

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2108
(Education Committee)
(At the request of the Superintendent of Public Instruction)

AN ACT to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to students with disabilities resulting from noncategorical delays; and to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to the definition of a student with a disability for special education purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

4. a. "Student with ~~disabilities~~ a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before September first of the year in which the individual turns twenty-one and who requires special education and related services because of ~~mental, physical, emotional, or learning characteristics~~ requires regular or special education and related services designed to meet the individual's educational needs. The term includes an individual with mental:
- (1) Mental retardation;
 - (2) A hearing impairment, including deafness, ~~deafness-blindness,~~ a
 - (3) Deaf-blindness;
 - (4) A speech or language impairment, ~~a~~
 - (5) A visual impairment, including blindness;
 - (6) An emotional disturbance, ~~an~~
 - (7) An orthopedic impairment, ~~or autism, and an individual who has a~~
 - (8) Autism;
 - (9) A traumatic brain injury;
 - (10) Other health impairment; or
 - (11) A specific learning disability, ~~a traumatic brain injury, or other health impairment.~~ The term.
- b. "Student with a disability" includes a student ~~aged~~ age eighteen through twenty-one who is incarcerated in an adult correctional facility and who, in the last educational placement prior to incarceration, was identified as being a student with a disability and did not have an individualized education program or was identified as being a student with a disability and had an individualized education program.

SECTION 2. A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Noncategorical delay. If an individual who is at least three years of age but less than ten years of age exhibits a developmental profile in which cognitive, fine motor, vision, hearing, communication, preacademic, socialization, or adaptive skill acquisitions are significantly below that of same-age peers, and if the individual needs special education and related services, the school district may determine that the individual is a student with a disability as a result of a noncategorical delay.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2108.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 89 Nays 0 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,
at _____ o'clock _____ M.

Secretary of State