

DEC 09 2008



**Department of Public Instruction**

600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440

(701) 328-2260 Fax - (701) 328-2461

<http://www.dpi.state.nd.us>

Dr. Wayne G. Sanstead  
State Superintendent

December 9, 2008

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

Re: Proposed new rule to Article 67-23 of the North Dakota Administrative Code to allow exceptions to the 60-day initial evaluation period

Dear Mr. Walstad:

Enclosed for filing in the Office of Legislative Council is the Notice of Intent to Adopt an Administrative Rule concerning the above proposed rule as required by N.D.C.C. § 28-32-10. Also enclosed is a copy of the proposed rule.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper, which will notify the public that a public hearing on this rule will be held on January 15, 2009, beginning at 10:00 a.m. and continuing until 12:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact Brenda Oas at 328-2277. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Wayne G. Sanstead".

Dr. Wayne G. Sanstead  
State Superintendent

cc: Bob Rutten, Director of Special Education

Enclosures



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### NOTICE OF INTENT TO ADOPT AN ADMINISTRATIVE RULE

**TAKE NOTICE** that the Superintendent of Public Instruction will hold a public hearing to take public comment on a proposed new rule to the North Dakota Administrative Code beginning at 10:00 a.m. and continuing until 12:00 p.m., or until no further testimony is offered, whichever occurs first, on January 15, 2009, on the 2<sup>nd</sup> Floor of the State Library, in the Special Education Office Conference Room 203, 604 East Boulevard Avenue, Bismarck, North Dakota 58505. The purpose of the proposed rules and the time for hearing are set out below.

**Adopt a new section to Article 67-23 Special Education creating two exceptions to the sixty-day timeframe for initial evaluations that will allow additional time for extreme weather or unavailability of evaluators**

The proposed new section to Article 67-23 will allow an exception to the sixty-day requirement for an initial evaluation when extreme weather conditions occur or when an appropriate evaluator is not available in the state. It is not expected that the proposed rulemaking will have an impact on the regulated community in excess of \$50,000.

The proposed rule may be viewed on the Department of Public Instruction's web page at [www.dpi.state.nd.us/resource/rules/proposed/index.shtm](http://www.dpi.state.nd.us/resource/rules/proposed/index.shtm) or a copy of the rules may be requested by writing to: Department of Public Instruction, 600 East Boulevard Avenue, Dept. 201, Bismarck, North Dakota 58505-0440, by phone at (701) 328-2277, or by fax (701) 328-4149.

Data, views, or arguments on the proposed rules sent to the Superintendent's Office at the above address or fax number on or before January 26, 2009, will be fully considered. Interested persons may request notice of the date and place the rules will be reviewed by the administrative rules committee at the above address or fax number.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department of Public Instruction at the above telephone number or address at least three working days prior to the public hearing.

Dated this 8<sup>th</sup> day of December, 2008.

Dr. Wayne G. Sanstead  
State Superintendent

*To receive future notifications by e-mail, please call the Department of Public Instruction at (701) 328-2262 or e-mail: [lgibbins@nd.gov](mailto:lgibbins@nd.gov).*