

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

1 A BILL for an Act to amend and reenact section 15.1-32-18 of the North Dakota Century Code,
2 relating to special education contract excess cost reimbursement calculations; and to declare
3 an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 15.1-32-18 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-32-18. Cost - Liability of school district for special education.**

- 8 1. Each year the superintendent of public instruction shall identify the approximately
9 one percent of special education students statewide who are not eligible for cost
10 reimbursement under section 15.1-29-14 and who require the greatest school
11 district expenditures in order to provide them with special education and related
12 services. This percentage represents the number of students that would qualify for
13 excess cost reimbursement beyond the multiplier that is established in
14 subsection 3.
- 15 2. The excess costs of providing special education and related services to these
16 students are the responsibility of the state and the superintendent of public
17 instruction shall reimburse the school districts for any excess costs incurred in the
18 provision of special education and related services to the identified students.
- 19 3. "Excess costs" are those that exceed four and one-half times the state average
20 cost of education per student, or as calculated by the superintendent under
21 subsection 5, and which are incurred by the special education students identified in
22 subsection 1.

- 1 4. All costs of providing special education and related services to those students
2 identified in subsection 1, other than excess costs reimbursed by the state, are the
3 responsibility of the student's school district of residence.
- 4 5. During June of each year, if the superintendent determines that the multiplier
5 established in subsection 3 does not allow for the full disbursement of moneys
6 appropriated to the superintendent for excess cost reimbursement under this
7 section, the superintendent shall recalculate the level of reimbursement to which
8 each school district is entitled, using a modified multiplier that allows for the full
9 disbursement of moneys appropriated to the superintendent for excess cost
10 reimbursement under this section.
- 11 6. In addition to any other reimbursements provided under this section, if a school
12 district expends more than two percent of its annual budget for the provision of
13 special education and related services to one student, the district shall notify the
14 superintendent of public instruction. Upon verification, the superintendent shall
15 reimburse the district for the difference between:
- 16 a. Two percent of the district's annual budget; and
- 17 b. The lesser of:
- 18 (1) The amount actually expended by the district for the provision of special
19 education and related services to that student; or
- 20 (2) The amount representing ~~four and one-half times~~ the state average
21 cost of education per student times the multiplier used by the
22 superintendent under this section.

23 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.