

## **CHAPTER 15.1-20 SCHOOL ATTENDANCE**

### **15.1-20-01. Compulsory attendance.**

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure that the child is in attendance at a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure that the child is in attendance at the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.

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

1. The provisions of section 15.1-20-01 do not apply if the person having responsibility for the child demonstrates to the satisfaction of the school board that:
  - a. The child is in attendance for the same length of time at an approved nonpublic school;
  - b. The child has completed high school;
  - c. The child is necessary to the support of the child's family;
  - d. A multidisciplinary team that includes the child's school district superintendent, the director of the child's special education unit, the child's classroom teacher, the child's physician, and the child's parent has determined that the child has a disability that renders attendance or participation in a regular or special education program inexpedient or impracticable; or
  - e. The child is receiving home education.
2. A decision by the board of a school district under subsection 1 is appealable to the district court.

### **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 who is offered school facilities by a school district, regardless of whether or not the child actually resides in the district.
2. If a teacher determines that a child is not in attendance as required by this chapter and that the child has not been excused in accordance with this chapter or in accordance with the school's or school district's policies, the teacher shall notify the administrator of the school.
3. Upon receiving notice of a child'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 has failed to

ensure that the child 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 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 is in attendance has made substantial and reasonable efforts to comply with the requirements of this section, but is unable to compel the child to attend school. If the court determines that the affirmative defense is valid, the court shall dismiss the complaint against the person.

**15.1-20-04. Home education - Definition.** For purposes of this chapter, "home education" means an educational program for a child provided in accordance with chapter 15.1-23 by the child's parent in the child's home.