

NATIONAL CENTER FOR LIFE AND LIBERTY

HOMESCHOOL CENTER

North Dakota

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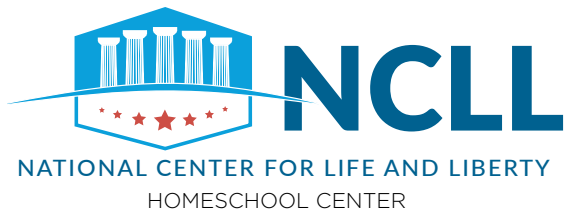
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The National Center for Life and Liberty is a nonprofit legal ministry dedicated to protecting and defending the Bible-based values upon which our nation was founded. Homeschool Center—an outreach of the NCLL—was created to be a legal help and resource to homeschool families. Protecting. Equipping. Serving. HC is a fresh approach to homeschooling legal help. For more information and to join, visit <http://homeschool.ncll.org/>. Legal challenges and questions will come—let the NCLL be there to help you when they do.

The following is an explanation of homeschool law for North Dakota along with references to additional and more exhaustive resources.





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Dear Homeschool Family,

More and more parents across the country and around the world are exercising the choice to educate their children at home. At the National Center for Life and Liberty, we are committed to defending the fundamental rights of parents to direct and control the upbringing of their children, which includes protecting and defending their right to homeschool. We are also committed to providing our members with help and encouragement so they can homeschool legally and with excellence. When families join the Homeschool Center at the National Center for Life and Liberty, they can rest assured that we will be there if and when they have legal questions about their homeschooling. Our members have access to summaries of homeschool state laws as well as an attorney to assist them with all legal compliance questions. We also provide the following services:

- Guidance on pursuing sports or extracurricular activities with the public school
- Guidance on seeking special needs services from the public school
- Pro bono legal representation in litigation if we determine the issue will advance homeschool liberty
- Assistance in college, trade school, and financial application eligibility questions
- Assistance with social security benefit eligibility for homeschoolers
- Advising in social service issues that are related to homeschool issues

The ministry of the NCLL's Homeschool Center is exactly that—a ministry. We are here to serve you and defend your right to raise and educate your children. In keeping with this mission, the NCLL does everything possible to keep costs low so that we can serve homeschoolers all across the country. Also, while other organizations require an “application” process and require you to follow narrowly defined rules, the NCLL Homeschool Center invites you only to complete a simple “registration” process in order to join. We do not want to control your homeschooling efforts; we are here to provide you with information, encouragement, and support as you diligently homeschool your children.

We are called of God and committed to serving you and your family! Please let us know how we can be of assistance to you.

Thank you for the privilege,

Attorney David C. Gibbs III
President and General Counsel
National Center for Life and Liberty

NORTH DAKOTA HOMESCHOOL LEGAL REQUIREMENTS

North Dakota residents have the right to homeschool their children. The state, however, does place certain requirements that you, as a parent or guardian, need to follow. Two different options are available.

THE TWO OPTIONS ARE:

- **Option 1:** Establishing a homeschool
- **Option 2:** Establishing a homeschool as a state-approved private school

OPTION 1

Establishing a homeschool

Parents may homeschool their children by first filing an annual notice of intent.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between the ages of seven and sixteen years of age.

SOURCES OF LAW

North Dakota Century Code §15.1-23, et.seq.

TEACHER QUALIFICATIONS

The teacher must possess a high school diploma or GED or be monitored by a certified teacher for the two years. The child must achieve above the 50th percentile on required achievement tests to discontinue monitoring. If testing is not required during the first two years of homeschool, monitoring may be discontinued.

REPORTING/REGISTRATION

File an annual notice of intent to homeschool with local or county (where there is no local) superintendent. The notice must be filed at least fourteen days before beginning home education or within fourteen days of establishing a child's residence in a school district and annually thereafter. The statement must include the name and address of the child and parent/supervisor, the child's date of birth and grade level, and the qualifications of the parent who will supervise the home education. Notice must also include any public school courses or extracurricular activities in which the child intends to participate as well as the school district or approved nonpublic school offering the courses or activities. The statement must be accompanied by a copy of the child's immunization record and proof of the child's identity.

RECORD KEEPING

Maintain an annual record of courses and the child's academic progress assessments to be shown when the child transfers out of the home education program.

An acceptable statement of intent is available on the North Dakota Department of Public Instruction website: <http://www.dpi.state.nd.us/approve/home/>

ELEMENTARY & MIDDLE SCHOOL REQUIREMENTS

Required subjects include English language arts, including reading, composition, creative writing, English grammar, and spelling; mathematics; social studies, including the United States Constitution and history, geography, government, and North Dakota studies, with an emphasis on the geography, history, and agriculture of the state (in the fourth and eighth grades); science, including agriculture; physical education; health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.

HIGH SCHOOL REQUIREMENTS

Each public and nonpublic high school should make available to each student four units of English language arts from a sequence that includes literature, composition, and speech; four units of mathematics, including one unit of algebra II and one unit for which algebra II is a prerequisite; four units of science, including one unit of physical science and one unit of biology; four units of social studies, including one unit of world history, one unit of United States history, and one unit of problems of democracy or half a unit of United States government and half a unit of economics; half a unit of health; half a 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; two units of fine arts at least one of which must be music; two units of the same foreign or Native American language; one unit of an advanced placement course or one unit of a dual credit course; and two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction. Also, each public and nonpublic high school should make available to each student, at least once every two years, half a unit of North Dakota studies with an emphasis on the geography, history, and agriculture of the state. Attend at least four hours per day for at least 175 days per year.

REQUIRED TESTING/ASSESSMENTS

Achievement testing is required 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. In certain conditions, the school will pay for the test and the administration. Results must be provided to the local public school superintendent or county superintendent of schools. If the child's composite score falls below the 30th percentile, the child must be professionally evaluated for a potential learning problem by a multidisciplinary assessment team.

An acceptable statement of intent is available on the North Dakota Department of Public Instruction website: <http://www.dpi.state.nd.us/approve/home/>

OPTION 2

Establishing a homeschool as a state-approved private school

Parents may educate their children at home by operating a state approved homeschool.

COMPULSORY ATTENDANCE

Compulsory attendance applies to children between the ages of seven and sixteen years of age.

SOURCES OF LAW

North Dakota Century Code §15.1-20-02.

TEACHER QUALIFICATIONS

Teacher certification and criminal background checks are required.

REPORTING/REGISTRATION

Follow reporting required by the process of approval.

RECORD KEEPING

Follow record keeping required by the process of approval.

REQUIRED SUBJECTS, DAYS OF ATTENDANCE, AND OTHER REQUIREMENTS

Subjects required are same as those taught in the public school. Attendance requirements are the same as for public schools: 180 days

REQUIRED TESTING/ASSESSMENTS

No specific testing is required.

An acceptable statement of intent is available on the North Dakota Department of Public Instruction website: <http://www.dpi.state.nd.us/approve/home/>

WHEN LEGAL CHALLENGES PRESENT THEMSELVES:

- 1** Calmly learn and follow your state's laws. State summaries are available at our website, and we are always available to answer your questions.
- 2** As you teach your children at home, know that you're a "walking advertisement" for homeschooling. Our relatives, neighbors, and others we encounter are watching. It's a good idea to watch your outside activities during school hours. Try to share some homeschool highlights with your relatives so they might be won over. Also, avoid disciplining your child in public, because understanding of what is appropriate varies.
- 3** Leaving children at home alone is always risky—especially if you frequently leave older children home alone with younger children. Is there an appropriate age when it is fine to leave them alone? Consider calling your local social services agency to ask its opinion.

IF YOU RECEIVE A PHONE CALL:

- 1** If a homeschooler receives a phone call from someone representing himself as a school or social services authority, never give information over the phone! Make it your goal to get information from the caller. Ask what has prompted this call, the caller's name, telephone number, title, and the agency he represents. Give yourself time to calm down and consider the request. Tell the caller that you will either get back to him or that your attorney will get back to him. Above everything, keep calm, as this initial call can set the tone for the entire encounter.
- 2** If the caller wishes to arrange a meeting and you agree to meet, allow yourself plenty of calendar time between the day of the call and the day of a future meeting. You will want to decide on a strategy and/or consult an attorney. If you agree to meet, arrange to meet in the official's office and definitely not in your home.

IF YOU RECEIVE A LETTER IN THE MAIL

- 1** Read the letter slowly and carefully. Make sure that you know what is being asked of you, and take the time to discern who is asking. If the request is clear and unambiguous (such as asking for a copy of a birth certificate) and the law clearly specifies that it is required, it may be best to comply. Before supplying any information, either by mail or in person, verify the authenticity of the person and the agency making the request as well as the necessity of the information.
- 2** If the request is at all questionable, take time to study the issue and consult your attorney. If it means time, write or call the sender to say that you'll need more time.
- 3** Remember, if you mail anything or bring anything to an official's office, keep copies of what you mailed or brought for your files. If you decide to mail any items, mail them return-receipt requested. This documentation from the Post Office means you will receive proof that the letter you sent was signed for and received.
- 4** An electronic or e-mail notification is not sufficient legal notice of a legal challenge. Do not reply to an electronic notification of a legal challenge without seeking legal advice.

IF YOU RECEIVE A VISITOR AT THE DOOR

- 1** First, you are entitled to know the reason for any visit. The visitor may tell you he does not have to tell you the reason, or he may tell you that he needs to come inside of your home to talk to you. ***Neither claim is true!*** Government officials are required to tell you the specific allegations that led to their visit.

- 2** Be polite and ask for a business card or an ID badge. If the visitor wants to enter your home, ask if he has a search warrant. Without a warrant, he has no legal authority to enter your home. Getting a warrant is not an easy task for a government official. The official will have to demonstrate to a judge that he has “probable cause” to believe that either (1) a crime has been committed or that (2) some other compelling reason exists for the agency to enter your home to investigate. A warrant requires much more than an anonymous tip or mere suspicion. Remember—no warrant, no entry.
- 3** Be calm! If you have a local lawyer or are a member of the Homeschool Center, call your attorney on the phone while the visitor is still at your door. Then, hand the phone over to the visitor and have your attorney do the talking for you.
- 4** Be respectful to the visitor, but also respect yourself and your family. If the visitor insists on seeing your children, bring the children outside the door. Allowing an official inside gives him too great of an opportunity to go on a “fishing expedition.” The visitor may request immediate answers to one or more questions, but tell him that you will speak to him only after you have consulted with your legal counsel.
- 5** The visitor may threaten to obtain a warrant. Don’t be frightened by this. Of course you will fully cooperate if he returns and shows you the warrant, but chances are that he is merely trying to frighten you. Don’t be frightened, but seek legal counsel immediately.

MEMBERSHIP BENEFITS

As a member of the Homeschool Center, you have access to our professional, experienced, caring homeschool attorneys who . . .

- Can address any ongoing or current legal compliance questions or concerns
- Are available in the event that you have a homeschooling legal emergency
- Will litigate your case on a pro bono (no cost to you) basis if we determine that the issues involved will advance the liberty of homeschooling in America

Membership in the Homeschool Center provides access to the following:

- Free legal advice if you or your family member has been subject to religious discrimination at work
- Pro bono litigation in cases that advance church, Christian education, religious liberty, or sanctity of life issues
- Legal guidance after a car accident, where one of our attorneys will explain how to protect your rights after the accident and will refer you, if needed, to one our trusted attorney affiliates

JOIN TODAY!

We want to be here for you! We receive hundreds of homeschool calls every year, and the numbers keep rising. So, if you haven't already, please consider joining today. At just **\$35 for the first year**, you really can't afford **NOT** to be a member!

Go to <http://homeschool.ncll.org/membership> to become a member.

