

Introduced by

**NORTH DAKOTA CENTURY CODE CHAPTER 15.1-33 -  
MULTIDISTRICT SPECIAL EDUCATION UNITS**

1 Chapter 15.1-33 of the North Dakota Century Code is created and enacted as follows:

2 **15.1-33-01. Multidistrict special education unit - Corporation.** Each multidistrict  
3 special education unit is a body corporate and has all the powers and duties usual to  
4 corporations for public purposes or as conferred upon it by law.

**NOTE:** Present Section 15-59.2-01.1. The rewrite eliminates the language that allows  
a multidistrict special education unit to be sued, to enter into contracts, to convey real  
and personal property, etc. Those concepts are already covered by the statement that  
the unit is a body corporate. The rewrite also eliminates the reference to a corporate  
seal.

5 **15.1-33-02. Multidistrict special education units - School district participation.** A  
6 school district may join a multidistrict special education unit or together with other school  
7 districts form a multidistrict special education unit for purposes of planning and delivering  
8 special education and related services. Each school district shall participate in a multidistrict  
9 special education unit or have on file with the superintendent of public instruction a plan for  
10 providing special education and related services as a single district. If a school district wishes  
11 to change its affiliation or nonaffiliation with a multidistrict special education unit, the school  
12 district shall first obtain the approval of the superintendent of public instruction. A school district  
13 may appeal a decision of the superintendent under this section to the state board of public  
14 school education.

**NOTE:** Present Section 15-59.2-01. The rewrite eliminates language regarding the  
initial formation of multidistrict units.

15 **15.1-33-03. Multidistrict special education unit - Organizational plan - Contents.**

16 Each multidistrict special education unit shall maintain an organizational plan on file with the  
17 superintendent of public instruction. The organizational plan must include:

- 18 1. A list of the unit's board members.  
19 2. A description of how each school district is represented on the board.

- 1           3.    The method used to select officers.
- 2           4.    The terms of office.
- 3           5.    Scheduled meeting times.
- 4           6.    Quorum requirements.
- 5           7.    Any other items required through rule by the superintendent of public instruction.

**NOTE:** Present Section 15-59.2-02.

6           **15.1-33-04. Multidistrict special education unit - Board member appointments.**

7    The board of each participating school district shall appoint one or more representatives on the  
8    multidistrict special education unit board consistent with the organizational plan of the unit.

**NOTE:** Present Section 15-59.2-02. Present Section 15-59.2-02 provides that "[r]epresentatives on the multidistrict board must be appointed by the school boards of the participating districts." The rewrite makes it clear that each school board make appointments rather than multiple school boards appointing one individual, as the current language could be interpreted.

9           **15.1-33-05. Multidistrict special education unit - Board members - Compensation.**

10   The board of each multidistrict special education unit shall set a level of compensation for  
11   services payable to its members, provided that no member may receive more than one  
12   thousand dollars annually for this purpose. In addition to compensation for services, each  
13   member may be reimbursed for all necessary meals and lodging and travel expenses actually  
14   incurred while engaged in official business of the board, at the same rate as provided for state  
15   officers and employees. Any mileage claimed may not exceed the number of miles [kilometers]  
16   between the points traveled as measured by the most usual route.

**NOTE:** Present Section 15-59.2-02. Present Section 15-59.2-02 provides that compensation "for board members must be the same as that allowed school board members pursuant to Section 15.1-09-06." The rewrite reiterates the content of Section 15.1-09-06.

17           **15.1-33-06. Withdrawal from a multidistrict program.** In order for a school district to  
18   withdraw from a multidistrict special education unit, the following must occur on or before March  
19   first prior to the school year for which the withdrawal is to be effective:

- 20           1.    The board of the withdrawing school district shall approve the withdrawal.
- 21           2.    The board of the withdrawing school district shall inform the board of the  
22                multidistrict special education unit that it has elected to withdraw from the unit.

- 1           3.    The board of the withdrawing school district shall submit a plan to the  
2                    superintendent of public instruction regarding the provision of services to students  
3                    with disabilities.

**NOTE:** Present Section 15-59.2-04.

- 4           **15.1-33-07. Multidistrict special education unit - Board - Preparation of annual**  
5 **plan.** The board of a multidistrict special education unit shall prepare, on behalf of the  
6 participating school districts, an annual plan regarding the provision of special education and  
7 related services and shall submit the plan to the superintendent of public instruction for  
8 approval.

**NOTE:** Present Section 15-59.2-05(1).

- 9           **15.1-33-08. Multidistrict special education unit - Board - Powers.** The board of a  
10 multidistrict special education unit may:

- 11           1.    Receive state and federal funds and distribute them to each participating school  
12                    district.  
13           2.    Employ personnel necessary to carry out administrative services, itinerant  
14                    instruction, coordinative services, and related services.  
15           3.    Receive private and public funds and expend such funds for the compensation of  
16                    personnel and for the payment of the board's expenses.  
17           4.    Contract with the board of any school district for the provision of special education  
18                    and related services.

**NOTE:** Present Section 15-59.2-05(2)-(5).

- 19           **15.1-33-09. Multidistrict special education unit - Board - Coordination of student**  
20 **transportation.** The board of a multidistrict special education unit shall plan and coordinate the  
21 transportation of each student receiving special education services within the unit.

**NOTE:** Present Section 15-59.2-05(6). Present Section 15-59.2-05 contains both mandatory and permissive provisions. The rewrite consequently uses several sections to segregate the provisions.