

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 2306*
Committee Substitute Favorable 6/18/08
Senate Education/Higher Education Committee Substitute Adopted 7/2/08

Short Title: Children w/ Disab. in Resid. Treatment Prog. (Public)

Sponsors:

Referred to:

May 21, 2008

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION AND
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DETERMINE
4 RESPONSIBILITY FOR CHILDREN WITH DISABILITIES PLACED IN
5 PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES BY
6 PUBLIC AGENCIES OTHER THAN LOCAL EDUCATIONAL AGENCIES.
7 The General Assembly of North Carolina enacts:
8 **SECTION 1.** The State Board of Education and Department of Health and
9 Human Services shall jointly meet and make a determination as to which public agency
10 is responsible for providing special education and related services as required under
11 Article 9 of Chapter 115C of the General Statutes and the federal Individuals with
12 Disabilities Education Improvement Act, 20 U.S.C. § 144, et seq., (2004), as amended,
13 for children with disabilities who are placed in private psychiatric residential treatment
14 facilities by a public agency other than the local educational agency. The State Board of
15 Education and Department of Health and Human Services shall report the determination
16 and any recommended legislation or policy changes by January 1, 2009, to the Joint
17 Legislative Education Oversight Committee and the Joint Legislative Oversight
18 Committee on Mental Health, Developmental Disabilities, and Substance Abuse
19 Services.
20 **SECTION 2.** This act is effective when it becomes law.