

Fifty-ninth  
Legislative Assembly  
of North Dakota

Introduced by

1 A BILL for an Act to amend and reenact section 15.1-32-14 of the North Dakota Century Code,  
2 relating to the forwarding of special education per student payments.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-32-14 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-32-14. Special education per student payments.**

- 7 1. ~~A~~ If a student with disabilities who receives special education services is deemed  
8 to be enrolled in the student's , the superintendent of public instruction shall  
9 forward any per student payments, payable on behalf of that student, directly to the  
10 school district of residence for purposes of calculating per student payments in  
11 which the student receives such services.
- 12 2. ~~An~~ If a student with disabilities attends a special education summer program  
13 required by the student's individualized education program or services plan and  
14 approved by the superintendent of public instruction, the superintendent of public  
15 instruction shall forward any additional prorated per student payment may be made  
16 if a student with disabilities attends a special education summer program approved  
17 by the superintendent of public instruction, provided the student's individualized  
18 education program or services plan requires that the student attend a special  
19 education summer program payments, payable on behalf of the student, directly to  
20 the school district in which the student receives such services.
- 21 3. If a student who is enrolled in a nonpublic school receives special education  
22 services in a public school, the superintendent of public instruction shall forward a  
23 proportionate per student payment to the school district in which the student  
24 receives the services.

- 1           4.   a.   If in the opinion of an individualized education program team or a services  
2                   plan team a student is unable to attend a public school in the special  
3                   education unit to which the student's school district of residence belongs, the  
4                   student's school district of residence shall contract with another public school  
5                   that:
- 6                   (1)   Does not belong to the same special education unit;  
7                   (2)   Is located in this state;  
8                   (3)   Is willing to admit the student; and  
9                   (4)   Is able to provide appropriate services to the student.
- 10           b.   The superintendent of public instruction shall approve in advance the terms of  
11                   the contract and the services to be provided by the admitting school.
- 12           c.   The contract must provide that the student's school district of residence  
13                   agrees to pay to the district in which the ~~admitting school is located~~ student  
14                   receives services, as part of the cost of educating the student for the school  
15                   year, an amount equal to two and one-half times the state average per  
16                   student elementary or high school cost, depending upon the student's level of  
17                   enrollment, plus twenty percent of all remaining costs. The amount paid may  
18                   not exceed the actual per student cost incurred by the admitting school, less  
19                   any per student payment received on behalf of the student under this section.
- 20           d.   The liability of the student's school district of residence must be reduced  
21                   proportionately if the student attends the admitting school for less than an  
22                   entire school year.
- 23           e.   Upon being notified by the ~~admitting~~ district in which the student receives  
24                   services that tuition payments provided for by this section are due and unpaid,  
25                   the superintendent of public instruction, after verification, shall withhold all  
26                   state aid payments to which the student's school district of residence is  
27                   entitled until the tuition due has been paid.
- 28           f.   The superintendent of public instruction shall provide to the school district in  
29                   which the student receives services, within the limits of legislative  
30                   appropriations, an amount equal to eighty percent of the remainder of the

- 1 actual cost of educating the student with disabilities not covered by other
- 2 payments or credits.