

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 18  
Senate Education/Public Instruction Committee Substitute Adopted 7/11/07

Short Title: Define Residence for Student w/Special Needs. (Public)

Sponsors:

Referred to:

January 29, 2007

A BILL TO BE ENTITLED

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

1 with disabilities, to be taken in each school year. Suspected children are those in the  
2 formal process of being evaluated or identified as children with disabilities. The census  
3 shall be conducted annually and shall be completed by October 15, submitted to the  
4 Governor and General Assembly and made available to the public by January 15  
5 annually."

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

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

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