

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 582  
Committee Substitute Favorable 4/7/09

Short Title: Special Education Changes.

(Public)

Sponsors:

Referred to:

March 16, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE  
3 PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO  
4 A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF  
5 SUSPENSION OR EXPULSION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 115C-366(a3)(2) reads as rewritten:

8 "(a3) A student who is not a domiciliary of a local school administrative unit may attend,  
9 without the payment of tuition, the public schools of that unit if all of the following apply:

10 ...

11 (2) The student ~~is~~ is:

- 12 a. ~~not~~ Not currently under a term of suspension or expulsion from a  
13 school for conduct that could have led to a suspension or an  
14 expulsion from the local school administrative ~~unit~~ unit, or  
15 b. Currently under a term of suspension or expulsion from a school for  
16 conduct that could have led to a suspension or an expulsion from the  
17 local school administrative unit and is identified as eligible for  
18 special education and related services under the Individuals with  
19 Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.,  
20 (2004). Assignment under this sub-subdivision is available only if  
21 evidence of current eligibility is tendered with the affidavit required  
22 under subdivision (3) of this subsection.

23 ...."

24 **SECTION 2.** G.S. 115C-366(a5) reads as rewritten:

25 "(a5) Notwithstanding any other law, a local board may deny admission to or place  
26 reasonable conditions on the admission of a student who has been suspended from a school  
27 under G.S. 115C-391 or who has been suspended from a school for conduct that could have led  
28 to a suspension from a school within the local school administrative unit where the student is  
29 seeking admission until the period of suspension has expired. Also, a local board may deny  
30 admission to or place reasonable conditions on the admission of a student who has been  
31 expelled from a school under G.S. 115C-391 or who has been expelled from a school for  
32 behavior that indicated the student's continued presence in school constituted a clear threat to  
33 the safety of other students or employees or who has been convicted of a felony in this or any  
34 other state. If the local board denies admission to a student who has been expelled or convicted  
35 of a felony, the student may request the local board to reconsider that decision in accordance  
36 with G.S. 115C-391(d). When a student who has been identified as eligible to receive special  
37 education and related services under the Individuals with Disabilities Education Improvement



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1 Act, 20 U.S.C. § 1400, et seq., (2004), is denied admission under this subsection, the local  
2 board shall provide educational services to the student to the same extent it would if the student  
3 were enrolled in the local school administrative unit at the time of the suspension or expulsion,  
4 as required by G.S. 115C-107.1(a)(3)."

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