

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1064
(Representatives Boehm, R. Kelsch, Renner)
(Senator Freborg)

AN ACT to amend and reenact sections 15-34.1-12 and 15-34.1-12.1 of the North Dakota Century Code, relating to the provision of home education to developmentally disabled children with autism.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent ~~or legal guardian~~ qualifies to provide home ~~schooling~~ education under section 15-34.1-06;
3. The child's parent ~~or legal guardian~~ files with the superintendent of the child's school district of residence:
 - a. A notice that the child will ~~be receive~~ receive home ~~schooled~~ education;
 - b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
 - c. A description of the instructional plan to be followed during the school year, together with an attestation by a licensed psychologist and a North Dakota certified teacher that the instructional plan is appropriate for the child. An individualized education program developed and followed by the child's school district of residence and the child's parent; or, after providing written notice to the superintendent of the child's school district of residence, a substitute individualized education program, developed and followed, according to section 15-34.1-12.1, by an individualized education program team selected by and compensated by the child's parent.

SECTION 2. AMENDMENT. Section 15-34.1-12.1 of the 1997 Supplement to the 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 education - Progress reports.

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 prepared by ~~a licensed psychologist, an occupational therapist, a speech pathologist, and a certified teacher~~ the individualized education program team selected under section 15-34.1-12. If at any time the ~~licensed psychologist, the occupational therapist, the speech pathologist, and the certified teacher agree~~ individualized education program team agrees that ~~adequate progress is not being made, they~~ the child is not benefiting from home education, the team shall notify the superintendent of the child's school district of residence and

request that the child be evaluated by a multidisciplinary team appointed by the superintendent of the child's school district of residence.

2. 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.~~

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1064.

House Vote: Yeas 96 Nays 0 Absent 2

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State