

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 150
Committee Substitute Favorable 3/14/23

Short Title: School Contracted Health Services.

(Public)

Sponsors:

Referred to:

February 21, 2023

A BILL TO BE ENTITLED
AN ACT TO ALLOW PARENT CHOICE IN NURSING SERVICE PROVIDERS REQUIRED
BY AN INDIVIDUALIZED EDUCATION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-111.2 reads as rewritten:

"§ 115C-111.2. Contracts with private service providers.

(a) Local educational agencies furnishing special education and related services to children with disabilities may contract with private special education facilities or service providers to furnish ~~any of these services that the public providers are unable to furnish services.~~

(b) As used in this subsection, "nursing services" are services that may only be provided by a nurse. When providing nursing services pursuant to a child's IEP, local educational agencies shall make available the parent's choice of nurse if all of the following apply:

(1) The child's IEP requires nursing services.

(2) 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 in his or her current school.

(3) 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.

(4) 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.

(5) The contracted rate is equal to or less than the contracted rate of other nurses contracted by the local educational agency.

(c) This section shall not be construed to limit the local educational agency's responsibility to provide a free appropriate public education."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2023-2024 school year.

