38220.0100

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1080

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1   A BILL for an Act to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota

2   Century Code, relating to the definition of students with disabilities who are incarcerated.

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

4   **SECTION 1. AMENDMENT.** Subsection 4 of section 15.1-32-01 of the North Dakota

5   Century Code is amended and reenacted as follows:

6   4.   "Student with disabilities" means an individual who is at least three years of age

7   but who has not reached the age of twenty-one before September first of the year

8   in which the individual turns twenty-one and who because of mental, physical,

9   emotional, or learning characteristics requires regular or special education and

10   related services designed to meet the individual's educational needs. The term

11   includes an individual with mental retardation, hearing impairment, deafness,

12   deafness-blindness, a speech or language impairment, a visual impairment,

13   emotional disturbance, an orthopedic impairment, or autism, and an individual who

14   has a specific learning disability, a traumatic brain injury, or other health

15   impairment. ~~The term does not include an individual who is at least eighteen but~~

16   ~~not yet twenty-one years of age and incarcerated in an adult correctional facility~~

17   ~~unless, in the individual's last educational placement prior to incarceration, the~~

18   ~~individual was identified as being a student with a disability and had an~~

19   ~~individualized education program or services plan.~~ The term includes a student

20   aged eighteen through twenty-one who is incarcerated in an adult correctional

21   facility and who, in the last educational placement prior to incarceration, was

22   identified as being a student with a disability and did not have an individualized

23   education program or was identified as being a student with a disability and had an

24   individualized education program.