

HOUSE BILL NO. 1142
with Senate Amendments

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1142

Introduced by

Education Committee

(At the request of the Department of Public Instruction)

1 A BILL for an Act to amend and reenact subsection 2 of section 15-59-01 of the North Dakota
2 Century Code or in the alternative to amend and reenact subsection 4 of section 15.1-32-01 of
3 the North Dakota Century Code, relating to the definition of a child or student with disabilities.

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

5 **SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective,
6 subsection 2 of section 15-59-01 of the North Dakota Century Code is amended and reenacted
7 as follows:

8 2. "Child with disabilities" means a child an individual who has reached the third
9 birthday, and is at least three years of age but who has not reached the age of
10 twenty-one years by midnight before September first of August thirty first, the year
11 in which the individual turns twenty-one and who because of mental, physical,
12 emotional, or learning characteristics requires regular or special education and
13 related aids and services designed to meet individual education the individual's
14 educational needs. This The term includes children who are mentally retarded,
15 hard of hearing, deaf, deaf blind, speech or language impaired, visually impaired,
16 seriously emotionally disturbed, specific learning disabled, orthopedically impaired,
17 otherwise health impaired, autistic, or an individual with mental retardation, hearing
18 impairment, deafness, deafness-blindness, a speech or language impairment, a
19 visual impairment, emotional disturbance, and orthopedic impairment, or autism,
20 and an individual who has a specific learning disability, a traumatic brain injured
21 injury, or other health impairment. The term does not include an individual who is
22 at least eighteen but not yet twenty-one years of age and incarcerated in an adult
23 correction facility unless, in the individual's last educational placement prior to

1 incarceration, the individual was identified as being a child with a disability and had
2 an individualized education program or services plan.

3 **SECTION 2. AMENDMENT.** Subsection 4 of section 15.1-32-01 of the North Dakota
4 Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative
5 assembly, 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 ~~who is mentally retarded, hearing impaired, deaf, deaf blind,~~
12 ~~speech or language impaired, visually impaired, emotionally disturbed,~~
13 ~~orthopedically impaired, or autistic with mental retardation, hearing impairment,~~
14 deafness, deafness-blindness, a speech or language impairment, a visual
15 impairment, emotional disturbance, an orthopedic impairment, or autism, and an
16 individual who has a specific learning disability, a traumatic brain injury, or other
17 health impairment. The term does not include an individual who is at least
18 eighteen but not yet twenty-one years of age and incarcerated in an adult
19 correction facility unless, in the individual's last educational placement prior to
20 incarceration, the individual was identified as being a student with a disability and
21 had an individualized education program or services plan.