



PUBLIC SCHOOLS OF NORTH CAROLINA

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

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October 9, 2015

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

From: William J. Hussey, Director *WJH*
Exceptional Children Division

Re: **Special Education Scholarships for Children with Disabilities**

Session Law 2015-248 revised several provisions in G.S. 115C, Article 9, Part 1H titled Special Education Scholarships for Children with Disabilities (see G.S. 115C-112.6, et. seq.). As you know, in 2013 the Special Education Scholarships for Children with Disabilities law created a scholarship program operated by the State Education Assistance Authority (SEAA) that provided grants from state funds to children with disabilities for reimbursement of tuition and related services.

Prior to S.L. 2015-248, G.S. 115C-112.6(c) directed the SEAA to ensure that a student with a disability who was given a scholarship was "reevaluated at least every three years by the local educational agency in order to verify that the student continues to be a child with a disability." G.S. 115C-112.9 further directed the State Board of Education to ensure that LEAs provide reevaluations to students with disabilities who were receiving a scholarship.

S.L. 2015-248 revised 115C-112.6 and 115C-112.9 as follows:

SECTION 10.(a) *G.S. 115C-112.6(c) reads as rewritten:*

"(c) ~~Student Reevaluation~~. – Continuing Eligibility. – After an eligible student's initial receipt of a scholarship, the Authority shall ensure that the ~~student is reevaluated~~ student's continuing eligibility is assessed at least every three years by ~~the local educational agency in order to verify that the student continues to be a child with a disability~~ one of the following:

SECTION 10.(b) *G.S. 115C-112.9(2) reads as rewritten:*

"(2) Provide ~~reevaluations~~ assessments for continuing eligibility to identified children with disabilities receiving scholarships as provided in Part 1H of this Article at the request of the parent or guardian to ensure compliance with G.S. 115C-112.6(c)." Quote S.L. 2015-248 Sections 10.(a) and 10.(b)

As modified by S.L. 2015-248, 115C-112.6, together with 112.9, gives parents two options for verifying whether their child remains eligible for the scholarship.

(1) The local educational agency. – The local school educational agency shall assess if the child continues to be a child with a disability and verify the outcome on a form to be provided to the Authority.

(2) A licensed psychologist with a school psychology focus. – The psychologist shall assess, after review of appropriate medical and educational records, if the education and

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related services received by the student in the nonpublic school setting have improved the child's educational performance and if the student would continue to benefit from placement in the nonpublic school setting. The psychologist shall verify the outcome of the assessment on a form to be provided to the Authority."

Most importantly, S.L. 2015-248 does not change an LEA or Charter School's obligation for Child Find and special education reevaluation under federal IDEA law. The assessments described in S.L. 2015-248 above relate to eligibility for the Special Education Scholarships program only.

If you have any questions regarding LEA reevaluation responsibilities under federal law for IDEA, please contact William Hussey (bill.hussey@dpi.nc.gov / 919 807-3971) or Sherry Thomas (sherry.thomas@dpi.nc.gov / 919 807-3992).

C William Hussey
Sherry Thomas