

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.

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

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

14          **15.1-32-19. Boarding care costs - Reimbursement of school district.**

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

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

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

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

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