



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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September 23, 2020

TO: Directors, Exceptional Children Programs
Administrators, Charter Schools
Directors, State Operated Programs

FROM: Sherry H. Thomas, Director *SH*
Exceptional Children Division (ECD)

Carol Ann M. Hudgens, Section Chief
ECD - Policy, Monitoring and Audit *CAH*

Amanda Byrd, Section Chief *AB*
ECD - Special Programs and Data

RE: LEA Placement in Private Schools or Facilities
LEA Placement in Community Based Facilities
State Agency Placements in Facilities Located in LEAs

According to *North Carolina Policies Governing Services for Children with Disabilities*, it is the responsibility of the State Education Agency (SEA) to ensure the LEA's compliance when a child with a disability is placed in or referred to a private school or facility by the LEA [NC 1501-7.2 (a)(b) and (c)].

LEA Placement in Private Schools or Facilities

At times, LEAs must consider whether or not private placement is necessary to provide a free, appropriate, public education (FAPE) to a student with a disability. To support LEAs with ensuring private schools or facilities can provide services to exceptional children, the Exceptional Children Division has monitored and maintained a list of Non-Public Schools with Approved Exceptional Children Programs. Over time, fewer and fewer private schools have requested EC Program Approval; therefore, the list of approved programs has dramatically decreased. Unfortunately, this has potentially limited contracting options for LEAs.

Therefore, the EC Division is providing two options to assist LEAs in identifying and selecting a private school or facility if required to provide FAPE.

Option #1: The LEA may continue to select a non-public school from the list of Non-Public Schools with EC Program Approval listed in this memo and posted on the EC Division website. This list will be maintained as long as non-public schools/facilities seek approval from the EC Division.

Option #2: The LEA may select a private school/facility, determine whether or not the program will meet the requirements of FAPE for the student(s) for whom the placement is being considered, and routinely monitor the provision of FAPE for the student(s) placed in the private program.

If this option is selected, the EC Division will include this student(s) in its sample for the LEA's routine monitoring by the state. Additionally, consistent with any placement of a student in a

EXCEPTIONAL CHILDREN DIVISION

Sherry H. Thomas, Director | sherry.thomas@dpi.nc.gov

6356 Mail Service Center, Raleigh, North Carolina 27699-6356 | (984) 236-2550 | Fax (984) 236-2099

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private program or facility by the LEA, the student is protected by the procedural safeguards and a state complaint can be filed if there is a dispute about the provision of a FAPE.

Non-Public Schools with EC Program Approval					
County	Non-Public School	Ages	Grades	Program Type	Current Until
Buncombe	<i>Asheville Academy for Girls</i> 126 Camp Elliott Road Black Mountain, NC 28711 828-759-5350	10-14	4 th -10 th	Residential	6/30/2024
	Benjamin Chamberlain - Education Director				
Durham	<i>The Hill Center</i> 3200 Picket Road Durham, NC 27705 (919) 489-7464	5-19	K-12 th	Day Part-time	6/30/2023
	Beth Anderson - Executive Director				
	Dr. Bryan Brander – Head of School				
Mecklenburg	<i>Melmark Carolinas</i> 8614 Pineville-Matthews Road Charlotte, NC 28226 978-259-9496	5-22	K-12 th	Day Full-time	6/30/2024
	Dr. Brad Stevenson – Director of Program Administration and Clinical Services				
	Dr. Keri Bethune – Director of Educational Services				

LEA Placement in Community-Based Facilities

Developmental Day Centers are community-based facilities licensed by the Department of Health and Human Services and can be a placement option for providing special education and related services, and FAPE to students with disabilities.

LEAs can apply and receive funding to support the costs of contracting with these facilities to provide services for students with disabilities. Consistent with its assurance that funds are being spent to provide FAPE, the LEA should conduct routine monitoring of the services provided by the facility consistent with the individualized education programs for students served in this type of placement.

The EC Division will include students served in Developmental Day Centers in its sample for the LEA's routine monitoring by the state. Additionally, consistent with any placement of a student in a community-based facility by the LEA, the student is protected by the procedural safeguards and a state complaint can be filed if there is a dispute about the provision of a FAPE.

State Agency Placements in Facilities Located in LEAs

Community Residential Center Centers (CRCs) and Group/Foster Home Programs are licensed by the Department of Health and Human Services with placements initiated by other state agencies. Therefore, the LEA in which these programs are located must provide services to students who require special education and related services.

Previously, CRCs were monitored by the EC Division individually rather than part of the LEA's overall program monitoring. Consistent with the shift in program monitoring for Developmental Day Centers, the LEA in which the CRC is located should conduct routine monitoring of the services provided to students with disabilities. The EC Division will include students served in CRCs as part of its routine monitoring of the LEA's exceptional children programs.

The EC Division will provide technical assistance via *Guidance for Private Placements*, an implementation guide with a recorded webinar to outline the program requirements and resources (fiscal and programmatic) available to support LEAs with the details located in this memo. These resources should be released to the field on or before November 30th.

In the interim, if LEAs require technical assistance, please contact Glendora Hagins, Monitoring Consultant and Liaison for Non-Public Schools at Glendora.Hagins@dpi.nc.gov or Elizabeth Millen, Fiscal Consultant at Elizabeth.Millen@dpi.nc.gov.

SHT/CAH/AB/GSH/EM: ds

c: Non-Public School Administrators
 ECD - Regional Coordinators
 ECD - IDEA Fiscal Consultants
 ECD - Monitoring Consultants