



CHAPTER 115C
ARTICLE 9 - EDUCATION OF CHILDREN WITH DISABILITIES

N.C.G.S. § 115C-106.3.

Definitions.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2021-180, ss. 7.25(a), 19C.9(y) — sixteenth act in the lineage	21 September 2026, 04:21 UTC	6a1e4645a816e4fdf3404d88 - 85ca6a880a64fd1958c0f401 - 10d9bef35bb3b3b1

The following definitions apply in this Article:

Child with a disability. - A child with at least one disability who because of that disability requires special education and related services.

Disability. - Includes intellectual disability; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments, specific learning disability, or other disability as may be required to be included under IDEA. For a child ages three through seven, this term also includes developmental delay.

Dispute. - A disagreement between the parties.

Educational services. - All of the following:

a.The necessary instructional hours per week in the form and format as determined by the child's IEP team and consistent with federal and State law. The instruction shall be delivered by an appropriately qualified teacher to the extent required by federal and State law, which requires a free appropriate public education and the opportunity for a sound basic education.

b.Related services included in the child's IEP.

c.Behavior intervention services to the extent required by federal law.

Free appropriate public education. - Special education and related services that satisfy all of the following:

a.Are provided at public expense, under public supervision and direction, and without charge.

b.Meet the standards of the State Board.

c.Include an appropriate preschool, elementary school, or secondary school education in the State.

d.Are provided in conformity with an individualized education program.

Hearing officers. - Administrative law judges as defined in G.S. 150B-2(1).

Homebound instruction. - Educational services provided to a student outside the school setting.

IDEA. - The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004), as amended, and federal regulations adopted under this act.

IEP Team. - As defined in IDEA.

Individualized education program (IEP). - A written statement for each child with a disability that is developed, reviewed, implemented, and revised consistent with IDEA and State law.

Infant or toddler with a disability. - As defined in IDEA.

Least restrictive environment. - To the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local educational agency. - Includes any of the following that provides special education and related services to children with disabilities:

a.A local school administrative unit.

b.A charter school.

c.The Department of Health and Human Services.

d.The Division of Juvenile Justice of the Department of Public Safety.

e.Repealed by Session Laws 2017-186, s. 2(yyyy), effective December 1, 2017.

f.Any other State agency or unit of local government.

Mediation. - An informal process conducted by a mediator with the objective of helping parties voluntarily settle their dispute.

Mediator. - A neutral person who acts to encourage and facilitate a resolution of a dispute.

Parent. - Any of the following:

a.A natural, adoptive, or foster parent.

b.A guardian, but not the State if the child is a ward of the State.

c.An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, and with whom the child lives.

d.An individual who is legally responsible for the child's welfare.

e.A surrogate if one is appointed under G.S. 115C-109.2.

Party or parties. - The local educational agency or the parents, or both.

Petition. - A request for a due process hearing as provided for under IDEA.

Preschool child with a disability. - A child with one or more disabilities who meets all of the following criteria:

a.Has reached his or her third birthday and whose parents have requested services from the public schools.

b.Is not eligible to enroll in public kindergarten.

c.Because of the disability, needs special education and related services in order to prepare the child to benefit from the educational programs provided by the public schools, beginning with kindergarten.

Related services. - As defined in IDEA.

Residence. - The place where a child with a disability is entitled to be enrolled in a North Carolina public school under G.S. 115C-366 except for the age requirements of that section. This definition does not apply to children with disabilities who were (i) enrolled in a particular local school administrative unit on the last day of school for the 2006-2007 school year, or (ii) enrolled in and attending a school in a particular local school administrative unit on August 1, 2007, for the 2007-2008 school year for as long as they live within and are continuously enrolled in that local school administrative unit. "Reside" means to have a residence as defined in this subdivision.

Rules. - Includes rules, policies, and procedures. Rules as defined in G.S. 150B-2(8a) shall be adopted in accordance with Article 2A of Chapter 150B of the General Statutes.

Special education. - Specially designed instruction, at no cost to parents, 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.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
16 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1977		1999		2021	
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 927, s. 1	ENACTED		
02	1981	c. 423, s. 1	AMENDED		
03	1983	c. 247, ss. 1, 2	AMENDED		
04	1983	1983 (Reg. Sess., 1984), c. 1034, ss. 23, 24	AMENDED		
05	1985	c. 479, s. 26(a)	AMENDED		
06	1985	c. 780, ss. 3, 4	AMENDED		
07	1985	1989(Reg. Sess., 1990), c. 1003, s. 5	AMENDED		
08	1996	2nd Ex. Sess., ch. 18, s. 18.24(b)	AMENDED		
09	2006	S.L. 2006-69, s. 2	AMENDED		
10	2007	S.L. 2007-292, s. 1	AMENDED		
11	2007	S.L. 2007-429, s. 1	AMENDED		
12	2008	S.L. 2008-90, s. 1	AMENDED		
13	2011	S.L. 2011-145, s. 19.1(h), (l)	AMENDED		
14	2017	S.L. 2017-186, s. 2(yyyy)	AMENDED		
15	2018	S.L. 2018-47, s. 9	AMENDED		
16	2021	S.L. 2021-180, ss. 7.25(a), 19C.9(y)	AMENDED		

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 150B-2(1)	(null)(5)	"Administrative law judges as defined in"
G.S. 115C-109.2		"surrogate if one is appointed under"
G.S. 115C-366	(null)(18a)	"a North Carolina public school under"
G.S. 150B-2(8a)	(null)(19)	"and procedures. Rules as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 115C-106.3 (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 927, s. 1; 1981, c. 423, s. 1; 1983, c. 247, ss. 1, 2; 1983 (Reg. Sess., 1984), c. 1034, ss. 23, 24; 1985, c. 479, s. 26(a); 1985, c. 780, ss. 3, 4; 1989(Reg. Sess., 1990), c. 1003, s. 5; 1996, 2nd Ex. Sess., ch. 18, s. 18.24(b); 2006-69, s. 2; 2007-292, s. 1; 2007-429, s. 1; 2008-90, s. 1; 2011-145, s. 19.1(h), (l); 2017-186, s. 2(yyyy); 2018-47, s. 9; 2021-180, ss. 7.25(a), 19C.9(y).)

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