

# **North Carolina General Supervision for Exceptional Children Programs**

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## Purpose

In 1975, Congress passed PL 94-142, the Education of the Handicapped Act, which said that all students with disabilities are entitled to a free appropriate public education (FAPE). The Education of the Handicapped Act has been reauthorized six times since its inception, in 1983, 1986, 1990, 1992, 1997, and in 2004. The North Carolina Department of Public Instruction Office of Exceptional Children (NCDPI – OEC) has the responsibility to ensure that all students with disabilities in this state receive a FAPE. Section 616 of the 2004 amendments to the Individuals with Disabilities Education Improvement Act (IDEA) states, “ The primary focus of the Federal and State Monitoring activities described in paragraph (1) shall be on— (A) improving educational results and functional outcomes for all children with disabilities; and (B) ensuring that States meet the requirements under this part, with a particular emphasis on the requirements that are most closely related to improving educational results for children with disabilities. NCDPI-OEC under its general supervision authority is required to monitor the implementation of all special education programs for all eligible students with disabilities in the state. The federal Office of Special Education Program (OSEP) monitors NCDPI-OEC to ensure that processes and procedures are in place to meet the state’s general supervision requirements. To comply with the requirements of this Act, the NCDPI – OEC has reviewed the mechanisms for monitoring and developed a comprehensive general supervision system. The system:

1. Supports practices that improve educational results and functional outcomes for children and youth with disabilities.
2. Uses multiple methods to identify and correct noncompliance as soon as possible but no later than one year after noncompliance is identified; and
3. Utilizes mechanisms to encourage and support improvement and enforce compliance.

## Components of a General Supervision System

There are eight components of the General supervision system:

1. State Performance Plan (SPP)
2. Policies, Procedures, and Effective Implementation
3. Effective Dispute Resolution
4. Data on Processes and Results
5. Integrated Monitoring Activities
6. Improvement, Correction, Incentives, and Sanctions
7. Targeted Technical Assistance and Professional Development
8. Fiscal Management

Each component, while separate in its description, connects to form a comprehensive system. Through the triangulation of these activities NCDPI – OEC complies with federal regulations.

## State Performance Plan (SPP)

IDEA 2004 required all states to submit a State Performance Plan (SPP) that evaluates the State's efforts to implement the requirements and purposes of Part B of the Act. The State Performance Plan (SPP) serves as an accountability mechanism for states and local education agencies (PSU). Each of the SPP indicators has been purposely written to provide a measurable indication of a state's performance in specific statutory priority areas under Part B – Free Appropriate Public Education (FAPE) in the PSUs Restrictive Environment (LRE), Disproportionality, and Effective General Supervision, including Child Find and Effective Transitions. The SPP contains 17 prescribed indicators that are clustered in three priority areas. For the areas of General Supervision and Disproportionality, measurable and rigorous targets were established by the Office of Special Education Programs (OSEP). North Carolina, through stakeholders, established the measurable and rigorous targets for some of the FAPE indicators. Data are used to establish baselines, to set targets, and to measure progress and slippage towards reaching the target. Certain FAPE indicators were aligned with the targets set by the Elementary and Secondary Education Act. The SPP is a living document that is revised as needed and used as the mechanism for guiding improvement efforts at the state and local levels. The analysis of the progress and slippage, including compliance and performance, is used to prioritize the Division's activities for each upcoming year. Improvement activities relate to the targets and are based on the analysis and interpretation of the data gathered. North Carolina evaluates PSUs' performance against the targets. Resources and technical assistance to facilitate improved results are allocated to PSUs.

Annually, performance on the SPP indicators is submitted in the Annual Performance Report (APR). This document must be submitted February 1 of each year. North Carolina is required to report publicly on the performance of each PSU against the SPP targets. The public reports can be found at <https://www.dpi.nc.gov/districts-schools/classroom-resources/exceptional-children/data-state-performance-plans>.

Authority: 34 CFR 300.169(c) and (d); 300.361(a) (3); 300.602(b) (1) (i) (A); 300.602(b) (1) (i) (B))

## Policies, Procedures, and Effective Implementation

North Carolina is required to have policies and procedures that are aligned to support the implementation of IDEA. Article 9 of the state statutes governing special education was revised to align with the requirements of the IDEA. The revised Article 9 was signed into law and became effective July 1, 2006.

Policies Governing Services for Children with Disabilities was revised to comply with IDEA 2004. The State Board of Education approved those revisions on November 1, 2007, with the most recent amendment in March 2021. The procedural safeguards notice, Parent Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards, has undergone revisions to comply with IDEA. PSUs, to include charter schools, State Operated Programs, and Psychiatric Residential Treatment Facilities (PRTFs) are provided ongoing training and technical assistance or the implementation of the requirements. Additionally, the NCDPI–OEC provides model forms to facilitate implementation of the federal regulations, including state criteria and state-imposed requirements.

## Effective Dispute Resolution

The NCDPI–EC Division provides the formal means for dispute resolution required by federal and state law. Mediation, formal written complaints, and due process hearings are all components of the system. The timely resolution of complaints, mediations, and due process actions is required for compliant dispute resolutions. Effective dispute resolutions also track the issues identified to determine whether patterns or trends exist. Additionally, through the tracking of the issues over time, it is possible to evaluate the resolutions' effectiveness and determine whether resolution was maintained in future situations. It is important to determine the extent to which parents, families, and students understand their rights related to dispute resolution. In addition to the formal processes, the system also includes informal inquiries and the facilitation IEP process. Dispute Resolution Consultants as well as other consultants within the EC Division respond to numerous inquiries from a variety of customers. This information is considered with decisions.

### Facilitated IEP Team Meeting

In 2005, North Carolina developed a Facilitated Individualized Education Program (FIEP). IEP Facilitation is an optional, informal process of dispute resolution, not required by IDEA. The state educational agency (SEA) or school district/local education agency (PSU) may provide this option to parents and schools. A Facilitated IEP meeting is the same as any other IEP meeting, except that a facilitator organizes a mutually agreeable meeting agenda and helps with communication among team members. The facilitator does not make decisions about the student's IEP. The goal of the FIEP Meeting is to develop an IEP that is supported by team members and benefits the student.

- Families and schools must agree to have a facilitator join an IEP meeting.
- Facilitators maintain open communication and ensure that everyone at the IEP meeting can participate fully.
- If disagreements arise during the meeting, a facilitator can help the team clarify and resolve them.
- Facilitators assist with keeping the focus of the meeting on the mutually agreeable meeting agenda based on the unique needs of the student.

### Formal Special Education State Complaints

The NCDPI Office of Exceptional Children (OEC) has adopted state complaint investigation procedures for the purpose of resolving complaints filed under the Individuals with Disabilities Education Act (IDEA), its corresponding federal regulations, Chapter 115-C, Article IX of the NC General Statutes, and *NC Policies Governing Services for Children with Disabilities*. It is the responsibility of the OEC to resolve all complaints that meet the requirements of 34 CFR §300.153 and filed with the OEC in accordance with its procedures. Further, the OEC monitors the completion of corrective action issued as a result of a finding of noncompliance during the course of an investigation and ensures compliance through technical assistance and additional enforcement activities, as appropriate.

## Mediation

Under IDEA, special education mediation must be made available to parents of children with disabilities. Mediation is an informal meeting of parents and school representatives led by a neutral third party, the mediator. Mediation is a voluntary process, which the parties themselves control. The mediator helps the parents and school system resolve disagreements concerning the child's identification, evaluation, program, or placement. Mediation is a confidential process.

IDEA requires the NCDPI-EC Division to provide the option of mediation whenever a due process hearing is requested and as a stand-alone (w/o a due process petition).

Mediation may be requested by the parent, guardian, or surrogate parent of a student with a disability, the district and/or the student who has reached the age of majority. A request for mediation is sent to the Office of Exceptional Children. OEC staff contacts the other party to the dispute to determine whether they agree to mediate. If both parties agree, OEC staff assigns a case number and a mediator.

## Due Process

In accordance with the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), and its implementing regulations, 34 C.F.R. § 300.511(b), an impartial special education due process hearing shall be conducted as determined by State law. The North Carolina General Assembly has assigned the responsibility for conducting impartial due process hearings to the North Carolina Office of Administrative Hearings ("OAH") by amending Article 9 of Chapter 115C of the North Carolina General Statutes. In accordance with State law, N.C. Gen. Stat. § 115C-109.6(j), "the State Board, through the Office of Exceptional Children ("OEC") of the Department of Public Instruction ("DPI"), and the State Office of Administrative Hearings shall develop and enter into a binding memorandum of understanding to ensure compliance with the statutory and regulatory procedures and timelines applicable under IDEA to due process hearings and to hearing officers' [Administrative Law Judges' ("ALJ")] decisions, and to ensure the parties' due process rights to a fair and impartial hearing. This memorandum of understanding shall be amended if subsequent changes to IDEA are made." Additional State requirements for special education due process hearings are governed by N.C. Gen. Stat. §§ 115C-109.8 and 150B-22.1; 16 NCAC 06H .0110; and any future revisions or additions to the North Carolina General Statutes and the North Carolina Administrative Code (NCAC) regarding special education due process hearings.

<h2>Data on Processes and Results</h2>
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As a part of the State's general supervision responsibilities the following actions are undertaken when data are used for decision making about program management and improvement. The following actions occur:

1. Collection and verification of data.
2. Examination and analysis of data.
3. Reporting of data.
4. Status determination; and Improvement.

## Collection and Verification of Data

Data are collected from PSUs through such means as the 618 State-reported data collection. To effectively use these data, PSUs regularly update the data and NCDPI-OEC routinely examines and verifies the collected data.

NCDPI-OEC uses the 618 data and information from other sources, such as state collected data, patterns and trends in dispute resolution data, and previous monitoring findings to evaluate the performance of the state and PSUs on the SPP indicators. These data are also useful in selecting PSUs for monitoring based on performance, especially when these data are compared across indicators.

Another important consideration is the extent to which NCDPI-OEC can ensure the data collected from PSUs are accurate, as well as submitted in a timely manner. Accuracy has multiple levels including that the data follow rules of entry or submission and that they reflect actual practice at the program level.

## Examination and Analyses

Data must be examined in a variety of ways to identify and determine patterns and trends. SPP indicators are clustered to identify connections among the indicators. These connections are considered when developing improvement activities.

## Reporting of Data

The 618 data are required submissions to the federal government. These data are a part of the annual report to Congress and must be valid, reliable, and timely. Additionally, the NCDPI - EC must annually report on the performance of each PSU on the SPP indicators compared to the state targets. Each PSUs performance is publicly accessible. The PSU reports are reported to the public and are publicly accessible.

## Status Determinations

Data on the performance of each PSU on the SPP indicators, as well as from other sources (e.g., fiscal audits, timely submissions) are used to make determinations of the status of each PSU. PSUs are categorized as *meets requirements*, *needs assistance*, *needs intervention*, or *needs substantial interventions*.

## Improvement

Through the NCDPI-OEC improvement activities in the SPP and from the examination of the PSUs performance, data are used for program improvement as well as progress measurement. Technical assistance activities, designed to address the needs of each individual PSU, are based on data that is collected and analyzed. The NCDPI-OEC analyzes the data for each PSU and determine the PSUs that are in the greatest need of program improvement.

Authority: 334 CFR 300.640-300.646; 34CFR 300.601(b); 34CFR 300.602(b) (1) (B); 34 CFR 300.602(b); 34CFR 300. 600(a); 1505-3

## Integrated Monitoring Activities

The North Carolina Continuous Improvement Focused Monitoring System (CIFMS) includes the following:

- A. State-identified Measurable Result (SiMR) Self-Assessment and Improvement Plan
- B. Universal: Fiscal and Program Compliance Reviews
- C. Targeted Monitoring
- D. Tailored: Focused Monitoring
- E. Customized: PSU Program Assessments

### SiMR Self-Assessment and Improvement Plan

The PSUs, charter schools, and state operated programs (SOPs) conduct a self-assessment and develop an improvement plan. This process supports problem-solving; drives decision-making and technical assistance at the PSU, regional, and state levels; and bridges improvement efforts across the agency. The five-step process includes data collection, summary and analysis, improvement planning, implementation, and evaluation. The SEA provides a data profile which includes indicator and other relevant data as well as the PSUs status on policy and fiscal compliance. The PSU then completes a practice profile to assess how the PSU develops and implements IEPs, uses problem-solving for improvement, selects, and implements research-based instructional practices and programs, and communicates and collaborates with stakeholders (including the SEA). Data from all of these sources is summarized and analyzed to identify a focus for improvement. PSUs then design, implement, and evaluate a three-year improvement plan with support from NCDPI-OEC.

### Universal: Fiscal and Program Compliance Monitoring

Fiscal and Program Compliance Monitoring are virtual desktop reviews conducted once every six years in each PSU, charter school, and State Operated Program (SOP) in the state. Each entity is monitored by the Office Exceptional Children for compliance with IDEA procedures and regulations at the individual and district level. The purpose of the Individuals with Disabilities Education Act (IDEA) fiscal and program monitoring is to confirm federal, state, and local resources are focused on improved results for children with disabilities and their families. A written report is sent to the PSUs, charter schools, and SOPs identifying any noncompliance that has been identified. Upon receipt of that letter, all noncompliance must be corrected as soon as possible, but in no case later than one year from notification.

### Targeted Monitoring

Targeted Monitoring is used to examine a particular policy, practice, or procedure where the data suggest that there is a systematic problem. Examples of targeted monitoring include review of students placed on homebound; Intellectually Disabled (ID) and Serious Emotional Disabled (SED) record reviews to address disproportionate representation, students served in local jails, implementation of a statewide policy change, or pattern of noncompliance in the supervision of local exceptional children programs identified through fiscal monitoring, program monitoring, or dispute resolution mechanisms.



## Tailored: Focused Monitoring

The primary goal of focused monitoring is to positively impact educational results and functional outcomes for all children with disabilities while ensuring that districts meet state and federal requirements under IDEA 2004. It draws attention to those requirements that are most closely related to improving educational results for children with disabilities. This goal is addressed by the OEC through focused monitoring activities that include:

- Verifying the accuracy of data reported by districts.
- Facilitating root cause analysis.
- Reviewing/revising evidence-based practices to address unique needs.
- Analyzing use of fiscal resources and human capital.
- Coordinating state and local resources.
- Supporting integration of SPP/APR data into district improvement planning; and
- Providing technical assistance and systems-level coaching.

These activities occur at various stages in the focused monitoring process and are primarily driven by patterns of slippage with select targets/state priority areas or an annual determination of *Needs Assistance*.

## Customized: PSU Program Assessment

The PSU Program Assessment is a comprehensive monitoring activity where data is collected in multiple areas to determine the effectiveness of local exceptional children's programs. This monitoring activity may be conducted for PSUs determined to *Need Intervention* or *Need Substantial Intervention* according to the PSU's Annual Performance Report or upon requests from local superintendents or NCDPI PSU leadership.

## Data Analysis

Prior to the on-site visit the following information *may be collected and analyzed*, as appropriate:

- Local policies, practices, or procedures for the exceptional children program.
- Licensure report for all EC personnel.
- District Improvement/Strategic Plan.
- Student/Staff/Parent Handbooks.
- Student Code of Conduct.
- Local School Board Policies.
- IDEA Budget, and/or
- Charter Agreement.
- Expenditures
- Contracts

## Inventory Lists (if purchased with federal funds)

## On-site Activities

Activities conducted during the on-site Program Assessment visit are based on the review of all relevant data sources. Activities for each Program Assessment visit *may include* but are not limited to the following:

- Interviews with PSU administrators, teachers, and other school personnel.
- Interviews with Parents.

- Student Record Reviews.
- Classroom Observations.
- Service Verification.
- Review schedules and licensure of EC staff and related service providers.
- Review inventory lists of items purchased with federal funds; and/or
- Review expenditure reports.

For virtual charter schools, online access to classes will be required. NCDPI-OEC staff will need to be able to log-on, observe instruction, and view any student and teacher interaction, as part of the monitoring process.

## Data on Processes and Results

### State Performance Plan Indicators: 4B, 9, and 10

Indicator 4B – *Suspension/Expulsion*: Percentage of significant discrepancy by race/ethnicity

NC defines “significant discrepancy” as suspensions/expulsions for students with IEPs that occur greater than 2.5 times the rate of suspensions/expulsions for students without disabilities. NC has also chosen to establish a minimum N size that equals 5 CWD.

Methodology:

1. NC reviews discipline data for all PSUs statewide that have children with disabilities (CWDs) with suspensions/expulsions greater than 10 days.
2. If a PSU has a N size less than 5 CWD, the PSU is excluded. Only the number of PSUs meeting the minimum N size and Cell size are reported in the APR data table.
3. NC calculates % of CWDs Suspended/Expelled > 10 days by PSU
  - a.  $(\text{CWDs Suspended/Expelled} > 10 \text{ days} / \text{CWD in PSU Child Count}) = \text{PSU CWD \%}$
4. NC calculates % of Non-CWDs Suspended/Expelled > 10 Days by PSU
  - a.  $(\text{Non-CWDs Suspended/Expelled} > 10 \text{ days} / \text{Non-CWDs in PSU}) = \text{PSU Non-CWD \%}$
5. NC calculates Rate Ratio by PSU:
  - a.  $(\text{PSU CWD \% Suspended/Expelled} > 10 \text{ days} / \text{PSU Non-CWD \% Suspended/Expelled} > 10 \text{ days}) = \text{PSU Rate Ratio}$
6. Once the PSU rate ratio has been calculated for each PSU with the minimum cell size of 5 CWD Suspended/Expelled > 10 days, NC determines whether the PSUs are demonstrating a significant discrepancy.
7. NC reviews the PSUs with a Rate Ratio > 2.5
  - a.  $(\text{PSU CWD \% Suspended/Expelled} > 10 \text{ days is at least } 2.5 \times \text{greater than the PSU Non-CWD\% Suspended/Expelled} > 10 \text{ days})$
8. The total number of PSUs with a significant discrepancy are identified.

Indicator 9 – *Disproportionate Representation in Special Education*: Percentage of districts with disproportionate representation of racial/ethnic groups due to inappropriate identification

NC defines “disproportionate representation” of racial and ethnic groups in special education using a risk ratio of 3.0. PSUs with a risk ratio of greater than or equal to 3.0 ( $\geq 3.0$ ) for each Race/Ethnic subgroup of CWD is determined to have disproportionate representation.

#### Calculation Method – Disproportionate Representation

1. Child Count data for the reporting year is collected and disaggregated by Race/Ethnicity (R/E) for CWD in each PSU. PSUs that meet the cell size of less than 10 CWDs for one or more R/E groups are included in the overall calculation.
2. R/E data for all students enrolled in PSU is collected from the State Statistical Profile for the reporting year and disaggregated. R/E groups with an n-size less than 30 are excluded from the overall calculation.
3. R/E groups meeting the cell size  $\geq 10$  and the n-size  $\geq 30$  are used in the calculation.
4. Risk Ratio Numerator: [Formula: CWD (R/E targeted group) / All Students in PSU (R/E targeted group) = percentage of CWD by R/E targeted group].
5. Risk Ratio Denominator: [Formula: All other CWD (R/E comparison group) / All other Students (R/E comparison group) in PSU = percentage of CWD in all other R/E comparison group]
6. If the Risk Ratio  $\geq 3.0$ , the PSU has disproportionate representation in a R/E group

Indicator 10 – *Disproportionate Representation in Specific Disability Categories*: Percentage of districts with disproportionate representation of racial/ethnic groups in specific disability categories due inappropriate identification

NC defines “disproportionate representation” of racial and ethnic groups in special education using a risk ratio of 3.0. PSUs with a risk ratio of greater than or equal to 3.0 ( $\geq 3.0$ ) for each Race/Ethnic subgroup in each disability category is determined to have disproportionate representation.

#### Calculation Method – Disproportionate Representation

1. December Child Count data for the reporting year is collected and disaggregated by Race/Ethnicity (R/E) for each disability category in each PSU. R/E groups with a cell size less than 10 are excluded from the overall calculation.
2. R/E data for all students enrolled in PSUs is collected from the State Statistical Profile for the reporting year and disaggregated. R/E groups with an n-size less than 30 are excluded from the overall calculation.
3. R/E groups for each disability category meeting the cell size  $\geq 10$  and the n-size  $\geq 30$  are used in the calculation.
4. Risk Ratio Numerator: [Formula: CWD (R/E targeted group) / All Students in PSU (R/E targeted group) = percentage of CWD by R/E targeted group].
5. Risk Ratio Denominator: [Formula: All other CWD (R/E comparison group) / All other Students (R/E comparison group) in PSU = percentage of CWD in all other R/E comparison group]
6. If the Risk Ratio  $\geq 3.0$ , the PSU has disproportionate representation in by R/E for a disability category.

Annually the State collects data from all PSUs, charter schools, and state operated programs (SOPs) to calculate discrepancies in suspensions by race/ethnicity and disproportionate representation by race/ethnicity in the exceptional children population of PSUs, charter schools, and SOPs that have 40 or more students in the subgroup. If PSUs, charter schools, and SOPs do not meet the state criteria, the second step of the process is to review the practices, policies, and procedures in each agency to determine if there is noncompliance. Targeted on-site visits can be scheduled based on the review of the practices, policies, and procedures. If noncompliance is identified, the PSU will be notified of the finding and must correct the noncompliance within a year.

## State Performance Plan Indicator 11

Indicator 11 – Child Find: Percentage of children evaluated within 60 days or state timeframe<sup>1</sup>

The data for Indicator 11 are collected annually through Every Child Accountability Tracking System (ECATS). All PSUs, charter schools, and SOPs enter data into ECATS. PSUs, charter schools, and SOPs with findings of noncompliance are required to submit data/evidence of correction as soon as possible and no later than one year from notification, that the referral, evaluation, eligibility, and placement determinations have been completed for all child specific findings for whom the 90-day timeline was not met. Additional data are reviewed through ECATS to document correct implementation of the regulatory requirement(s) for all students.

For federal reporting, Indicator 11 data is collected from the ECATS database in October. PSUs are notified of whether they met the state target for Indicator 11 in their Annual Performance Report.

Indicator 11 is also monitored as part of the NCDPI's Universal Monitoring: Fiscal and Program Monitoring process. This cyclic desktop monitoring provides the opportunity for a more targeted approach to problem-solving underlying challenges with meeting the state target. PSUs are notified of noncompliance with Indicator 11 as part of the universal monitoring process and corrective action is ordered as appropriate.

## State Performance Plan Indicator 12

Indicator 12 - *Part C to B Transition*: Percentage of children found Part B eligible with IEP implemented by 3<sup>rd</sup> birthday

Annually each PSU that provides special education and related services to the preschool population submits data electronically utilizing a department created excel spreadsheet which automatically calculates the percentage of timely transitions. Each PSU is directed to have the Exceptional Children Administrator sign a letter of assurance as to the accuracy of the data. PSUs with findings of noncompliance are required to submit data/evidence of correction as soon as possible and no later than one year from notification that the transition of students from Part C to Part B has been completed. PSUs are required to submit additional data for review to document correct implementation of the regulatory requirement(s) for all students.

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<sup>1</sup> North Carolina has a state-imposed timeline of 90 days from referral to placement: inclusive of the evaluation.

## Improvement, Correction, Incentives and Sanctions

The enforcement of regulations, policies, and procedures are required by the IDEA and state statutes. Successful completion of corrective actions and improvement activities means the PSU has corrected the noncompliance and made progress towards meeting the targets on the performance indicators. The strategy to reward and recognize high performing and the most improved school districts and to provide consequences to low performing and substantially noncompliant school districts centers on public reporting. Its foci are to (1) identify and recognize those school districts that achieve or exceed targets and indicators of the SPP that demonstrate significant improvement over time; (2) provide the consequences to low performing school districts that are substantially noncompliant with statutory and regulatory requirements.

The system must be based on a continuum of consequences and sanctions that are efficient and effective and result in timely compliance and improvement. An efficient and effective system of recognition and sanctions for school districts to improve results for students with disabilities must consider our own resources and be based on building public support, creating partnerships, and promoting effective practices. The proposed system of recognition and rewards was designed to incentivize school districts to be high performers and to PSUs to identify and replicate best practices. An incentive for change occurs when there is public notice about results.

### PSU Risk Assessment and Determinations

The NCDPI – OEC identifies public school units for tiered monitoring and targeted technical assistance by identifying potential risk through the PSU Determinations process. NCDPI - OEC utilizes data from indicator targets to determine the degree to which a PSU, or PSU, is correctly implementing the requirements of Part B of IDEA. States are required to make determinations on the performance of each PSU based on indicators identified by the federal government and delineated in the State Performance Plan. These indicators are separated into compliance indicators (which measure compliance with the IDEA regulations) and results indicators (which measure outcomes for students with disabilities).

Indicator targets were developed in consultation with stakeholders. This process also informed North Carolina's State-identified Measurable Result (SiMR). The indicators selected for risk-assessment and determinations include compliance and results indicators and are grouped in the following categories:

- Provision of Free, Appropriate, Public Education
- General Supervision
- Disproportionate Representation
- Timely and Accurate PSU-Reported 618 Data

The combination of compliance and results indicators are assigned a score between 0-3 commensurate with *Below Target – Slippage (0)*, *Below Target – No Change (1)*, *Below Target – Improving (2)*, and *Meeting Target (3)*. The greater the score/percentage, the lower the risk and a more positive determination for the PSU.

**Provision of Free, Appropriate, Public Education**

	Score = 3	Score = 2	Score = 1	Score = 0
(R) Indicator 3b: Proficiency rate with grade-level standards	Target Met	Below Target Improving	Below Target No Change	Below Target Slippage
(R) Indicator 3c: Proficiency rate with grade-level alternate standards	Target Met	Below Target Improving	Below Target No Change	Below Target Slippage
(R) Indicator 7b: Preschool Outcomes – Knowledge and skills	Target Met	Below Target Improving	Below Target No Change	Below Target Slippage

**General Supervision**

	Score = 3	Score = 2	Score = 1	Score = 0
(C) Indicator 11: Child Find	90-100%	75-89%	50-74%	Below 50%
(C) Indicator 12: Early Childhood Transition	90-100%	75-89%	50-74%	Below 50%
(C) Indicator 13: Secondary Transition	90-100%	75-89%	50-74%	Below 50%

**Disproportionate Representation**

	Score = 3	Score = 0
(C) Indicator 4b: Suspension/Expulsion – Significant Discrepancy by Race/Ethnicity (R/E)	No Discrepancy	Discrepancy Present
(C) Indicator 9: Disproportionate Identification by R/E	No Disproportionality	Disproportionate Identification Present
(C) Indicator 10: Disproportionate Categories by R/E	No Disproportionality	Disproportionate Categories Present

**Timely and Accurate PSU-Reported 618 Data**

	Score = 3	Score = 0
December Child Count	On Time	Late
Exit Count	On Time	Late
Indicator 7	On Time	Late
Indicator 11	On Time	Late
Indicator 12	On Time	Late
Federal Personnel Report	On Time	Late

The number of points assigned for each indicator is averaged to calculate the total score, overall percentage, PSU Determination, and corresponding level of support. Indicators that are “Not Applicable” for an PSU (e.g., Early Childhood Outcomes) are not included in the calculations. The levels of SEA/PSU Engagement are tiered to provide technical assistance, professional

development, and program and fiscal monitoring commensurate with the PSU's level of risk or determination.

<b>PSU Determination</b>	<b>Targeted Technical Assistance &amp; Professional Development</b>	<b>Program &amp; Fiscal Monitoring</b>
Meets Requirements	Universal	Universal
Needs Assistance	Tailored	Tailored
Needs Intervention	Customized	Customized
Needs Substantial Intervention	All of the above	All of the above

## Incentives

The following incentives may be used to acknowledge districts performance or improvement:

- Letter of commendation/acknowledgement to superintendent and/or local board of education from the State Superintendent and the Chairman of the State Board of Education.
- Commendation on the NCDPI website.
- Identification as an exemplary school district; and/or
- Allocation of grant funds, as available, for replication of commended strategies.

## Improvement, Correction, and Sanctions

The following are the determinations that could be assigned to an agency after an analysis of data, documentation of evidence of change, or documentation of correction of noncompliance.

### Level One: Meets Requirements

### Level Two: Needs Assistance (Noncompliance not corrected within two years)

In the instance when the SEA determines that an PSU, charter school or SOP needs assistance in implementing the requirements of the IDEA requirements and the CIFMS, the SEA may take one or more of the following actions:

- The SEA may direct the PSU, charter school, or SOP to allocate additional time and resources for technical assistance and guidance related to areas of noncompliance. Technical assistance may include assistance from NCDPI, distinguished superintendents, principals, special education administrators, and staff at institutions of higher education, special education teachers, and other teachers to provide recommendations, technical assistance, and support.
- The SEA may impose special conditions on the PSU's application for IDEA funds.
- The SEA may direct how the PSU utilizes IDEA funds to address the remaining findings of noncompliance. The PSU must track the use of these funds to show the SEA how the funds are targeted to address areas of noncompliance.

### Level Three Needs Intervention (Noncompliance no corrected within three years)

If the SEA determines for three consecutive years that an PSU needs assistance in implementing the requirements of IDEA and the CIFMS, the following may apply:

- The SEA may take any of the actions described in Level One.
- The SEA may withhold in whole or in part, any further payments of IDEA funds to the PSU; and
- The SEA may require the PSU enter into a compliance agreement if the SEA believes that the PSU cannot correct the problem within one year.

### Level Four: Needs Substantial Intervention

In addition to the sanctions described in Levels One and Two, at any time the SEA determines that an PSU needs substantial intervention in implementing the requirements of the IDEA and the CIFMS, or that there is substantial failure to comply, the SEA may take one or more of the following actions:

- The SEA may direct the PSU's implementation of a Compliance Agreement, billed to the PSU.
- Recover IDEA funds; or
- Refer the PSU for appropriate enforcement under State or Federal law.

Authority: 20 U.S.C. 1232(b)(3)(A) and(E); 20U.S.C. 1232d(b)(3)(B); 34 CFR 300.222, 300.603-300.604 and 300.608; 34 CFR 80.12; 20 U.S.C. 1232(b)(3)(C) and (D); 20U.S.C. 1232d(b)(4); 34 CFR 300.608(a); 300.608(b); 1505-1.4-1.10 Article 9

## Targeted Technical Assistance and Professional Development

Technical assistance is directly linked to the SPP indicators and to the improvement activities. The NCDPI- OEC provides PSUs with a variety of assistance to improve performance of students with disabilities across the state and to ensure ongoing compliance with the federal and state regulations governing students with disabilities. The data on each of the indicators of the SPP are reviewed to make decisions related to PSUs in most need of improvement. Those PSUs in the most need of improvement are offered assistance. The following table details the level of support across professional development, technical assistance, and system-level coaching.

Support Intensity	Professional Development	Technical Assistance	System-Level Coaching
<b>Universal</b>	<ul style="list-style-type: none"><li>• Broad topics</li><li>• Intended for <b>all</b> staff in a region, discipline/discipline group, grade/grade band, population/large subgroup</li><li>• Available to any PSU; may be compulsory.</li><li>• Developed/delivered/ maintained based on</li></ul>	<ul style="list-style-type: none"><li>• Voluntarily accessed by PSUs via synchronous or archived OEC resources on websites, listservs, videos, webinars, etc.</li><li>• Often one-time/one-way interaction with OEC staff</li></ul>	<ul style="list-style-type: none"><li>• Infrequent (&lt;4x/year) large group sessions facilitated by content-area expert(s) on topic(s) of broad application/ for multiple practitioners</li><li>• Targets systems, teams, and/or problems of practice (vs. individuals) to</li></ul>



Support Intensity	Professional Development	Technical Assistance	System-Level Coaching
	statewide programmatic and/or outcome data <ul style="list-style-type: none"> <li>• Deliverable by multiple OEC staff</li> <li>• CEUs provided</li> </ul>	<ul style="list-style-type: none"> <li>• Topics relevant to all regions, disciplines/discipline groups, grades/grade bands, populations/large subgroups</li> <li>• Developed/maintained mainly based on policy and/or infrastructure issues</li> <li>• CEUs usually not provided</li> </ul>	identify improvement priorities <ul style="list-style-type: none"> <li>• Employs facilitator- and peer-mediated questioning, self-reflection, and feedback cycles</li> </ul>
<b>Tailored</b>	<ul style="list-style-type: none"> <li>• Specialized topics</li> <li>• Intended for <b>select</b> staff in regions, disciplines/discipline groups, grades/grade bands, more specific populations/subgroups</li> <li>• Available to PSUs meeting selection criteria</li> <li>• May be compulsory for PSUs demonstrating need/risk/corrective action</li> <li>• Developed/delivered/maintained based on regional or subgroup data</li> <li>• Often designed in train-the-trainer model</li> <li>• Often deliverable by specific Section or RDT staff</li> <li>• CEUs provided</li> </ul>	<ul style="list-style-type: none"> <li>• Pushed out to or accessed by select regions, disciplines/discipline groups, roles, grades/grade bands, more specific populations/subgroups demonstrating need/meeting selection criteria; may be compulsory</li> <li>• Often provided via synchronous small group discussions/work sessions/PLCs</li> <li>• Longer/episodic interaction with specific Section or RDT staff</li> <li>• Developed/delivered mainly based on regional or subgroup data re: policy and/or infrastructure issues</li> </ul>	<ul style="list-style-type: none"> <li>• More frequent (9-12x/year) sessions facilitated by content-area expert(s) on focused topic(s) for selected teams, cohorts, or PSUs</li> <li>• Targets systems, teams, and/or problems of practice (vs. individuals) to develop goals, timelines, and implementation plans</li> <li>• Addresses team functions/capacity/org organization/morale</li> <li>• Employs facilitator- and peer-mediated questioning, self-reflection, and feedback cycles</li> </ul>
<b>Customized</b>	<ul style="list-style-type: none"> <li>• Highly specialized topics</li> <li>• Intended for <b>specific</b> PSUs, disciplines/discipline</li> </ul>	<ul style="list-style-type: none"> <li>• Required or made available for specific PSUs, disciplines/discipline groups, roles,</li> </ul>	<ul style="list-style-type: none"> <li>• Frequent (&gt;2x/month) episodes of modeling, guided practice, feedback, and debriefing facilitated</li> </ul>

<b>Support Intensity</b>	<b>Professional Development</b>	<b>Technical Assistance</b>	<b>System-Level Coaching</b>
	<p>groups, grades/grade bands, specific populations/subgroups</p> <ul style="list-style-type: none"> <li>• May be compulsory for PSUs demonstrating serious need/risk/corrective action</li> <li>• Available to PSUs demonstrating urgent, serious need/meeting selection criteria</li> <li>• Developed/delivered/maintained based on regional or subgroup data</li> <li>• Deliverable by select consultants, RDT members, and/or LT</li> <li>• CEUs provided</li> </ul>	<p>grades/grade bands, specific or low-incidence subgroups demonstrating urgent, serious need/meeting selection criteria</p> <ul style="list-style-type: none"> <li>• Sustained/prolonged interaction with specific Section or RDT staff</li> <li>• Developed/delivered based on PSU-specific corrective actions, determination status, policy, and/or infrastructure issues</li> <li>• Deliverable by select consultants, RDT members, and/or LT</li> </ul>	<p>by content-area expert(s) on urgent/critical topic(s) for individual or small groups of PSUs</p> <ul style="list-style-type: none"> <li>• Targets PSU-specific emergencies, corrective actions, determination status, policy, and/or infrastructure issues</li> <li>• Employs frequent data analysis/progress monitoring of goals, timelines, and implementation plans</li> <li>• Employs explicit tools (e.g., scripts, graphic organizers, role plays, templates) to scaffold capacity-building</li> <li>• Addresses team functions/capacity/organization/morale through observation and feedback</li> </ul>

## Fiscal Management

NCDPI-OEC has three tiers that make up the fiscal monitoring process.

### Universal: Tier I

- Review of IDEA grant budget vs. allowable use of funds for PRC 49 and PRC 60.
- Review of Budget vs. approved risk pool grant for PRC 114 – Risk Pool.
- Maintenance of Effort expenditures submitted annually and reviewed by IDEA fiscal monitor for compliance.

## Tailored: Tier II

An IDEA Fiscal Desk Review is completed by all LEAs, charter schools and state-operated programs every six years. Approximately sixty\* (60) IDEA Fiscal Desk Reviews are annually submitted by October 1 and reviewed by December 31st. The IDEA Fiscal Desk Review addresses Time and Effort, Equipment (purchase and inventory), Contracts, Maintenance of Fiscal Effort, CCEIS, and Proportionate Share.

A random sample of LEAs and charter schools and state-operated programs from each of the eight State Board of Education regions participate annually. <sup>2</sup>

A copy of the IDEA Fiscal Desk Review is delivered to the LEA, charter school and state-operated program within ninety (90) days of receipt of audit documentation.

Review of Budget vs. expenditure for risk pool grant for PRC 114 – Risk Pool. All LEAs receiving these funds are reviewed during the desk review process to ensure that the LEAs are spending funds in agreement with their approved budgets.

## Customized: Tier III

Fiscal Monitoring On-site visits are completed annually based on the outcomes of risk rubric. The following Risk-based criteria are used to determine on-site or virtual on-site visit sites:

Findings from the IDEA Fiscal Desk Review

Annual LEA Single Audit Findings

LEA Special Education Administrator turn-over

SEA identified potential fiscal issues

Repeated failure to meet MOE-Expenditures

A summary report with any required actions is mailed to the LEA, charter school, and state-operated program within ninety (90) business days after the on-site.

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<sup>2</sup> LEAs may request an onsite fiscal review.