

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-292
HOUSE BILL 18**

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-106.3 is amended by adding the following new subdivision to read:

"(18a) 'Residence' or 'reside' means the place where a child with a disability is entitled to be enrolled in a North Carolina public school under G.S. 115C-366 except for the age requirements of that section. This definition shall not apply to children with disabilities who were (i) enrolled in a particular local school administrative unit on the last day of school for the 2006-2007 school year, or (ii) enrolled in and attending a school in a particular local school administrative unit on August 1, 2007, for the 2007-2008 school year for as long as they live within and are continuously enrolled in that local school administrative unit."

SECTION 2. G.S. 115C-106.2(a) reads as rewritten:

"(a) The purposes of this Article are to (i) ensure that all children with disabilities ages three through 21 who reside in this State have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepares them for further education, employment, and independent living; (ii) ensure that the rights of these children and their parents are protected; and (iii) enable the State Board of Education and local educational agencies to provide for the education of all children with disabilities."

SECTION 3. G.S. 115C-107.3(a) reads as rewritten:

"(a) The Board shall require an annual census of all children with disabilities, disabilities residing in the State, subdivided for "identified" and "suspected" children with disabilities, to be taken in each school year. Suspected children are those in the formal process of being evaluated or identified as children with disabilities. The census shall be conducted annually and shall be completed by October 15, submitted to the Governor and General Assembly and made available to the public by January 15 annually."

SECTION 4. G.S. 115C-107.6(b) reads as rewritten:

"(b) No child with disabilities shall be prevented from attending the public schools of the local educational agency in which the ~~child's parents or legal guardian~~ child resides or from which the child receives services or from attending any other public program of free appropriate public education based solely on the fact that the child has a disability. If it appears the child should receive a program of free appropriate public education in a program operated by or under the supervision of the Department of Health and Human Services or the Department of Juvenile Justice and Delinquency Prevention, the local school administrative unit shall confer with the appropriate Department of Health and Human Services or Department of Juvenile Justice and Delinquency Prevention staff for their participation and determination of the

appropriateness of placement in that program and development of the child's individualized education program."

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:33 a.m. this 28th day of July, 2007