



HOUSE BILL 150: School Contracted Health Services.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 14, 2023
Introduced by:	Reps. Bradford, K. Baker, Crutchfield, Cunningham	Prepared by:	Meghan Barney Legal Extern
Analysis of:	Second Edition		Brian Gwyn Staff Attorney

OVERVIEW: *The 2nd edition of HB 150 would allow parent choice in nursing services for children with disabilities who received nursing services prior to the services being required by the child's individualized education program (IEP) or prior to enrolling in their current school, if certain conditions are met.*

CURRENT LAW: The federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, *et. seq.*, requires schools receiving funds under the act to provide a free appropriate public education (FAPE) to eligible children with disabilities, including any necessary special education and related services.

IDEA defines FAPE as special education and related services that meet all of the following:

- Have been provided at public expense, under public supervision and direction, and without charge.
- Meet the standards of the State educational agency.
- Include an appropriate preschool, elementary school, or secondary school education.
- Are provided in conformity with the requirements for an individualized education program (IEP).

An IEP is a written statement for each child with a disability that is developed, reviewed, and revised in accordance with law and includes descriptions of the following:

- The child's present level of performance, goals, and progress monitoring measures.
- The special education and related services and supplementary aids and services to be provided to the child, as well as any other accommodations.
- The extent the child will not participate with nondisabled children in the regular class.
- The timing of the services and modifications.

Article 9 of Chapter 115C of the General Statutes enables the State Board of Education (SBE) and local education agencies (LEAs) to implement the IDEA in this State.

G.S. 115C-111.2 allows LEAs to contract with private special education facilities or service providers to provide any of the special education or related services that the public providers are unable to furnish.

BILL ANALYSIS: The bill would require LEAs to contract with the parent's choice of nurse if five conditions are met:

- The child's IEP requires nursing services.

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- The child received nursing services from the nurse (i) prior to the nursing services being required by the child's IEP or (ii) prior to the child enrolling at his or her current school.
- The parent's choice of nurse is employed by a nursing agency and willing to provide the nursing services required by the child's IEP.
- The nursing agency employing the parent's choice of nurse meets all standard contract terms required for any other nursing agency contracted by the local educational agency, including licensing and liability requirements.
- The contracted rate is equal to or less than the contracted rate of other nurses contracted by the local educational agency.

Nursing services would be defined as services that can only be provided by a nurse. The bill would not limit the LEA's responsibility to provide FAPE.

EFFECTIVE DATE: The bill would become effective when it becomes law and would apply beginning with the 2023-2024 school year.