

**HOUSE BILL NO. 1064**

Introduced by

Representatives Boehm, R. Kelsch, Renner

Senator Freborg

1 A BILL for an Act to amend and reenact sections 15-34.1-12 and 15-34.1-12.1 of the North  
2 Dakota Century Code, relating to the provision of home education to developmentally disabled  
3 children with autism.

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

5 **SECTION 1. AMENDMENT.** Section 15-34.1-12 of the 1997 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **15-34.1-12. (~~Effective through June 30, 1999~~) Children with autism - Home school**  
8 **education.** Notwithstanding any other law, a parent ~~or legal guardian~~ may provide home  
9 ~~schooling~~ education to a developmentally disabled child with autism if:

- 10 1. The child has been determined to be autistic by a licensed psychologist;
- 11 2. The child's parent ~~or legal guardian~~ qualifies to provide home ~~schooling~~ education  
12 under section 15-34.1-06;
- 13 3. The child's parent ~~or legal guardian~~ files with the superintendent of the child's  
14 school district of residence:
  - 15 a. A notice that the child will ~~be~~ receive home ~~schooling~~ education;
  - 16 b. A copy of the child's diagnosis of autism prepared and attested to by a  
17 licensed psychologist; and
  - 18 c. A description of the instructional plan to be followed during the school year,  
19 together with an attestation by a licensed psychologist and a North Dakota  
20 ~~certified~~ certificated teacher that the instructional plan is appropriate for the  
21 child.

22 **SECTION 2. AMENDMENT.** Section 15-34.1-12.1 of the 1997 Supplement to the  
23 North Dakota Century Code is amended and reenacted as follows:

1           **15-34.1-12.1. (~~Effective through June 30, 1999~~) Children with autism - Home**  
2 **~~school - Progress reports education - Professional observations.~~**

- 3           1. On or before November first, February first, and May first of each school year, a  
4 parent providing home ~~schooling~~ education to an autistic child under section  
5 15-34.1-12 shall file with the superintendent of the child's school district of  
6 residence ~~progress reports~~ written observations prepared by a ~~licensed~~  
7 ~~psychologist~~, an occupational therapist, a speech pathologist, and a ~~certified~~  
8 certificated teacher. If at any time the ~~licensed psychologist, the occupational~~  
9 therapist, the speech pathologist, and the ~~certified~~ certificated teacher agree that  
10 ~~adequate progress is not being made~~ the child is not benefiting from home  
11 education, they shall notify the superintendent of the child's school district of  
12 residence and request that the child be evaluated by a multidisciplinary team.
- 13           2. The child's school district of residence shall provide the services of the  
14 occupational therapist, speech pathologist, and certificated teacher, required by  
15 this section, at school district expense. Upon providing written notification to the  
16 superintendent of the child's school district of residence, the child's parent may  
17 select and shall then compensate a substitute occupational therapist, speech  
18 pathologist, or certificated teacher to perform the services required by this section.
- 19           3. The superintendent of the child's school district of residence shall forward copies of  
20 all documentation required by this section to the superintendent of public  
21 instruction. ~~The superintendent of public instruction shall provide a report and~~  
22 ~~recommendations regarding the home schooling of developmentally disabled~~  
23 ~~children with autism under this section and section 15-34.1-12 to the legislative~~  
24 ~~council.~~