



# NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

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## **MEMORANDUM**

**TO:** Superintendents  
Lead Administrators, Public School Units

**FROM:** Dr. Derrick D. Jordan *DDJ*  
Deputy State Superintendent, Educator and Student Advancement Division

Sherry H. Thomas *SHT*  
Senior Director, Office of Exceptional Children

**DATE:** October 12, 2022

**SUBJECT: IDEA Determinations**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), Section 616 and Article 9, Section 115C of the NC General Statutes require the North Carolina Department of Public Instruction's Office of Exceptional Children (NCDPI-OEC) to make determinations on the performance of local education agencies, collectively described as public school units (PSUs) in North Carolina, regarding the provisions of special education and related services. PSUs include traditional LEAs, charter schools and state operated programs (SOPs).

The NCDPI-OEC is required to use the same four categories of determinations that the United States Department of Education (USDOE), Office of Special Education Programs (OSEP), uses for state determinations. These categories are:

- Meets requirements
- Needs assistance
- Needs intervention
- Needs substantial intervention

States are required, at a minimum, to consider the following when making determinations based on a PSU's data:

- Indicator 4b: Suspensions/Expulsion (> 10 days)
- Indicator 9: Disproportionality — Child with a Disability
- Indicator 10: Disproportionality — Eligibility Category
- Indicator 11: Child Find/90-day timeline
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition
- Timely and accurate state-reported data
- Longstanding non-compliance

### **OFFICE OF EXCEPTIONAL CHILDREN**

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

The NCDPI-OEC has reviewed your PSU's data/performance on the required compliance elements and your PSU's 2022 Determination has been posted with your PSU APR dashboard on the [Exceptional Children's website](#). The PSU's determination is based on 2020-2021 data, including the correction of any non-compliant findings from 2019-2020.

The following data may be or has been excluded from a PSU's determination:

- Indicator 12: Not applicable to charter schools and state operated programs
- Indicator 13: Data is collected through program monitoring and is only applicable if the PSU was monitored during the SPP/APR collection year
- Correction of Noncompliance: This requirement has been matched to the compliance indicators selected for program monitoring rather than one independent priority
  - *Note: As a result, the total points available for all PSUs is 19.*
- Indicator 4, 9, or 10 citations of significant discrepancy or disproportionate representation for 2021-2022
  - *Note: Points were deducted if PSU data met the threshold for each indicator individually.*

As previously indicated for the 2022 determination cycles, PSUs were held harmless for Indicators 4, 9 and 10 in the question of whether the PSU's citation of significant discrepancy or disproportionate representation was a result of policies, procedures, or practices. No points were deducted for that element and PSUs only lost points if their data met the threshold for Indicators 4, 9 or 10.

#### Corrective Action

Based on a PSU's determination, a specific action to address a concern may be recommended or required in accordance with NC 1505-1.5 and 34 CFR 300.604.

#### Needs Assistance, Needs Intervention, Needs Substantial Intervention

Indicators 11, 12, and 13 data are collected through program monitoring. This data is reported through written notifications with corrective action, if appropriate, to PSUs after monitoring by the Policy, Monitoring, and Audit Section.

These data are also used to complete the SPP/APR and factor into the PSUs overall determination. Therefore, PSUs that "Need Assistance", "Needs Intervention", or "Needs Substantial Intervention" as a result of its Indicator 11, 12, or 13 data have already been notified of its corrective action and should continue to complete the corrective action in accordance with the actions required within the timeline previously provided.

The OEC is committed to supporting efforts to improve results for children with disabilities and looks toward to working with you and your staff as we strive to reach the State Performance Plan targets and to improve results for North Carolina's students with disabilities. As you annually develop and update the PSU Self-Assessment, we appreciate your continued efforts in setting high expectations for students with disabilities.

SHT:kab

c EC Directors/Coordinators  
Ashley Baquero, Director, Office of Charter Schools