

16 NCAC 06H .0107 SPECIAL EDUCATION ASSESSMENT AND PLACEMENT PROCEDURES

(a) Identification, screening, evaluation and placement.

- (1) LEAs shall be responsible for insuring that all children with special needs within their jurisdiction are identified, located and evaluated, including children in private agencies within their jurisdiction ages birth through 21.
- (2) LEAs and private schools receiving placements pursuant to G.S. 115C-115 shall implement procedures for identification, screening, evaluation and placement of children with special needs. The governing body of each LEA and private school receiving placements pursuant to G.S. 115C-115 shall adopt these procedures and include the procedures described in this Rule.
- (3) LEAs may vary these procedures when sufficient evidence exists to indicate that children can be identified and placed properly within the intent of the procedures.

(b) Upon referral of a child pursuant to G.S. 115C-113(c), the parties shall follow the due process safeguards of Rule .0110 of this Subchapter.

(c) The multi-disciplinary team shall evaluate or reevaluate each child with special needs in accordance with the provisions of 34 CFR 300.530 through 300.536. Evaluations of children suspected of having a specific learning disability shall be subject to the further provisions of 34 CFR 300.540 through 300.543.

(d) Individualized education program.

- (1) Each LEA shall develop and implement an IEP for each child with a disability. The Department of Public Instruction shall monitor the effectiveness of these programs.
- (2) All IEPs shall be developed in accordance with the provisions of 34 CFR 300.340 through 300.350.
- (3) The LEA shall develop an IEP for any child with a disability who is enrolled in a parochial or other private school, but who receives special education or related services from the LEA.
- (4) The LEA shall supply to the parent(s) or guardian during a conference or by mail, in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so:
 - (A) a copy of the IEP if requested;
 - (B) a description of the rights of the parent(s), including the right to review data, to challenge the data, and to provide additional data that could have some effect on the placement, program, and services of the child;
 - (C) information concerning their right to an independent educational evaluation, at public expense, if they disagree with the evaluation obtained by the LEA and a list of other agencies providing free evaluations; and
 - (D) information concerning the right to appeal the decision and a copy of the appeals procedure.
- (5) The LEA shall prepare Group Education Programs (GEPs) for academically gifted students. The GEP describes a differentiated instructional program for students who share similar academic characteristics and program needs. The LEA may individualize the program to accommodate individual students' needs and any additional needs of a student not already addressed and a description of further necessary modifications.
- (6) The LEA shall prepare and implement a written program to meet the special educational needs of pregnant students.

(e) The LEA shall complete appropriate in-depth evaluations of children with a disability at least every three years in order to determine the appropriateness of the current educational status of students. Parent approval shall not be required prior to reevaluation. The parent(s) shall be notified in writing of the results of the reevaluation and the recommendations based on them, and the notice shall meet the requirements of 34 CFR 300.504. If the parent objects, the due process procedures set forth in Rule .0110 of this Subchapter shall apply.

(f) Each LEA shall make available a continuum of programs, services and placements for each child with a disability in accordance with the provisions of 34 CFR 300.550 through 300.556.

(g) Every private or nonpublic school which provides special education or related services to children with disabilities who have been placed in such school by the LEA is subject to the provisions of 34 CFR 300.400 through 300.402.

(h) Willie M. Children.

- (1) Location and identification of class members.
 - (A) Local school administrative units shall nominate to area mental health centers children that are suspected to be members of the Willie M. class.
 - (B) Local school administrative units shall request informed consent from parents to conduct additional evaluations if needed.

- (C) Local school administrative units shall notify the Department of Public Instruction regarding the number of children nominated.
 - (D) Local school administrative units shall keep an ongoing register of all identified Willie M. class members.
 - (E) The Department of Public Instruction shall assign staff to the state level certification committee to assist in the certification of members of the Willie M. class.
- (2) Provision of educational services.
- (A) For certified Willie M. class members local school administrative units shall:
 - (i) provide special education services in compliance with an IEP.
 - (ii) use data received through the evaluations conducted by the area mental health centers and other sources in writing the IEP; and
 - (iii) provide special education or related services to certified class members who are located in group homes or special facilities. Certified class members may receive these special programs in the group home or special facility.
 - (B) The LEA shall decide the location of the program, with advice from the area mental health center.
 - (C) Local school administrative units shall notify the Department of Public Instruction of the special education program being provided, including:
 - (i) types of services;
 - (ii) the duration of services; and
 - (iii) any other information the Department deems relevant.
 - (D) The Department of Public Instruction shall provide training to personnel who provide educational services to class members.
- (3) Monitoring. The SBE through the Division for Exceptional Children shall monitor local school administrative units or other facilities which provide educational services to class members to determine if the program is appropriate to meet the needs of the child. This Paragraph (3) is not effective unless funds are appropriated for the specific purpose of implementing its provisions.

*History Note: Authority G.S. 115C-141;
Eff. July 1, 1986;
Amended Eff. December 1, 1999; June 1, 1996.*