

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1231
(Representatives D. Johnson, Maragos, Nicholas)
(Senator Traynor)

AN ACT to create and enact a new section to chapter 25-07 of the North Dakota Century Code, relating to the provision of services to individuals who are deaf or hearing-impaired; and to amend and reenact sections 25-07-01, 25-07-04, 25-07-05, 25-07-06, 25-07-08, and 25-07-11 of the North Dakota Century Code, relating to the school for the deaf.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-07-01 of the North Dakota Century Code is amended and reenacted as follows:

25-07-01. School for the deaf - Maintained - Location - Purpose. There must be maintained at Devils Lake, in Ramsey County, ~~an institution for the education of the deaf which must be known as the~~ a school for the deaf, which may provide education and training and serve as a resource and referral center for individuals who are deaf or hearing-impaired.

SECTION 2. AMENDMENT. Section 25-07-04 of the North Dakota Century Code is amended and reenacted as follows:

25-07-04. Qualifications for admission to school for the deaf - Residents of state entitled to free education. ~~Each applicant~~

1. ~~A child who is a resident of this state and who, because of deafness or a hearing impairment, is unable to receive an education in the public schools, is entitled to receive an education in~~ attend the school for the deaf at the expense of the state. ~~The North Dakota school for the deaf serves deaf or hearing impaired children from birth through age~~ A child is entitled to attend the school at any age up to twenty-one.
2. ~~The North Dakota school for the deaf shall furnish~~ provide application ~~blanks~~ forms upon request ~~and no child will.~~ A child may not be admitted to the school until the child's application is completed and approved. ~~Students enrolled must be furnished~~
3. ~~The school for the deaf shall provide transportation by the school for the deaf as indicated in the student's~~ to any child who has been admitted, in accordance with the child's individual education plan.

~~All deaf or hearing impaired children who are residents of the state are~~

4. Any child who is a resident of this state and who is deaf or hearing-impaired is entitled to receive special education and related services based on a completed in accordance with the child's individual education program, which considers the. Each individual education program must address the child's academic, recreational, and leisure needs, as well as the acquisition of independent living skills; and career and technical education, recreational, and leisure needs of each child opportunities.

SECTION 3. AMENDMENT. Section 25-07-05 of the North Dakota Century Code is amended and reenacted as follows:

25-07-05. Admission of nonresidents. ~~Deaf children of suitable age who are not residents of this state may enroll in~~ A child who is deaf or hearing-impaired but who is not a resident of this state may be admitted to the school for the deaf upon payment in advance of the, provided the annual cost of

~~the child's education, as determined by the superintendent of public instruction. Nonresident children, however, may not be received to the exclusion of children who are residents of this state, is paid on behalf of the child in advance of the child's admission and on a yearly basis thereafter. The school may not admit a child who is not a resident of this state to the exclusion of a child who is a resident of this state.~~

SECTION 4. AMENDMENT. Section 25-07-06 of the North Dakota Century Code is amended and reenacted as follows:

25-07-06. Instruction at school for the deaf. The superintendent of the school for the deaf shall provide special education and related services designed to meet the unique needs of each child who is deaf or hearing-impaired students according to, in accordance with the child's individual education ~~programs as required by federal and state laws and regulations~~ program.

SECTION 5. AMENDMENT. Section 25-07-08 of the North Dakota Century Code is amended and reenacted as follows:

25-07-08. Clothing may be furnished when necessary - Accounts for clothing. ~~The superintendent of the school for the deaf shall furnish suitable clothing to a pupil~~ provide clothing to a child who is enrolled in the school ~~who otherwise is not provided with the same. An account, certified as correct by the superintendent, must be made for clothing furnished to any pupil:~~

- 1- ~~Against the parent or guardian of such pupil if the pupil is a minor; or~~
- 2- ~~Against the pupil if the pupil has no parent or guardian or has attained~~ if the child does not have suitable clothing. If the child is a minor, the school shall charge the child's parent or legal guardian for any clothing provided to the child under this section and shall charge the individual for any clothing provided to the individual under this section if the individual has reached the age of majority. An account certified as correct by ~~If the superintendent must be certifies any charges under this section as being correct, the charges are presumed correct in all courts.~~

SECTION 6. AMENDMENT. Section 25-07-11 of the North Dakota Century Code is amended and reenacted as follows:

25-07-11. Home intervention program. The school for the deaf may provide a home intervention program for children who are under the age of five and who are deaf or hearing-impaired preschoolers, under the age of five, which must consist of supplying. The program must include information, counseling services, auditory training, and basic language development ~~programs~~ instruction for the parents of such children. This home intervention program ~~will~~ must be carried out by college or university trained teachers of the deaf, speech pathologists, or audiologists.

SECTION 7. A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Provision of services - Collaboration - Competition. The school for the deaf may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing-impaired. The school for the deaf may not compete with any public or private entity offering the same services within a region.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1231.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State