Sixtieth Legislative Assembly of North Dakota

## FIRST ENGROSSMENT with House Amendments

ENGROSSED SENATE BILL NO. 2108

## Introduced by

**Education Committee** 

(At the request of the Superintendent of Public Instruction)

## 1 A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota

2 Century Code, relating to students with disabilities resulting from noncategorical delays; and to

- 3 to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code,
- 4 relating to the definition of a student with a disability for special education purposes.

## 5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Subsection 4 of section 15.1-32-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8	4. <u>a.</u>	"Stuc	lent with disabilities a disability" means an individual who is at least three		
9		years	s of age but who has not reached the age of twenty-one before		
10		Sept	ember first of the year in which the individual turns twenty-one and who		
11		<u>requi</u>	res special education and related services because of mental, physical,		
12		emot	emotional, or learning characteristics requires regular or special education		
13		and r	elated services designed to meet the individual's educational needs.		
14		The t	erm includes an individual with mental:		
15		<u>(1)</u>	Mental retardation;		
16		<u>(2)</u>	<u>A</u> hearing impairment, <u>including</u> deafness <del>, deafness-blindness, a;</del>		
17		<u>(3)</u>	Deaf-blindness;		
18		<u>(4)</u>	<u>A</u> speech or language impairment <del>, a</del> ;		
19		<u>(5)</u>	<u>A</u> visual impairment, <u>including blindness;</u>		
20		<u>(6)</u>	An emotional disturbance, an;		
21		<u>(7)</u>	<u>An</u> orthopedic impairment <del>, or autism, and an individual who has a</del> ;		
22		<u>(8)</u>	<u>Autism;</u>		
23		<u>(9)</u>	A traumatic brain injury;		
24		<u>(10)</u>	Other health impairment; or		

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1	(11) <u>A</u> specific learning disability, a traumatic brain injury, or other health			
2	impairment. The term.			
3	b. <u>"Student with a disability"</u> includes a student aged age eighteen through			
4	twenty-one who is incarcerated in an adult correctional facility and who, in the			
5	last educational placement prior to incarceration, was identified as being a			
6	student with a disability and did not have an individualized education program			
7	or was identified as being a student with a disability and had an individualized			
8	education program.			
9	SECTION 2. A new section to chapter 15.1-32 of the North Dakota Century Code is			
10	created and enacted as follows:			
11	Noncategorical delay. If an individual who is at least three years of age but less than			
12	ten years of age exhibits a developmental profile in which cognitive, fine motor, vision, hearing,			
13	communication, preacademic, socialization, or adaptive skill acquisitions are significantly below			
14	that of same-age peers, and if the individual needs special education and related services, the			
15	school district may determine that the individual is a student with a disability as a result of a			
16	noncategorical delay.			