

PROPOSED AMENDMENTS TO SENATE BILL NO. 2016

Page 1, line 2, replace "create" with "amend", replace "enact a new" with "reenact", and replace "to chapter 12-46" with "15-40.2-08"

Page 1, line 3, replace "school district liability for the cost of educating students at the" with "payment of tuition in cases of residential placements"

Page 1, line 4, remove "youth correctional center"

Page 3, replace lines 18 through 23 with:

"SECTION 6. TRANSFER OF FUNDS PROHIBITED. No portion of the funds appropriated to the foundation aid line item may be transferred to support the provision of educational services by the youth correctional center."

Page 3, after line 29, insert:

"SECTION 8. AMENDMENT. Section 15-40.2-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.2-08. Residency determination and the payment of tuition in cases of child placements for purposes other than education.

1. For purposes of applying this chapter, the school district in which a child resides must be construed to be the district of residence of such child:
 - a. At the time an order of a state court, tribal court, or juvenile supervisor requires such child to stay for any prescribed period at a state-licensed foster home, or state-licensed child care home or facility;
 - b. At the time of any placement for any prescribed period of time by a county or state social service agency with the consent of the parent or guardian at a state-licensed foster home, or state-licensed child care home or facility;
 - c. At the time of a placement to or from a state-operated institution; or
 - d. At the time of any voluntary admission to a state-licensed child care home or facility or state-operated institution.
2. The district of residence shall be liable for:
 - a. Tuition upon claim of the admitting district.
 - b. Tutoring services upon claim of the admitting facility, provided that the tutoring services are delivered by a certified and qualified teacher according to rules established by the superintendent of public instruction.
3. Where the guardian, parent, or parents of the child were residents of the district at the time of placement under subdivisions a through d of

subsection 1, but such guardian, parent, or both parents have subsequently moved to another school district within North Dakota, then the tuition due the admitting district must be paid by the district of residence of the guardian, parent, or parents. If the guardian, parent, or parents have moved to another state, or if parental rights have been terminated, then the tuition due the admitting district must be paid by the state from funds appropriated by the legislative assembly for the foundation aid program.

4. In the event of a voluntary admission to any state-licensed child care home or facility or state-operated institution, the determination of tuition may be subject to an appeal filed with the county superintendent of schools. Within fifteen days, the three-member committee referred to in section 15-40.2-05 shall consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition charges.
5. If the district of residence does not pay the required tuition, the admitting district or facility shall notify the superintendent of public instruction, and upon verification that such tuition payments are in fact due and are unpaid, an amount equal to the unpaid tuition must be withheld from payments for foundation aid to the district of residence of the pupil until the tuition due has been fully paid.
6. An amount equal to the state average per student elementary or high school costs, depending on the educational level of the student, 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 from funds appropriated for special education in the case of a student with disabilities, or from funds appropriated for foundation aid in all other cases within the limits of legislative appropriations.
7. If a student with disabilities, who is placed in accordance with the provisions of this section, reaches the age of majority and continues to receive special education and related services, the district of residence remains the same as that of the student's guardian, parent, or parents until the special education services are concluded.
8.
 - a. The placement agency shall provide written notice by registered mail of a placement made under court order or in an emergency to the superintendent of the district of residence and the superintendent of the admitting district within five working days after the placement.
 - b. Except as provided in subdivision a, the placement agency shall provide written notice by registered mail of a placement to the superintendent of the district of residence and the superintendent of the admitting district at least ten working days before the placement.
 - c. The placement agency shall afford the district of residence reasonable opportunity to participate in permanency planning for the child.
9. Notwithstanding the provisions of this section, educational services provided to a student by the youth correctional center are not subject to the payment of tuition by either the student's school district of residence or the superintendent of public instruction."

Renumber accordingly