

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1246

Introduced by

Representatives Drovdal, R. Kelsch, Monson

Senators Freborg, Goetz

1 A BILL for an Act to amend and reenact section 15-40.1-07.6 of the North Dakota Century  
2 Code, relating to special education per student payments.

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

4 **SECTION 1. AMENDMENT.** Section 15-40.1-07.6 of the 1995 Supplement to the  
5 North Dakota Century Code is amended and reenacted as follows:

6 **15-40.1-07.6. Per student payments - Special education.**

7 1. ~~Each~~ Except as provided in subsection 2, each biennium, the superintendent of  
8 public instruction shall distribute moneys appropriated by the legislative assembly  
9 for per student special education payments to each school district in the state on  
10 the basis of students in average daily membership. The superintendent of public  
11 instruction shall forward the payments, as calculated under subsection 3 of section  
12 15-40.1-06, to eligible school districts in the same manner and at the same time  
13 that the superintendent distributes foundation aid payments. For purposes of this  
14 section, "special education" means the provision of special services to students  
15 who have special needs, including students who are gifted and talented.  
16 Expenditures under this section may not conflict with nonsupplanting and  
17 maintenance of effort provisions under the Individuals with Disabilities Education  
18 Act, 20 U.S.C. 1400 et seq.

19 2. The superintendent of public instruction may, upon the written request of a school  
20 district, forward all moneys for which the school district is eligible under this section  
21 directly to the special education unit of which the school district is a member.