



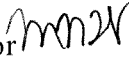
PUBLIC SCHOOLS OF NORTH CAROLINA

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

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January 4, 2012

TO: Directors, Exceptional Children Programs
Lead Administrators, Charter Schools

FROM: Mary N. Watson, Director 
Exceptional Children Division

RE: Clarification of the Ninety-day Timeline

Staff members at the Exceptional Children Division continue to receive questions related to the commencement of the ninety-day timeline for the referral for special education services. This memo is to provide clarification of the timeline.

The ninety-day timeline begins with the receipt of the referral and ends with the placement decision to include the development of the individualized education program, if the student is eligible. For a parent referral, the document may be a letter, email or note requesting an evaluation or it may be the DEC 1. Either document starts the ninety-day timeline for the referral process. There is no prescribed language that a parent must use to communicate a written referral for an evaluation. A reasonable person test will be applied to determine if the parent's communication is a referral. If the LEA personnel are unsure, there is a duty to ask the parent directly if he or she is intending to make a referral for an evaluation. Under *NC Policies*, there is a mandate to inform a parent who makes an oral referral that he/she must submit the referral in writing.

For referrals that are generated by school personnel, the timeline begins on the date that the intervention team determines that it will refer the student's case to the IEP Team. This date should be recorded on the DEC 1, "Special Education Referral." To help facilitate the process and ensure timely evaluations, intervention teams should include exceptional children staff or intervention teams and IEP Teams could combine meetings.

If you have questions or concerns related to the ninety-day timeline for the referral for special education services, please contact Ira Wolfe at ira.wolfe@dpi.nc.gov or 919.807/3976; or Kate Neale at kate.neale@dpi.nc.gov or 919.807.3979.

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EXCEPTIONAL CHILDREN DIVISION

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