

**ARTICLE 67-23
SPECIAL EDUCATION**

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**CHAPTER 67-23-01
COMPREHENSIVE GENERAL PLAN REQUIREMENTS FOR SPECIAL EDUCATION PROGRAMS**

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67-23-01-01. Definitions.

As used in this article, the following definitions apply:

1. "Individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with the IDEA section 614(d) [20 U.S.C. 1414(d)].
2. "Individuals With Disabilities Education Act" or "IDEA" means the Individuals With Disabilities Education Improvement Act of 2004, Public Law 108-446 [118 Stat. 2647; 20 U.S.C. 1400-1420].
3. "Least restrictive environment" means that to the maximum extent appropriate, children with disabilities are educated with children who are not disabled and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
4. "Local education agency" means a school district, multidistrict special education unit organized under North Dakota Century Code chapter 15.1-33, or other legally constituted public authority for administrative control or direction of, or to perform a service function for, public elementary or secondary schools.
5. "Multidisciplinary team" means a team of professionals and parents which develops an IEP for a student with disabilities.

6. "Multidistrict special education unit" means a public corporation organized under North Dakota Century Code chapter 15.1-33 for purposes of planning and delivering special education and related services.

7. "Nonsectarian" means not affiliated with or restricted to a particular religion.

8. "Organization" includes school districts, multidistrict local education agencies, child care centers, vocational education centers, private or public residential facilities, counties, and nonprofit agencies.

9. "Related services" means transportation and developmental, corrective, or supportive services needed to help a student with disabilities to benefit from special education.

10. "Resident district" means the school district of residence of the student as determined by law.

11. "Special education unit" means a single-district special education unit or a multidistrict special education unit.

12. "Student with disabilities" or "child with disabilities" means an individual who:

a. Is at least three years of age but who has not reached the age of twenty-one before August first of the year in which the individual turns twenty-one, and who because of mental, physical, emotional, or learning characteristics requires regular or special education and related services designed to meet the individual's educational needs; and

b. Is an individual with intellectual disability, ~~hearing impairment including deafness~~ ~~deaf or hard of hearing~~, speech or language impairment, visual impairment including blindness, emotional ~~disturbance~~ ~~disability~~, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, or ~~multiple disabilities~~ noncategorical delay.

History: Effective February 1, 2000; amended effective January 1, 2008; January 1, 2020; October 1, 2021; October 1, 2025.

General Authority: NDCC 15.1-32-09

Law Implemented: NDCC 15.1-32-01, 15.1-32-09; 20 U.S.C 1400-1419

67-23-01-02. School district's comprehensive general plan requirements for education of students with disabilities.

Each school district in the state shall have a comprehensive general plan for the education of students with disabilities between the ages of three and twenty-one who reside in that district. The plan must:

1. Be filed with the superintendent of public instruction; and

2. Describe the multidistrict special education unit organizational and services plan or the organization of services for a single-district special education unit, including:

- a. Description of the organization, including participating school districts in multidistrict special education units;
- b. Structure and organization of the board;
- c. Powers and duties of the board;
- d. Monetary policies including fiscal management and method of apportioning administrative and program costs;
- e. Procedures for withdrawing from or joining a multidistrict unit, not including single district units;
- f. Services description;
- g. Unit or district policies and procedures for implementing the provisions of state law and the Individuals With Disabilities Education Act; and
- h. Letters of agreement from participating school districts, not including single-district units.

History: Effective February 1, 2000.

General Authority: NDCC 15-59-04, 15-59-05, 15-59.2-01

Law Implemented: NDCC 15-59-05, 15-59.2-01, 15-59.2-02, 15-59.2-05; 20 USC 1400-1419

67-23-01-03. Timelines - Exception to sixty-day time frame for initial evaluation.

The district must evaluate a referred child within sixty calendar days after obtaining parental consent for the evaluation unless:

- 1. An extension is necessary because of extreme weather that prevented or interfered with the evaluation and the extreme weather condition is documented; or
- 2. Either party establishes to the satisfaction of the department that access to a qualified evaluator is so limited that the evaluation cannot occur in the initial sixty days.

The evaluation period, including an extension for the circumstances described above, may not exceed ninety calendar days.

History: Effective October 1, 2009.

General Authority: NDCC 15.1-32-09

Law Implemented: NDCC 15.1-32; 20 USC 1414