




PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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April 20, 2015

To: Directors and Coordinators, Exceptional Children Programs

From: William J. Hussey, Director 
Exceptional Children Division

Subject: **Specially-Designed Instruction: Documenting on the IEP**

As a follow-up to previous webinars and discussion through various venues, the Division is providing written guidance to the requirements for documenting specially-designed instruction in individualized education programs.

The NC *Policies Governing Children with Disabilities* define special education as “specially-designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” [NC 1500.2.34(a)(1)]

The definition of individualized education program includes “a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications and supports for school personnel that will be provided to enable the child—(i) to advance appropriately toward attaining the annual goals; (ii) to be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic services; and (iii) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this section.” [NC 1503-4.1(4)(i)(ii)(iii)] The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services must also be included.

“What is required is that the IEP include information about the amount of services the child, so that the level of the agency’s commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service, and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation of the IEP.” [Federal Register comments {9300.320(a)7} August 2006]

Listing “special education” as a statement of special education and related services does not meet the requirement set forth in the regulations. IEP Teams must document each area of specially designed instruction that aligns with the IEP goals and is to be provided to the student. Special education documented as a service on the IEP will result in a monitoring violation and a finding of noncompliance in formal state complaints regarding the development of an IEP based on a student’s unique needs.

If there are questions or concerns, please contact your regional monitoring consultant.

WJH/CAH/cah

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