

HOUSE BILL NO. 1073

Introduced by

Representatives Mueller, D. Johnson, Rust, Wall

Senators Heckaman, G. Lee

1 A BILL for an Act to amend and reenact sections 15.1-32-01, 15.1-32-12, 15.1-32-13, and
2 15.1-32-15 of the North Dakota Century Code, relating to special education.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-32-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-32-01. Definitions.**

7 As used in this chapter:

- 8 1. "Related services" means transportation and developmental and corrective or
9 supportive services required to assist a student with disabilities to benefit from special
10 education.
- 11 2. "Special education" means instruction designed to meet the needs of a student with
12 disabilities, transportation, and corrective and supporting services required to assist a
13 student with disabilities in taking advantage of, or responding to, educational programs
14 and opportunities.
- 15 3. "Student who is gifted" means an individual who is identified by qualified professionals
16 as being capable of high performance and who needs educational programs and
17 services beyond those normally provided in a regular education program.
- 18 4. a. "Student with a disability" means an individual who is at least three years of age
19 but who has not reached the age of twenty-one before September first of the year
20 in which the individual turns twenty-one and who requires special education and
21 related services because of:
- 22 (1) ~~Mental retardation~~An intellectual disability;
- 23 (2) A hearing impairment, including deafness;
- 24 (3) Deaf-blindness;

- 1 (4) A speech or language impairment;
 - 2 (5) A visual impairment, including blindness;
 - 3 (6) An emotional disturbance;
 - 4 (7) An orthopedic impairment;
 - 5 (8) Autism;
 - 6 (9) A traumatic brain injury;
 - 7 (10) Other health impairment; or
 - 8 (11) A specific learning disability.
- 9 b. "Student with a disability" includes a student age eighteen through twenty-one
10 who is incarcerated in an adult correctional facility and who, in the last
11 educational placement prior to incarceration, was identified as being a student
12 with a disability and did not have an individualized education program or was
13 identified as being a student with a disability and had an individualized education
14 program.

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

17 **15.1-32-12. Multidisciplinary teams - Individualized education programs - Services**
18 **plans.**

19 If a school district has evidence of a student's disability, the school district shall convene a
20 multidisciplinary team consisting of educational professionals, ~~medical professionals,~~ and the
21 student's parent to share assessment information related to the student's suspected disability. If
22 necessary, the team shall develop an individualized education program or services plan and
23 make recommendations for the delivery of special education and related services to the
24 student.

25 **SECTION 3. AMENDMENT.** Section 15.1-32-13 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **15.1-32-13. Related services - Insurance options - School district responsibility.**

28 Each school district shall ~~require that all family insurance options be exhausted in paying~~
29 the costs of determining a student's medically related disability obtain parental consent before
30 accessing public benefits or insurance to pay for the cost of determining a student's medically
31 related disability and in paying for the provision of related services to the student, provided

1 there is no financial loss to the student or the student's parent. The school district is responsible
2 for all costs not covered by the family's insurance.

3 **SECTION 4. AMENDMENT.** Section 15.1-32-15 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-32-15. Student with disabilities - Attendance at private institution or out-of-state**
6 **public school.**

7 1. If in the opinion of an individualized education program team or an education services
8 team a student is unable to attend a public school in the student's school district of
9 residence because of a ~~physical disability, a mental disability, or a learning disability,~~
10 and if no public school in the state will accept the student and provide the necessary
11 services, the student's school district of residence shall contract with:

12 a. A private, accredited, nonsectarian, nonprofit institution that is located within or
13 outside of this state and which has the proper facilities for the education of the
14 student; or

15 b. A public school located outside of this state that has proper facilities for the
16 education of the student.

17 2. The superintendent of public instruction shall approve in advance the terms of the
18 contract and the services to be provided by the admitting institution or school.

19 3. The contract must provide that the student's school district of residence is liable for the
20 cost of educating the student.

21 4. A student who receives services under this section is deemed to be enrolled in the
22 student's school district of residence for purposes of determining average daily
23 membership.