General Statutes of North Carolina
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*** Current through 2016 Regular Session ***

CHAPTER 115C. ELEMENTARY AND SECONDARY EDUCATION
SUBCHAPTER 04. EDUCATION PROGRAM
ARTICLE 9. EDUCATION OF CHILDREN WITH DISABILITIES
PART 1H. SPECIAL EDUCATION SCHOLARSHIPS FOR CHILDREN WITH DISABILITIES

§ 115C-112.5. Definitions

The following definitions apply in this Part:

(1) Authority. -- The North Carolina State Education Assistance Authority.

(1a) Child with a disability. -- As defined in G.S. 115C-106.3(1).

(1b) Disability. -- As defined in G.S. 115C-106.3(2).

(1c) Educational technology. -- As defined by the Authority, an item, piece of equipment, material, product, or system which may be purchased commercially off the shelf, modified, or customized and that is used primarily for educational purposes for a child with a disability.

(2) Eligible student. -- A child under the age of 22 who resides in North Carolina and meets all of the following criteria:

a. Is a child with a disability.

b. Is eligible to attend a North Carolina public school pursuant to G.S. 115C-366.

c. Has not been placed in a nonpublic school or facility by a public agency at public expense.

d. Has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.

e. Has not received a high school diploma.

f. Meets at least one of the following requirements:

1. Was enrolled in a North Carolina public school or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina, during the previous semester.

2. Received special education or related services through the North Carolina public schools as a preschool child with a disability during the previous semester.

3. Was approved for a scholarship for the previous semester.

4. Is a child who is identified as a child with a disability prior to the end of the year of initial enrollment in kindergarten or first grade. An award by the Authority based on eligibility un-

der this sub-sub-subdivision shall be conditional. If documentation is not provided to the Authority that the child is a child with a disability prior to the end of the year of initial enrollment, (i) no reimbursement shall be awarded and (ii) the child shall not qualify the following year as an eligible student under sub-sub-subdivision 3. of this section.

5. Is a child whose parent or legal guardian is on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301, et seq., and 10 U.S.C. § 12401, et seq.

6. Is a child who has been domiciled in the State for at least six months.

(3) Nonpublic school. -- A school that meets the requirements of Part 1, 2, or 3 of Article 39 of this Chapter as identified by the Division of Nonpublic Education, Department of Administration.

(3a) Related services. -- As defined in G.S. 115C-106.3(18).

(4) Scholarships. -- Funds awarded by the Authority to eligible students to be used to receive special education on a daily basis while attending either a nonpublic school or a North Carolina public school for which payment of tuition is required.

(5) Special education. -- Specially designed instruction to meet the unique needs of a child with a disability. The term includes instruction in physical education and instruction conducted in a classroom, the home, a hospital or institution, and other settings.

HISTORY: 2013-364, s. 4; 2014-49, s. 2; 2016-94, s. 11A.2(a).

NOTES:

EDITOR'S NOTE. --Session Laws 2013-364, s. 4, enacted this section as G.S. 115C-112.2. It has been renumbered as this section at the direction of the Revisor of Statutes.

Session Laws 2013-364, s. 8, made Part 1H effective July 29, 2013, and applicable beginning with the spring semester of the 2013-2014 school year. Section 8 also provides: "Notwithstanding the requirement to make applications available by May 1 in G.S. 115C-112.6(a), as enacted by this act, applications for the 2014 spring semester shall be made available no later than October 1, 2013, and the Authority shall notify parents in writing of the eligibility as soon as practicable."

Session Laws 2013-364, s. 5(a), as amended by Session Laws 2013-363, s. 3.2, provides: "(a) Of the funds appropriated to a Reserve for Pending Legislation by Senate Bill 402, 2013 Regular Session [S.L. 2013-360], there is allocated to the North Carolina State Education Assistance Authority (NCSEAA) the sum of three million six hundred seventy thousand five hundred dollars ($3,670,500) for the 2013-2014 fiscal year and the sum of four million three hundred forty-one thousand dollars ($4,341,000) for the 2014-2015 fiscal year in recurring funds to implement the requirements of this act. Of the funds allocated to NCSEAA under this section, NCSEAA shall use the sum of three million dollars ($3,000,000) for fiscal year 2013-2014 and the sum of three million dollars ($3,000,000) for fiscal year 2014-2015 to award scholarship grants to eligible students. Any unexpended funds for this purpose shall not revert at the end of each fiscal year but shall remain available to award scholarship grants to eligible students.

"Of the remainder of the funds, up to six hundred seventy thousand five hundred dollars ($670,500) for fiscal year 2013-2014 and up to one million three hundred forty-one thousand dollars ($1,341,000) for fiscal year 2014-2015 shall be transferred to the North Carolina Department of

Public Instruction to conduct reevaluations of eligible students as required by G.S. 115C-112.6(c), as enacted by this act."

Session Laws 2013-364, s. 5(b), as amended by Session Laws 2013-363, s. 3.2, as amended by Session Laws 2015-241, s. 11.18, provides: "(b) Of the funds allocated to NCSEAA to be used for the award of scholarship grants to eligible students under subsection (a) of this section, for fiscal year 2013-2014, NCSEAA may retain up to two hundred thousand dollars ($200,000) for administrative costs associated with the scholarship grant program. For fiscal year 2015-2016 and subsequent years, NCSEAA may retain up to four percent (4%) annually for administrative costs associated with the scholarship grant program."

Session Laws 2013-364, s. 7, as amended by Session Laws 2013-363, s. 3.17, and as amended by Session Laws 2013-410, s. 47, provides: "Notwithstanding the definition for 'eligible student' set forth in G.S. 115C-112.5, as enacted by this act, a child who is otherwise eligible to receive a scholarship grant for the spring semester of the 2013-2014 school year is deemed to have met the requirements of G.S. 115C-112.5(2)f., as enacted by this act, if the child is a dependent child for whom a taxpayer is allowed a credit for the fall semester of the 2013-2014 school year under G.S. 105-151.33 (now repealed) and the taxpayer affirms, under oath, that the taxpayer will claim the credit for that semester. Notwithstanding G.S. 105-259(b), the Department of Revenue shall furnish, upon request, to the Authority a list of claimants that received a credit pursuant to G.S. 105-151.33 (now repealed) for the taxable year beginning on or after January 1, 2013. Notwithstanding the definition for 'eligible student' set forth in G.S. 115C-112.5, as enacted by this act, a child who meets the requirements of G.S. 115C-112.5(a) through (e) and who is eligible for enrollment in kindergarten or the first grade in a North Carolina public school during the 2013-2014 school year shall be eligible to receive a scholarship grant for the spring semester of the 2013-2014 school year."

Session Laws 2014-49, s. 1, effective July 1, 2014, and applicable to grants awarded beginning with the 2014-2015 school year, rewrote the Part 1H heading, which formerly read "Special Education Scholarship Grants for Children with Disabilities."

Session Laws 2014-49, s. 9, as amended by Session Laws 2015-264, s. 83, made the amendments to this section by Session Laws 2014-49, s. 2, applicable to grants awarded beginning with the 2014-2015 school year.

Session Laws 2015-241, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 2015.'"

Session Laws 2015-241, s. 33.4, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2015-2017 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2015-2017 fiscal biennium."

Session Laws 2015-241, s. 33.6, is a severability clause.

Session Laws 2016-94, s. 11A.2(d), provides: "Notwithstanding G.S. 115C-112.5(2)f.1., for the 2016-2017 school year only, a child shall be deemed to have met the eligibility requirement of enrollment in a North Carolina public school during the previous semester under G.S. 115C-112.5(2)f.1. if (i) the child's parent or guardian submitted an application and was eligible to receive a scholarship grant under Part 1H of Article 9 of Chapter 115C of the General Statutes for the 2015-2016 school year and was enrolled in a public school for at least 75 days during the spring semester of the 2014-2015 school year or (ii) the child was enrolled for at least 75 days during the spring semester of the 2015-2016 school year."

Session Laws 2016-94, s. 11A.2(e), made the amendment to subdivision (2) by Session Laws 2016-94, s. 11A.2(a), applicable beginning with the 2016-2017 school year.

Session Laws 2016-94, s. 1.2, provides: "This act shall be known as the 'Current Operations and Capital Improvements Appropriations Act of 2016.'"

Session Laws 2016-94, s. 39.4, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2016-2017 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2016-2017 fiscal year."

Session Laws 2016-94, s. 39.7, is a severability clause.

EFFECT OF AMENDMENTS. --Session Laws 2014-49, s. 2, effective July 1, 2014, rewrote the section. See Editor's note for applicability.

Session Laws 2016-94, s. 11A.2(a), effective July 1, 2016, inserted "resides in North Carolina and" in subdivision (2); inserted "or a Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina" in subdivision (2)f.1; and added subdivisions (2)f.5 and 6. See editor's note for applicability.

§ 115C-112.6. Scholarships

(a) Scholarship Applications. -- The Authority shall make available no later than May 1 annually applications to eligible students for the award of scholarships. Information about scholarships and the application process shall be made available on the Authority's Web site.

(a1) Web Site Availability. -- Information about scholarships and the application process shall be made available on the Authority's Web site. The Authority shall also include information on the Web site notifying parents that federal regulations adopted under IDEA provide that no parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(a2) Priority of Awards. -- The Authority shall award scholarships according to the following criteria for applications received by June 15 each year:

(1) First priority shall be given to eligible students who received a scholarship during the previous semester.

(2) After scholarships have been awarded under subdivision (1) of this subsection, scholarships shall be awarded to students who are eligible under G.S. 115C-112.5(2)f.1., 2., 4., and 5.

(3) After scholarships have been awarded under subdivision (2) of this subsection, scholarships shall be awarded to students who are eligible under G.S. 115C-112.5(2)f.6.

Scholarships shall be awarded to eligible students in each subdivision of this subsection in the order in which the applications are received.

(b) Scholarship Awards. -- Scholarships awarded to eligible students shall be for amounts of not more than four thousand dollars ($ 4,000) per semester per eligible student. Eligible students awarded scholarships may not be enrolled in a public school to which that student has been assigned as provided in G.S. 115C-366. Scholarships shall be awarded only for tuition and for the reimbursement of special education, related services, and educational technology, as provided in subsection (b1) of this section. The Authority shall notify parents in writing of their eligibility to receive scholarships for costs that will be incurred during the spring semester of the following year by December 1 and for costs incurred during the fall semester of that year by July 1.

(b1) Disbursement of Scholarship Funds. -- The Authority shall disburse scholarship funds for tuition and for the reimbursement of costs incurred by the parent of an eligible student as follows:

(1) Tuition endorsement and reimbursement. -- The Authority shall disburse scholarship funds awarded to eligible students for tuition at a nonpublic school based upon the method selected by the nonpublic school. A nonpublic school may elect to participate in the scholarship endorsement for tuition option or the reimbursement for tuition option as set forth in this subdivision. Scholarship funds shall not be provided for tuition for home schooled students. Scholarship funds for tuition shall be disbursed as follows:

a. Scholarship endorsement for tuition. -- The Authority shall remit, at least two times each school year, scholarship funds awarded to eligible students for endorsement by at least one of the student's parents or guardians for tuition to attend a nonpublic school that meets the requirements of Part 1 or Part 2 of Article 39 of this Chapter as identified by the Department of Administration, Division of Nonpublic Education, is deemed eligible by the Division, and is subject to the requirements of G.S. 115C-562.5. The parent or guardian shall restrictively endorse the scholarship funds awarded to the eligible student to the school for deposit into the account of the school. The parent or guardian shall not designate any entity or individual associated with the school as the parent's attorney-in-fact to endorse the scholarship funds but shall endorse the scholarship funds in person at the site of the school. A parent's or guardian's failure to comply with this section shall result in forfeiture of the scholarship funds. A scholarship forfeited for failure to comply with this section shall be returned to the Authority to be awarded to another student.

b. Reimbursement for tuition. -- The parent or guardian of an eligible student who enrolls in a school that is (i) a North Carolina public school other than the public school to which that student has been assigned as provided in G.S. 115C-366 or (ii) a nonpublic school that meets the requirements of Part 1 or Part 2 of Article 39 of this Chapter as identified by the Department of Administration, Division of Nonpublic Education, is deemed eligible by the Division, and is not subject to G.S. 115C-562.5, shall pay tuition directly to the school. The Authority shall reimburse the parent or guardian no sooner than the midpoint of each semester. A parent or guardian may receive reimbursement for tuition if the parent or guardian provides documentation that the student was enrolled in a school under this sub-subdivision.

(2) Scholarship reimbursements for costs. -- Scholarship reimbursement for costs incurred shall be provided as follows:

a. Preapproval process. -- Prior to the start of each school semester, the parent of an eligible student may submit documentation of the special education, related services, or educational technology the parent anticipates incurring costs on in that semester for preapproval by the Authority.

b. Reimbursement submissions. -- Following the conclusion of each school semester, the parent of an eligible student shall submit to the Authority any receipts or other documentation approved by the Authority to demonstrate the costs incurred during the semester. In addition, parents shall provide documentation of the following to seek reimbursement:

1. Special education reimbursement. -- Parents may only receive reimbursement for special education if the parent provides documentation that the student received special education for no less than 75 days of the semester for which the parent seeks reimbursement. Special educa-

tion reimbursement shall not be provided for special education instruction provided to a home schooled student by a member of the household of a home school, as defined in G.S. 115C-563(a).

2. Related services reimbursement. -- Parents may only receive reimbursement for related services if the parent provides documentation that the student also received special education for no less than 75 days of the semester for which the parent seeks reimbursement for the related services. Related services reimbursement shall not be provided for related services provided to a home schooled student by a member of the household of a home school, as defined in G.S. 115C-563(a).

3. Educational technology reimbursement. -- Parents may only receive reimbursement for educational technology if the parent provides documentation that the student used the educational technology for no less than 75 days of the semester for which the parent seeks reimbursement.

c. Scholarship award. -- The Authority shall award a scholarship in the amount of costs demonstrated by the parent up to the maximum amount. If the costs incurred by the parent do not meet the maximum amount for the fall semester, the Authority shall use the remainder of those funds for the award of scholarships to eligible students for the following spring semester. The Authority shall award scholarships to the parents of eligible students at least semiannually.

d. Carryforward of funds for reimbursements. -- Any unexpended scholarship funds at the end of each fiscal year shall revert to the General Fund, except that the Authority may carry forward for the next fiscal year an amount necessary to ensure that any outstanding, allowable reimbursements can be disbursed in accordance with this section. Any funds carried forward for the purpose of meeting anticipated reimbursement obligations from the prior fiscal year that are not expended shall not be used to award additional scholarships to eligible students but shall revert to the General Fund at the end of the that fiscal year.

(c) Student Continuing Eligibility. -- After an eligible student's initial receipt of a scholarship, the Authority shall ensure that the student's continuing eligibility is assessed at least every three years by one of the following:

(1) The local educational agency. -- The local school educational agency shall assess if the child continues to be a child with a disability and verify the outcome on a form to be provided to the Authority.

(2) A licensed psychologist with a school psychology focus or a psychiatrist. -- The psychologist or psychiatrist shall assess, after review of appropriate medical and educational records, if the education and related services received by the student in the nonpublic school setting have improved the child's educational performance and if the student would continue to benefit from placement in the nonpublic school setting. The psychologist or psychiatrist shall verify the outcome of the assessment on a form to be provided to the Authority.

(d) Rule Making. -- The Authority shall establish rules and regulations for the administration and awarding of scholarships. The Authority shall adopt rules providing for pro rata return of funds if a student withdraws prior to the end of the semester from a school to which scholarship funds have been remitted. The Authority shall annually develop a list of educational technology for which scholarships may be used and shall provide scholarship recipients with information about the list.

(e) Public Records Exception. -- Scholarship applications and personally identifiable information related to eligible students receiving scholarships shall not be a public record under Chapter 132 of the General Statutes. For the purposes of this section, personally identifiable information means any information directly related to a student or members of a student's household, including the name, birthdate, address, Social Security number, telephone number, e-mail address, financial information, or any other information or identification number that would provide information about a specific student or members of a specific student's household.

HISTORY: 2013-364, s. 4; 2014-49, ss. 3, 4; 2015-241, s. 11.11(a); 2015-248, s. 10(a); 2016-94, s. 11A.2(b).

NOTES:

EDITOR'S NOTE. --Session Laws 2013-364, s. 4, enacted this section as G.S. 115C-112.3. It has been renumbered as this section at the direction of the Revisor of Statutes.

Session Laws 2013-364, s. 5(a), as amended by Session Laws 2013-363, s. 3.2, provides: "(a) Of the funds appropriated to a Reserve for Pending Legislation by Senate Bill 402, 2013 Regular Session [S.L. 2013-360], there is allocated to the North Carolina State Education Assistance Authority (NCSEAA) the sum of three million six hundred seventy thousand five hundred dollars ($3,670,500) for the 2013-2014 fiscal year and the sum of four million three hundred forty-one thousand dollars ($4,341,000) for the 2014-2015 fiscal year in recurring funds to implement the requirements of this act. Of the funds allocated to NCSEAA under this section, NCSEAA shall use the sum of three million dollars ($3,000,000) for fiscal year 2013-2014 and the sum of three million dollars ($3,000,000) for fiscal year 2014-2015 to award scholarship grants to eligible students. Any unexpended funds for this purpose shall not revert at the end of each fiscal year but shall remain available to award scholarship grants to eligible students.

"Of the remainder of the funds, up to six hundred seventy thousand five hundred dollars ($670,500) for fiscal year 2013-2014 and up to one million three hundred forty-one thousand dollars ($1,341,000) for fiscal year 2014-2015 shall be transferred to the North Carolina Department of Public Instruction to conduct reevaluations of eligible students as required by G.S. 115C-112.6(c), as enacted by this act."

Session Laws 2013-364, s. 5(b), as amended by Session Laws 2013-363, s. 3.2, as amended by Session Laws 2015-241, s. 11.18, provides: "(b) Of the funds allocated to NCSEAA to be used for the award of scholarship grants to eligible students under subsection (a) of this section, for fiscal year 2013-2014, NCSEAA may retain up to two hundred thousand dollars ($200,000) for administrative costs associated with the scholarship grant program. For fiscal year 2015-2016 and subsequent years, NCSEAA may retain up to four percent (4%) annually for administrative costs associated with the scholarship grant program."

Session Laws 2013-364, s. 8, provides: "Sections 1, 2, and 3 of this act are effective for taxable years beginning on or after January 1, 2014. This act does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this act before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal. Sections 5 and 6 of this act become effective July 1, 2013. The remainder of this act is effective when it becomes law [July 29, 2013] and applies beginning with the spring semester of the 2013-2014 school year. Notwithstanding the requirement to make applications available by May 1 in G.S. 115C-112.3(a), as enacted by this act, applications for the 2014 spring semester shall be

made available no later than October 1, 2013, and the Authority shall notify parents in writing of the eligibility as soon as practicable."

Session Laws 2014-49, s. 9, as amended by Session Laws 2015-264, s. 83, made the amendments to this section by Session Laws 2014-49, s. 3, applicable to grants awarded beginning with the 2014-2015 school year.

Session Laws 2015-241, s. 11.11(c), provides: "The Authority shall adopt rules within 60 days of the date this act becomes law providing for pro rata return of funds if a student withdraws prior to the end of the semester from a school to which scholarship funds have been remitted."

Session Laws 2015-241, s. 11.11(d), made the amendments to this section by Session Laws 2015-241, s. 11.11(a), applicable to scholarships awarded for the 2015-2016 school year and each subsequent school year.

Session Laws 2015-241, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 2015.'"

Session Laws 2015-241, s. 33.4, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2015-2017 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2015-2017 fiscal biennium."

Session Laws 2015-241, s. 33.6, is a severability clause.

Session Laws 2016-94, s. 11A.2(e), made the amendment to this section by Session Laws 2016-94, s. 11A.2(b), applicable beginning with the 2016-2017 school year.

Session Laws 2016-94, s. 1.2, provides: "This act shall be known as the 'Current Operations and Capital Improvements Appropriations Act of 2016.'"

Session Laws 2016-94, s. 39.7, is a severability clause.

EFFECT OF AMENDMENTS. --Session Laws 2014-49, s. 3, effective July 1, 2014, rewrote the section. See Editor's note for applicability.

Session Laws 2014-49, s. 4, effective July 29, 2014, added subsection (e). See Editor's note for applicability.

Session Laws 2015-241, s. 11.11(a), effective July 1, 2015, in subsection (b), substituted "four thousand dollars ($4,000)" for "three thousand dollars ($3,000)" in the first sentence, and substituted "tuition and for the reimbursement of special education" for "the reimbursement of tuition, special education" in the second sentence; rewrote subsection (b1); and added the second sentence in subsection (d). For applicability, see editor's note.

Session Laws 2015-248, s. 10(a), effective September 23, 2015, and applicable to students required to be assessed on or after January 1, 2015, rewrote subsection (c).

Session Laws 2016-94, s. 11A.2(b), effective July 1, 2016, deleted the third and fourth sentences in subsection (a) which read 'The Authority shall give priority in awarding scholarships to eligible students who received a scholarship during the previous semester. Except as otherwise provided by the Authority for prior scholarship recipients, scholarships shall be awarded to eligible students in the order in which the applications are received"; added subsection (a2); rewrote subdivision (b1)(1); in subdivision (b1)(2)(c), substituted "amount for the fall semester" for "amount" and substituted "spring semester" for "semester"; added subdivision (b1)(2)(d); and in subdivision (c)(2), substituted "school psychology focus or a psychiatrist" for "school psychology focus" in the subdivision heading and substituted "psychologist or psychiatrist" for "psychologist" wherever it appeared in the subdivision. See editor's note for applicability.

§ 115C-112.7. Verification of eligibility

(a) The Authority may seek verification of information on any application for scholarships from eligible students. If a parent fails to cooperate with verification efforts, the Authority shall revoke the award of the scholarship to the eligible student.

(b) Parents of applicants for scholarships shall authorize the Authority to access any information held by the local educational agency that is needed for verification efforts.

HISTORY: 2013-364, s. 4; 2014-49, s. 5.

NOTES:
EDITOR'S NOTE. --Session Laws 2013-364, s. 4, enacted this section as G.S. 115C-112.4. It has been renumbered as this section at the direction of the Revisor of Statutes.

Session Laws 2014-49, s. 9, as amended by Session Laws 2015-264, s. 83, made the amendment to this section by Session Laws 2014-49, s. 5, applicable to grants awarded beginning with the 2014-2015 school year.

EFFECT OF AMENDMENTS. --Session Laws 2014-49, s. 5, effective July 1, 2014, substituted "scholarships" for "scholarship grants" throughout the section; and deleted "grant" following "scholarship" in the second sentence of subsection (a). See Editor's note for applicability.

§ 115C-112.8. Authority reporting requirements

(a) The Authority shall report annually, no later than October 1, to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities.

(b) The annual report shall include all of the following information:

(1) Total number, age, and grade level of eligible students receiving scholarships.

(2) Total amount of scholarship funding awarded.

(3) Nonpublic schools in which scholarship recipients are enrolled and the number of scholarship students at that school.

(4) The type of special education or related services for which scholarships were awarded.

(5) Total number of applicants by eligibility type, as listed in G.S. 115C-112.5(2)f., and the total number of scholarships awarded by priority type, as listed in G.S. 115C-112.6(a2).

HISTORY: 2013-364, s. 4; 2014-49, s. 6; 2016-94, s. 11A.2(c).

NOTES:
EDITOR'S NOTE. --Session Laws 2013-364, s. 4, enacted this section as G.S. 115C-112.5. It has been renumbered as this section at the direction of the Revisor of Statutes.

Session Laws 2014-49, s. 9, as amended by Session Laws 2015-264, s. 83, made the amendment to this section by Session Laws 2014-49, s. 6, applicable to grants awarded beginning with the 2014-2015 school year.

Session Laws 2016-94, s. 11A.2(e), made subdivision (b)(5), as added by Session Laws 2016-94, s. 11A.2(c), applicable beginning with the 2016-2017 school year.

Session Laws 2016-94, s. 1.2, provides: "This act shall be known as the 'Current Operations and Capital Improvements Appropriations Act of 2016.'"

Session Laws 2016-94, s. 39.7, is a severability clause.

EFFECT OF AMENDMENTS. --Session Laws 2014-49, s. 6, effective July 1, 2014, substituted "scholarships" for "scholarship grants" throughout the section; substituted "Special Education Scholarships" for "Special Education Scholarship Grants" in subsection (a); and deleted "grant" following "scholarship" twice in subdivision (b)(3). See Editor's note for applicability.

Session Laws 2016-94, s. 11A.2(c), effective July 1, 2016, added subdivision (b)(5). See editor's note for applicability.

§ 115C-112.9. Duties of State agencies

(a) The State Board, as part of its duty to monitor all local educational agencies to determine compliance with this Article and IDEA as provided in G.S. 115C-107.4, shall ensure that local educational agencies do the following:

(1) Conduct evaluations requested by a child's parent or guardian of suspected children with disabilities, as defined in G.S. 115C-107.3, in a timely manner as required by IDEA.

(2) Provide assessments for continuing eligibility to identified children with disabilities receiving scholarships as provided in Part 1H of this Article at the request of the parent or guardian to ensure compliance with G.S. 115C-112.6(c).

(b) The Authority shall analyze, in conjunction with the Department of Public Instruction, past trends in scholarship data on an annual basis to ensure that the amount of funds transferred each fiscal year by the Authority to the Department for reevaluations by local school administrative units of eligible students under G.S. 115C-112.6(c) are sufficient and based on actual annual cost requirements.

HISTORY: 2014-49, s. 7; 2014-101, s. 7.3; 2014-115, s. 68; 2015-241, s. 11.11(b); 2015-248, s. 10(b).

NOTES:

EDITOR'S NOTE. --Session Laws 2014-49, s. 9, as amended by Session Laws 2015-264, s. 83, made this section, as enacted by Session Laws 2014-49, s. 7, and as amended by Session Laws 2014-101, s. 7.3, and Session Laws 2014-115, s. 68, effective July 1, 2014, and applicable to grants awarded beginning with the 2014-2015 school year.

Session Laws 2014-101, s. 7.3, and Session Laws 2014-115, s. 68, amended the lead-in language of Section 7 of House Bill 712, 2013 Regular Session (enacted as Session Laws 2014-49) by substituting "Chapter 115C" for "Chapter 115" in the citation.

Session Laws 2015-241, s. 11.11(c), provides: "The Authority shall adopt rules within 60 days of the date this act becomes law providing for pro rata return of funds if a student withdraws prior to the end of the semester from a school to which scholarship funds have been remitted."

Session Laws 2015-241, s. 11.11(d), made the amendments to this section by Session Laws 2015-241, s. 11.11(b), applicable to scholarships awarded for the 2015-2016 school year and each subsequent school year.

Session Laws 2015-241, s. 1.1, provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 2015.'"

Session Laws 2015-241, s. 33.4, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2015-2017 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2015-2017 fiscal biennium."

Session Laws 2015-241, s. 33.6, is a severability clause.

EFFECT OF AMENDMENTS. --Session Laws 2015-241, s. 11.11(b), effective July 1, 2015, substituted "agencies" for "Board of Education" at the end of the section heading; designated the existing provisions as subsection (a); and added subsection (b). For applicability, see editor's note.

Session Laws 2015-248, s. 10(b), effective September 23, 2015, substituted "assessments for continuing eligibility" for "reevaluations" in subdivision (2) (now subdivision (a)(2)). For applicability, see editor's note.