

**Kirsten Baesler**  
State Superintendent



**NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION**

600 E Boulevard Ave., Dept. 201  
Bismarck, ND 58505-0440  
Phone (701) 328-2260  
Fax (701) 328-2461  
[www.nd.gov/dpi](http://www.nd.gov/dpi)

April 15, 2024

Ms. Liz Fordahl  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard Ave., 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

I am writing to submit the Notice of Intent to Amend Administrative Rules. We propose to amend 67-23-02 to align the rules with NDCC changes made in SB 2013 of 68<sup>th</sup> Legislative Assembly.

Unfortunately, we missed the deadline to submit the changes to 67-23-02 to be in compliance of NDCC 28-32-07 (Deadline for Rules to Implement Statutory Change) and have the rules take effect within nine months of SB 2013 taking effect. Please accept my apology for this, and I ask that we be placed on the agenda for the Administrative Rules Legislative Interim Committee meeting in June to allow us to ask the committee for an extension. Our plan would then be to present the proposed rules changes for 67-23-02 to the Administrative Rules Legislative Interim Committee at the meeting in September.

I have included a copy of the proposed rules as required by NDCC 28-32-10(1), as well as the Full Notice of Intent. Please contact me should you have questions.

Sincerely,

Jim Upgren  
Assistant Director  
Office of School Approval and Opportunity  
North Dakota Department of Public Instruction  
701-328-2244  
[jimupgren@nd.gov](mailto:jimupgren@nd.gov)

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**FULL NOTICE OF INTENT TO REVISE ADMINISTRATIVE RULES RELATING TO STATE FUNDING FOR  
SPECIAL EDUCATION**

TAKE NOTICE that the North Dakota Department of Public Instruction (NDDPI) will hold a public hearing to address proposed changes of N.D. Admin. Code 67-23, Special Education; at 9:30 AM on Wednesday, June 5, 2024, in the Peace Garden Room at the State Capitol, 600 E. Boulevard Ave., Bismarck, ND 58505.

The purpose of the proposed changes is to amend 67-23-02, State Funding for Special Education, to align with changes made to NDCC 15.1-32-01, NDCC 15.1-32-14 and NDCC 15.1-32-18 by SB 2013 of the 68<sup>th</sup> Legislative Assembly; and to implement changes provide clarification on the procedure involved in creating contracts for students placed for non-educational reasons, students placed for educational reasons, high-cost students and contracts between educating and financially responsible entities. The proposed rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the NDDPI Office of School Approval and Opportunity, ND State Capitol, 600 E. Boulevard Avenue, Bismarck, ND 58505-0440. A copy of the proposed rules may be requested by writing to the above address, to the attention of Jim Upgren, emailing [jimupgren@nd.gov](mailto:jimupgren@nd.gov), or calling 701-328-2244. Written and oral comments may be sent to the above address or telephone number until 5:00 p.m. on Monday, June 17, 2024.

For individuals seeking to attend who will need special facilities or assistance relating to a disability, please contact the NDDPI at the above telephone number or address at least five days prior to the public hearing.

Dated this 19th day of April, 2024.

Jim Upgren, Assistant Director  
Office of School Approval and Opportunity  
North Dakota Department of Public Instruction

ND School for the Deaf/RCDHH  
Devils Lake, ND  
(701) 665-4400

ND State Library  
Bismarck, ND  
(701) 328-2492

ND Vision Services/School for the Blind  
Grand Forks, ND  
(701)795-2700

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**ABBREVIATED NOTICE OF INTENT TO REVISE ADMINISTRATIVE RULES RELATING TO STATE  
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