

N.C. Gen. Stat. § 115C-112.5

Current through Session Laws 2020-97 of the 2020 Regular Session of the General Assembly, but does not reflect possible future codification directives relating to Session Laws 2020-95 through 2020-97 from the Revisor of Statutes pursuant to G.S. 164-10

NC - General Statutes of North Carolina Annotated > 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 spring semester prior to the school year for which the student is applying. The Authority shall not count actual days of attendance to determine whether a child was enrolled in a qualifying school for that semester for the purposes of eligibility under this sub-sub-subdivision.
 - 2.**Received special education or related services through the North Carolina public schools as a preschool child with a disability during the spring semester prior to the school year for which the student is applying.

3. Received a scholarship for the school year prior to the school year for which the student is applying.
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 under 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.
7. Is a child in foster care as defined in G.S. 131D-10.2(9).
8. Is a child whose adoption decree was entered not more than one year prior to submission of the scholarship application.
9. Is a child who meets both of the following:
 - I. Was enrolled in a nonpublic school that meets the requirements of Article 39 of this Chapter during the spring semester prior to the school year for which the student is applying.
 - II. Was enrolled for the entire school year immediately prior to the school year in which the student enrolled in the nonpublic school in one of the following:
 - A. A North Carolina public school.
 - B. A Department of Defense Elementary and Secondary School, established pursuant to 10 U.S.C. § 2164 and located in North Carolina.

(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

General Statutes of North Carolina

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End of Document

N.C. Gen. Stat. § 115C-112.6

Current through Session Laws 2020-97 of the 2020 Regular Session of the General Assembly, but does not reflect possible future codification directives relating to Session Laws 2020-95 through 2020-97 from the Revisor of Statutes pursuant to G.S. 164-10

NC - General Statutes of North Carolina Annotated > 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-112.6. Scholarships

(a) Scholarship Applications. --The Authority shall make available no later than February 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 March 15 each year:

(1) First priority shall be given to eligible students who received a scholarship for the school year prior to the school year for which students are applying.

(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., 5., 7., 8., and 9.

(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.

(b) Scholarship Awards. --Scholarships awarded to eligible students shall be for amounts of not more than eight thousand dollars (\$ 8,000) per year 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 school 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 for deposit into the account of the nonpublic school to the credit of the eligible student. 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. 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 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 education 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.

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 that fiscal year.

(b2) Establishment of Initial Eligibility. --An applicant may demonstrate for initial eligibility that the applicant is a child with a disability, as required by G.S. 115C-112.5(2)a., in either of the following ways:

(1) The child has been assessed by a local education agency and determined to be a child with a disability and that outcome is verified by the local education agency on a form provided to the Authority.

(2) The child was initially assessed by a local education agency and determined to be a child with a disability and, following receipt of a scholarship awarded pursuant to Article 41 of this Chapter, was determined to have continuing eligibility, as provided in G.S. 115C-593(2), by the assessing psychologist or psychiatrist. Both the initial verification from the local education agency and the continuing verification by the assessing psychologist or psychiatrist shall be provided on a form to the Authority.

(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 and may include in those rules a lottery process for selection of scholarship recipients within the criteria established by this section. 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) ; 2017-57, s. 10A.2(a) ; 2017-102, s. 17 ; 2018-5, s. 10A.1(c) ; 2018-145, s. 1(b)

General Statutes of North Carolina

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N.C. Gen. Stat. § 115C-112.7

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NC - General Statutes of North Carolina Annotated > 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-112.7. 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

General Statutes of North Carolina

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N.C. Gen. Stat. § 115C-112.8

Current through Session Laws 2020-97 of the 2020 Regular Session of the General Assembly, but does not reflect possible future codification directives relating to Session Laws 2020-95 through 2020-97 from the Revisor of Statutes pursuant to G.S. 164-10

NC - General Statutes of North Carolina Annotated > 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-112.8. Authority reporting requirements

(a) The Authority shall report annually, no later than October 15, 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 from the prior school year:

- (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) ; 2018-5, s. 10A.1(d)

General Statutes of North Carolina

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NC - General Statutes of North Carolina Annotated > 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-112.9. 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)

General Statutes of North Carolina

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