

SENATE BILL NO. 2335

Introduced by

Senators K. Roers, Dever, Lee

Representatives Beltz, Nelson

1 A BILL for an Act to create and enact a new section to chapter 50-06 and section 50-11-01.7 of
2 the North Dakota Century Code, relating to training and screening for fetal alcohol spectrum
3 disorder and creating a fetal alcohol spectrum disorder council; and to amend and reenact
4 section 15.1-32-01, subsection 3 of section 25-01.2-01, and section 27-20.3-04 of the North
5 Dakota Century Code, relating to fetal alcohol spectrum disorder; and to provide a report.

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

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

9 **15.1-32-01. Definitions.**

10 As used in this chapter:

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

- 1 (1) An intellectual disability;
- 2 (2) A hearing impairment, including deafness;
- 3 (3) Deaf-blindness;
- 4 (4) A speech or language impairment;
- 5 (5) A visual impairment, including blindness;
- 6 (6) An emotional disturbance;
- 7 (7) An orthopedic impairment;
- 8 (8) ~~Fetal alcohol spectrum disorder;~~
- 9 ~~(9)~~(8) Autism;
- 10 ~~(9)~~~~(10)~~(9) A traumatic brain injury;
- 11 ~~(10)~~~~(11)~~(10) Other health impairment; or
- 12 ~~(11)~~~~(12)~~(11) A specific learning disability.

- 13 b. "Student with a disability" includes a student age eighteen through twenty-one
- 14 who is incarcerated in an adult correctional facility and who, in the last
- 15 educational placement prior to incarceration, was identified as being a student
- 16 with a disability and did not have an individualized education program or was
- 17 identified as being a student with a disability and had an individualized education
- 18 program.

19 **SECTION 2. AMENDMENT.** Subsection 3 of section 25-01.2-01 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 3. "Developmental disability" means a severe, chronic disability of an individual which:
 - 22 a. Is attributable to a mental or physical impairment or combination of mental and
 - 23 physical impairments, including Down syndrome and fetal alcohol spectrum
 - 24 disorders, including fetal alcohol syndrome, partial fetal alcohol syndrome, and
 - 25 alcohol-related neurodevelopmental disorder;
 - 26 b. Is manifested before the individual attains age twenty-two;
 - 27 c. Is likely to continue indefinitely;
 - 28 d. Results in substantial functional limitations in three or more of the following areas
 - 29 of major life activity:
 - 30 (1) Self-care;
 - 31 (2) Receptive and expressive language;

- 1 (3) Learning;
- 2 (4) Mobility;
- 3 (5) Self-direction;
- 4 (6) Capacity for independent living; and
- 5 (7) Economic sufficiency; and
- 6 e. Reflects the individual's needs for a combination and sequence of special,
- 7 interdisciplinary, or generic care, treatment, or other services which are of lifelong
- 8 or extended duration and are individually planned and coordinated.

9 **SECTION 3. AMENDMENT.** Section 27-20.3-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **27-20.3-04. Powers and duties of director of juvenile court.**

- 12 1. For the purpose of carrying out the objectives and purposes of this chapter and
- 13 subject to the limitations of this chapter or imposed by the court, a director shall:
 - 14 a. Make investigations, reports, and recommendations to the juvenile court.
 - 15 b. Receive and examine referrals of a child in need of services or child in need of
 - 16 protection for the purpose of considering diversion of services.
 - 17 c. Make a determination upon intake of referrals regarding the appropriate manner
 - 18 to handle delinquent conduct, a child in need of services, or a child in need of
 - 19 protection under this chapter.
 - 20 d. Assess or screen each child in need of services or child in need of protection for
 - 21 fetal alcohol spectrum disorder.
 - 22 e. Make appropriate referrals to other private or public agencies of the community if
 - 23 their assistance appears to be needed or desirable.
 - 24 e.f. Issue a temporary custody order concerning a child who is referred to the
 - 25 director's supervision or care as a child in need of services or a child in need of
 - 26 protection. Except as provided by this chapter, a director does not have the
 - 27 powers of a law enforcement officer.
 - 28 f.g. Take acknowledgments of instruments for the purpose of this chapter.
 - 29 g.h. Make such temporary order not to exceed ninety-six hours for the custody and
 - 30 control of a child alleged to be in need of services or protection as may be

1 deemed appropriate. The order must be reduced to writing within twenty-four
2 hours, excluding holidays and weekends.

3 h.i. Perform all other functions designated by this chapter or under section 27-05-30
4 or by order of the court, including, if qualified, those of a referee.

5 i.j. Issue an order to a law enforcement authority to transport a child to and from a
6 specified location.

7 j.k. Receive and examine requests for review of a child's placement at a qualified
8 residential treatment program under the Family First Prevention Services Act
9 [Pub. L. 115-123; 132 Stat. 64; 42 U.S.C. 675].

10 2. Any of the foregoing functions may be performed in another state if authorized by the
11 court of this state and permitted by the laws of the other state.

12 **SECTION 4.** A new section to chapter 50-06 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Fetal alcohol spectrum disorder council - Appointment - Duties - Annual reports to**
15 **governor and legislative management.**

16 1. The fetal alcohol spectrum disorder council consists of:

17 a. The executive director of the department, or the executive director's designee;

18 b. The superintendent of public instruction, or the superintendent's designee;

19 c. The executive director of the North Dakota protection and advocacy project, or
20 the director's designee;

21 d. The director of the fetal alcohol spectrum disorder clinic at the university of North
22 Dakota, or the director's designee;

23 e. A member of the house of representatives from an even-numbered legislative
24 district and a member of the house of representatives from an odd-numbered
25 legislative district appointed by the majority leader of the house of
26 representatives to serve two-year terms;

27 f. A member of the senate from an even-numbered legislative district and a
28 member of the senate from an odd-numbered legislative district appointed by the
29 majority leader of the senate to serve two-year terms;

- 1 g. The executive director of an organization that provides services and support to
2 the fetal alcohol spectrum disorder community, or the executive director's
3 designee;
- 4 h. The director of the state council on developmental disabilities, or the director's
5 designee; and
- 6 i. The following members appointed by the governor:
- 7 (1) A pediatrician with expertise in the area of fetal alcohol spectrum disorder;
8 (2) A college of education faculty member with expertise in the area of fetal
9 alcohol spectrum disorder;
- 10 (3) A behavioral specialist;
- 11 (4) A representative of a licensed residential care facility providing care and
12 services to an individual with fetal alcohol spectrum disorder;
- 13 (5) An enrolled member of a federally recognized Indian tribe;
- 14 (6) An adult self-advocate with fetal alcohol spectrum disorder; and
- 15 (7) Four parents of a child with fetal alcohol spectrum disorder.
- 16 2. The council shall elect a chairman.
- 17 3. The council shall meet at least quarterly at the call of the chairman.
- 18 4. The council shall examine:
- 19 a. Early intervention services;
- 20 b. Family support services enabling an individual with fetal alcohol spectrum
21 disorder to remain in the least restrictive home-based or community setting;
- 22 c. Programs transitioning an individual with fetal alcohol spectrum disorder from a
23 school-based setting to adult day programs;
- 24 d. Workforce development programs;
- 25 e. The cost of providing services; and
- 26 f. Federal resources providing services for individuals with fetal alcohol syndrome
27 disorder.
- 28 5. The council shall develop a state fetal alcohol spectrum disorder plan and present the
29 plan to the governor and a legislative interim committee designated by the chairman of
30 the legislative management before July 1, 2024. The council shall continue to review
31 and periodically update or amend the plan to best serve the needs of individuals with

1 fetal alcohol spectrum disorder and provide an annual report to the governor and a
2 legislative interim committee designated by the chairman of the legislative
3 management regarding the status of the plan.

4 **SECTION 5.** Section 50-11-01.7 of the North Dakota Century Code is created and enacted
5 as follows:

6 **50-11-01.7. Fetal alcohol spectrum disorder training.**

7 Before an initial licensure or licensure renewal under this chapter, each foster parent shall
8 complete a course of instruction related to fetal alcohol spectrum disorder. The department shall
9 create the training or provide the training through a third-party vendor. The course may be
10 provided electronically.