

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 888
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10473-MK-102A

Short Title: Education Accommodations/Sickle Cell Disease. (Public)

Sponsors: Representatives Floyd, Dobson, and Black (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT STATE EDUCATION AGENCIES TO ADOPT POLICIES AND
3 GUIDELINES TO PROVIDE EQUAL EDUCATIONAL OPPORTUNITY TO STUDENTS
4 WITH SICKLE CELL DISEASE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-12 is amended by adding a new subsection to read:

7 "(31a) To Adopt Guidelines for Students with Sickle Cell Disease. – The State Board
8 shall adopt guidelines to disseminate to public schools to ensure access to a
9 free appropriate public education for students with sickle cell disease. The
10 State Board shall consult with the Department of Health and Human Services
11 in the development of these guidelines. The State Board also shall consult with
12 local school administrative unit employees who have been designated as
13 responsible for coordinating their individual unit's efforts to comply with
14 federal regulations adopted under Section 504 of the Rehabilitation Act of
15 1973, as amended, 29 U.S.C. § 794. In its development of these guidelines,
16 the State Board shall refer to recommendations by the Centers for Disease
17 Control on supporting students with sickle cell disease in the school setting
18 and shall consider recent resolution agreements by the United States
19 Department of Education's Office of Civil Rights for investigations into
20 complaints alleging discrimination against students with sickle cell disease.
21 The State Board shall ensure that these guidelines are updated as necessary
22 and shall ensure that the guidelines and any subsequent changes are published
23 and disseminated to public schools. The guidelines adopted by the State Board
24 shall include at least the following:

- 25 a. Procedures for the development of an individual care plan at the
26 written request of the student's parent or guardian, and involving the
27 parent or guardian, the student's health care provider, the student's
28 classroom teacher, the student if appropriate, the school nurse if
29 available, and other appropriate school personnel.
30 b. Procedures for regular review of an individual care plan.
31 c. Information on implementation of reasonable accommodations for
32 students consistent with the requirements of federal law.
33 d. Information and staff development to be made available to teachers
34 and other school personnel in order to appropriately support and assist
35 students with sickle cell disease."

36 **SECTION 2.** G.S. 115D-5 is amended by adding a new subsection to read:



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1 "(z) The State Board of Community Colleges shall adopt a policy to be applied uniformly
2 directing every community college to provide the opportunity, at the beginning of each semester,
3 for students with sickle cell disease enrolled in the community college to request and develop a
4 plan with the school administrator designated as responsible for coordinating the college's efforts
5 to comply with federal regulations adopted under Section 504 of the Rehabilitation Act of 1973,
6 as amended, 29 U.S.C. § 794. The plan shall provide for appropriate, reasonable academic and
7 nonacademic accommodations to ensure that the college does not discriminate against the student
8 on the basis of having the disability consistent with the requirements of federal law. The
9 opportunity to develop a plan at the beginning of the semester shall in no way limit a student's
10 ability to request an accommodation or develop a plan at any time during the semester. The State
11 Board shall ensure that the policy is updated as necessary and disseminated to the community
12 colleges. The policy shall include at least the following:

- 13 (1) Dissemination of information to students at the beginning of each semester
14 regarding the opportunity to develop and implement a plan with a designated
15 school administrator for reasonable academic and nonacademic
16 accommodations as necessary. In addition, the community college shall
17 provide annual training to personnel regarding the development of the plan
18 and accommodations for students with disabilities in general.
- 19 (2) Procedures for the designated school administrator to determine reasonable
20 accommodations consistent with the requirements of federal law for the
21 student that are specific to the student's needs, including any documentation
22 that would be required by the college and consultation with faculty members
23 for courses in which the student is enrolled.
- 24 (3) Procedures for the designated school administrator to finalize the plan and to
25 inform faculty members for the student's courses of the plan and their
26 responsibilities to provide reasonable accommodations under the plan. In
27 addition, the plan shall be reviewed by the designated school administrator
28 every semester for any necessary revisions.
- 29 (4) Grievance procedures for students in developing a plan and, if the
30 requirements of a finalized plan are not met, steps to ensure that students may
31 raise concerns fully and fairly, and be provided prompt and equitable
32 resolution of complaints. The procedures shall also provide for faculty
33 members to report when students with reasonable accommodations are not
34 meeting the requirements of a course."

35 **SECTION 3.** G.S. 116-11 is amended by adding a new subdivision to read:

36 "(3c) The Board of Governors shall adopt a policy to be applied uniformly directing every
37 constituent institution to provide the opportunity, at the beginning of each semester, for students
38 with sickle cell disease enrolled in the constituent institution to request and develop a plan with
39 the school administrator designated as responsible for coordinating the institution's efforts to
40 comply with federal regulations adopted under Section 504 of the Rehabilitation Act of 1973, as
41 amended, 29 U.S.C. § 794. The plan shall provide for appropriate, reasonable academic and
42 nonacademic accommodations to ensure that the college does not discriminate against the student
43 on the basis of having the disability consistent with the requirements of federal law. The
44 opportunity to develop a plan at the beginning of the semester shall in no way limit a student's
45 ability to request an accommodation or develop a plan at any time during the semester. The Board
46 of Governors shall ensure that the policy is updated as necessary and disseminated to the
47 constituent institutions. The policy shall include at least the following:

- 48 (1) Dissemination of information to students at the beginning of each semester
49 regarding the opportunity to develop and implement a plan with a designated
50 school administrator for reasonable academic and nonacademic
51 accommodations as necessary. In addition, the constituent institution shall

- 1 provide annual training to personnel regarding the development of the plan
- 2 and accommodations for students with disabilities in general.
- 3 (2) Procedures for the designated school administrator to determine reasonable
- 4 accommodations consistent with the requirements of federal law for the
- 5 student that are specific to the student's needs, including any documentation
- 6 that would be required by the institution and consultation with faculty
- 7 members for courses in which the student is enrolled.
- 8 (3) Procedures for the designated school administrator to finalize the plan and to
- 9 inform faculty members for the student's courses of the plan and their
- 10 responsibilities to provide reasonable accommodations under the plan. In
- 11 addition, the plan shall be reviewed by the designated school administrator
- 12 every semester for any necessary revisions.
- 13 (4) Grievance procedures for students in developing a plan and, if the
- 14 requirements of a finalized plan are not met, steps to ensure that students may
- 15 raise concerns fully and fairly, and be provided prompt and equitable
- 16 resolution of complaints. The procedures shall also provide for faculty
- 17 members to report when students with reasonable accommodations are not
- 18 meeting the requirements of a course."

19 **SECTION 4.** This act is effective when it becomes law. Section 1 of this act applies
20 beginning with the 2019-2020 school year. Sections 2 and 3 of this act apply beginning with the
21 2019-2020 academic year.