

May 20, 2008

**H 2306. IEP TEAM AND HOMEBOUND INSTRUCTION CHANGES.** Filed 5/20/08. *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.*

Amends GS 115C-107.7(b) to permit the designee or designees of the student's IEP team to evaluate the appropriateness of the homebound instruction for students for whom there has been a change in placement under the Individuals with Disabilities Education Act (IDEA) discipline regulations (was, evaluation by the *head* of the student's IEP team).

**Intro. by Glazier, Lucas, Yongue.**

GS 115C

June 18, 2008

**H 2306. STUDENTS W/ DISABILITIES & SPECIAL ED CHANGES (NEW).** Filed 5/20/08. House committee substitute makes the following changes to 1st edition. Amends definition of *educational services* set out in GS 115C-106.3(3a)c to include behavior intervention services to the extent required by federal law (present law specifies behavior intervention services designed to address behavior resulting in disciplinary change of placement in order to prevent reoccurrence). Adds provision to GS 115C-107.7 stating that a local educational agency is deemed to have a "basis of knowledge" that a child has a disability if behavior and performance of the child clearly and convincingly establishes the need for special education prior to behavior precipitating disciplinary action. States that prior disciplinary infractions, standing alone, are insufficient. Requires a report by the Department of Public Instruction and State Board of Education to the Joint Legislative Education Oversight Committee by January 15, 2011, on the number of contested cases filed based on above provision related to "basis of knowledge," as well as the disposition of those cases. Provides that amendment of GS 115C-107.7 ("basis of knowledge" provision) becomes effective January 1, 2009, and expires March 1, 2011. Changes title to *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.*

July 2, 2008

**H 2306. CHILDREN W/ DISAB. IN RESID. TREATMENT PROG. (NEW).** Filed 5/20/08. Senate committee substitute deletes the content of the 2nd edition and replaces it with *AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DETERMINE RESPONSIBILITY FOR CHILDREN WITH DISABILITIES PLACED IN PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES BY PUBLIC AGENCIES OTHER THAN LOCAL EDUCATIONAL AGENCIES.* As title indicates. Requires the State Board of Education and Department of Health and Human Services to report the determination and recommended legislation or policy changes to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services by January 1, 2009.

August 8, 2008

**SL 2008-174 (H 2306). CHILDREN WITH DISABILITIES IN RESIDENTIAL TREATMENT PROGRAMS. AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND**

*DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DETERMINE RESPONSIBILITY FOR CHILDREN WITH DISABILITIES PLACED IN PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES BY PUBLIC AGENCIES OTHER THAN LOCAL EDUCATIONAL AGENCIES.* Summarized in *Daily Bulletin* 5/20/08, 6/18/08, and 7/2/08. Enacted August 4, 2008. Effective August 4, 2008.