

HOUSE BILL NO. 1074

Introduced by

Representatives D. Johnson, Hanson, Wall

Senators Luick, Robinson, Oehlke

1 A BILL for an Act to amend and reenact subsection 1 of section 15.1-29-14 and section
2 15.1-32-19 of the North Dakota Century Code, relating to school district reimbursement for
3 boarding care costs; to provide an effective date; to provide an expiration date; and to declare
4 an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-29-14 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 1. a. Except as provided in subdivision b, for purposes of applying this chapter, a
9 student's school district of residence is the district in which the student's custodial
10 parent or legal guardian resides:

11 (1) At the time that a state court, tribal court, director of juvenile court, or the
12 division of juvenile services issues an order requiring the student to stay for
13 a prescribed period at a state-licensed foster home or at a state-licensed
14 child care home or facility;

15 (2) At the time a county or state social service agency places the student, with
16 the consent of the student's parent or legal guardian, at a state-licensed
17 foster home or at a state-licensed child care home or facility;

18 (3) At the time the student is initially placed in a state-operated institution, even
19 if the student is later placed at a state-licensed foster home or at a
20 state-licensed child care home or facility; or

21 (4) At the time the student is placed voluntarily, by a parent or legal guardian, in
22 a state-operated institution or in a state-licensed child care home, facility, or
23 program, located either within or outside the student's school district of
24 residence, including those defined in sections 25-01.2-01 and 50-11-00.1.

1 b. A determination regarding the student's school district of residence made under
2 subdivision a is valid until the September fifteenth following the determination. On
3 that date and each September fifteenth thereafter, the placing agency or the
4 entity funding the student's placement shall determine the district in which the
5 student's custodial parent or legal guardian resides and shall notify the district
6 that it is deemed to be the student's district of residence for purposes of this
7 chapter. If, however, the student is placed in accordance with paragraph 4 of
8 subdivision a and the placement is privately funded, the administrator of the
9 facility or program in which the student is placed shall determine the student's
10 school district of residence and provide the notification required by this
11 subdivision.

12 **SECTION 2. AMENDMENT.** Section 15.1-32-19 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-32-19. Boarding care costs - Reimbursement of school district.**

15 The superintendent of public instruction, ~~within the limits of legislative appropriation,~~ shall
16 reimburse a student's school district of residence an amount equal to eighty percent of the room
17 and board costs paid by the district for a student with disabilities who is placed in a facility that
18 is located either within or outside of the student's school district of residence in order to receive
19 special education services ~~not available within the student's school district of residence.~~ The
20 student's school district of residence is liable for any room and board costs in excess of those
21 reimbursed as provided in this section. The placement of a student with disabilities in a public or
22 private facility will be made by a school district. The placement of a student with disabilities in
23 congregate care will be made in a facility designated by the department of human services.

24 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011.

25 **SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2013, and after that
26 date is ineffective.

27 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.