

February 19, 2001

S 163. LEAS AND GROUP HOMES. *TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE FUNDS FOR THE EDUCATION OF THESE CHILDREN.* Sec. 11.19 of SL 2000-67 (Appropriations Act) directed the Dep't of Health and Human Services to establish the Child Residential Treatment Services Program, to provide residential treatment alternatives for children at risk of institutionalization or other out-of-home placement. This bill amends Sec. 11.19 as follows: (1) adds Dep't of Public Instruction to the list of agencies required to enter a Memorandum of Agreement regarding state agency roles and responsibilities, (2) adds local school administrative units to the list of agencies required to enter a Memorandum of Agreement regarding execution of the program; (3) requires Memoranda of Agreement to provide for the immediate availability of student records to a local school administrative unit receiving a child placed in a residential setting outside the child's home county, and (4) requires Dep't of Health and Human Services to report to the General Assembly on a method of identifying and tracking children placed in group homes or therapeutic foster care. Amends GS 115C-140.1(a) to require that, when a child is placed in a group home or other institutional setting that is outside the local school administrative unit serving the child's home, the child's home unit must transfer funds to the unit in which the institution is located. Directs State Board of Education to revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide more funding for counties in which there is a higher than average concentration of group homes or therapeutic foster care homes. Appropriates \$500,000 for 2001-2002 and \$500,000 for 2002-2003 from General Fund to State Aid for Children with Disabilities in the State Public School Fund to implement the formula. Appropriates \$553,000 for 2001-2002 and \$553,000 for 2002-2003 from General Fund to State Aid to Local School Administrative Units for the Children with Disabilities in Group Homes Program. Requires State Board of Education to permit a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to the unit was not in the unit's headcount for exceptional children for the previous school year. Appropriations effective July 1, 2001; remainder effective when it becomes law.

Intro. by Rand.

Ref. to Ch. & Hum Res.	GS 115C, APPROP
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October 3, 2001

S 163. LEAS AND GROUP HOMES. Intro. 2/19/01. Senate committee substitute makes the following changes to 1st edition. Provides that no additional group homes shall be approved, opened, licensed, or built in any county where the number of residential treatment home and supervised living home beds for individuals of all disability groups exceeds 1 per 733 population. Deletes provisions appropriating funds and amends long title accordingly.

September 4, 2002

S 163. LEAS AND GROUP HOMES. Intro. 2/19/01. House committee substitute makes the following changes to 2nd edition. Previous bill imposed a moratorium on new group homes in counties where the number of beds in such homes exceeds 1 per 733 people. Committee substitute states that the moratorium shall not apply to group homes that have a contract for services with an area mental health program or a local management entity. Changes effective date to Jan. 1, 2003 (was, when it becomes law). Makes additional technical changes.

September 26, 2002

S 163. LEAS AND GROUP HOMES. Intro. 2/19/01. House committee substitute makes the following changes to 3rd edition. Deletes provision requiring State Board of Education to revise formula for state aid for children with disabilities and formula for group homes. Deletes provision prohibiting additional group homes in certain counties. Makes amendment to GS 115C-140.1(a) and provision regarding additional funding from group homes program for children with disabilities effective July 1, 2003 (was, Jan. 1, 2003).

October 3, 2002

S 163. LEAS AND GROUP HOMES. Intro. 2/19/01. Conference report recommends the following changes to 4th edition to reconcile matters in controversy. Amends GS 122C-23 and 131D-10.3 by adding new subsections to each providing the Dep't shall not immediately enroll any new provider for Medicaid home or community-based services, or other Medicaid services, or issue a license for a new facility or a new service to any applicant that meets certain criteria. Amends GS 122C-111 to require the area authority or county program to monitor the provision of mental health, developmental disability, and substance abuse services for compliance with the law. Provides that such monitoring shall not supercede or duplicate Dep't regulatory authority or functions. Amends GS 122C-115.2(b)(2) by adding a new subdivision requiring business plans to include a description of the resources available and needed within the catchment area to prevent out-of-community placements and include input from the community public agencies. Amends GS 143B-139.1 to authorize the Sec'y to adopt and enforce certain rules. Amends GS 150B-21.1 to authorize the Dep't of Health and Human Services to adopt temporary rules regarding placement of individuals in certain facilities and the enrollment of providers of services to such individuals in the Medicaid Program. The provisions regarding temporary rules expire on Oct. 1, 2004. Amends GS 7B-505, GS 7B-903(a)(2)c, GS 7B-2502(a), and GS 7B-2503 to provide that in placing a juvenile in nonsecure custody or out-of-home care the court shall consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence.