



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

Honorable June St. Clair Atkinson
Superintendent of Public Instruction
North Carolina Department of Public Instruction
6301 Mail Services Center
Raleigh, North Carolina 27699-6301

Dear Superintendent Atkinson:

Thank you for the timely submission of North Carolina's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to North Carolina's SPP and APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), North Carolina needs assistance in meeting the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for North Carolina included that the State reported: (1) 85.44% compliance for Indicator 11 with progress from 84.62%, (2) 72.27% compliance for Indicator 12 with progress from 48.4%, (3) 72.54% compliance for Indicator 13 with progress from 60%; and (4) 11.4% for Indicator 10 with progress from 31%. For each of these indicators, North Carolina did not provide evidence of the correction of noncompliance from FFY 2005. In making this determination, OSEP also considered the State's data of 91.67% compliance for Indicator 16 with progress from 86.67%, and 88.24% compliance for Indicator 15, with progress from 79.45%, as well as uncorrected noncompliance related to Indicators 12 and 15 from FFY 2004. For these reasons, we were unable to determine that North Carolina met requirements under section 616(d). OSEP notes the State reported a high level of compliance for Indicators 9 and 17, and the correction of noncompliance related to assessments, as reported in Indicator 3A. We hope that North Carolina will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the “Technical Assistance Related to Determinations” box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(1). In addition, your State must review LEA performance against targets in the State’s SPP, determine if each LEA meets the requirements of the IDEA and inform each LEA of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

OSEP is committed to supporting North Carolina’s efforts to improve results for children with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Lynne Fairfax, your OSEP State Contact, at 202-245-7337.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education