

Sixtieth
Legislative Assembly
of North Dakota

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

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

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

- 7 4. "Student with ~~disabilities~~ a disability" means an individual who ~~is~~:
- 8 a. Is at least three years of age but who has not reached the age of twenty-one
9 before September first of the year in which the individual turns twenty-one
10 ~~and who because of mental, physical, emotional, or learning characteristics~~
11 ~~requires regular or special education and related services designed to meet~~
12 ~~the individual's educational needs. The term includes:~~
- 13 b. Is an individual with mental retardation, hearing impairment including
14 deafness, deafness-blindness, a deaf-blindness, speech or language
15 impairment, a visual impairment including blindness, emotional disturbance,
16 ~~an~~ orthopedic impairment, ~~or~~ autism, ~~and an individual who has a specific~~
17 ~~learning disability, a traumatic brain injury, or other health impairment, or~~
18 specific learning disability; and
- 19 c. Because of one or more disabilities in subdivision b, requires special
20 education and related services.

21 The term "student with a disability" includes a student ~~aged~~ age eighteen through
22 twenty-one who is incarcerated in an adult correctional facility and who, in the last
23 educational placement prior to incarceration, was identified as being a student with
24 a disability and did not have an individualized education program or was identified

1 as being a student with a disability and had an individualized education program.
2 A school district may recognize as a student with a disability, a child age three
3 through nine who is experiencing measured developmental delays in one or more
4 of the areas of physical, cognitive, communication, social or emotional, or adaptive
5 development and who because of the developmental delay requires special
6 education and related services.