## Sixty-second Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2011

HOUSE BILL NO. 1074 (Representatives D. Johnson, Hanson, Wall) (Senators Luick, Robinson, Oehlke)

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

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

- 1. a. Except as provided in subdivision b, for purposes of applying this chapter, a student's school district of residence is the district in which the student's custodial parent or legal guardian resides:
  - (1) At the time that a state court, tribal court, director of juvenile court, or the division of juvenile services issues an order requiring the student to stay for a prescribed period at a state-licensed foster home or at a state-licensed child care home or facility:
  - (2) At the time a county or state social service agency places the student, with the consent of the student's parent or legal guardian, at a state-licensed foster home or at a state-licensed child care home or facility;
  - (3) At the time the student is initially placed in a state-operated institution, even if the student is later placed at a state-licensed foster home or at a state-licensed child care home or facility; or
  - (4) At the time the student is placed voluntarily, by a parent or legal guardian, in a state-operated institution or in a state-licensed child care home, facility, or program, located <u>either within or</u> outside the student's school district of residence, including those defined in sections 25-01.2-01 and 50-11-00.1.
  - b. A determination regarding the student's school district of residence made under subdivision a is valid until the September fifteenth following the determination. On that date and each September fifteenth thereafter, the placing agency or the entity funding the student's placement shall determine the district in which the student's custodial parent or legal guardian resides and shall notify the district that it is deemed to be the student's district of residence for purposes of this chapter. If, however, the student is placed in accordance with paragraph 4 of subdivision a and the placement is privately funded, the administrator of the facility or program in which the student is placed shall determine the student's school district of residence and provide the notification required by this subdivision.

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

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

The superintendent of public instruction, within the limits of legislative appropriation, shall reimburse a student's school district of residence an amount equal to eighty percent of the room and board costs paid by the district for a student with disabilities who is placed in a facility that is located either within or

outside of the student's school district of residence in order to receive special education services not available within the student's school district of residence. The student's school district of residence is liable for any room and board costs in excess of those reimbursed as provided in this section. The placement of a student with disabilities in a public or private facility will be made by a school district. The placement of a student with disabilities in congregate care will be made in a facility designated by the department of human services.

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

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

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

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	Speaker of the Hou			<del></del>	President of the Senate	
		Chief Clerk	of the House		Secretary of the Senate	
Legislati	ve Assembly c	of North Dak	ota and is known	on the record	Representatives of the s s of that body as House I ntatives voted in favor of s	3ill No. 1074
Vote:	Yeas 93		Nays 0	Absent	1	
		Speaker of	the House		Chief Clerk of the Hous	e
This cert	tifies that two-t	hirds of the	members-elect of	the Senate vo	oted in favor of said law.	
Vote:	Yeas 47		Nays 0	Absent	0	
		President of	of the Senate		Secretary of the Senate	
Received by the Governor atM. on						_, 2011.
Approve	d at	M. on				_, 2011.
					Governor	
Filed in t	this office this		_day of			_, 2011,
at	o'clock	M.				
					Secretary of State	