

1 A BILL for an Act to amend and reenact section 15.1-29-14 of the North Dakota Century Code,
2 relating to the placement of students for noneducational purposes and payment responsibility.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-29-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-29-14. Student placement for noneducational purposes - Residency**
7 **determination - Payment of tuition and tutoring charges.**

- 8 1. a. ~~Except as provided in subdivision b, for purposes of applying this chapter, a~~ A
9 student's school district of ~~residence~~ enrollment is the district in which the
10 ~~student's custodial parent or legal guardian resides~~ student is enrolled:
- 11 ~~(1)~~ a. At the time that a state court, tribal court, director of juvenile court, or the
12 division of juvenile services issues an order requiring the student to stay for a
13 prescribed period at a state-licensed foster home or at a state-licensed child
14 care home or facility;
- 15 ~~(2)~~ b. At the time a county or state social service agency places the student, with
16 the consent of the student's parent or legal guardian, at a state-licensed foster
17 home or at a state-licensed child care home or facility;
- 18 ~~(3)~~ c. At the time the student is initially placed in a state-operated institution, even if
19 the student is later placed at a state-licensed foster home or at a
20 state-licensed child care home or facility; or
- 21 ~~(4)~~ d. At the time the student is placed voluntarily, by a parent or legal guardian, in a
22 state-operated institution or in a state-licensed child care home, facility, or
23 program, located outside the student's school district of ~~residence~~ enrollment,
24 including those defined in sections 25-01.2-01 and 50-11-00.1.

- 1 b. ~~A determination regarding the student's school district of residence made~~
2 ~~under subdivision a is valid until the September fifteenth following the~~
3 ~~determination. On that date and each September fifteenth thereafter, the~~
4 ~~placing agency or the entity funding the student's placement shall determine~~
5 ~~the district in which the student's custodial parent or legal guardian resides~~
6 ~~and shall notify the district that it is deemed to be the student's district of~~
7 ~~residence for purposes of this chapter. If, however, the student is placed in~~
8 ~~accordance with paragraph 4 of subdivision a and the placement is privately~~
9 ~~funded, the administrator of the facility or program in which the student is~~
10 ~~placed shall determine the student's school district of residence and provide~~
11 ~~the notification required by this subdivision.~~
- 12 2. The student's school district of ~~residence~~ enrollment is obligated to pay:
- 13 a. All charges for tuition upon claim of the admitting district; and
- 14 b. All charges for tutoring services upon claim of an admitting facility, provided
- 15 that the tutoring services are delivered by an individual who is licensed to
- 16 teach by the education standards and practices board or approved to teach by
- 17 the education standards and practices board.
- 18 ~~3. The state shall pay the tuition and tutoring charges under subsection 2 from funds~~
19 ~~appropriated by the legislative assembly for state aid to schools if, on the~~
20 ~~September fifteenth after a student placement is made as provided for under~~
21 ~~subsection 1:~~
- 22 a. ~~The student's custodial parent or legal guardian establishes residency outside~~
23 ~~this state;~~
- 24 b. ~~A court orders a termination of parental rights with respect to the student's~~
25 ~~parents;~~
- 26 c. ~~The student no longer has a custodial parent; or~~
- 27 d. ~~The superintendent of public instruction has determined that all reasonable~~
28 ~~efforts to locate a parent or legal guardian have been unsuccessful.~~
- 29 4. 3. If the student is voluntarily admitted to a state-licensed child care home or facility,
30 or to a state-operated institution, the student's parent or, if one has been
31 appointed, the student's legal guardian may appeal a determination under section

15.1-29-05 regarding the payment of tuition by filing a petition with the county superintendent of schools. Within fifteen days of receiving the petition, the three-member committee established under section 15.1-29-06 shall consult with the boards of the affected school districts and with the student's parent or legal guardian and render a decision regarding responsibility for the payment of tuition charges.

~~5-~~ 4. If the student's district of ~~residence~~ enrollment does not pay the required tuition and tutoring charges, the admitting district or facility shall notify the superintendent of public instruction. Upon verification that tuition and tutoring charges are due and unpaid, the superintendent shall withhold all state aid otherwise payable to the student's school district of ~~residence~~ enrollment until the total amount due has been fully paid.

~~6-~~ 5. An amount equal to the state average per student elementary or high school cost, depending on the student's grade of enrollment, is payable to the admitting district or facility as part of the cost of educating the student for the school year. The payment may not exceed the actual per student cost incurred by the admitting district or facility. The remainder of the actual cost of educating the student not covered by other payments or credits must be paid by the state, within the limits of legislative appropriations, from funds appropriated for the payment of special education contract charges in the case of a student with disabilities or from state aid payments to schools in all other cases.

~~7-~~ 6. If a student with disabilities placed in accordance with this section reaches age eighteen and continues to receive special education and related services, the student's school district of ~~residence is deemed to be the same as that of the student's custodial parent until the special education services are concluded. The obligations of the student's school district of residence~~ enrollment remains financially responsible, as provided in subsection 2 ~~and the obligations of the state as provided in subsection 3 are applicable to all students described in this subsection.~~

~~8-~~ 7. a. The placing agency or entity funding the student's placement shall provide written or electronic notice regarding an initial placement and all subsequent

placements of a student to the superintendent of the student's school district of ~~residence~~ enrollment and to the superintendent of the admitting district:

- (1) Within five working days after a placement is made under court order;
- (2) Within five working days after an emergency placement is made; or
- (3) At least ten working days prior to any other placement.

b. If, however, the student's parent or legal guardian voluntarily places the student in a state-operated institution or in a state-licensed child care home, facility, or program, located outside the student's school district of ~~residence~~ enrollment, including those defined in sections 25-01.2-01 and 50-11-00.1, and if the placement is privately funded, the administrator of the facility or program in which the student is placed shall determine the ~~student's school district of residence~~ and provide the recipient of any notification required by this section.

c. The notice must include any information requested by the superintendent of public instruction for purposes of determining payment responsibility.

d. The placing agency shall afford the student's school district of ~~residence~~ enrollment reasonable opportunity to participate in permanency planning for the student.

9- 8. Notwithstanding this section, educational services provided to a student by the youth correctional center are not subject to the payment of tuition and tutoring charges by either the student's school district of ~~residence~~ enrollment or the superintendent of public instruction.

40- 9. For purposes of this section, "custodial parent" means the parent who has been awarded sole legal and physical custody of the student in a legal proceeding or, if there is currently no operative custody order, the parent with whom the student resides. If the student resides with both parents, then both are custodial parents.