

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1142

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to amend and reenact subsection 2 of section 15-59-01 of the North Dakota
2 Century Code or in the alternative to amend and reenact subsection 4 of section 15.1-32-01 of
3 the North Dakota Century Code, relating to the definition of a child or student with disabilities.

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

5 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective,
6 subsection 2 of section 15-59-01 of the North Dakota Century Code is amended and reenacted
7 as follows:

8 2. "Child with disabilities" means a child an individual who has reached the third
9 birthday, and is at least three years of age but who has not reached the age of
10 twenty-one years by midnight before September first of August thirty-first, the year
11 in which the individual turns twenty-one and who because of mental, physical,
12 emotional, or learning characteristics requires regular or special education and
13 related aids and services designed to meet individual education the individual's
14 educational needs. This The term includes children an individual who are is
15 mentally retarded, hard-of hearing impaired, deaf, deaf-blind, speech or language
16 impaired, visually impaired, seriously emotionally disturbed, specific learning
17 disabled, orthopedically impaired, otherwise health impaired, or autistic, or and an
18 individual who has a specific learning disability, a traumatic brain injured injury, or
19 other health impairment. "Child with disabilities" does not include a child aged
20 eighteen through twenty-one who is incarcerated in an adult correctional facility
21 who, in the last educational placement prior to incarceration, was not identified as
22 being a child with a disability and did not have an individualized education
23 program.

1 **SECTION 2. AMENDMENT.** Subsection 4 of section 15.1-32-01 of the North Dakota
2 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
3 assembly, is amended and reenacted as follows:

- 4 4. "Student with disabilities" means an individual who is at least three years of age
5 but who has not reached the age of twenty-one before September first of the year
6 in which the individual turns twenty-one and who because of mental, physical,
7 emotional, or learning characteristics requires regular or special education and
8 related services designed to meet the individual's educational needs. The term
9 includes an individual who is mentally retarded, hearing impaired, deaf, deaf-blind,
10 speech or language impaired, visually impaired, emotionally disturbed,
11 orthopedically impaired, or autistic, and an individual who has a specific learning
12 disability, a traumatic brain injury, or other health impairment. "Student with
13 disabilities" does not include a student aged eighteen through twenty-one who is
14 incarcerated in an adult correctional facility who, in the last educational placement
15 prior to incarceration, was not identified as being a student with a disability and did
16 not have an individualized education program.