

January 25, 2007

H 12. STDNTS. INELIGIBLE FOR SPEC. ED./PROTECTION. Filed 1/25/07. *TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON EDUCATION OF STUDENTS WITH DISABILITIES TO ADD A PROTECTION FOR CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.* Rewrites GS 115C-107.7 (discipline of students with disabilities) by adding new subsection (b) to specify that a local educational agency is presumed to have knowledge that a child has a disability if, prior to behavior that subjects the child to disciplinary action, the child's behavior or performance has clearly established the need for special education and related services.

Intro. by Glazier, Bell, Jeffus, Wiley

GS 115C

March 6, 2007

H 12. STDNTS. INELIGIBLE FOR SPEC. ED./PROTECTION. Filed 1/25/07. House committee substitute makes the following changes to 1st edition. Adds language to new GS 115C-107.7(b) (discipline of students with disabilities) specifying that the state standards for presumption of knowledge by a local education agency of a child's disability status based on the child's behavior or performance are in addition to any federal standards for the basis of knowledge of a child's disability status.

June 25, 2008

H 12. STUDENTS W/DISABILITIES & SPECIAL ED CHANGES (NEW). Filed 1/25/07. Senate committee substitute makes the following changes to 2nd edition.

Amends GS 115C-106.3(3a) to modify the definition of *educational services* as used in GS Chapter 115C, Article 9 (Education of Students with Disabilities), to include providing behavior intervention services to the extent required by federal law.

Amends GS 115C-107.7 to permit a designee or designees of the student's IEP team to conduct the required monthly evaluation of the appropriateness of the homebound instruction of a student with disabilities. Makes technical correction to move proposed new subsection (b) into proposed new subsection (c). Amends language moved into new (c) by providing that a local education agency is deemed to have a *basis of knowledge* that a child has a disability if the past behavior of the child clearly and convincingly established the need for special education. Removes language that references federal standards for *basis of knowledge*. Provides that past disciplinary violations alone are not clear and convincing evidence that there was a need for special education. Subsection (c) becomes effective January 1, 2009, and expires March 1, 2011.

Requires the Department of Public Instruction and the State Board of Education to report to the Joint Legislative Education Oversight Committee by January 15, 2011, on the number of contested cases that are filed under the *basis of knowledge* standard of this act and the disposition of those contested cases. Makes conforming changes to the title.

July 14, 2008

SL 2008-90 (H 12). STUDENTS WITH DISABILITIES AND SPECIAL ED CHANGES. AN ACT TO AMEND THE DEFINITION OF "EDUCATIONAL SERVICES" FOR STUDENTS WITH DISABILITIES; TO AMEND THE LAW TO ALLOW A DESIGNEE OR DESIGNEES OF A STUDENT'S IEP TEAM TO EVALUATE THE CONTINUED APPROPRIATENESS OF HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES FOR STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE; TO ADD A PROTECTION FOR CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION OF STUDENTS WITH DISABILITIES; AND TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION TO REPORT ON CONTESTED CASES BASED ON THE ADDITIONAL PROTECTION. Summarized in *Daily*

Bulletin 1/25/07, 3/6/07, and 6/25/08. Enacted July 11, 2008. Section 3 is effective January 1, 2009. The remainder is effective July 11, 2008.