

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-174
HOUSE BILL 2306**

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.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education and Department of Health and Human Services shall jointly meet and make a determination as to which public agency is responsible for providing special education and related services as required under Article 9 of Chapter 115C of the General Statutes and the federal Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 144, et seq., (2004), as amended, for children with disabilities who are placed in private psychiatric residential treatment facilities by a public agency other than the local educational agency. The State Board of Education and Department of Health and Human Services shall report the determination and any recommended legislation or policy changes by January 1, 2009, to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services.

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:55 p.m. this 4th day of August, 2008