

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 163
Rules and Operations of the Senate Committee Substitute Adopted 10/3/01
House Committee Substitute Favorable 9/4/02**

Short Title: LEAs and Group Homes.

(Public)

Sponsors:

Referred to:

February 19, 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.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Section 21.60(g) of S.L. 2001-424 reads as rewritten:

8 **"SECTION 21.60.(g)** The Department of Health and Human Services, in
9 conjunction with the Department of Juvenile Justice and Delinquency Prevention, the
10 Department of Public Instruction, and other affected agencies, shall report on the
11 following Program information:

- 12 (1) The number and other demographic information of children served.
13 (2) The amount and source of funds expended to implement the Program.
14 (3) Information regarding the number of children screened, specific
15 placement of children including the placement of children in programs
16 or facilities outside of the child's home county, and treatment needs of
17 children served.
18 (4) The average length of stay in residential treatment, transition, and
19 return to home.
20 (5) The number of children diverted from institutions or other out-of-home
21 placements such as training schools and State psychiatric hospitals and
22 a description of the services provided.
23 (6) Recommendations on other areas of the Program that need to be
24 improved.
25 (7) Other information relevant to successful implementation of the
26 Program.
27 (8) A method of identifying and tracking children placed outside of the
28 family unit in group homes or therapeutic foster care home settings."

1 **SECTION 1.(b)** The Department of Health and Human Services, in
2 conjunction with the Department of Juvenile Justice and Delinquency Prevention, the
3 Department of Public Instruction, and other affected agencies, shall submit a report on
4 April 1, 2003, on the method of identifying and tracking children placed outside of the
5 family unit in group homes or therapeutic foster care home settings to the House of
6 Representatives Appropriations Subcommittee on Health and Human Services, the
7 Senate Appropriations Committee on Health and Human Services, and the Fiscal
8 Research Division.

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

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

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

28 **SECTION 4.** No additional group homes shall be approved, opened,
29 licensed, or built in any county where the number of residential treatment homes and
30 supervised living homes for individuals of all disability groups beds exceeds 1 per 733
31 people, according to the most recent federal decennial census. This section shall not
32 apply to group homes that have a contract for services with an area mental health
33 program or a local management entity.

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

40 **SECTION 6.** This act becomes effective January 1, 2003.