in the parental~~
5 ~~directive submitted by the student's parent.~~
- 6 ~~f. Each school district shall post the parental directive form on its website and make~~
7 ~~the form available to a parent, upon request.~~
- 8 ~~g. At the time and manner directed by the superintendent of public instruction, each~~
9 ~~school district shall provide a report regarding the number of parental directives~~
10 ~~received.~~

11 **SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Parental directive - Administration of tests and assessments - Report.**

- 14 1. A student's parent may direct the school district in which the student is enrolled not to
15 administer to the student any state test or state assessment required in accordance
16 with section 15.1-21-08.
- 17 2. In addition to the authority granted under subsection 1, a student's parent may direct
18 the school district in which the student is enrolled not to administer any other specific
19 test or assessment to the student, except a parental directive under this subsection
20 does not apply to:
- 21 a. Any test or assessment required by the student's school district of enrollment or
22 this state for the completion of any grade from kindergarten through twelve;
- 23 b. Any test or assessment required by the student's school district of enrollment or
24 this state for high school graduation;
- 25 c. The ACT; or
- 26 d. WorkKeys assessments.
- 27 3. a. A parental directive is valid only if it is presented to the school district using a
28 standardized form, prepared by the superintendent of public instruction, and
29 signed by the student's custodial parent.
- 30 b. A parental directive is valid only until the conclusion of the school year in which it
31 is received by the school district.

- 1 c. A parental directive submitted to a school district in accordance with this section
2 must be retained as part of the student's educational record.
- 3 4. A school district is not liable for any consequences incurred by a student as a result of
4 a parental directive submitted in accordance with this section.
- 5 5. A school district is not required to provide instruction or activities for a student during
6 the administration of any test or assessment referenced in the parental directive
7 submitted by the student's parent.
- 8 6. Each school district shall post the parental directive form on its website and make the
9 form available to a parent, upon request.
- 10 7. At the time and in the manner directed by the superintendent of public instruction,
11 each school district shall provide a report regarding:
- 12 a. The number of parental directives received;
13 b. The number of parental directives applicable to students who are economically
14 disadvantaged, students from major racial and ethnic groups, students with
15 disabilities, and students with limited English proficiency; and
16 c. Any loss of funding stemming from the parental directives.

17 **SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that
18 date is ineffective.