

**HOUSE BILL NO. 1073**

Introduced by

Representatives Mueller, D. Johnson, Rust, Wall

Senators Heckaman, G. Lee

1 A BILL for an Act to amend and reenact sections 15.1-32-01, 15.1-32-12, 15.1-32-13, and  
2 15.1-32-15 of the North Dakota Century Code, relating to special education.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-32-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-32-01. Definitions.**

7 As used in this chapter:

- 8 1. "Related services" means transportation and developmental and corrective or  
9 supportive services required to assist a student with disabilities to benefit from special  
10 education.
- 11 2. "Special education" means instruction designed to meet the needs of a student with  
12 disabilities, transportation, and corrective and supporting services required to assist a  
13 student with disabilities in taking advantage of, or responding to, educational programs  
14 and opportunities.
- 15 3. "Student who is gifted" means an individual who is identified by qualified professionals  
16 as being capable of high performance and who needs educational programs and  
17 services beyond those normally provided in a regular education program.
- 18 4. a. "Student with a disability" means an individual who is at least three years of age  
19 but who has not reached the age of twenty-one before September first of the year  
20 in which the individual turns twenty-one and who requires special education and  
21 related services because of:
  - 22 (1) ~~Mental retardation~~An intellectual disability;
  - 23 (2) A hearing impairment, including deafness;
  - 24 (3) Deaf-blindness;

- 1 (4) A speech or language impairment;
  - 2 (5) A visual impairment, including blindness;
  - 3 (6) An emotional disturbance;
  - 4 (7) An orthopedic impairment;
  - 5 (8) Autism;
  - 6 (9) A traumatic brain injury;
  - 7 (10) Other health impairment; or
  - 8 (11) A specific learning disability.
- 9 b. "Student with a disability" includes a student age eighteen through twenty-one  
10 who is incarcerated in an adult correctional facility and who, in the last  
11 educational placement prior to incarceration, was identified as being a student  
12 with a disability and did not have an individualized education program or was  
13 identified as being a student with a disability and had an individualized education  
14 program.

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

17 **15.1-32-12. Multidisciplinary teams - Individualized education programs - Services**  
18 **plans.**

19 If a school district has evidence of a student's disability, the school district shall convene a  
20 multidisciplinary team ~~consisting of~~ The team must include educational professionals, ~~medical~~  
21 ~~professionals,~~ and the student's parent ~~to~~ and may include medical professionals. The team  
22 shall share assessment information related to the student's suspected disability. If necessary,  
23 the team shall develop an individualized education program or services plan and make  
24 recommendations for the delivery of special education and related services to the student.

25 **SECTION 3. AMENDMENT.** Section 15.1-32-13 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **15.1-32-13. Related services - Insurance options - School district responsibility.**

28 Each school district shall ~~require that all family insurance options be exhausted in paying~~  
29 ~~the costs of determining a student's medically related disability~~ obtain parental consent before  
30 accessing ~~public benefits or insurance~~ any family insurance options, whether public or private, to  
31 pay for the cost of determining a student's medically related disability and ~~in paying~~ to pay for

1 the provision of related services to the student, provided there is no financial loss to the student  
2 or the student's parent. The school district is responsible for all costs not covered by the family's  
3 insurance.

4 **SECTION 4. AMENDMENT.** Section 15.1-32-15 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **15.1-32-15. Student with disabilities - Attendance at private institution or out-of-state**  
7 **public school.**

8 1. If in the opinion of an individualized education program team or an education services  
9 team a student is unable to attend a public school in the student's school district of  
10 residence because of a ~~physical disability, a mental disability, or a learning~~ disability,  
11 and if no public school in the state will accept the student and provide the necessary  
12 services, the student's school district of residence shall contract with:

13 a. A private, accredited, nonsectarian, nonprofit institution that is located within or  
14 outside of this state and which has the proper facilities for the education of the  
15 student; or

16 b. A public school located outside of this state that has proper facilities for the  
17 education of the student.

18 2. The superintendent of public instruction shall approve in advance the terms of the  
19 contract and the services to be provided by the admitting institution or school.

20 3. The contract must provide that the student's school district of residence is liable for the  
21 cost of educating the student.

22 4. A student who receives services under this section is deemed to be enrolled in the  
23 student's school district of residence for purposes of determining average daily  
24 membership.