



PUBLIC SCHOOLS OF NORTH CAROLINA

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

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September 12, 2016

MEMORANDUM

To: Directors/Coordinators, Exceptional Children Programs

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

Carol Ann M. Hudgens, Section Chief *CAH*
ECD: Policy, Monitoring and Audit (PMA)

Re: Change in Process: Indicators 11 and 12

In the State Performance Plan/Annual Performance Report (SPP/APR), 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 within the ninety (90) day timeline. Indicator 12 is defined as the percent of children referred by Part C prior to the age of three (3), who are found eligible for Part B, and receive special education and related services by their third (3rd) birthday. The measurement target established by the Office of Special Education Programs (OSEP) for each of these compliance indicators is 100%.

Trend analyses were conducted with regard to APR data and the most current 3-year trend (2012-2013, 2013-2014, and 2014-2015) indicates that there are eight (8) LEAs that may be “at-risk” of systemic issues with Indicator 11.

The following criteria were used to conduct the analyses:

- 1a. a minimum of ten (10) referrals were selected and more than one (1) record was noncompliant; **or**
- 1b. less than ten (10) referrals were selected with more than half of the records found noncompliant.
2. three (3) consecutive years with less than a 90% compliance rate; **AND**
- 3a. have not shown progress with the compliance percentage in three (3) consecutive years; **or**
- 3b. have demonstrated progress but the compliance rate remains less than 85%.

Therefore, the following process will be implemented for 2016-2017 year forward to determine whether there is a systemic issue with timely placement.

- The 2016-2017 year will be designated as the baseline year for data collection (Year 1).
- Technical assistance/coaching will be provided to those LEAs deemed “at-risk” by demonstrating the data profile above in 2017-2018 (Year 2).
- A Targeted Monitoring activity will occur for those LEAs that continue to demonstrate the data profile above at the end of 2018-2019 (Year 3).

LEAs will continue to confirm their data through CECAS or third party reporting each October for the *previous* year. The data will be reviewed by staff at the ECD. The PMA Monitoring Consultants will

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provide the LEA notification of compliance or noncompliance in December. The letters of noncompliance will indicate that a:

- Prong 1 review has been completed and all students that exceeded the 90 day (or third birthday) requirement have been subsequently placed and that a Prong 2 review will be conducted; OR
- Prong 1 review has not been completed for all students and additional data is needed to verify placement for those students whose placement has exceeded the timeline requirements and that a Prong 2 review will be conducted.

The number of records selected for a Prong 2 review will mirror the student sample ratio established by the Program Compliance Review (PCR). The data for the student sample will be reviewed on a quarterly basis with prescribed dates for reporting communicated to the LEAs in advance.

The October 18, 2012, ECD memo established that the corrective action for exceeding the required timelines was compensatory education at the student level and based on LEA annual data for these indicators, additional corrective actions at the local education agency (LEA) level may be required.

As part of the Continuous Improvement and Focused Monitoring System (CIFMS), the ECD has reviewed its current practices regarding the corrective action required for Indicators 11 and 12. In particular, the review has centered on whether or not the corrective action required impacts and improves the compliance requirement of 100%. *Therefore, the automatic provision of compensatory education, as a result of placements that exceed the required timelines by one or more days ceases effective immediately.*

As with all findings of noncompliance, the ECD determines an appropriate course of action at both the student level and the LEA level. If necessary, additional corrective action for Indicators 11 and 12 will be issued at any point the level of non-compliance requires immediate intervention and/or at the conclusion of the Targeted Monitoring activity conducted after three-year data cycle of noncompliance.

The LEAs are encouraged to continue reviewing the impact of untimely placement on student outcomes and determine an appropriate response on a case-by-case basis at the local level. As a reminder, timely placement remains an issue that can be investigated through a state complaint or raised through a Due Process Petition. In these instances, corrective action may also be ordered outside of the three-year data cycle.

Additional information will be provided for the data collection periods and technical assistance activities. If you have additional questions, you may contact the assigned PMA Monitoring Consultant or Carol Ann M. Hudgens, Section Chief, at carolann.hudgens@dpi.nc.gov.

WJH/CAH: mj