

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1237

Introduced by

Representatives Hawken, Delmore, N. Johnson

Senators Erbele, Flakoll

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 forward
9 any per student payments, payable on behalf of that student, directly to the school
10 district of residence for purposes of calculating per student payments in which the
11 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.