

March 6, 2003

H 318. CHILDREN WITH DISABILITIES/FEDERAL LAW. TO ALIGN STATE LAW WITH FEDERAL LAW ON STUDENTS WITH DISABILITIES. Amends GS Ch. 115C, Art. 9, concerning special education. Creates new 115C-108.1 to incorporate definitions contained in the federal Individuals With Disabilities Education Act and regulations adopted pursuant to that section except provides a more comprehensive definition than the federal law for the terms "related services," "occupational therapy," "physical therapy," and "psychological services." Modifies the federal definition of "parent counseling and training" which must be provided by deleting training that is necessary to assist parents in ensuring the implementation of their child's Individualized Education Program. Also provides for the use of mass screening and individual screening in the identification and selection of children with disabilities. Replaces all references to children with "special needs" with children with "disabilities." Replaces GS 115C-109 definition of "children with special needs" with new definition which encompasses only those children who are unable to have all of their educational needs met in a regular class without special education and related services or be adequately educated in the public schools. Defines "preschool children with disabilities" as 3- and 4-year old children, and those 5-year-olds who are ineligible for kindergarten due to certain disabilities. Deletes requirement that State Board of Education annually submit revisions to its Art. 9 implementation plan to the General Assembly and Governor and that each local educational agency report annually to the State Board on its compliance with Art. 9 and submit a two-year plan for providing special education services. Amends GS 115C-113.1 to clarify that to be appointed as a surrogate parent a person must be appropriately trained and eligible under applicable law. Provides that the scheduling of a mediated settlement conference does not deny or delay administrative review of the local education agency decision. Deletes provision in GS 115C-174.11(b)(2) that allowed special education students to be excluded from ninth grade testing programs.

Intro. by Warren, Bell, Preston.

Ref. to Education	GS 115C, 7B, 108A, 110, 143
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April 28, 2003

H 318. CHILDREN WITH DISABILITIES/FEDERAL LAW. Intro. 3/6/03. House committee substitute makes the following changes to 1st edition. (1) Makes stylistic changes throughout. (2) Omits proposed new GS 115C-108.1, which had defined extensive range of terms. (2) Replaces current GS 115C-108 with new GS 115C-108, which defines the terms "child with a disability," "free and appropriate public education," "IDEA," "individualized education program or IEP," "preschool child with a disability," "related services," "special education," and "supportive services." (3) Repeals current GS 115C-109, which defines some of the terms included in new GS 115C-108, described above. (4) Makes the following changes to proposed amendment of section 115C-110: (a) retains subsec. (c), which the original bill had deleted, with stylistic changes; (b) retains subsections (e) and (f), which the original bill had deleted, but makes stylistic changes to both; (d) makes stylistic changes to current subsec. (i); (e) restores original language of subsec. (k), substituting only the term "disabilities" for the term "special needs." (5) Makes the following changes to proposed amendment of GS 115C-113: (a) retains the current language in subsec. (b) "or otherwise tracked, classified, or treated as a child with special needs," which the original bill had deleted; (b) retains the current language in subsec. (c) "or educational program for the pregnant," which the original bill had deleted; (c) deletes the definition of "individualized education program" in subsection (f) and adds the new sentence, "The development of an IEP, including its timelines, shall meet the requirements of IDEA;" (d) retains subsec. (h), which the original bill had deleted. (6) Omits proposed amendment of GS 115C-113.1 dealing with surrogate parents. (7) Omits proposed amendment to GS 115C-116(b)(2) that would have required that participation in a mediated settlement conference be voluntary and that mediated settlement conferences not delay timely administrative reviews. (8) Deletes both proposed amendment of GS 115C-146.1 and current GS 115C-146.1 (defining "preschool children with disabilities" and "preschool handicapped children" respectively) in their entirety. (9) Adds the requirement to GS 115C-146.3(b) that special education and related services to preschool children with disabilities start no later than the beginning of the school year following the child's third birthday. (10) Adds to proposed amendment of GS 115C-397.1 the requirement that a principal and any school-based committee dealing with

disciplinary problems follow federal law and State Board of Education procedures for children with disabilities when a disruptive student is suspected of being a child with a disability or has been identified as a child with a disability. (11) Omits proposed stylistic amendments of GS 7B-1301(d)(1) and 7B-3904 (sec. 31 and 32 of the original bill respectively). (12) Omits proposed stylistic amendments to GS 108A-49(b), 108A-70.22, 108A-70.23 (sec. 33, 34, and 35 of the original bill respectively). (13) Repeals GS 143-318.14A(a)(13). (14) Amends GS 143-683(6) to delete requirement that the Commission on Children with Special Health Care Needs provide a copy of its annual report to the General Assembly's Commission on children with Special Needs.