



Home Education “Supervision” Guidance

The 2019 Legislature passed a new law governing Home Education in North Dakota. This significant change clarifies several issues that have arisen across the state. First, new definitions have been instituted:

15.1-23-01. Definitions.

1. "Home education" means a program of education supervised by a child's parent in accordance with the requirements of this chapter.
2. "Parent" includes a child's legal guardian.
3. "Supervise" means the selection of materials, determination of an educational philosophy, and oversight of the method, manner, and delivery of instruction.

Definition three is most significant, as the previous law only allowed the child’s parent to educate the child. The only way a parent could have another person (virtually or in person) educate their child was if the parent was physically present and acting as a filter for all curriculum. This law gives parents freedom to choose how the child is educated, however it must be noted the parent is still solely *responsible* for their child’s education.

The 2019 Home Education version of the [Century Code](#) clarifies that a parent may choose any way they see fit to educate their child. This may be virtually, through independent classes, work study, public school, etc.

As previously mentioned, the Home Education parent still has significant responsibilities they must fulfill to remain legal, regardless of whom or what is chosen to teach their child. Two substantial responsibilities are:

15.1-23-04. Home education - Required subjects - Instructional time.

A parent supervising Home Education shall include instruction in those subjects required by law to be taught to public school students. The instruction must have a duration of at least four hours each day for a minimum of one hundred seventy-five days each year.

15.1-23-05. Home education - Academic records.

A parent supervising Home Education shall maintain an annual record of courses taken by the child and the child's academic progress assessments, including any standardized achievement test results. If the child transfers to a public school district, the parent shall furnish the record, upon request, to the school district superintendent or other administrator.

It is recommended from the North Dakota Home School Association (NDHSA) and the North Dakota Department of Public Instruction (NDDPI) that a parent maintain detailed documentation of their child’s academic progress.

Some examples of documentation and/or records parents may choose to maintain can include:

- Daily lesson plans
- Copy of your child’s statement of intent
- Sample of work from each subject
- Standardized test scores

- A yearly summary for each child that includes attendance, promotion, list of subjects taught, textbooks utilized, ND standards taught** and proficiency of those standards

These records will be helpful to the parents for multiple reasons, including:

- If the student transfers to a public school;
- Filling out college applications and scholarships; and
- Resources for educating younger children in the household.

Home Education for Children Placed in Foster Care

Only a child's *legal guardian/parent(s)* can submit a Statement to Home Educate Form and holds the responsibility for overseeing all aspects of the child's education.

The identified legal guardian overseeing a home education holds the sole responsibility to:

- Select all curriculum materials to be used to educate the child
- Determine educational philosophy
- Oversee the method, manner, and delivery of instruction
- Maintain all academic records and progress
- Maintain and issue the transcript of the courses completed
- Issuing out the high school diploma upon completion

Unless legal guardianship and/or educational decision-making authority has been granted in a court, a foster care provider cannot legally submit a Statement to Home Educate Form nor oversee the home education of the child pursuant to the ND Home Education Law.

Home education law explicitly defines the legal and moral responsibilities of the child's identified legal guardian's role relating to the supervision of home education. It is for this significant responsibility and oversight required that NDDPI **does not advise** placement agencies to submit an Intent to Home Educate Form on behalf of a foster care provider intending to provide home education for the child. Furthermore, any parent who maintains legal decision-making authority for their child who has been placed in foster care, for any reason, may not submit a Statement to Home Educate with the intention of allowing a foster care provider to home-educate the child.

Placement agencies looking for alternative methods of educating children in foster care can consider virtual instruction through the North Dakota Center for Distance Education. Additional information can be found [HERE](#).

If you have any questions regarding Home Education, please contact [Joe Kolosky](#) with the NDDPI or the [North Dakota Home School Association](#) at (701) 936-0356.

***Teaching to the ND State Content Standards are not required for home educated students. However, these standards serve as a reference of learning goals and expectations for what students enrolled ND public/private institutions should know and be able to do for each grade span. In the event that a child may return to public or private education, documentation of the child's proficiency in the ND Content Standards provides the school with valuable educational information to ultimately ease the transition from the home to the school.*