

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota  
2 Century Code, relating to the lease of unused real property at the North Dakota school for the  
3 blind; to amend and reenact sections 15-47-27.2, 15.1-02-07, 25-06-02, 25-06-02.1, 25-06-03,  
4 25-06-04, 25-06-05, and 25-06-09 of the North Dakota Century Code, relating to placement of  
5 the North Dakota school for the blind under the authority of the department of human services;  
6 and to repeal section 25-06-07 of the North Dakota Century Code, relating to the provision of  
7 instruction at the North Dakota school for the blind.

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

9 **SECTION 1. AMENDMENT.** Section 15-47-27.2 of the 1999 Supplement to the North  
10 Dakota Century Code is amended and reenacted as follows:

11 **15-47-27.2. Teachers employed by the North Dakota youth correctional center,**  
12 **school for the deaf, and school for the blind.**

13 1. The term "teacher", as used in this section, means a contracted state employee  
14 licensed by the education standards and practices board to teach in this state,  
15 whose primary task is to provide direct instruction in a classroom, or on an  
16 individualized basis, and whose work schedule must be in accordance with the  
17 school calendar, guidance counselors, school librarians, itinerant outreach  
18 teachers, and vocational and other technological resource personnel who are  
19 required to meet the same teaching and licensure requirements. The term does  
20 not include superintendents, assistant superintendents, principals, supervisory  
21 personnel, substitutes, and all paraprofessionals.

22 2. The ~~superintendent of public instruction~~ executive director of the department of  
23 human services for the school for the blind ~~and, the superintendent of public~~  
24 instruction for the school for the deaf, and the director of the division of juvenile

services with the approval of the director of the department of corrections and rehabilitation for the North Dakota youth correctional center in administering the schools under their authority shall develop contracts for employment of teachers in their departments and establish teacher personnel policies needed for administration of the schools. The contracts may include assignment of job duties, teacher salaries, hours, and job titles, a school calendar, and a salary schedule. The personnel policies adopted under this section must include job descriptions and nonrenewal, discipline, and dismissal procedures, and must seek to harmonize the rights of teachers with law governing state employees. The executive director of the department of human services, the superintendent of public instruction, and the director of the division of juvenile services with the approval of the director of the department of corrections and rehabilitation shall work together in the development of personnel policies for teachers employed by their respective departments. Each teacher is entitled to receive a printed copy of a master agreement, which consists of a policy manual and an individualized contract specifying the annual school calendar and each teacher's contracted hours, rate of pay, job title, salary schedule, applicable benefits, and other details pertinent to a teacher's employment.

**SECTION 2. AMENDMENT.** Section 15.1-02-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-02-07. Superintendent of public instruction - Lease of unused real property.**

1. The superintendent of public instruction may lease surplus portions of real property, including buildings and improvements, owned by the state and administered by the superintendent of public instruction at the school for the blind, ~~the school for the deaf;~~ and the division of independent study.
2. The superintendent may lease the unused portion of a building only after consultation with and adherence to conditions set by the administrator of the state fire and tornado fund.
3. A lease agreement under this section may not exceed five years.
4. A lease agreement under this section must provide that:

- a. It is cancelable by the state without liability at the end of any ~~state~~ fiscal biennium; or
  - b. It is renewable at the sole discretion of the superintendent of public instruction at the beginning of each fiscal biennium.
5. The superintendent may set additional terms and conditions for leases under this section.
  6. The attorney general shall review any lease under this section and approve its legal adequacy before its execution.
  7. The superintendent may expend revenues from leases under this section only with legislative approval.

**SECTION 3. AMENDMENT.** Section 25-06-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**25-06-02. ~~Object~~ Blind person defined - Duties and responsibilities of school for the blind.** For purposes of this chapter, a blind person is an individual who is totally blind or whose central visual acuity does not exceed twenty/two hundred in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees; and a visually impaired person is an individual with an impairment in vision which, even with correction, adversely affects the individual's functional ability. The school for the blind is a statewide resource and referral center for ~~the provision of services to all~~ residents of this state; ~~including vision-specific consultations, evaluations, information, and training and loans of adaptive devices, equipment, and materials. It shall receive and educate blind and partially blind children who are residents of this state and who, because of this handicap, are not able to receive an appropriate education in the public schools of this state.~~ who are blind or visually impaired. The school for the blind shall:

1. Collect and distribute information regarding vision services available in the state.
2. Assist residents to access appropriate vision services.
3. Provide vision services, including vision-specific consultations, evaluations, information, training, and loans of adaptive devices, equipment, and materials.
4. Seek and accept funding available from the vocational rehabilitation division of the department of human services for the vision services provided to eligible individuals who are blind or visually impaired.

1       5. Receive and educate residents of this state who are blind or visually impaired and  
2       who, because of being blind or visually impaired, are not able to receive an  
3       appropriate education in the public schools of this state.

4       6. Provide instruction in general education subjects and instruction in vision-specific  
5       subjects, including orientation, mobility, braille, braille music, daily living skills,  
6       technology, vocational training, and recreation.

7       **SECTION 4. AMENDMENT.** Section 25-06-02.1 of the North Dakota Century Code is  
8       amended and reenacted as follows:

9       **25-06-02.1. School for the blind - Appointment of superintendent, budget, staff,**  
10      **and reporting structure.** The superintendent of the school for the blind is appointed by and  
11      reports to the ~~superintendent of public instruction~~ executive director of the department of  
12      human services. The school for the blind must have a separate budget and separate staff from  
13      the department of ~~public instruction~~ human services.

14      **SECTION 5. AMENDMENT.** Section 25-06-03 of the North Dakota Century Code is  
15      amended and reenacted as follows:

16      **25-06-03. Superintendent to possess certain qualifications.** The superintendent of  
17      the school for the blind must possess those qualifications, educational and otherwise, as in the  
18      opinion of the ~~superintendent of public instruction~~ executive director of the department of  
19      human services may qualify that person to instruct and minister to the needs of blind persons.

20      **SECTION 6. AMENDMENT.** Section 25-06-04 of the North Dakota Century Code is  
21      amended and reenacted as follows:

22      **25-06-04. Qualifications for admission to school for the blind - Residents of state**  
23      **entitled to free education.** Applicants for admission to the school for the blind must be blind or  
24      ~~partially blind~~ visually impaired and unable to make suitable progress in the public schools of  
25      the state. The superintendent of the school for the blind, with the approval of the  
26      ~~superintendent of public instruction~~ executive director of the department of human services,  
27      may determine the age required for admission. The superintendent of the school for the blind  
28      shall furnish application blanks upon request, and no person may be admitted to the institution  
29      until the application giving such information as the ~~superintendent of public instruction~~  
30      executive director of the department of human services requires has been returned to and  
31      approved by the superintendent of the school for the blind. An applicant admitted to the school

1 for the blind must be furnished transportation by the school as provided in the student's  
2 individualized education program at the most economical rate possible, and yet meet the  
3 student's needs. Each such applicant who is a resident of this state and who, because of  
4 blindness and other ~~handicaps~~ disabilities is unable to receive an education in the public  
5 schools, is entitled to receive an education in the school for the blind at the expense of the  
6 state.

7 **SECTION 7. AMENDMENT.** Section 25-06-05 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **25-06-05. Admission of nonresidents.** Blind children of suitable age who are not  
10 residents of this state may enroll in the school for the blind upon payment in advance of the cost  
11 of the education as determined by the ~~superintendent of public instruction~~ executive director of  
12 the department of human services. Nonresident children, however, may not be received to the  
13 exclusion of children who are residents of this state.

14 **SECTION 8. AMENDMENT.** Section 25-06-09 of the 1999 Supplement to the North  
15 Dakota Century Code is amended and reenacted as follows:

16 **25-06-09. Blind persons - Duty to report.** ~~It is the duty of every~~ Each public school  
17 superintendent, physician, ophthalmologist, oculist, optometrist, nurse, clinic, hospital, and  
18 social and welfare agency in this state ~~to~~ shall report in writing to the superintendent of the  
19 North Dakota school for the blind the name, age, and residence of ~~persons~~ any individual under  
20 the age of twenty-one years who ~~are~~ is blind ~~within the definition of blindness as set forth, as~~  
21 defined in this section chapter, and ~~in such cases to~~ furnish ~~such~~ additional ~~pertinent~~  
22 information as requested by the superintendent of the North Dakota school for the blind ~~may~~  
23 ~~request~~. All reports must be forwarded to the superintendent of the school for the blind within  
24 thirty days after diagnosis, examination, or discovery. ~~For the purposes of this chapter, a blind~~  
25 ~~person is defined as one who is totally blind or whose central visual acuity does not exceed~~  
26 ~~twenty/two hundred in the better eye with corrective lenses, or the widest diameter of the visual~~  
27 ~~field is no greater than twenty degrees.~~

28 **SECTION 9.** A new section to chapter 50-06 of the North Dakota Century Code is  
29 created and enacted as follows:

30 **Department of human services - Lease of unused real property at school for the**  
31 **blind.**

- 1        1. The executive director of the department of human services may lease surplus
- 2                portions of real property, including buildings and improvements, owned by the state
- 3                and administered by the executive director at the school for the blind.
- 4        2. The executive director may lease the unused portion of a building only after
- 5                consultation with and adherence to conditions set by the administrator of the state
- 6                fire and tornado fund.
- 7        3. A lease agreement under this section may not exceed five years.
- 8        4. A lease agreement under this section must provide that:
- 9                a. It is cancelable by the state without liability at the end of any fiscal biennium;
- 10                or
- 11                b. It is renewable at the sole discretion of the executive director at the beginning
- 12                of each fiscal biennium.
- 13        5. The executive director may set additional terms and conditions for leases under
- 14                this section.
- 15        6. The attorney general shall review any lease under this section and approve its
- 16                legal adequacy before its execution.
- 17        7. The executive director may expend revenues from leases under this section only
- 18                with legislative approval.

19        **SECTION 10. REPEAL.** Section 25-06-07 of the North Dakota Century Code is  
20 repealed.