

1 **"§ 115C-107.7. Discipline and homebound instruction.**

2 (a) The policies and procedures for the discipline of students with disabilities
3 shall be consistent with federal laws and regulations.

4 (b) If a change of placement occurs under the discipline regulations of IDEA, a
5 local educational agency shall not assign a student to homebound instruction without a
6 determination by the student's IEP team that the homebound instruction is the least
7 restrictive alternative environment for that student. If it is determined that the
8 homebound instruction is the least restrictive alternative environment for the student,
9 the student's IEP team shall meet to determine the nature of the homebound educational
10 services to be provided to the student. In addition, the continued appropriateness of the
11 homebound instruction shall be evaluated monthly by the ~~head of the student's IEP~~
12 ~~team.~~designee or designees of the student's IEP team."

13 **SECTION 3.** G.S. 115C-107.7 is amended by adding a new subsection to
14 read:

15 "(c) A local educational agency shall be deemed to have a 'basis of knowledge'
16 that a child is a child with a disability if, prior to the behavior that precipitated the
17 disciplinary action, the behavior and performance of the child clearly and convincingly
18 establishes the need for special education. Prior disciplinary infractions shall not,
19 standing alone, constitute clear and convincing evidence."

20 **SECTION 4.** The Department of Public Instruction and the State Board of
21 Education shall report to the Joint Legislative Education Oversight Committee by
22 January 15, 2011, on the number of contested cases that are filed based on Section 3 of
23 this act and the disposition of those contested cases.

24 **SECTION 5.** Section 3 of this act becomes effective January 1, 2009, and
25 expires March 1, 2011. The remainder of this act is effective when it becomes law.