

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1299
HOUSE BILL 1766

AN ACT TO MODIFY THE PROVISIONS OF THE LAW WITH REGARD TO THE PLACEMENT OF CHILDREN WITH SPECIAL NEEDS IN PRIVATE SCHOOLS, OUT-OF-STATE SCHOOLS, OR SCHOOLS IN OTHER LOCAL EDUCATIONAL AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. Article 38B of Chapter 115 of the General Statutes is repealed.

Sec. 2. G.S. 115-377 is amended to read:

"§ 115-377. Placements in private schools, out-of-state schools and schools in other local educational agencies. — The Board shall adopt rules and regulations to assure that:

- (1) There be no cost to the parents or guardian for the placement of a child in a private school, out-of-state school or a school in other local educational agencies if the child were so placed by the Board or by the appropriate local educational agency as the means of carrying out the requirement of this Article or any other applicable law requiring the provision of special education and related services to children within the State.
- (2) No child shall be placed by the Board or by the local educational agency in a private or out-of-state school unless the Board has determined that the school meets standards that apply to State and local educational agencies and that the child so placed will have all the rights he would have if served by a State or local educational agency.
- (3) If the placement of the child in a private school, out-of-state school or a school in another local educational agency determined by the Superintendent of Public Instruction to be the most cost-effective way to provide an appropriate education to that child and the child is not currently being educated by the Department of Human Resources or the Department of Corrections, the State will bear a portion of the cost of the placement of the child. The local school administrative unit shall pay an amount equal to what it receives per pupil from the State Public School Fund and from other State and federal funds for children with special needs for that child. The State shall pay the full cost of any remainder up to a maximum of fifty percent (50%) of the total cost. The State and local educational agencies shall be excused from payment of the costs of special education and related services in a private school if a child is placed in that school by his parents or guardian against the advice of the State or a local educational agency."

Sec. 3. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 25th day of June,

1980.