

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 192*

Short Title: LEAs and Group Homes.

(Public)

Sponsors: Representatives Hurley; Alexander, Barefoot, Crawford, Culp, Dedmon, Esposito, Goodwin, Lucas, McAllister, McLawhorn, Morris, Preston, Redwine, Rogers, Saunders, Shubert, Smith, Teague, Tolson, Wainwright, Warner, and G. Wilson.

Referred to: Appropriations.

February 21, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
3 RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO
4 ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN
5 WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE
6 FUNDS FOR THE EDUCATION OF THESE CHILDREN.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 11.19 of S.L. 2000-67 reads as rewritten:

9 "CHILD RESIDENTIAL TREATMENT SERVICES PROGRAM

10 Section 11.19.(a) The Department of Health and Human Services shall establish the
11 Child Residential Treatment Services Program. The Program shall be implemented by
12 the Department in consultation with the Office of Juvenile Justice and other affected
13 State agencies. The purpose of the Program is to provide appropriate and medically
14 necessary residential treatment alternatives for children at risk of institutionalization or
15 other out-of-home placement. Program funds shall be targeted for non-Medicaid
16 eligible children and may also be used for Medicaid-eligible children. Program funds
17 may also be used to expand the Child Mental Health Systems of Care Project. The
18 Program shall include the following:

- 19 (1) Behavioral health screenings for all children at risk of
20 institutionalization or other out-of-home placement.
- 21 (2) Appropriate and medically necessary residential treatment placements,
22 including placements for youths needing substance abuse treatment
23 services and for specialized populations such as deaf children, children
24 with serious emotional disturbances, and sexually aggressive youth.
- 25 (3) Multidisciplinary case management services, as needed.

- 1 (4) A system of utilization review specific to the nature and design of the
2 Program.
- 3 (5) Mechanisms to ensure that children are not placed in department of
4 social services custody for the purpose of obtaining mental health
5 residential treatment services.
- 6 (6) Mechanisms to maximize current State and local funds and to expand
7 use of Medicaid funds to accomplish the intent of this Program.
- 8 (7) Other appropriate components to accomplish the Program's purpose.
- 9 (8) The Secretary of the Department of Health and Human Services may
10 enter into contracts with residential service providers.

11 Section 11.19.(b) The Department shall not allocate funds appropriated for Program
12 services until a Memorandum of Agreement has been executed between the Department
13 and other affected State agencies. The Memorandum of Agreement shall address
14 specifically the roles and responsibilities of the various departmental divisions and
15 affected State ~~agencies~~ agencies, including the Department of Public Instruction,
16 involved in the administration, financing, care, and placement of children at risk of
17 institutionalization or other out-of-home placement. The Department shall not allocate
18 funds appropriated in this act for the Program until Memoranda of Agreement between
19 local departments of social ~~services and services,~~ area mental health programs, local
20 school administrative units, and the Administrative Office of the Courts, and the Office
21 of Juvenile Justice, as appropriate, are executed to effectuate the purpose of the
22 Program. The Memoranda of Agreement shall address issues pertinent to local
23 implementation of the ~~Program.~~ Program, including provision for the immediate
24 availability of student records to a local school administrative unit receiving a child
25 placed in a residential setting outside the child's home county.

26 Section 11.19.(c) Notwithstanding any other provision of law to the contrary,
27 services under the Child Residential Treatment Services Program are not an entitlement
28 for non-Medicaid eligible children served by the Program.

29 Section 11.19.(d) The Department of Health and Human Services, in conjunction
30 with the Office of Juvenile Justice and other affected agencies, shall report on the
31 following:

- 32 (1) The number and other demographic information of children served.
- 33 (2) The amount and source of funds expended to implement the Program.
- 34 (3) Information regarding the number of children screened, specific
35 placement of children, and treatment needs of children served.
- 36 (4) The average length of stay in residential treatment, transition, and
37 return to home.
- 38 (5) The number of children diverted from institutions or other out-of-home
39 placements such as training schools and State psychiatric hospitals.
- 40 (6) Recommendations on other areas of the Program that need to be
41 improved.
- 42 (7) Other information relevant to successful implementation of the
43 Program.

1 (8) A method of identifying and tracking children placed outside of the
2 family unit in group homes or therapeutic foster care home settings.

3 The Department shall submit a progress report on implementation of the Program
4 not later than February 1, 2001, and a final report not later than May 1, 2002, to the
5 House of Representatives Appropriations Subcommittee on Health and Human
6 Services, the Senate Appropriations Committee on Human Resources, and the Fiscal
7 Research Division."

8 **SECTION 2.** G.S. 115C-140.1(a) reads as rewritten:

9 "(a) Notwithstanding the provisions of any other statute and without regard for the
10 place of domicile of a parent or guardian, the cost of a free appropriate public education
11 for a child with special needs who is placed in or assigned to a group home, foster home
12 or other similar facility, pursuant to State and federal law, shall be borne by the local
13 board of education in which the group home, foster home or other similar facility is
14 located. However, the local school administrative unit in which a child is domiciled
15 shall transfer to the local school administrative unit in which the institution is located an
16 amount equal to the actual local cost in excess of State and federal funding required to
17 educate that child in the local school administrative unit for the fiscal year. Nothing in
18 this section obligates any local board of education to bear any cost for the care and
19 maintenance of a child with special needs in a group home, foster home or other similar
20 facility."

21 **SECTION 3.(a)** The State Board of Education shall revise the formula for
22 State Aid for Children with Disabilities and the Group Homes formula to provide to
23 local school administrative units an amount greater than the State per funded headcount
24 for children with special needs placed outside their home counties in counties where
25 there is higher than average concentration of group homes or therapeutic foster care
26 homes serving children in the county.

27 **SECTION 3.(b)** There is appropriated from the General Fund to the State
28 Aid for Children with Disabilities in the State Public School Fund the sum of five
29 hundred thousand dollars (\$500,000) for each year of the 2001-2003 biennium to
30 implement the formula developed in subsection (a) of this section.

31 **SECTION 4.** There is appropriated from the General Fund to State Aid to
32 Local School Administrative Units the sum of five hundred fifty-three thousand dollars
33 (\$553,000) for each fiscal year in the 2001-2003 biennium for the Children with
34 Disabilities in Group Homes Program. These funds shall be used to meet the growing
35 number of requests due to increased placement of children in group home settings
36 outside the children's home counties.

37 **SECTION 5.** The State Board of Education shall provide for a local school
38 administrative unit to request funds from the Group Homes Program for Children with
39 Disabilities if a child assigned to that unit was not in that unit's April headcount for
40 exceptional children for the previous school year, even if the local school administrative
41 unit received Group Homes Program funds for that child for a portion of the preceding
42 school year.

43 **SECTION 6.** Sections 3 and 4 of this act become effective July 1, 2001.
44 The remainder of this act is effective when it becomes law.