

February 8, 2007

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2108

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to students with disabilities resulting from noncategorical delays; and to"

Page 1, replace lines 7 through 24 with:

- "4. a. "Student with ~~disabilities~~ a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before September first of the year in which the individual turns twenty-one and who requires special education and related services because of ~~mental, physical, emotional, or learning characteristics requires regular or special education and related services designed to meet the individual's educational needs. The term includes an individual with mental:~~
- (1) Mental retardation;
  - (2) A hearing impairment, including deafness, ~~deafness-blindness,~~
  - a;
  - (3) Deaf-blindness;
  - (4) A speech or language impairment, ~~a;~~
  - (5) A visual impairment, including blindness;
  - (6) An emotional disturbance, ~~an;~~
  - (7) An orthopedic impairment, ~~or autism, and an individual who has~~
  - a;
  - (8) Autism;
  - (9) A traumatic brain injury;
  - (10) Other health impairment; or
  - (11) A specific learning disability, ~~a traumatic brain injury, or other health impairment. The term,~~
- b. "Student with a disability" includes a student ~~aged~~ age eighteen through twenty-one who is incarcerated in an adult correctional facility and who, in the last educational placement prior to incarceration, was identified as being a student with a disability and did not have an individualized education program or was identified as being a student with a disability and had an individualized education program.

**SECTION 2.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

**Noncategorical delay.** If an individual who is at least three years of age but less than ten years of age exhibits a developmental profile in which cognitive, fine

motor, vision, hearing, communication, preacademic, socialization, or adaptive skill acquisitions are significantly below that of same-age peers, and if the individual needs special education and related services, the school district may determine that the individual is a student with a disability as a result of a noncategorical delay."

Page 2, remove lines 1 through 6

Renumber accordingly