

Sixtieth
Legislative Assembly
of North Dakota

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 and
10 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 speech or language impairment, a visual
15 impairment including blindness, emotional disturbance, an orthopedic
16 impairment, or autism, and an individual who has a specific learning disability,
17 a traumatic brain injury, or other health impairment, or specific learning
18 disabilities; 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~~ aged 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.