

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1064

Introduced by

Representatives Boehm, R. Kelsch, Renner

Senator Freborg

1 A BILL for an Act to amend and reenact sections 15-34.1-12 and 15-34.1-12.1 of the North
2 Dakota Century Code, relating to the provision of home education to developmentally disabled
3 children with autism.

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

5 **SECTION 1. AMENDMENT.** Section 15-34.1-12 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **15-34.1-12. (~~Effective through June 30, 1999~~) Children with autism - Home school**
8 **education.** Notwithstanding any other law, a parent ~~or legal guardian~~ may provide home
9 ~~schooling~~ education to a developmentally disabled child with autism if:

- 10 1. The child has been determined to be autistic by a licensed psychologist;
- 11 2. The child's parent ~~or legal guardian~~ qualifies to provide home ~~schooling~~ education
12 under section 15-34.1-06;
- 13 3. The child's parent ~~or legal guardian~~ files with the superintendent of the child's
14 school district of residence:
 - 15 a. A notice that the child will ~~be~~ receive home ~~school~~ education;
 - 16 b. A copy of the child's diagnosis of autism prepared and attested to by a
17 licensed psychologist; and
 - 18 c. A description of the instructional plan to be followed during the school year,
19 together with an attestation by a licensed psychologist and a North Dakota
20 ~~certified~~ certificated teacher that the instructional plan is appropriate for the
21 child.

22 **SECTION 2. AMENDMENT.** Section 15-34.1-12.1 of the 1997 Supplement to the
23 North Dakota Century Code is amended and reenacted as follows:

**15-34.1-12.1. (~~Effective through June 30, 1999~~) Children with autism - Home
school - ~~Progress reports~~ education - Professional observations.**

1. On or before November first, February first, and May first of each school year, a parent providing home ~~schooling~~ education to an autistic child under section 15-34.1-12 shall file with the superintendent of the child's school district of residence ~~progress reports~~ written observations prepared by a ~~licensed psychologist~~, an occupational therapist, a speech pathologist, and a ~~certified certificated~~ teacher. If at any time the ~~licensed psychologist~~, the occupational therapist, the speech pathologist, and the ~~certified~~ certificated teacher agree that ~~adequate progress is not being made~~ the child is not benefiting from home education, they shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team.
2. The child's school district of residence shall provide the services of the occupational therapist, speech pathologist, and certificated teacher, required by this section, at school district expense. Upon providing written notification to the superintendent of the child's school district of residence, the child's parent may select and shall then compensate a substitute occupational therapist, speech pathologist, or certificated teacher to perform the services required by this section.
3. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction. ~~The superintendent of public instruction shall provide a report and recommendations regarding the home schooling of developmentally disabled children with autism under this section and section 15-34.1-12 to the legislative council.~~