



PUBLIC SCHOOLS OF NORTH CAROLINA

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

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October 18, 2012

TO: Superintendents, Local Education Agencies
Lead Administrators, Charter Schools
Directors, State Operated Programs

FROM: Rebecca Garland, Chief Academic Officer *RG*
Angela H. Quick, Deputy Chief Academic Officer *AHQ*
Academic Services and Instructional Support

Mary N. Watson, Director *MW*
Exceptional Children Division

RE: **Corrective Actions**

The Individuals with Disabilities Education Improvement Act (PL 108-446) and Article 9 of Chapter 115C of the North Carolina General Statutes require the Department of Public Instruction to monitor local education agencies (LEAs) on a regular basis to ensure compliance with state and federal laws, rules, and regulations that govern the provision of special education and related services to appropriately identified children. The purpose of this monitoring is to focus federal, state, and local resources on improved results for children with disabilities and their families. The Exceptional Children Division is responsible for conducting all monitoring activities and enforcing corrective actions that will assure LEA compliance with federal and state requirements.

In the State Performance Plan/Annual Performance Report, Indicators 11 and 12 require LEAs to meet established timelines. Indicator 11 is defined as the percent of children for whom a referral was received and placement determined, including IEP development, if eligible, within the 90 day timeline. Indicator 12 is defined as the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and receive special education and related services by their third birthday. The measurement target established by the federal government for each of these compliance indicators is 100%. Beginning with the 2012-13 school year, when an LEA fails to meet this requirement for either indicator, the prescribed corrective action for each individual student must be implemented immediately.

Required individual student corrective action:

- For each student found eligible for special education and related services and the timeline was exceeded, denial of a free appropriate public education has occurred and compensatory services must be offered. Within thirty (30) calendar days of the IEP development, the LEA must develop, with the family, a plan for compensatory services.

EXCEPTIONAL CHILDREN DIVISION

Mary N. Watson, *Director* | mary.watson@dpi.nc.gov

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LEA level corrective action:

- Based on LEA annual data for these indicators, additional corrective actions may be required.

For special circumstances related to adverse weather (e.g. hurricanes, flooding, tornadoes, snowstorms) resulting in school closings, the superintendent may write a letter to the Director of the Exceptional Children Division requesting relief from this requirement for the number of days that the school was closed due to adverse weather. For each specific request for relief of this requirement, the letter of request must identify each individual student, the specific referral timeline (referral date, due date, eligibility determination date, IEP development date) and the dates of school closings within this timeline.

Thank you for your continued efforts on behalf of students with disabilities and their families. If you have any questions, please contact Ira Wolfe, Section Chief for Policy, Monitoring, and Audit, at (919) 807-3976.

RBG/AHQ/MNW/IBW:gdh

c: EC Directors
Charter School EC Coordinator
Regional Consultants
