

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1074

Introduced by

Representatives D. Johnson, Hanson, Wall

Senators Luick, Robinson, Oehlke

1 A BILL for an Act to amend and reenact subsection 1 of section 15.1-29-14 and section
2 15.1-32-19 of the North Dakota Century Code, relating to school district reimbursement for
3 boarding care costs; to provide an appropriation; to provide an effective date; to provide an
4 expiration date; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-29-14 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. a. Except as provided in subdivision b, for purposes of applying this chapter, a
9 student's school district of residence is the district in which the student's custodial
10 parent or legal guardian resides:

11 (1) 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
13 a prescribed period at a state-licensed foster home or at a state-licensed
14 child care home or facility;

15 (2) 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
17 foster home or at a state-licensed child care home or facility;

18 (3) At the time the student is initially placed in a state-operated institution, even
19 if 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) At the time the student is placed voluntarily, by a parent or legal guardian, in
22 a state-operated institution or in a state-licensed child care home, facility, or
23 program, located either within or outside the student's school district of
24 residence, including those defined in sections 25-01.2-01 and 50-11-00.1.

b. A determination regarding the student's school district of residence made under subdivision a is valid until the September fifteenth following the determination. On that date and each September fifteenth thereafter, the placing agency or the entity funding the student's placement shall determine the district in which the student's custodial parent or legal guardian resides and shall notify the district that it is deemed to be the student's district of residence for purposes of this chapter. If, however, the student is placed in accordance with paragraph 4 of subdivision a and 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 notification required by this subdivision.

SECTION 2. AMENDMENT. Section 15.1-32-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-19. Boarding care costs - Reimbursement of school district.

The superintendent of public instruction, ~~within the limits of legislative appropriation,~~ shall reimburse a student's school district of residence an amount equal to eighty percent of the room and board costs paid by the district for a student with disabilities who is placed in a facility that is located either within or outside of the student's school district of residence in order to receive special education services ~~not available within the student's school district of residence~~. The student's school district of residence is liable for any room and board costs in excess of those reimbursed as provided in this section. The placement of a student with disabilities in a public or private facility will be made by a school district. The placement of a student with disabilities in congregate care will be made in a facility designated by the department of human services.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$708,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of reimbursement of boarding care costs, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 2011.

SECTION 5. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective.

1 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.