

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 teacher that the instructional plan is appropriate for the child. An~~  
21 individualized education program developed and followed by the child's  
22 school district of residence and the child's parent; or, after providing written  
23 notice to the superintendent of the child's school district of residence, a  
24 substitute individualized education program, developed and followed,

1                   according to section 15-34.1-12.1, by an individualized education program  
2                   team selected by and compensated by the child's parent.

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

5                   **15-34.1-12.1. ~~(Effective through June 30, 1999)~~ Children with autism - Home**  
6 **~~school~~ education - Progress reports.**

- 7                   1. On or before November first, February first, and May first of each school year, a  
8 parent providing home ~~schooling~~ education to an autistic child under section  
9 15-34.1-12 shall file with the superintendent of the child's school district of  
10 residence progress reports prepared by ~~a licensed psychologist, an occupational~~  
11 ~~therapist, a speech pathologist, and a certified teacher~~ the individualized education  
12 program team selected under section 15-34.1-12. If at any time the ~~licensed~~  
13 ~~psychologist, the occupational therapist, the speech pathologist, and the certified~~  
14 ~~teacher agree~~ individualized education program team agrees that ~~adequate~~  
15 ~~progress is not being made, they~~ the child is not benefiting from home education,  
16 the team shall notify the superintendent of the child's school district of residence  
17 and request that the child be evaluated by a multidisciplinary team appointed by  
18 the superintendent of the child's school district of residence.
- 19                   2. The superintendent of the child's school district of residence shall forward copies of  
20 all documentation required by this section to the superintendent of public  
21 instruction. ~~The superintendent of public instruction shall provide a report and~~  
22 ~~recommendations regarding the home schooling of developmentally disabled~~  
23 ~~children with autism under this section and section 15-34.1-12 to the legislative~~  
24 ~~council.~~