

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED 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.