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**An analysis of the impact of Public Law 94-142 state regulation
changes upon selected role and organizational perceptions of
special education teachers**

Teague, Jane Harbinson, Ed.D.

The University of North Carolina at Greensboro, 1987

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AN ANALYSIS OF THE IMPACT OF
PUBLIC LAW 94-142 STATE REGULATION CHANGES UPON
SELECTED ROLE AND ORGANIZATIONAL PERCEPTIONS OF
SPECIAL EDUCATION TEACHERS

by

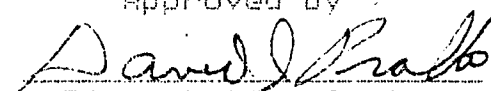
Jane H. Teague

A Dissertation Submitted to
the Faculty of the Graduate School at
The University of North Carolina at Greensboro
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of the Requirements for the Degree
Doctor of Education

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APPROVAL PAGE

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This study sought to determine the degree to which changes in the North Carolina Regulations (January 1, 1985) for the implementation of Public Law 94-142, have affected special educators in terms of role description, job satisfaction, and perceptions of the Local School District Special Program organization. A survey form was designed to elicit individual demographic data and to provide a comparison of role perceptions before and after (January 1, 1985) the implementation of guideline changes for the North Carolina regulations on handicapped children. School districts from each of the eight educational regions in North Carolina participated in this study.

The following conclusions were reached:

1. Resource Teachers indicated that the new 1985 guidelines required them to place significantly more emphasis on each of the six areas listed under consultation functions.
2. Resource teachers indicated a significant increase in job responsibilities in each of the eight areas listed under placement functions.
3. When questioned regarding the emphasis placed on instructional functions, resource teachers rated all six items as significantly more important.

4. In the area of non-instructional functions, resource teachers indicated an increased emphasis on: (a) substituting for regular classroom teachers, (b) coordinating district wide annual testing programs, (c) participating in school/parent organizations, and (d) attend professional conferences and workshops.
5. There were no significant differences between special educator's perceptions of program organization and what they perceived as an "ideal".
6. Increased emphasis on consulting roles may indicate the need for additional staff training in that area.

While significant increases occurred in the emphases placed on consulting, placement, and instructional duties, as well as on some non-instructional duties, there were no significant reductions on job responsibilities in any of the categories.

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I wish to dedicate this dissertation as a memorial to the late Edward L. Hedrick, III., my fiance. Without his love and encouragement this dream would not have become a reality.

I also wish to thank my parents, Cline and Madeline Harbinson, who instilled in me at an early age the desire to learn and to use my God given ability. I express a very special thanks to my brothers, sisters-in-law, and nephews: Joseph, Jonathan, Joshua, Justin, and Jarrett.

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CHAPTER I

INTRODUCTION

In spite of its rather inauspicious beginnings in the early 1800's, the field of special education in the United States has undergone dramatic changes in the past ten years, primarily due to the passage of The Education for All Handicapped Children Act (Public Law 94-142). This evolution began with the concern that many handicapped children were routinely being denied access to educational services. It has grown to encompass the concerns that certain minority and ethnic populations may be disproportionately represented and served as handicapped and that some evaluation criteria may be overidentifying students as handicapped (such as in the category of learning disabilities) (Smith, 1983). This study will focus on the effect one recent change had on resource teachers. In order to understand recent changes, a broad historical perspective of education for the handicapped is needed.

During the colonial era in America, education was generally a private concern which usually took place in one's home. There were few formal institutions for schooling. In 1647 Massachusetts developed the first

public school system and the other colonies followed suit. The three "R's" constituted the general curriculum with a scant measure of history and geography thrown in. If a student was fortunate enough to continue his education at a private academy, he might secure some understanding of a wider range of subjects. Because the Federal Constitution did not provide for public education, this matter was left to individual states. Educational programs for persons with mental, physical, or emotional handicaps remained non-existent over most of this nation's educational history.

Because handicapped persons did not make any significant progress within the existing curriculum, they were thought to be unable to profit from schooling and were excluded from attendance. In the days when transportation to school was on foot or by horseback, persons with serious physical disabilities had great difficulty in just getting to a school house. In addition, the usual teaching techniques employed by teachers were not successful with many of these special students. Any person who was "different" placed a burden on the teachers because of the extra work involved; thus, youngsters perceived as "different" were not suited for regular classroom instruction.

Since handicapped children were excluded from the classroom, the incentive for providing programs for them

was also removed. As a result, there were no curricula developed to meet their needs and the handicapped had no place in the American Public Education System (Burgdorf, 1980).

The first attempts at educating handicapped children occurred in segregated settings, outside the public school systems. Over 150 years ago, in 1823, the state of Kentucky established the first state school for the deaf. Similar state schools for the deaf and the blind were subsequently established in other states. By 1864, President Lincoln had brought the federal government into the special education arena for the first time by signing into law a bill creating Gallaudet College, an institution of higher education for the deaf.

By the early 1900's special education programs had begun to gradually expand to include the mentally retarded and programs also emerged to serve the "gifted". Some states had incorporated special education mandates into state law and established specialized training programs for teachers of the handicapped (Ballard, 1980).

However, many of the first 'specialized' classes were intended to assist slow learner's from the vast populations of immigrants to this country. Such programs were intended to aid non-English speaking children in developing language abilities to prepare them for absorption into regular public schools. These classes

became the dumping grounds for many students who could not succeed in regular classrooms. In addition to those with language difficulties, these programs came to include persons with mental and physical handicaps. The creation of this middle ground between the regular classroom and total exclusion, was extremely important because it eventually provided the impetus and incentive to develop educational strategies for students with special needs. These special classes became the forerunners of self-contained special education classrooms prevalent in the 1960's and 1970's (Burgdorf, 1980).

While the public education systems were reeling under the impact of the influx of large numbers of immigrants, development in the field of special education continued at a slow pace. Finally in 1931, amidst the throes of the depression, the U.S. Office of Education established a Section on Exceptional Children. This marked another step forward in the Federal Government's interest in educational services for the handicapped.

A more significant step came in 1958 when President Eisenhower signed into law two bills that would have even greater impact on the education of exceptional children and public instruction as a whole. Public Law 85-926 provided grants to colleges and universities to train personnel to teach deaf children. This law expanded to all exceptionalities and in 1963 became the foundation for

what would become The Education for All Handicapped Children Act. That same year the National Defense Education Act became law. This federal act was significant for three reasons: (1) it represented the first major federal investment in elementary and secondary education, (2) it was categorical in that it focused on specific national needs and populations; and (3) it had as one of its primary missions the advancement of education of gifted and talented children.

In 1965, Congress passed the Elementary and Secondary Education Act (ESEA), with a primary focus on improving the instructional programs of educationally disadvantaged children, including handicapped children. When it became evident that handicapped children were still not benefitting, the Congress responded by adding a specific program (P.L. 89-313) to aid the education of handicapped children in state-supported schools and institutions. In 1966, the Congress added a new Title VI, Education of Handicapped Children (P.L. 89-750) to the Elementary and Secondary Education Act (ESEA). Thus Title VI of the ESEA became the foundation of the federal role in special education. This Act provided for grants to states, state plans, research and personnel preparation, and also mandated the establishment of the Bureau of Education for the Handicapped (BEH) in the U.S. Office of Education (USOE) (Ballard, 1981).

Title VI, Education of Handicapped Children Act, also marked the first formal federal recognition of learning disabilities by authorizing formation of a National Advisory Committee on Handicapped Children. This committee, in turn, urged Congress to recognize the field of learning disabilities (LD). Their sentiments were supported by several other national education committees and parent groups and resulted in the passage of the Children with Specific Learning Disabilities Act of 1969 (P.L. 91-230) (Smith, 1983).

While the 1960's witnessed increased momentum in establishing the right to education for the handicapped, Congress had still not arrived at a consensus of what those rights entailed. As a result of an increase of litigation, those rights were eventually established on the basis of two arguments. One argument was raised on the basis that certain educational practices violated the handicapped's Federal constitutional right to equal protection under the 14th Amendment. The other focused on the equal educational opportunity afforded by the Civil Rights Act of 1964.

One of the first right to education cases argued under the equal protection clause was brought against the state of Pennsylvania on behalf of mentally retarded individuals housed in state institutions (Pennsylvania Association for Retarded Citizens (PARC) v. State of

Pennsylvania, 1971). This landmark case resulted in a consent agreement guaranteeing the rights of the handicapped to a free appropriate public education. A year later, Mills v. Board of Education, District of Columbia (1972) also used the equal protection clause to establish the right to education for emotionally disturbed students.

Following close behind these two landmark cases, Congress passed the Rehabilitation Act of 1973, to prevent discrimination against the handicapped. However, the passage of the act initially had little impact on the provision of educational services to the handicapped. Many viewed this act as pertaining only to matters of employment and not education. Furthermore, the U.S. Department of Health, Education, and Welfare (HEW), who were charged with the duty of writing the implementing regulations, were reluctant to define the law in such broad terms. Much to the embarrassment of HEW, their failure to draft regulations resulted in civil rights demonstrations on the steps of Capitol by thousands of handicapped individuals and set off another round of litigation in the courts. Final regulations were not actually published until 1977, just months before the implementing regulations for P.L. 94-142.

As a result of the ongoing litigation, it became clear that the existing state-level mandates were not

enough to insure equal educational opportunities for the handicapped. Therefore, in 1975 Congress passed the Education for All Handicapped Children Act (P.L. 94-142) to establish a federal mandatory base and create a minimum floor of educational responsibility that would cut across all state and local boundaries. Although all states had passed mandatory school attendance laws for non-handicapped students by the early nineteen-hundreds, another seventy years had elapsed before educational services for the handicapped became mandatory nationwide.

With the enactment of the Education for All Handicapped Children Act (EAHCA, P.L. 94-142, November 29, 1975), Congress combined an educational bill of rights for handicapped children with the promise of an increased federal fiscal commitment. In so doing, Congress sought "to assure that all handicapped children have available to them.....a free appropriate public education"(EAHCA, 1975). More specifically, the law mandated that all children between the ages of 3 and 18 and meeting the criteria for any of the eleven categories of handicapping conditions (i.e., Learning Disabilities, Mental Retardation, Physically Impaired, etc.) must be served no later than September 1, 1978.

In winning the right to an education, however, handicapped children won much more than the opportunity to participate in publicly supported educational programs.

As mandated by P.L. 94-142, handicapped children have also won (1) the right to nondiscriminatory testing, evaluation, and placement procedures; (b) the right to be educated in the least restrictive environment; (c) the right to procedural due process of the law; (d) the right to a free education; and finally (e) the right to an appropriate education (Ballard, 1981).

The implementation of Public Law 94-142, beginning in the fall of 1978, brought dramatic changes to the field of special education. One of the major changes centers around the least restrictive environment (LRE) requirement, which stipulates that school systems can no longer routinely relegate the handicapped to self-contained classes or separate schools. As part of the least restrictive environment (LRE) mandate, handicapped children should, to the maximum extent appropriate, be educated with the non-handicapped (EAHCA, 1975).

The LRE mandate has been the impetus for school systems to develop a continuum of services to meet the needs of handicapped students. That continuum includes regular class placement as the least restrictive alternative, with residential placement as the most restrictive. In between these two extremes are placements that require increasingly more intervention on the part of special education, either by removal from the regular

classroom on at least a part-time basis, or through the provision of support services for time spent within the regular classroom. This continuum of services has provided the impetus for special education to move from a field of essentially self-contained classrooms to one encompassing resource rooms and consultant teacher models of service delivery (Heward & Orlansky, 1984).

Another major change brought by the implementation of P.L. 94-142 has been in the area of learning disabilities. Since the law included learning disabled as one of the eleven categories of handicapping conditions covered by the federal mandate and for the first time provided financial incentives for educating these students, there has been a marked increase in the number of students identified as such. By the 1981-82 school year, 4.2 million students had been identified as handicapped and 38 percent of those were being served as Learning Disabled (LD) (Smith, 1983).

Many special educators feel that these figures are due in part to the way in which P.L. 94-142 defines Learning Disabilities. The law defines LD more in terms of what it is not, as opposed to what it is "because there is still much research required to further delineate the components of specific learning disabilities" (Federal Register, 1976).

P.L. 94-142 established the following criteria for identifying students as LD. To begin with, a child can be identified if they do not achieve commensurate with their age or ability levels in the areas of oral or written expression, basic reading skills, listening and reading comprehension, or in mathematics calculation or reasoning. The law states that these discrepancies must exist although the child has been provided with appropriate learning experiences. Furthermore, the child may not be identified if these discrepancies are primarily the result of a visual, hearing or motor handicap, mental retardation, emotional disturbance, or environmental, cultural or economic disadvantage (Federal Register, 1977).

Since the Federal definition is somewhat vague, it has been left to the states to more clearly delineate the criteria for LD classification. In keeping with the Federal Supremacy Clause, states may mandate additional guidelines, as long as they are consistent with the Federal statute. As a result, each state regulates how large the discrepancy between ability and achievement must be before it is considered severe. It has become a major concern of special educators that students are being overidentified as LD when in fact they perform poorly due to insufficient motivation, poor teaching, lack of home support for school achievement, or general low ability.

It has been argued that a large number of those labeled as LD are simply underachievers. It is also felt that this overidentification occurs for several reasons: (1) because the LD label is less stigmatizing, (2) it is the most flexible label in light of the overlapping characteristics and instructional needs of mildly handicapped student, and (3) it provides services to students having no alternative funding sources (Smith, 1983).

North Carolina, like most states, has revised its criteria on several occasions in an effort to derive a more reliable method for identifying LD students. Prior to July 1, 1980, North Carolina, in keeping with national trends, focused on the discrepancy between grade placement and academic performance to determine eligibility. In general, for grades one through three, a severe discrepancy existed if the student was academically performing one year behind actual grade placement. For grades four and over the student would have to be performing at least two grades below placement for a severe discrepancy to be documented.

When the N.C. State Department of Public Instruction (DPI) began interpreting the outcome of these procedures, several problems began to emerge. To begin with, the procedure did not account for grade retention and it ignored the student's potential for achievement. The procedure also tended to underidentify young children and

overidentify secondary level students (NC State Department of Public Instruction, 1985).

In July, 1980, new state guidelines were adopted which focused on the calculation of an expected grade level achievement based on the use of an intelligence quotient (IQ). A mathematical formula was provided that required the diagnostician to use an IQ score and chronological age to determine expected grade achievement. That expected grade achievement score was then compared to academic achievement scores to determine if a mild, moderate, or severe discrepancy existed. A Degree of Severity Index was also provided in order to assure greater consistency in the identification process. In addition, the new guidelines required that an item analysis be performed and that the student's strengths and weaknesses be identified (NC State Department of Public Instruction, 1980).

Eventually, problems with this method of identification began to emerge. There remained growing concerns that students were being overidentified in many instances and underidentified in others. A body of research was accumulating that illustrated several of the major problems with these types of discrepancy formulas. Depending on the particular formula used, great variability existed in who qualified for services. Furthermore, the reliability of a particular formula might

also be influenced by the student's grade level, gender, ethnic group, and the particular tests employed (Smith, 1983).

In January 1985, guidelines were again revised in an attempt to address issues concerning the identification of LD students (See Appendix A). A new discrepancy formula was adopted which required the diagnostician to convert the child's test scores to standard scores. The errors of measurement due to test unreliability were then taken into account, thereby increasing the reliability of the formula. Secondly, the new regulations required that at least two educational interventions in the regular classroom be implemented and documented prior to referral to special education. The special education teacher is expected to play an integral part in the documenting and referral process (NC State Department of Public Instruction, 1985).

Additionally, the shift in identification criteria has been accompanied by a shift in duties of special education teachers. In 1980, when the Degree of Severity Index was adopted, it was correlated to recommendations for service delivery. Students with severe discrepancies might best be served in self-contained classrooms, those with moderate ones in resource classes, and mild discrepancies served through the regular classroom in conjunction with a consulting teacher model. With the

revised guidelines in 1985, there is an increased emphasis on the consulting teacher model due to the requirements for regular class interventions.

When new operational guidelines are implemented for a program it is important to understand the impact that those guidelines have. Since changes in the guidelines not only change the particular job responsibilities of individuals within the system, but may also affect their job satisfaction and their ability to complete the job requirements, it is critical to study these outcomes. It is the goal of this dissertation to begin an examination of how changes in operational guidelines affect those expected to carry out the work governed by those guidelines.

The Problem

Statement of the Problem

Changes in the North Carolina State Regulations (as of January 1, 1985) governing programs for Exceptional Children imply shifts in the roles of special educators. The problem for this study was to determine the degree to which changes in the North Carolina regulations have affected special educators in terms of role description, job satisfaction, and perceptions of the LEA special

program organization. The study was directed toward the following questions:

1. To what extent did changes in the guidelines affect the special educators' perceptions of their consultation responsibilities? Do special educators rate consultation functions as more important after the new guidelines than previous to their adoption?
2. To what extent did changes in the guidelines affect the special educators' perceptions of their role in the placement process? Do special educators rate their role in the placement process as more important after the new guidelines than previous to their adoption?
3. To what extent did changes in the guidelines affect the special educator's perceptions of their instructional responsibilities? Do special educators rate their instructional responsibilities as more or less important after the new guidelines than previous to their adoption?
4. To what extent did changes in the guidelines affect the special educator's non-instructional functions? With the implied increase in special educator's responsibilities has there been a perceptible difference in the non-instructional

functions they were previously expected to complete?

5. How do special educators rate the special education program organization against their perceived "ideal"? How large of a discrepancy is there between special educator's ratings of program organization and what they perceive as an "ideal" program organization?
6. What implications do these findings have for future staff development needs with regards to the implementation of the guidelines?

Significance of the Problem

Since the passage of P.L. 94-142 and the North Carolina Creech Bill (1978) insuring the rights of handicapped children to a free appropriate public education, the job responsibilities of special educators have dramatically increased. The paper work required for program monitoring and evaluation, the development and implementation of individualized educational plans for every handicapped student, and the on-going evaluation of student progress are only a few of the areas in which increased responsibility has been mandated (Weiskopf, 1980).

In addition to these responsibilities, North Carolina Guidelines (See Appendix A) adopted January 1, 1985,

require the special education teacher to become even more involved in the identification process when a student is suspected of having a learning disability. LD teachers are now involved in the documentation of regular classroom interventions required prior to referral to special education and more emphasis is being placed on providing consultation to the regular classroom teacher.

Special education teachers can no longer be 'self-contained', remaining in their rooms providing direct educational services to learning disabled students. Instead, they are expected to exhibit good communication and consultation skills in dealing with parents, other teachers, and support personnel. They are expected to provide indirect/support services in the way of curriculum adaptations for use in regular classrooms.

It is possible that these increases in job responsibilities have come without concomitant decreases in other responsibilities. If that is true, it is important to understand the implications it may hold for special educators' role perceptions and job satisfaction.

In light of recent research on burnout among teachers of handicapped children (Crane & Iwanicki, 1986; Weiskopf, 1980) it behooves us to investigate the extent to which teacher's perceptions of current practices and program organization coincide with their expectations. Discrepancies between the "perceived" and the "ideal"

could contribute significantly to teacher burnout and job dissatisfaction, which in turn can reduce the quality of services provided handicapped students (Crane & Iwanicki, 1986).

The results of this study will suggest organizational and staff development needs with regard to implementation of the regulations.

Definitions and Limitations

Definition of Terms

The following terms have been defined in an effort to provide a general agreement as to their meaning and usage in this study:

Learning Disabled. "A pupil who has a specific learning disability is one who has a severe discrepancy between ability and achievement and has been determined by a multidisciplinary team not to be achieving commensurate with his/her age and ability levels. The lack of achievement is found when the pupil is provided with learning experiences appropriate for his/her age and ability levels in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, spelling, reading comprehension, mathematical calculation, or mathematical reasoning. The term does not include pupils whose severe discrepancy between ability and achievement is primarily

the result of: a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage" (NC State Department of Public Instruction, 1985).

Consulting Teacher Model. The consulting teacher model allows the learning disabilities teachers to intervene educationally with students who can remain in the regular classroom setting, as opposed to being in a special class placement. The LD teacher works with students who are not seriously involved and have specific deficits which are not generalized to their total learning performance.

Resource Room. A resource room is a special education classroom where handicapped students may come for specific remediation of learning problems. However, students assigned to a resource room typically function primarily in a regular classroom program.

Self-Contained Special Education Class. This type of class deals with students with more severe learning problems who require a more individualized and structured environment. Students remain in the self-contained setting for the major part of the school day.

Individualized Education Program (IEP). The IEP is a document developed for every student classified and served as handicapped. It contains statements regarding the student's current level of functioning, including academic

strengths and weaknesses, program goals and objectives for instruction, evaluation criteria, and current assessment data. An Individualized Education Program is developed by a multidisciplinary team which usually consists of a diagnostician, school administrator, teacher, special education teacher and the child's parents.

Limitations

The population for this study was limited to twenty-two (22) school districts in North Carolina as shown in the Educational Directory for North Carolina for 1985-86. Two school districts were selected from each of the eight educational regions, except for Region VII where a total of eight districts were selected. A survey was sent to every special education teacher with two or more years experience in each of the twenty-two (22) districts.

Organization of the Study

The introduction included in Chapter I of this study identified the problem, delineated the need, significance, and rationale for the study and identified six questions to be answered by the study. Chapter II will present a review of the related literature concerning special educator's role perceptions, job satisfaction, and staff development needs. The methodology employed in the study will be detailed in Chapter III and an analysis of the data being presented in Chapter IV. Chapter V will be a

discussion of the results, along with conclusions and recommendations.

CHAPTER II

RELEVANT LITERATURE

The Education for All Handicapped Children Act of 1975 (Public Law 94-142) has often been heralded as the bill of rights for the handicapped (Stephens, 1981). With the implementation of the law in 1977, schools were to comply with guidelines designed to insure that handicapped students would not be discriminated against in the educational arena. Compliance with federal guidelines required that handicapped students be provided a free, appropriate, public education. Such an education must: (1) be designed to meet their specific educational needs, (2) include any support services as deemed necessary for them to benefit from their specially designed instruction, and (3) be provided in accordance with certain procedural safeguards.

When Congress drafted P.L. 94-142, it was specifically designed to address issues of growing concern to the educational community. Requirements for non-biased and non-discriminatory evaluation procedures were developed to guard against disproportionate numbers of minority students being identified as mentally retarded. Procedural safeguards were implemented to

protect parental and student rights by requiring due process procedures of notice and hearing and by requiring parental permission at various junctures. The least restrictive environment clause mandated that, to the maximum extent appropriate, handicapped students were to be educated with the non-handicapped (Federal Register, 1977).

Cascade of Services

As a result of the law, local education agencies have been required to develop a continuum of services for handicapped students within their district. Many districts have patterned their services on Deno's (1970) Cascade System of Special Education Service or on Dunn's (1973) modification of Deno's work. In both models the educational decisions are based on the learning needs of the student instead of on the particular categorical classification of the student (See Figure 1.).

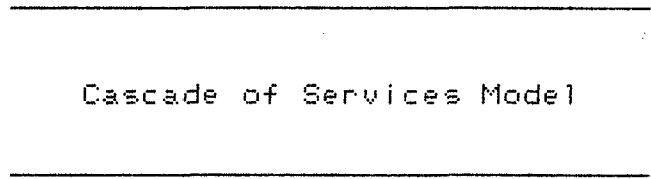
The models illustrate the movement from least restrictive environment to most restrictive environment based on the services required for the student to benefit from their special education program. The least restrictive environment being the regular class placement and the most restrictive being the special residential school. The first five levels of service depicted in the model can be provided within the context of the regular

public school. Levels one through four allow the handicapped student to attend regular classes with their nonhandicapped peers. Supportive help is provided through consultation with their regular class teachers or by attending a resource room for part of the day.

The resource room has been an outgrowth of the dissatisfaction with the self-contained special class and the movement towards normalization for the handicapped. It is also a recognition that these students are more similar to other students than they are different. Support for the use of resource rooms has grown out of the argument that they: (1) provide for greater organizational efficiency, (2) help to reduce the stigmatization of the handicapped student, and (3) place more emphasis on instructional remediation.

A resource room is generally an instructional setting where the students receive educational services on a regular, but part-time basis. When not in the resource room, the student is assigned to regular classes. Resource room instruction would be provided in those subject areas where the student demonstrates a significant discrepancy between ability and achievement. A variety of subjects and skills have been taught in resource rooms depending on the philosophy of the particular school or district. Subjects ordinarily taught are basic skills areas in reading, math, writing, and spelling. Others may

Figure 1



include instruction in social skills, academic survival skills, and various content area subjects.

Students at level five on the model require full-time placement in a special class with other exceptional students. Traditionally, these self-contained classes were categorical in nature, meaning that they served one disability group (i.e., hearing impaired, physically handicapped, learning disabled, emotionally disturbed, mentally retarded). In the past, this was the most prevalent service delivery option used by the public schools. If a student did not fit into a regular class, then a special class placement was the only other placement option. Today, in some more rural areas, the self-contained class has become somewhat more cross-categorical with several low incidence populations being grouped together.

The last three types of placements listed in the model are seen as much more restrictive in nature, because the students are removed from the regular public school and their opportunity to interact with non-handicapped peers is greatly restricted. As a result of the stigmatizing effects that residential or institutional care can have on handicapped students, they are considered by many as less desirable placement options. Along with self-contained classes, special school placements have also been traditional options in special education. As

noted, the first programs for handicapped students were provided in special segregated schools for the deaf, blind or mentally retarded (Heward & Orlansky, 1984).

Criticisms of P.L. 94-142

While the Education for All Handicapped Children Act has been viewed by many as one of the most important pieces of civil rights legislation on behalf of the handicapped, it is not without its critics. At least one researcher (Vernon, 1981) has dubbed it education's "Three Mile Island." Vernon (1981) argues that P.L. 94-142 "jeopardizes realistic efforts at serving disabled children by legislating the impossible and by indiscriminately wasting fiscal resources" (p.24). He reasons that the federal government cannot tell local school districts how to spend their own educational dollars and still remain consistent with the Constitution and that we cannot continue to make our biggest per capita educational investment in those least able to return a dividend to society.

Stephens (1981) counters by stating that this "call to 'get government off our backs' asks for freedom for some while sacrificing equality of opportunity for others" (p.72). He argues instead that rather than seeking to eliminate those regulations that were designed to assure equality, we should direct our efforts towards cleaning up the federal implementation system. Others

(Chalfant, 1985; Pugach & Lilly, 1985; Vlasak, 1980) support Stephens' position and point out specific problems with the implementation of P.L. 94-142 as such.

One criticism has been that resource and "pull out" special education programs have grown indiscriminately as a result of the overidentification of students as 'handicapped' (Pugach & Lilly, 1985). Nowhere has this been more evidenced than in the field of learning disabilities. While non-existent in the 1950's, learning disabilities has now become the single largest area of special education. Kirk and Gallagher (1983) reported that 1,745,865 students were classified and received services as learning disabled in 1983. Furthermore, the largest increase in the 1984-85 child count occurred in the category of learning disabilities, an increase of approximately 34,000. Interestingly enough, the numbers of handicapped children identified as mentally retarded dropped by about 31,000 (CRR Publishing, 1985).

These figures illustrate some of the problems in the field of learning disabilities. Since the label is less stigmatizing than that of mentally retarded or emotionally disturbed, parental pressures may cause schools to erroneously identify the student as learning disabled. On the other hand, overidentification may occur because state and local education agencies have experienced great difficulty in formulating valid identification criteria

and in determining at what point a learning disability presents a handicapping condition (Chalfant, 1985).

Other researchers (Warner, Alley, Deshler, & Schumacher, 1980; Ysseldyke, Algozzine, Shinn, & McGue, 1983) conclude that students identified as learning disabled are not readily distinguishable from other low achievers. This is further complicated by the fact that many standardized tests used in the assessment of LD students are lacking in reliability and validity, resulting in misinterpretation and overidentification (Blankenship & Lilly, 1981; Chalfant, 1985; Scriven, 1983; Ysseldyke, 1983).

Overidentification of learning disabilities may also in part result from the lack of other remedial services within the school. In educational programs where there are no support systems to borderline students and where there are no support systems to enable teachers to cope with these problem students, increased numbers of students are identified as learning disabled (Chalfant, 1985). In fact, the growth of learning disabilities services has helped to bring about the demise of regular-education-based remedial services (Pugach & Lilly, 1985). This serves to perpetuate the 'gulf' that exists between special and regular education programs and inhibits their ability to assume a 'shared responsibility' for handicapped students.

Some researchers (Heller, Holtzman, & Messick, 1982; Pugach and Lilly, 1985; Ysseldyke & Algozzine, 1983) propose that there is growing recognition of the need for a basic reconceptualization of the roles of regular and special education in providing support services for students with mild learning and behavior problems. This recognition is bound to have a significant impact on practice. In calling for a "new philosophy of special education", Ysseldyke and Algozzine (1983, p.27) state that:

 serving all children failing in school is impossible, serving those meeting arbitrary criteria is impractical, and serving only the severely handicapped is unacceptable. We need a new perspective on assessment; administering standardized tests to confirm teacher observations is wasteful; administering standardized tests to plan instructional programs is ineffective; and administering standardized tests to evaluate educational progress is failing. We need a new perspective on intervention; placing students in classes may not be teaching them, students sitting in classrooms may not be learning, and failing in school may not be a student's fault.

These statements are certainly supported by a number of recent educational statistics. National figures indicate that approximately 8 percent of the total nationwide student body is absent daily from school. In large city school systems, attendance rates fall significantly below the national norm with absences ranging from 14-25 percent daily (Dearman & Pilsko, 1980).

Statistics on the dropout rate are also alarming. In a study (Washington Research Project, 1974) sponsored

by the Children's Defense Fund, analysis of the 1970 U.S. Bureau of Census data indicated that nearly two million children between the ages of 7 and 17 were not enrolled in school. Furthermore, these figures did not include students who were enrolled but suspended or expelled, nor do they include many handicapped or pregnant students who were receiving only homebound instruction. Also lacking in these statistics are the number of children who are functionally out of school. The study estimates that there are a far greater number of students who remain in school while benefitting very little or not at all. Furthermore, in 1980, in addition to the approximately 2 million students out of school, 85 percent of the 4 million special education students were not performing adequately in basic subjects and another 5 million students were enrolled in compensatory education programs funded under Title I. These figures are indicators of the significant number of students who are failing to benefit from educational systems (Yaseldyke & Algozzine, 1984).

In order to counteract the negative trends indicated by these statistics and to move towards a new philosophy of special education, educators must address several key issues. Classroom teachers must move toward the concept of diversity as a normative mode. They must: (1) accept and learn to tolerate diversity of rates and styles of learning, (2) be skilled in providing instruction in

diverse ways, and (3) know when various approaches are appropriate. Special education teachers will have to direct their efforts at providing support services within the regular classroom, which would necessitate on-going interaction of both regular teachers and specialists. Both regular and special education teachers need to be adequately prepared to conceptualize and practice these new skills. They must work as team members who identify solutions jointly, regardless of who implements the procedures. (Pugach & Lilly, 1985; Pryzwansky & Rzepski, 1983).

Pre-Referral Options

Pugach and Lilly (1985) assert that a logical solution to the problems previously discussed is to build an array of options prior to special education referral and placement. As a result, special education 'pull-out' programs would serve only those students who could not be accommodated in the regular class with support services.

It has been suggested that four levels of regular education-based interventions should precede special education referral (Lilly, 1983). Assistance from fellow teachers in a problem solving format would fall at one end of the continuum. Chalfant, Pysh, and Moultrie (1979) found that the use of Teacher Assistance Teams was successful in preventing referrals in two thirds of the cases brought before the teams.

Next, individual teachers could be provided with consultation and collaboration services to address specific problems that they may be experiencing. Pryzwansky and Rzepski (1983) point out that while school-based teams have come into widespread use as a result of P.L. 94-142, they tend to function within a narrowly defined role. They propose that a proactive emphasis on prevention of problems should be incorporated into the role of school-based teams. Such a stance would logically involve the provision of consultation services. These consultation services could be organized as either 'child-centered' or 'teacher-centered'. Child-centered consultation would provide specific follow-up support on referred children, while teacher-centered services would address teacher's concerns regarding other children and general classroom needs.

When consultation services are not sufficient to meet the needs of special education students or their regular classroom teachers, support services could be provided within the regular classroom. This would involve support service teachers, aides, or peer tutors working directly with the special student but within the setting of the regular classroom. Finally, support service teachers would work with students outside the classroom. However, this would be in a limited number of cases and for short periods of time. Special education referral and

assessment would only occur after these types of interventions were unsuccessful.

North Carolina Guidelines

While North Carolina has not reconceptualized special education referral services to the extent that Pugach and Lilly (1985) propose, more emphasis has recently been placed on interventions prior to referral. In line with national trends, North Carolina's guidelines for exceptional children's programs have undergone several revisions since 1980.

Until July 1980, North Carolina focused entirely on the discrepancy between grade placement and academic performance to determine eligibility for special education services. However, this procedure was problematic in that it did not account for grade retention and it ignored the student's potential for achievement. Additionally, the procedure tended to underidentify younger children and overidentify students at the secondary level.

Beginning in July 1980, local education agencies were instructed to implement the use of a discrepancy formula. This mathematical formula required the use of an IQ score and chronological age to determine the student's expected grade achievement. Academic achievement scores were then compared to expected grade achievement scores to determine whether or not a mild, moderate, or severe discrepancy existed. The use of this formula created concerns that

overidentification and underidentification issues were still not being adequately addressed. This was evidenced in the fact that many school districts in North Carolina, particularly those in rural areas, were over their allowed caps in learning disabilities. Alexander County School System served 850 handicapped students during the 1984-85 school year, while only receiving special education 'flow-through' monies for 400 students.

In an attempt to more clearly differentiate between learning disabled and non-learning disabled students (i.e., slow learners; environmentally, culturally, or economically disadvantaged), new regulations were implemented on January 1, 1985. Included in these guidelines was a new discrepancy formula which required the diagnostician to convert the child's test scores to standard scores. Measurement errors due to test unreliability were then taken into account, thereby increasing the reliability of the formula.

Following the implementation of these new guidelines, students may be indentified as having Specific Learning Disabilities if:

- (i) after intervention strategies have been implemented in regular education or other programs, the student still exhibits learning difficulties.
- (ii) achievement measured in age standard score units is 15 or more points below intellectual functioning.
- (iii) the disability is not primarily the result of sensory deficits; mental handicap; behavioral/emotional handicap; or environmental,

- cultural and/or economic influences. If a student's learning problems can be attributed to any of these exclusionary factors, then the primary disability is not a learning disability.
- (iv) the student exhibits characteristics of learning disabilities consistent with the definition (State Department of Public Instruction, 1985).

As a result of the inclusion of number (i) above, additional screening procedures were also stipulated. There must be dated documentation of conferences or attempts to conference with parents or guardians concerning the students specific problems.

Secondly, there must be dated and signed documented evidence of at least two interventions that were attempted within the regular education setting. This evidence should include statements regarding the effectiveness of each intervention. Furthermore, interventions should be designed in consultation with other staff members. Modifications such as changes in the student's class schedule, curriculum, teachers, instructional techniques, as well as other interventions by student services personnel may be employed.

Additional information regarding the student's educational history, medical history, school attendance record, performance in relations to peers, social functioning, and environmental and cultural status must be collected. Behavioral observations are also required and must be conducted by an appropriate third-party observer (i.e, someone other than the regular classroom teacher).

These observations can be further verified through work samples that illustrate the student's deficiencies, such as information related to task completion, ability to follow directions, and mastery of academic skills. The classroom interventions and data collection are part of a pre-referral process which must take place before a student can be referred for special education evaluation.

These guidelines are congruent with the least restrictive environment clause and the legislative intent of P.L. 94-142. As Vlasak (1980) points out, there must be clear and convincing evidence to justify each child's removal from regular classes.

Role Perceptions of Special Educators

Research on role perceptions of special educators has focused primarily on the issues related to categorical versus non-categorical service delivery models (Algozzine, et. al., 1981; Belch, 1979; Forness, 1976; Hallahan & Kauffman, 1976; Lilly, 77; Reynolds & Balow, 1972). These studies have found few differences between the role perceptions of teachers of learning disabled, emotionally disturbed or mentally retarded students.

Additional research has focused on teacher's perceptions of criteria used in identifying learning disabled students (Pugach & Lilly, 1985; Thurlow, Ysseldyke, & Casey, 1984; Warner, Alley, Deshler & Schumacher, 1980; Ysseldyke, Algozzine, Shine & McGue,

1979). However, research into teacher's perceptions of their roles in terms of pre-referral and screening requirements, instructional responsibilities, consulting duties, and paperwork requirements is lacking. Some evidence exists that indicate teacher's caseloads are at odds with their mushrooming noninstructional responsibilities (Brown, Kiraly, & McKinnon, 1979; D'Alonzo & Wiseman, 1978; Houck & Given, 1981).

The implementation of the new North Carolina Rules Governing Programs and Services for Children with Special Needs in 1985 required increased evaluation procedures. Many of the smaller school districts do not have support personnel, other than the special education resource teacher, to assist in the gathering of the pre-referral information and the planning and documentation of the classroom interventions now required by law. As a result this new added responsibility may have far reaching implications for how special educators view their roles and ultimately on how satisfied they are with those roles. Since negative role perceptions and lack of job satisfaction can increase the probability of teacher burn-out, the research seeks to explore the effects of new guidelines that add consulting duties while failing to reduce instructional and non-instructional duties.

CHAPTER III

METHOD

General Concepts

The major goal of this study was to determine the degree to which changes in the North Carolina Regulations Governing Programs for Exceptional Children (1985) affected special educators. Data were collected and analyzed to determine if the current regulations produced a significant change in the time and emphasis special education teachers placed on various aspects of their jobs.

Secondary purposes were to examine special education teachers' perceptions of the Local School District special programs organization. Results were analyzed to determine if significant differences existed between the teachers' perceptions of current organization and what they rated as 'ideal' organizational practices.

Respondents

Respondents who participated in the study were special education resource room teachers employed in the eight educational regions within North Carolina. All participants had two or more years of experience as a

teacher of exceptional children . A two-year experience criteria was imposed to insure that respondents had worked with the Regulations Governing Programs for Exceptional Children (1983-84) in effect prior to the rule changes (January 1, 1985).

Procedures

The 1985-86 Education Directory (NCDPI, 1985) listed 142 public school administrative units operating in the 100 counties in North Carolina. Each administrative unit has been assigned to one of eight Regional Educational Districts. The following procedure was used to select the sample of administrative units to participate in this study.

Based upon Average Daily Membership (ADM) figures for the 1984-85 school year which appeared in the Education Directory for 1985-86 administrative units in each of the Educational Regions were divided into two categories: those with a total enrollment of under 5,000 students and those with an enrollment of thousand 5,000 or more students. A Table of Random Numbers was utilized to select the fifteenth (15th) administrative unit in each category in each of the regions. In regions containing less than 15 units in each category, the count on each district list was repeated.

Educational Region VII was selected for more concentrated study. In the case of Region VII, four administrative units with an ADM of under 5,000 and four administrative units with an ADM of 5,000 or more students were selected to participate in the study. Table I contains the Administrative Units selected to participate in this study.

The selection of administrative units to participate in this study was made to insure a diverse representative state-wide sample but one with sufficient geographic proximity to provide a single cohesive sample.

A letter explaining the study and eliciting the cooperation of the administrative unit was sent to each Exceptional Children's Program Administrator in the selected units. A copy of the letter is contained in Appendix B. Packets containing the instruments along with instructions to respondents were included with the letter. Exceptional Children's Program Administrators were requested to distribute instrument packets to each school in their unit to be completed by the resource teacher whose name appeared first on an alphabetical roster of teachers in that school. The Exceptional Children's Program Administrators were asked to receive completed instruments from the respondents and return them to the author.

TABLE I

Administrative Units Sampled

Educational Administrative Region	Administrative Unit	
	(Under 5,000 ADM)	(5,000 or over ADM)
I	Bertie County (4,402)	Pasquotank County (5,330)
II	Pamlico County (2,167)	Duplin County (8,436)
III	Tarboro City (3,296)	Granville County (6,680)
IV	Whiteville City (2,796)	Hoke County (5,041)
V	W. Rockingham City (3,873)	Burlington City (7,196)
VI	Shelby City (3,836)	Mecklenburg County (74,646)
VII	Hickory City (4,524)	Wilkes County (11,317)
VII	Statesville City (3,501)	Sunny County (8,407)
VII	Alleghany County (1,744)	Iredell County (10,433)
VII	Newton/Conover City (3,022)	Catawba County (13,187)
VIII	Clay County (1,256)	Haywood County (8,408)

All participants were requested to complete two different instruments. Teachers were provided two separate copies of the Survey of Resource Teacher Role Perceptions. Instructions given at the beginning of the survey indicated that one copy was to be completed by rating the time and emphasis placed on certain resource teacher functions prior to the implementation of new regulations on January 1, 1985. The other copy was to be completed rating those same items after the new regulations went into effect. Teachers were then asked to complete the Profile of a Special Education Program Organization Survey.

Follow-up telephone calls were made to each Exceptional Children's Program Administrator four weeks after the initial contact to facilitate return of the instrument packets. Of the 328 instrument packets distributed to the selected administrative units, 151 usable responses were returned (46%). Incomplete instruments were eliminated from data analysis.

The return rate of the data packets may have been affected by instruments sent to a number of schools in each administrative unit which house self-contained special programs (e.g., programs for Behaviorally/Emotionally Handicapped, Trainable Mentally Handicapped, Multi-Handicapped, etc.). As the regulations governing these programs are different from those of

resource programs and did not change, responses from teachers in special schools and/or self-contained programs were eliminated from the sample. The timing of this study may have also been a factor affecting the return rate. As instruments were distributed during the last quarter of the school year when Exceptional Children's Program personnel are occupied with annual reviews of student progress and an increased amount of record keeping, respondents may have assigned a low priority to completing the instruments for this study.

Measures

As previously mentioned, two different surveys were used in the study. The Survey of Resource Teacher Role Perceptions and the Profile of a Special Education Program Organization Survey were both developed by the author.

The survey of role perceptions was developed using the Teacher Performance Appraisal Instrument developed by the North Carolina State Department of Public Instruction as a model. Following a thorough review of the appraisal instrument, instructional items were rewritten and adapted from the observational data collection instrument to a rating scale format. Additional items pertinent to special education teachers were then added. These included items on consultation and placement functions related to special education students, such as writing

Individual Education Programs, records keeping duties, consulting with support personnel, participation in referral activities, etc. The combination of these items resulted in the Survey of Resource Teacher Role Perceptions. The following headings and highest reliability coefficients (alpha) were identified: consultation functions (.86), placement functions (.85), instructional functions (.67), and non-instructional functions (.82). The reliability of the consultation and placement functions are sufficiently high and consistent to use these scales with confidence. The lower coefficient found on the instructional function and the catch-all nature of the non-instructional function require a more tentative and cautious use of these scales (See Appendix C).

Teacher role perceptions are rated on a scale of one to ten, with a score of ten indicating a great deal of importance. Respondents are required to rate the amount of time and emphasis spent on various consultation, placement, instructional and non-instructional functions.

The second instrument, the Profile of a Special Education Program Organization (See Appendix D), was developed based on the work of Rensis Likert (1967). Respondents were first requested to complete items indicating demographic information and then to rate various statements concerning organizational patterns on a

Likert-type scale. Each item was to be rated twice. The first rating was to be made on the basis of how the respondent currently views the organizational structure within their district. Secondly, the items were to be rated based on their perceptions of the ideal organization.

Likert (1967) developed the participative decision-making model which provides a conceptual framework for viewing systems organization. His model includes four systems of organization. In System I, the communications flow is completely downward from the upper levels of the hierarchy. It is generally characterized as the exploitive authoritarian system. Decisions are generated by a select number of individuals, handed down to subordinates and Team decision making is discouraged. The system promotes subserviant attitudes of subordinates and generally results in conflict between organizational levels, dissatisfaction with membership in the organization, low productivity, and a high degree of apathy.

System II is described as the Benevolent Authoritative System where attitudes of the organization members vacillate from favorable to hostile. Subordinates frequently feel little responsibility for achieving the organization's goals. This system is marked by a high degree of competition for status, a great deal of

hostility, and some evidence of condescending attitudes in the superordinates' interactions with subordinates. The communications flow is still downward and subordinates tend to only say what they think their superiors want to hear. Policy making is reserved for the top hierarchy and although many decisions are made at lower levels within a prescribed framework, there is virtually no group decision-making. Productivity is higher than in System I.

System III is termed the Consultative System. Peer attitudes are generally cooperative, although some competition exists. There is a moderately high degree of satisfaction with regard to supervision, needs satisfaction, and task achievement. Organization members are motivated more through economic and ego needs, while in Systems I and II motivations stem more from economic and security needs. Communications are patterned on the hierarchial form in Systems I and II but there is a degree of upward communication from subordinates to superiors. A fair amount of trust and confidence exists, with broad policies generated at the top and specific decision-making delegated to lower levels of the organization. Team-work and group decision-making are also evident. A system functioning on this level exhibits a high degree of productivity and fairly high morale, which may be equated with needs satisfaction.

Likert's System IV, the Participative Group, is considered the most desirable for meeting member needs and operating at peak productivity. Morale is generally high, as well as needs satisfaction. There is trust and confidence between superiors and subordinates and little or no competitiveness is exhibited between peers. Goal setting, policy formulation, and decision making is conducted by all levels of the organization with communication patterns being both upward and downward. This system is characterized by team-work and complete use is made of the technical skills of the members.

Data will be analyzed to determine if significant differences exist between the respondents' perceptions of current practices and their ratings of ideal practices. These data will also be interpreted in light of Likert's four systems in an attempt to characterize the organizational structure of special children's programs and how that structure affects teacher's job satisfaction.

CHAPTER IV

ANALYSIS OF THE DATA

This study sought to determine the degree to which changes in the North Carolina regulations implemented January 1, 1985, have affected special educators in terms of role description, job satisfaction, and perceptions of the Local School District special program organization. The study examined the extent to which changes in the guidelines affected the special educators' perceptions of their responsibilities with respect to consultation, placement, instruction, and non-instructional duties. Analysis also attempted to identify special educators' perceptions of program organization variables that relate to job satisfaction.

This chapter will first present demographic statistics on the special education teachers who participated in the study. Next, descriptive statistics illustrating the significant changes in teachers' role perceptions will be reported. Finally, analyses of items related to job satisfaction will be delineated.

Demographic Profile of Special Education Teachers

One hundred and fifty-one teachers completed the survey instruments. Of those, 15 percent were males and 85 percent were females. Minorities represented 18 percent of the teachers responding.

The highest educational level obtained by 50 percent of the subjects was a bachelor's degree. Master's degrees were held by 45 percent of the subjects and 5 percent held specialist's degrees. The mean number of years of teaching experience was 12.4 years, with a range of two to forty-one years. The mean for the number of years as a Resource Teacher was 8.7 years, with a range from two to twenty-eight years. The average caseload (number of students served per day) was 31.3, with a range from eight to eighty-five!

Some teachers held dual or multiple certifications. Certification in Specific Learning Disabilities was held by 53 percent of the teachers. Twenty-three percent held Behaviorally/Emotionally Handicapped Certification, with 54 percent of the teachers indicating certification in Educable Mentally Handicapped. Cross-categorical certification was held by 39 percent. Thirty-five percent of the teachers reported holding certifications other than special education.

The highest percentage of special education teachers, 60 percent and 53 percent, reported teaching grades K-3 and 4-6 respectively. As expected, there were fewer

teachers at the secondary level. Thirty-two percent taught grades 7-9 and 27 percent taught in grades 10-12.

The number of special education teachers within a school ranged from one to seven, with less than 1 percent teaching in schools with five or more special classes. The majority (66 percent) reported only one or two special education teachers within their respective schools. Approximately 20 percent taught in schools with two other special classes, 8 percent with three, and 6 percent with four other special education teachers (See Table 2).

A series of regression analyses were used to predict scores of the resource teacher functions from the demographic data. No significant differences from among demographically different teachers were found.

Changes in Teacher's Role Perceptions

Significant changes in teacher's role perceptions will be presented for consultation functions, then placement, instructional and non-instructional functions. A t-Test (difference of means test) was computed on teachers's ratings of how much time and emphasis was placed on each of the functions both before and after the implementation of changes in state guidelines for special programs.

Consultation Functions. Teachers were asked to rate the amount of time they spent engaged in consultation with

TABLE 2
 SELECTED DEMOGRAPHIC CHARACTERISTICS OF SPECIAL
 EDUCATION TEACHERS

1.	ETHNICITY	
	Caucasian	85.1%
	Minorities	14.9%
2.	EDUCATIONAL LEVEL OF SUBJECTS	
	Bachelor's Degree	50.0%
	Master's Degree	44.5%
	Specialist's Degree	5.5%
3.	TEACHING EXPERIENCE	
	Mean number of years teaching	12.4
	Mean number of years teaching special education	8.68
4.	CASELOAD	
	Mean number of students served	31.3
5.	CERTIFICATION	
	Specific Learning Disabilities	52.7%
	Behaviorally/Emotionally Handicapped	23.3%
	Educable Mentally Handicapped	53.8%
	Cross-Categorical	38.9%
	Other	35.5%
6.	GRADE LEVELS TAUGHT	
	K-3	59.5%
	4-6	52.7%
	7-9	32.4%
	10-12	27.2%
7.	NUMBER OF SPECIAL EDUCATION TEACHERS IN THE SCHOOL	
	Only special education teacher	31.5%
	One additional special teacher	33.6%
	Two additional special teachers	20.3%
	Three additional special teacher	7.7%
	Four additional special teachers	5.6%
	Five additional special teachers	.7%
	Seven additional special teachers	.7%

parents regarding student progress and referral and placement matters. They also rated how much time they spent consulting with other teachers and support personnel on instructional concerns and referral and placement matters. Each item listed under consultation functions was rated as significantly more important following the implementation of the new state guidelines.

The items rated (on a ten point scale) as the most important consultation functions were: (1) consultation with parents on referral/placement matters (mean=7.95), (2) consultation with teachers on instructional concerns (mean=7.96), and (3) consulting with support personnel on referral/placement matters (mean=8.39). Table 3 presents a summary of item ratings for consultation responsibilities.

Placement Functions. The second section asked the teachers to rate their various placement functions. These included completing forms for screening and placement, student observations, support team and school-based committee participation, maintaining up-to-date exceptional child folders, conducting individual evaluations, and writing educational plans.

Teachers consistently rated the writing of individual education plans (mean=8.90) and keeping exceptional children's folders up-to-date (mean=8.88) as the two most important placement functions. On 'before' scores

individual evaluations were rated as the third most important function (mean=7.87), while 'after' scores indicated that participating on school-based committees ranked third (mean=8.76). Table 4 presents a summary of item ratings. As with consultation functions, all placement functions were rated as significantly more important following the implementation of the new state guidelines.

Instructional Functions. The third section of the survey investigated instructional duties of special education teachers. Among those items were designing and implementing behavior management plans, assisting students with regular class assignments, and designing and implementing individual and small group instruction. Again all items in this section were rated as significantly more important following the implementation of regulation changes.

Both 'before' and 'after' scores indicated that the three most important instructional functions were: (1) organizing instructional materials (mean=8.59); (2) designing and implementing individual and small group instruction (mean=8.33), and (3) designing and implementing individual and small group behavior management plans (mean=7.45). Table 5 presents a summary of item ratings.

TABLE 3
 MEAN LEVEL OF IMPORTANCE SCORES
 FOR CONSULTATION FUNCTIONS
 BEFORE AND AFTER STATE REGULATION CHANGE *

Functions:	Before	After
Consultation with parents on student progress	6.79	7.72
Consultation with parents on referral/placement matters	7.38	7.95
Consultation with teachers on instructional concerns	7.19	7.96
Consultation with teachers on referral/placement matters	7.09	7.81
Consultation with support personnel on programmatic concerns	6.93	7.84
Consultation with support personnel on referral/placement matters	7.70	8.39

* All before and after scores are significantly different with an average degree of freedom equal to 137, using difference of means (matched pair, t-Test) with alpha = .05.

TABLE 4
 MEAN LEVEL OF IMPORTANCE SCORES
 FOR PLACEMENT FUNCTIONS
 BEFORE AND AFTER STATE REGULATION CHANGE *

Functions:	Before	After
Completing forms for screening	7.29	7.96
Participating in Building Support Teams	6.10	7.34
Observing referred students in the classroom	5.70	6.55
Participating on School-Based Committees	7.69	8.76
Completing forms for placement	7.74	8.51
Keeping exceptional child folders up-to-date	8.04	8.88
Writing Individual Education Plans	8.22	8.90
Individual evaluations (administering PIAT, Brigance, WRAT, etc.)	7.87	8.45

* All before and after scores are significantly different with an average degree of freedom equal to 137, using difference of means (matched pair, t-test) with alpha = .05.

Non-Instructional Functions. The final section on the Role Perceptions Survey required teachers to rate their non-instructional duties according to the importance placed on them both before and after regulation changes. Items included responsibilities such as bus duty, substituting for classroom teachers, serving on committees, participating in professional development activities, etc. Only four items in this section were rated as significantly more important following the implementation of regulation changes. They were: (1) attending professional conferences or workshops (mean=6.67), (2) participating in school/parent organizations (mean=6.31), (3) substituting for regular classroom teachers (mean=4.12), and (4) coordinating district-wide annual testing programs (mean=4.04).

The items rated as the two most important on both 'before' and 'after' scores were attending professional conferences/workshops and participating in school/parent organizations, respectively. Participating in graduate courses was rated third most important on 'before' scores, while participating in exceptional children/parent organizations was rated second on 'after' scores. Table 6 presents a summary of these results.

TABLE 5
 MEAN LEVEL OF IMPORTANCE SCORES
 FOR INSTRUCTIONAL FUNCTIONS
 BEFORE AND AFTER STATE REGULATION CHANGE *

Functions:	Before	After
Designing and implementing individual and group behavior management plans	6.71	7.45
Working with students on regular classroom assignments	6.46	6.96
Designing & implementing individual & small group instruction	7.96	8.33
Organizing instructional materials	8.14	8.59
Individualizing work for student to do in regular classroom	5.66	6.39
Organizing and implementing outside class experiences (e.g., field trips)	4.96	5.41

* All before and after scores are significantly different with an average degree of freedom equal to 137, using difference of means (matched pairs, t-test) with alpha = .05.

TABLE 6
 MEAN LEVEL OF IMPORTANCE SCORES
 FOR NON-INSTRUCTIONAL FUNCTIONS
 BEFORE AND AFTER STATE REGULATION CHANGE

Functions:	Before	After
Bus Duty	4.68	4.90
Substituting for regular classroom teachers	3.66	4.12 *
Collecting money from school sales	3.52	3.66
Serving on Local School Committee	4.96	5.11
Coordinating district-wide annual testing program	3.60	4.04 *
Serving on district committees	3.59	3.88
Attending professional conferences or workshops	5.78	6.67 *
Participating in school/parent organizations	5.75	6.31 *
Participating in graduate courses	5.35	5.56
Supervising interns and student teachers	3.64	3.67

* Indicates a significant difference between the before and after scores with an average degree of freedom equal to 140, using difference of means (matched pairs, t-Test) with alpha = .05.

Special Education Program Organization

Scores on the Profile of a Special Education Program Organization Survey were divided into four groups. The higher scores in group four indicated a more democratic organization, while lower scores in group one indicated the converse, a more authoritarian organizational structure. A one way analysis of variance was then computed for the scores on the Profile of a Special Education Program Organization Survey and the mean 'before' and 'after' scores of the consultation and placement functions on the Resource Teachers Role Perceptions Survey.

Thirty-six t-Tests were computed for consultation functions with only four being significant and forty-eight for placement functions with none being significant. The direction of the differences is very consistent, although not significant. However, teachers in more democratic organizational structures tend to find consultation and placement functions more important.

Summary

An examination of the mean rating scores in Tables 3 through 6 will reveal a pattern of differences which may be instructional in understanding teachers perceptions. For every item in each table the mean rating was higher

(indicating greater importance) on the 'after' rating than on the 'before' rating. This suggests that a Hawthorne Effect may be operating in their perceptions of what is important. The fact that new regulations were implemented is used as a clue by teachers that each of their tasks is more important than it was before the new regulation.

That they are not all statistically significantly different is instructive and adds credibility to the differences which were found. Clearly the consultative, placement, and instructional functions all received greater emphasis after the new regulations. The greatest change in the consultative functions occurred on consultation with parents on student progress and with support personnel on programmatic concerns. The new regulations specify that pre-referral interventions and observations be implemented prior to referral for special education evaluation and that special education teachers serve on school-based support teams to assist in the implementation of regular classroom interventions. Therefore the increased emphasis shown by the teachers reflect their awareness of the details of the new regulations.

The largest increases in Consultation Functions were found in consulting with parents on student progress (.93 mean increase) and consulting with support personnel on programmatic concerns (.91 mean increase). The increased

importance of consulting with support personnel on programmatic concerns can be seen as directly relating to the regulation changes. The increased importance placed on consulting with parents probably reflects an overall emphasis that schools are placing on parent teacher communications.

In the category of Placement Functions, the largest increase was seen in participating in Building Support Teams (1.24 mean increase). The second largest increase in 'after' scores was recorded for participating in School-Based Committees (1.07 mean increase). Again, both of the items are directly related to the changes in regulations.

Designing and implementing individual and group behavior management plans showed the largest mean increase (.74) for items listed under Instructional Functions. Individualizing work for students to do in the regular classroom showed the second largest mean increase (.73). Neither of these items are directly stated in the regulation changes. However, as these are interventions that might be tried in the regular classroom prior to special education referral, they may relate to the pre-referral process stipulated in the regulations.

The largest increases in Non-Instructional Functions were found in attending professional conferences and workshops (.89 mean increase) and participating in

school/parent organizations (.56 mean increase). The increased importance of attending professional conferences and workshops could be indirectly related to the increases identified in other functions. Special education teachers may be feeling pressed to develop or refine their skills in order to meet the requirements of their expanding roles.

These findings indicate that the implementation of the new regulations in January of 1985 did significantly affect special education teachers' role perceptions. They also indicate that the direction of the findings is towards an increased responsibility in a number of areas, particularly those related to consultation, placement and instruction of handicapped students.

CHAPTER V

SUMMARY, DISCUSSION, AND RECOMMENDATIONS

This chapter summarizes and discusses the issues concerning the significant changes in teacher's role perceptions following the implementation of new state guidelines in 1985. These changes will be discussed with respect to: (a) consultation functions, (b) placement functions, (c) instructional functions and (d) non-instructional functions.

Consultation Functions

Teachers indicated that the new 1985 guidelines required them to place significantly more emphasis on each of the six areas listed under consultation functions. They perceive themselves as having to spend more time consulting with parents, peer teachers and support personnel with respect to both referral/placement matters and instructional or programmatic concerns. This increased emphasis on consultation skills could present a problem for several reasons.

The State Department of Public Instruction, Exceptional Child Division, has stated that approximately

50 percent of all special education teachers are teaching outside their area of certification (1985). Most resource room teachers hold only categorical certifications while teaching in cross-categorical classrooms. The data in this study revealed that only 39 percent of the respondents were cross-categorically certified to teach learning disabled, mentally retarded, and emotionally/behaviorally disordered students. Consequently, approximately 61 percent were teaching cross-categorical classrooms while holding only one or two categorical certifications. If a teacher holds categorical certification in educable mentally handicapped, their training may be lacking in the teaching of academic skills. Other categorical programs may not have focused adequately on the range of skills and skill levels generally encountered in a resource room setting. When teachers are not well-versed in appropriate instructional design techniques and curricular modifications, it is probably unrealistic to expect them to provide adequate consultation on these issues to their peer teachers.

Furthermore, since categorical teacher training programs have typically focused on working in self-contained classrooms, many of these programs have not trained teachers to provide consultation services to the regular classroom teacher. Even many of the

cross-categorical training programs contain only a course or two that pertains to communication and consultation skills. It is often not until the specialist's degree level that adequate training in consultation skills takes place. Unfortunately only 6 percent of the respondents in this study reported holding a Specialist's Degree.

These issues may be further emphasized by the fact that approximately two-thirds of the respondents indicated that they taught in schools with only one (32 percent) or two (34 percent) special education teachers. These figures indicate that they are often the only resource person within that school who is available to provide pre-placement intervention consultations, as well as on-going consultation concerning instructional matters.

It is generally accepted that the ability to be an effective consultant requires a number of competencies beyond those required to be an effective teacher. When teachers, who may lack the interpersonal skills or training in consulting skills, are required to serve in this capacity, one must question how effectively the consultation duties are executed. It is also important to question the extent to which this increased responsibility, in an area where training may be inadequate, adds to stress and burnout among special education teachers.

Placement Functions

When questioned about placement functions, respondents also indicated a significant increase in job responsibilities in each of the eight areas, following the implementation of the 1985 guidelines. These increases have probably occurred for two reasons: a) the total number of referrals to special education have continued to grow, and (b) the pre-referral requirements added to the new guidelines in 1985. Pre-referral requirements included the documentation of two intervention strategies used in the regular classroom and behavioral observations of a student which were to be completed prior to special education evaluation.

Perceptions of increased emphasis on the first three items (i.e., completing forms for screening, participating in building support teams, and observing referred students in the classroom) are directly related to the added requirements of the new regulations. The revised regulations now require two levels of intervention documentation for the identification of students with either Learning Disabilities or Behavioral/Emotional Handicaps. The first level of intervention is carried out by the regular classroom teacher prior to referring the student for special education screening. When this intervention is not successful, a pre-referral is made and

a second level of intervention is suggested by the support team. The classroom teacher is not precluded from asking the advice of the resource teacher when deciding on a pre-referral intervention and the resource teacher typically serves as a member of the building support team. Both of these have increased the responsibilities of the resource teacher.

The new guidelines also require that observations in the regular classroom be conducted on those students referred for special education placement. Since these observations are to be conducted by someone other than the referring teacher, findings in this study suggest that the special education teacher is often expected to assume this responsibility. This may be particularly true in elementary schools where the availability of school counselors is limited.

The State Department of Public Instruction is currently completing a study to assess the efficacy of the 1985 guidelines requiring the implementation of the pre-referral process (Harris & Honeycutt, 1987). The study indicated that the process saved considerable cost in terms of personnel time. If the referrals had been submitted prior to 1985, the assessment cost would have been approximately \$198,990 for the 297 students pre-referred. However, since the pre-referral guidelines were in place, only 172 of the students were referred for

further assessment, which constituted a savings of approximately \$83,000 in personnel time. These findings might lead one to expect a reduction in placement items such as: (1) participating in school-based committees and (2) conducting individual evaluations. However, respondents indicated that even these items required significantly greater emphasis after January 1985. This suggests a growth in resource teacher responsibilities not an exchange of some responsibilities for others.

The significance of the last five items (i.e., participating in school-based committees, completing forms for placement, maintaining folders, writing individual education plans, and conducting individual evaluations) may be due in part to the overall increase in special education referrals. While the Harris and Honeycutt (1987) study does not provide statistics on the overall increase in special education referrals in North Carolina, the state has tended to parallel the national trend. As previously noted, national statistics reported that 34,000 new students were identified in the category of Learning Disabled in one year, 1986.

The increased emphasis on these responsibilities may also be reflecting other data contained in the Harris and Honeycutt (1987) study. Of the students who were pre-referred, 71 percent of the 7-9th graders and 54 percent of the K-6th graders were referred for further

testing. This in conjunction with the added increase in referrals would indicate that resource teachers in K-9th grade would find increased responsibility in these five placement functions. Approximately 73 percent of the respondents in the current study teach at these grade levels and, therefore, data from the current study may simply be reflecting these two factors.

The fact that resource teachers rated writing individual education plans (IEPs) as receiving increased emphasis may indicate several things. These increases may be related to the overall increase in referrals to special education and a heightened awareness of the need for specific educational goals. However, it may also indicate that districts are failing to make use of computerized IEP programs that can assist in reducing the paperwork load of special educators.

Instructional Functions

When questioned regarding the emphasis placed on instructional functions, resource teachers rated all six items as significantly more important. These increases may be due to a number of factors and also raise several questions.

The first item, designing and implementing individual and group behavior management plans touches on a topic frequently mentioned in today's teacher training

literature (Faas, 1985). Almost any article related to teacher stress and burnout notes that behavior management is a major concern of most teachers. However, few teacher training programs require students either at the undergraduate or at the graduate level to take a course in applied behavioral analysis. Therefore, other than perhaps the principal, the special education teacher may be one of the only trained behavior management resources available on a day-to-day basis in the school.

Furthermore, many of the categorically certified special education teachers (i.e., Educable Mentally Handicapped or Learning Disabilities) may not have had formal training in behavior management, particularly those not trained within the past 6-8 years. Since the mean number of years of teaching special education for respondents in this study was 8.7 years, the inference can be made that an increased emphasis is being placed on a function for which many special educators lack formal training.

The increased emphasis placed on working with students on regular classroom assignments brings up a long-standing question in special education. Do special educators remediate skill deficits identified in educational assessments, or do resource teachers use instructional time trying to help the special student just stay afloat in the regular classroom? Clearly this

question has not been resolved for the teachers who participated in this study.

Along with the increased emphasis on working with students' regular class assignments, respondents also indicated more emphasis was being placed on: (1) designing and implementing individual and small group instruction, (2) individualizing work for students to complete in the regular classroom, and (3) organizing and implementing outside class experiences. These results reflect the continuing emphasis that is being placed on mainstream educational experiences for handicapped students and on "the least restrictive environment" mandate. (Public Law 94-142 mandates that to the maximum extent appropriate, handicapped students must be integrated with the non-handicapped and that handicapped students be provided the full-range of educational experiences).

The overall increased emphasis on instructional functions is interesting in light of the State Department of Public Instruction's supposed implementation of a consulting teacher model. With a consulting teacher model, one would expect to see a significant increase in indirect support services for regular classroom instruction with a reduction in the provision of direct services in a resource room. It appears that the respondents in this study have had the increased

responsibility for indirect services without the concomitant reduction in direct services.

Non-Instructional Functions

In the area of non-instructional functions teachers indicated an increased emphasis on: (1) substituting for regular classroom teachers, (2) coordinating district-wide annual testing programs, and (3) participating in school/parent organizations. Although these items were rated overall as less important than consulting, placement, and instructional functions, there has been an increased emphasis placed upon them. This emphasis is probably unrelated to the actual implementation of the 1985 guidelines, as they do not specify that special education teachers assume these responsibilities. However, they illustrate several important points.

Since resource room teachers typically serve students on a 'pull-out' basis, resource classes may be more easily dismissed to allow teachers to substitute in regular classes. When this occurs it may indicate an attitude that what occurs instructionally in the resource room or by a resource teacher is of less importance than other instructional efforts.

The fact that a number of special education teachers are required to coordinate district-wide annual testing programs adds considerably to the responsibilities these

teachers must assume. It may also indicate a failure of the school to recognize the already burgeoning responsibilities of resource teachers. While the study indicated that the mean number of students served by a resource teacher was thirty-one, the data do not measure the number of contact hours for each teacher. Since many special education students qualify for services in more than one academic area, they may actually be served in the resource room for more than one period per day. Thus the number of contact hours, the amount of paperwork, and the instructional responsibilities are greater for these students than for other students being served in only one subject area or for non-special needs students. Since resource teachers usually teach groups of between 8 and 10, schools may erroneously conclude that resource teachers have more time to handle additional responsibilities than the regular classroom teachers.

Perhaps the most interesting result of this study is that while significant increases occurred in the emphases placed on consulting, placement and instructional duties, as well as on some non-instructional duties, there were no significant reductions in job responsibilities in any of the categories. If one assumes that resource teachers started out with fewer job responsibilities and more free time, these increases are not alarming. However, if one does not begin with this assumption, then such data, in

light of recent research on teacher stress and burnout indicate that the respondents in this study may be at-risk (Edelwich & Brodsky, 1980; Greenberg, 1984). The significant increases in consultation and placement functions could indicate that resource teachers are becoming increasingly overworked and required to assume additional responsibilities in areas where they may lack formal training. In addition to being placed in jobs which put them at greater health risk, the quality of their instructional efforts may suffer.

Implications

The significant increases in consultation, placement, instructional and non-instructional functions have been discussed. What remains is a discussion of these resource teacher functions in light of their possible implications for future research and for teacher training.

Future Research

Future research should focus on analyzing the differences between the responses of resource teachers from widely different school districts. It is possible that those districts which can afford more support personnel might have moved closer to full implementation of a consulting teacher model. If this were true, it is conceivable that the wealthier districts may be accounting

for most of the significant increases seen in consultation functions. Alternatively, it might be hypothesized that since wealthier districts have greater resources in general, the 1985 regulations meant a dispersion of responsibilities rather than an increase of responsibilities for resource teachers.

Additional data should be collected to determine the extent to which these added responsibilities contribute to teacher stress and burnout. National statistics indicate high burn-out rates for teachers in resource settings. An important question to be answered is whether or not North Carolina teachers replicate these national trends.

This research brings to light the need to determine if the increase in placement functions is the result of an increased number of referrals to special education or if it indeed reflects an increased role for resource teachers. In order to answer this question, data on the number of students referred for further assessment and on the amount of yearly assessment done with students already identified and served should be collected and analyzed.

This research also brings to light the increased managerial roles imposed upon resource teachers. Teachers should be surveyed to determine the extent to which they have been formally trained and feel qualified to perform the various consultation functions, as well as other

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This research also brings to light the increased managerial roles imposed upon resource teachers. Teachers should be surveyed to determine the extent to which they have been formally trained and feel qualified to perform the various consultation functions, as well as other

responsibilities such as developing and implementing behavior management programs.

Teacher Training: a Concluding Note

The results of this study and data from the above mentioned studies should be analyzed to determine implications for future pre-service and in-service teacher training needs. Since pre-service programs are training teachers for 4 years into the future, they must be acutely aware of the current responsibilities special education teachers must assume, as well as future trends. Additionally, since the literature supports the efficacy of cross-categorical training programs, it is important to examine ways to retool teachers currently categorically-certified. Part of this information may be provided by research which identifies teachers' current competencies in relation to competencies required to adequately function in the roles defined in this study.

The world of the teacher demands professional self-esteem, meeting the demands of students, parents, teachers, and principals, and responding to legislative and other regulatory changes. Efforts are needed at bringing together, into a service training matrix for present and future teachers, their professional competencies and the changing professional roles imposed by changing regulations.

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APPENDIX A

May 19, 1986

Dear Program Administrator:

I am in the process of studying the impact of the new state regulations on resource teachers with regard to their perceptions of selected organizational variables and job satisfaction. The results of this study, which will be the basis of my doctoral dissertation at UNC-G, should assist us as special services administrators in developing appropriate in-service opportunities for our staff.

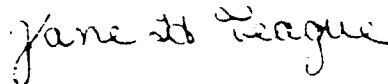
Your school district has been randomly selected to participate in the study. Therefore, you will be receiving a copy of the results of the study along with some specific information about your staff's perception of your district as a small token of my appreciation for your help and cooperation.

I need your assistance with distributing the enclosed materials to the schools which have been identified on each set of survey materials. Surveys are to be completed by resource personnel in the school with two or more years of experience. When the survey has been completed, the teacher is to send it in the attached envelope and return it to you. When all surveys have been returned to your office (by June 13, 1986), please put them in the enclosed, postage paid envelope and return them to me.

You have my deepest gratitude for your cooperation and assistance. I am looking forward to sharing the results with you in an effort to improve what we are doing for our resource personnel.

Please feel free to contact me at (704) 632-7001 (work) or (704) 632-7202 (home) with any questions you may have.

Very sincerely yours,



Jane H. Teague, Director
Programs for Exceptional Children
Alexander County Schools

JHT/tb

Enclosures

TO: Selected Special Education Teachers

FROM: Jane H. Teague, Director
Programs for Exceptional Children
Alexander County Schools

DATE: May 19, 1986

SUBJECT: Survey Information

The school year is quickly coming to an end and I hope that this has been a good year for you and your students. Many changes have occurred the last few years in programs for exceptional children. Many of these changes can be traced to the implementation of PL 94-142.

I am currently doing a doctoral dissertation at the University of North Carolina concerning the impact of PL 94-142. I am particularly interested in studying the impact of the law on the role and perceptions of special education teachers.

To complete the study, I have randomly selected a sample of school districts and teachers from each of the eight school districts. Four school districts were selected for the study.

Would you please take time to complete the enclosed survey and job satisfaction scale? It will take approximately fifteen minutes to complete the entire process. The completed form should be returned in the enclosed envelope to your school system's Director for Exceptional Children. The Director will, in turn, return the entire county's surveys to me. I will need all surveys returned by June 20, 1986. All information is confidential and no teacher will be identified throughout the study.

The information from this study will be used to define organizational and staff development needs in programs for exceptional children on a statewide and on a regional basis.

Thank you for your help. I cannot complete this study without your help. I am confident, however, that the information and the resulting recommendations will help to provide better programs for exceptional children in North Carolina.

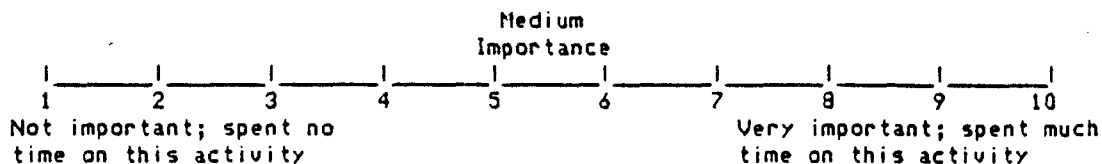
JHT

APPENDIX B

SURVEY

RESOURCE TEACHER ROLE PERCEPTIONS

Rate each of the following functions of a resource teacher as to how much time and emphasis you placed upon it BEFORE the new regulations. (January 1, 1985)

Consultation Functions

- _____ Consultation with parents on student progress
- _____ Consultation with parents on referral/placement matters
- _____ Consultation with teachers on instructional concerns (e.g., individual assessment, feedback on student progress, etc.)
- _____ Consultation with teachers on referral/placement matters
- _____ Consultation with support personnel (school psychologist, guidance counselor, social worker, etc.) on programmatic concerns
- _____ Consultation with support personnel (school psychologist, guidance counselor, social worker, etc.) on referral/placement matters

Placement Functions

- _____ Completing forms for screening
- _____ Participating on Building Support Teams
- _____ Observing referred students in the classroom
- _____ Participating on School-Based Committees
- _____ Completing forms for placement
- _____ Keeping exceptional children's folders up-to-date
- _____ Writing Individual Education Plans
- _____ Individual evaluation (Administering PIAT, Brigance, WRAT, etc.)

Instructional Functions

- _____ Designing and implementing individual and group behavior management plans (Token systems, reinforcement schedules, learning contracts, etc.)
- _____ Working with students on regular classroom assignments
- _____ Designing and implementing individual and small group instruction
- _____ Organizing instructional materials
- _____ Individualizing work for student to do in regular classroom
- _____ Organizing and implementing outside class experiences (e.g., field trips)

Non-Instructional Functions

- _____ Bus Duty
- _____ Substituting for regular classroom teachers
- _____ Collecting money from school sales (e.g., candy and calendar sales, etc.)
- _____ Serving on local school committees
- _____ Coordinating District-Wide Annual Testing Program in your school
- _____ Serving on district committees
- _____ Attending professional conferences and workshops
- _____ Participating in school/parent organizations (e.g., PTA, PTO)
- _____ Participating in exceptional child/parent organizations
- _____ Participating in graduate courses
- _____ Supervising interns and student teachers

APPENDIX C

PROFILE OF A SPECIAL EDUCATION PROGRAM ORGANIZATION

School District: _____
 Total years in teaching: _____
 Years as a resource teacher: _____
 Grade Level: _____ K-3 _____ 7-9 _____ 4-6 _____ 10-12
 Certification: _____ L.D. _____ B/EH _____ EMH _____ Cross/Categorical _____ Other (List) _____
 Highest Degree completed (A.B.; M.A.; Ed.S.; Ph.D.; Post-Doctorate): _____
 Male _____ Female _____
 Caseload (number of students served) _____
 How many other resource teachers are in your school? _____
 Race: _____ White _____ Black _____ Other (Specify) _____

Instructions for Teachers:

1. On the lines below each item, please place an "N" at the point which, in your experience, describes your district special education program at the present time (N = now). Treat each horizontal line as a continuum from the extreme at one end to the extreme at the other, i.e., do not think of the vertical lines as barriers.
2. In addition, please place an "I" on each line at the point which, in your opinion, describes your district special education program as you would ideally like it to be (I = ideal).
3. Answer the questions as describing the average situation or reaction.

	Item No.
<p>How often is your special program administrator's behavior seen as friendly and supportive by resource teachers?</p> <p>Rarely Sometimes Often Very frequently</p> <p> : : : : : : : : : : : : : : : : </p>	1
<p>How much confidence and trust does your special program administrator have in the resource teachers?</p> <p>A great deal Substantial amount Some Not very much</p> <p> : : : : : : : : : : : : : : : : </p>	2
<p>How much confidence and trust do you have in your special program administrator?</p> <p>Not very much Some Substantial amount A great deal</p> <p> : : : : : : : : : : : : : : : : </p>	3

Page 2

How free do you feel to talk to the special program administrator about academic matters, such as I.E.P.'s, instructional plans, teaching methods, your work, etc.?

Very free	Rather free	Somewhat free	Not very free	
: : : :	: : : :	: : : :	: : : :	4

How often are your ideas sought and used by the special program administrator about academic matters?

Rarely	Sometimes	Often	Very frequently	
: : : :	: : : :	: : : :	: : : :	5

What is the direction of the flow of information about:

a. academic matters?

Downward from special program administrator to teacher to student	Mostly downward	Down and up	Down, up and between teachers and administrators	
: : : :	: : : :	: : : :	: : : :	6

b. non-academic school matters?

: : : :	: : : :	: : : :	: : : :	7
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Are downward communications accepted?

Almost always accepted. If not, openly questioned	Usually accepted, sometimes cautiously	Some accepted, some viewed with suspicion	On the surface, yes. Secretly, no. Viewed with great suspicion	
: : : :	: : : :	: : : :	: : : :	8

How accurate is upward communication?

Usually inaccurate	Often inaccurate	Fairly accurate	Accurate	
: : : :	: : : :	: : : :	: : : :	9

How well does your special program administrator know the problems faced by resource teachers?

Very well	Quite well	Rather well	Not very well	
: : : :	: : : :	: : : :	: : : :	10

Page 3

How often do you try to be friendly and supportive to:

a. your special program administrator?

Rarely	Sometimes	Often	Very frequently	
: : :	: : :	: : :	: : :	11

b. other resource teachers in your school and district?

: : :	: : :	: : :	: : :	12
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What is the character and amount of interaction in your district's special education program?

a. between special program administrator and teachers?

Extensive, friendly interaction, with high degree of confidence and trust	Moderate interaction; often with fair amount of confidence and trust	Little interaction; principal and resource teacher usually maintain distance from one another	Little interaction; with fear and distrust	
: : :	: : :	: : :	: : :	13

b. among teachers?

: : :	: : :	: : :	: : :	14
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How much cooperative teamwork is present in your district's special education program among the special program administrator, resource teachers, students?

Very little	Relatively little	Moderate amount	Very substantial amount throughout school	
: : :	: : :	: : :	: : :	15

At what level are decisions made about academic matters, such as course content, instructional plans, teaching methods, student behavior, student activities, etc.?

Throughout district, special program administrator, resource teachers, and students participating in decisions affecting them	Broad policy at top; more specific decisions at lower levels	Policy at top; specific decisions by resource teachers, but usually checked by special program administrator before action	Bulk at top; by special program administrator or superintendent of schools	
: : :	: : :	: : :	: : :	16

Page 4

Is decision-making in your district special education program based on man-to-man or a group pattern of operation?

Man-to-man only	Man-to-man almost entirely	Both man-to-man and group	Largely group	
: : : :	: : : :	: : : :	: : : :	17

In general, what does the decision-making process contribute to the desire of resource teachers and students to do a good job?

Not very much, often weakens it	Relatively little	Some contribution	Substantial contribution	
: : : :	: : : :	: : : :	: : : :	18

To what extent are decision makers aware of the problems of resource teachers?

Generally well- aware	Moderately aware	Aware of some, unaware of others	Often aware of or only partially aware	
: : : :	: : : :	: : : :	: : : :	19

To what extent are resource teachers involved in decisions related to their work?

Not at all	Occasionally consulted	Usually consulted	Fully involved in all decisions	
: : : :	: : : :	: : : :	: : : :	20

Who holds high performance goals for your school?

Special program administrator, resource teachers, students, parents	Special program administrator, most resource teachers, some students	Special program administrator and some resource teachers	Special program administrator only	
: : : :	: : : :	: : : :	: : : :	21

Who feels responsible for achieving high performance goals?

Special program administrator only	Special program administrator and some resource teachers	Special program administrator, most resource teachers, some students	Special program administrator, resource teachers, students	
: : : :	: : : :	: : : :	: : : :	22

Page 5

How much secret resistance is there to achieving high performance goals?

Little or no resistance and much cooperation	Some resistance and some co-operation	Moderate resistance	Strong resistance
: : : :	: : : :	: : : :	: : : :

23

In what manner are goals established?

Issued by special program administrator	Goals issued; resource teachers may comment	Goals issued after discussion with resource teachers	Goals usually established by group participation
: : : :	: : : :	: : : :	: : : :

24

What is the level of performance goals which your special program administrator seeks to have the special education program in your school achieve?

Extremely high goals	Very high goals	High goals	Average goals
: : : :	: : : :	: : : :	: : : :

25

What is the general attitude of resource teachers toward your school district as a place to work?

Strongly favorable	Usually favorable	Sometimes hostile, sometimes favorable	Hostile
: : : :	: : : :	: : : :	: : : :

26

How are resource teachers motivated in your district's special education program?

Fear, threats, punishment, and occasional reward	Rewards and some actual or potential punishment	Rewards, occasional punishment, and some involvement	Rewards based on group participation and involvement in setting goals, improving methods, appraising progress toward goals, etc.
: : : :	: : : :	: : : :	: : : :

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Page 6

Do motivational forces conflict with or reinforce one another?

Marked conflict of forces reducing behavior in support of the school's goals	Conflict often exists, occasionally forces will reinforce each other, at least, partially	Some conflict, but often motivational forces will reinforce each other	Motivational forces generally reinforce each other in substantial and cumulative manner
--	---	--	---

| : : : : | : : : : | : : : : | : : : : | 28

How often are attitudes toward other resource teachers favorable and cooperative, with mutual confidence and trust?

High degree of confidence and trust	Some trust and cooperativeness	Some distrust	Frequent hostility
-------------------------------------	--------------------------------	---------------	--------------------

| : : : : | : : : : | : : : : | : : : : | 29

How much satisfaction is deprived from supervision resource teachers receive from the special program administrator?

High satisfaction	Moderate satisfaction	Some dissatisfaction	Usually dissatisfaction
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| : : : : | : : : : | : : : : | : : : : | 30

APPENDIX D

RULES



**Governing Programs
and Services
for Children
with
Special Needs**

1985 Edition

DIVISION FOR EXCEPTIONAL CHILDREN
STATE DEPARTMENT OF PUBLIC INSTRUCTION
RALEIGH, NORTH CAROLINA

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SECTION .1500 - RULES GOVERNING PROGRAMS AND SERVICES FOR
CHILDREN WITH SPECIAL NEEDS

.1501 DEFINITIONS

(a) Children with Special Needs. The term "children with special needs" includes, without limitation, all children who because of permanent or temporary mental, physical or emotional handicaps need special education, are unable to have all their educational needs met in a regular class without special education or related services, or are unable to be adequately educated in the public schools. It includes those who are autistic, academically gifted, hearing impaired, mentally handicapped, multihandicapped, orthopedically impaired, other health impaired, pregnant, behaviorally/emotionally handicapped, specific learning disabled, speech and/or language impaired and visually impaired. The terms used in this definition are defined as follows:

- (1) Autistic. Autism refers to a severe and chronic developmental disorder that affects communication and behavior. The essential features include disturbances of:
 - (A) developmental rates and/or sequences,
 - (B) responses to sensory stimuli,
 - (C) speech, language and cognitive capacities, and
 - (D) capacities to relate to people, events and objects.
 Associated features include stereotyped motor patterns and erratic expression of emotions. Most children classified as autistic function at a mentally handicapped level of intellectual development.
- (2) Academically Gifted. Academically gifted students are defined as those who demonstrate or have the potential to demonstrate outstanding intellectual aptitude and specific academic ability. In order to develop their abilities, these students may require differentiated educational services beyond those ordinarily provided by the regular school program.
- (3) Hearing Impaired. Hearing impaired children are those with hearing losses which are handicapping educationally and developmentally and who, with or without amplification, may require various instructional modifications and related services in order to make full use of school experiences. Hearing impaired is a generic term which includes all hearing losses ranging from mild to profound.
- (4) Mentally Handicapped. Mentally handicapped refers to significantly subaverage general cognitive functioning and a reduced rate of learning. This condition exists concurrently with deficits in adaptive behavior, is manifested during the developmental period, and adversely affects the student's educational performance.
- (5) Multihandicapped. Multihandicapped students are students who have a combination of two or more handicaps (such as mentally handicapped-emotionally handicapped, mentally handicapped-blind, deaf-blind, etc.), the combination of which causes such developmental and educational problems that the children cannot be properly accommodated in special programs that primarily serve one area of handicapping condition. Children who are severely multihandicapped have serious primary disabilities that are cognitive and/or behavioral and require significantly more resources than are provided for less handicapped children.

- (6) **Orthopedically Impaired.** An orthopedically impaired child possesses a severe orthopedic impairment which adversely affects his/her educational performance. The term includes impairments caused by congenital abnormalities and impairments from other causes.
- (7) **Other Health Impaired.** Other health impaired refers to chronic or acute health problems such as heart conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, genetic impairments or some other illness which may cause a student to have limited strength, vitality or alertness to such an extent that special educational services are necessary.
- (8) **Pregnant School Girls.** Pregnant students with special educational needs are those who, because of their pregnancy, require special education and/or related services other than that which can be provided through regular education services.
- (9) **Behaviorally/Emotionally Handicapped.** One who, after receiving specially designed educational support services and intervention strategies in the regular educational setting, still exhibits patterns of situationally inappropriate interpersonal or intrapersonal behavior of such frequency, duration, and intensity to disrupt the student's own learning process. Frequency, duration, and intensity are long standing patterns of behavior which occur regularly and often enough to consistently interfere with the student's own learning process. A behavioral/emotional handicap is evidenced by one or more of the following characteristics which cannot be attributed primarily to physical, sensory, or intellectual deficits:
- (A) inability to achieve adequate academic progress (not due to a learning disability);
 - (B) inability to maintain satisfactory interpersonal and/or intrapersonal relationships;
 - (C) inappropriate or immature types of behavior or feelings under normal conditions;
 - (D) a general pervasive mood of unhappiness or depression;
 - (E) a tendency to develop physical symptoms, pains or fears associated with personal or school problems.
- The term does not include the socially maladjusted student unless it is determined that he/she is also behaviorally/emotionally handicapped.
- (10) **Specific Learning Disabilities.** Specific learning disabilities is an inclusive term used to denote various processing disorders presumed to be intrinsic to an individual (e.g. acquisition, organization, retrieval, or expression of information; effective problem-solving behaviors). For the purpose of special education services, a student classified as learning disabled is one who, after receiving instructional intervention in the regular education setting, has a substantial discrepancy between ability and achievement. The disability is manifested by substantial

- difficulties in the acquisition and use of skills in listening comprehension, oral expression, written expression, reading, and/or mathematics. A learning disability may occur concomitantly with, but is not the primary result of, other handicapping conditions and/or environmental, cultural, and/or economic influences.
- (11) Speech and Language Impaired. A pupil who has a speech and language impairment has a disorder in articulation, language, voice, and/or fluency. A speech and language impairment may range in severity from mild to severe. It may be developmental or acquired, and pupils may demonstrate one or any combination of the four parameters listed above. A speech and language impairment may result in a primary handicapping condition or it may be secondary to other handicapping conditions.

A communicative difference/dialect is a variation of a symbol system used by a group of individuals which reflects and is determined by shared regional, social or cultural/ethnic factors and should not be considered a disorder of speech or language. The components of speech/language impairment include:

- (A) Articulation. An articulation disorder is an abnormal, nondevelopmental production of phonemes (speech sounds). Types of misarticulations include omissions, substitutions, and distortions.
- (B) Language. A language disorder is the impairment of comprehension and/or production of an oral communication system. The disorder may involve the form of language (phonologic, morphologic, and syntactic systems), the content of language (semantic system), the function of language (pragmatic system), and/or any combination of the above.
- (i) Form of Language
- (I) Phonology is the sound system of a language and the linguistic rules that govern it.
- (II) Morphology is the rule system that governs the structure of words and the elements of meaning used in their construction.
- (III) Syntax is the linguistic rule governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
- (ii) Content of Language
Semantics refers to the content or meaning of words and utterances.
- (iii) Function of Language
Pragmatics refers to the social use of language and its appropriateness in a given situation.
- (C) Voice. A voice disorder is an abnormal production of pitch (e.g., range, inflection, appropriateness), intensity (loudness), resonance (e.g., excessive nasality), and quality (e.g., breathiness, hoarseness, and harshness).

(D) Fluency. A fluency disorder is a disruption in the normal, rhythmic flow of speech that interferes with communication. The disorder may include, but not be limited to frequency of dysfluencies, duration of dysfluencies, struggle and avoidance characteristics, and type of dysfluencies (repetitions--phrases, whole words, syllables, and phonemes; prolongations; and blocks).

(12) Visually Impaired

- (A) Functionally blind children are those who have so little remaining vision that they must use Braille as their reading medium.
- (B) Partially seeing children are those who have a loss of vision, but are able to use regular or large type as their reading medium. These will generally be children who have a visual acuity between 20/70 and 20/200 in the better eye after correction.
- (C) Children who are legally blind are those who have a visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees.

(b) Evaluations. Evaluations for determining eligibility for special educational services are defined as follows:

- (1) Educational Evaluation. An educational evaluation is an evaluation of a child's educational functioning in relation to his/her current educational program. The results of this evaluation are expressed in terms of both the child's academic strengths and weaknesses. This evaluation should be comprehensive, using a full range of available instrumentation and observations, including diagnostic tests and other appropriate formal and informal measurements. For a child whose handicap is one of speech-language impairment only, a detailed educational evaluation may not be necessary. Speech-language specialists should have information as to the student's grade placement and areas of academic strengths and weaknesses.
- (2) Psychological Evaluation. A psychological evaluation refers to those diagnostic procedures utilized by a psychologist. For the purpose of children with special needs categories requiring a psychological evaluation for placement in special education programs, the evaluation of intellectual functioning is mandatory. The psychological may also include, but not be limited to, the evaluations of educational performance, social and personal behavior, adaptive behavior and psychomotor development. Particular emphasis should be given to behavioral/emotional evaluations for emotionally handicapped children. Assessment of intellectual functioning shall be based upon the use of the most recent revisions of the Stanford-Binet Intelligence Scale, an appropriate Wechsler Intelligence Scale, or a test of equal validity and equivalent norms.

Where these instruments are clearly inappropriate as standardized (e.g., for severely/profoundly mentally handicapped, deaf, etc.), the psychologist should use his/her professional judgement about the selection of instruments for assessing the intellectual functioning of the children. Social-personal behavior and academic performance shall be measured by test instruments and/or procedures deemed appropriate by the examiner. In categories requiring a psychological evaluation, a child shall not be placed, even temporarily, prior to this assessment. Psychological evaluations shall be performed by a qualified examiner. School psychologists employed by the public schools must be certified by the State Department of Public Instruction. Psychologists contracting with schools on a private basis must be licensed as psychological associates or practicing psychologists by the North Carolina Board of Examiners of Practicing Psychologists. An individual working as a psychologist from other state agencies (e.g., mental health centers, developmental evaluation centers) must meet the requirements of that employing agency. When contracting with state agencies for psychological services, the local educational agency's contract must be with the agency and not the individual psychologist.

- (3) Adaptive Behavior Evaluation. The adaptive behavior evaluation refers primarily to the effectiveness with which the individual generally meets the standards of personal independence and social responsibility expected of his/her age and cultural group. It has two major facets:
- (A) the extent to which the individual is able to function independently, and
 - (B) the extent to which he/she meets satisfactorily the culturally-imposed demands of personal and social responsibility.

Evaluations of adaptive behavior look at the total environment of the child. Thus, effort is made to obtain such information from the parents or other appropriate persons in the child's home and community. An adaptive behavior evaluation may be part of the psychological evaluation. It may also be conducted by other professional personnel, such as social workers, counselors and others who are trained in the assessment of adaptive behavior and in the interpretation of this information.

- (4) Psychomotor Evaluation. Psychomotor skills involve the interaction of the body and its perceptual systems which have as their focus four main areas:
- (A) fine and gross motor skills,
 - (B) body image and laterality,
 - (C) time and space organization, and
 - (D) control of individual and social behavior.

Psychomotor evaluations may be obtained by formal instruments and observation of specified tasks. Persons who would be able to assess psychomotor skills are:

psychologists, specially trained teachers of children with special needs including adaptive physical education teachers and occupational and physical therapists. In-depth evaluations are done by physical or occupational therapists. Psychomotor screening should be a prerequisite for an in-depth evaluation.

- (5) Speech and Language Evaluation. In speech and language evaluations, the following aspects of speech and language are evaluated: articulation, fluency, voice and language (form, content, and function). A speech and language evaluation is an evaluation by a speech and language specialist certified by the State Department of Public Instruction and/or licensed by the State of North Carolina.
- (6) Audiological Evaluation. An audiological evaluation is an examination by a qualified audiologist to determine auditory acuity, auditory perception, and amplification needs for the purpose of planning education services. The evaluation shall include air conduction testing, bone conduction testing, speech reception testing, with amplifications, and without amplification and impedance testing.
- (7) Otological Evaluation. An otological evaluation is an evaluation by a qualified otologist to determine the presence or absence of ear pathology and the need for medical treatment.
- (8) Ophthalmological or Optometric Evaluation. An ophthalmological or optometric evaluation is an evaluation by an ophthalmologist or optometrist to determine visual acuity and function and whether or not amplification is needed.
- (9) Vocational Evaluation. Vocational evaluation is a process involving an interdisciplinary team approach in assessing an individual's vocational potentials and training and work placement needs.
- (10) Health Screening. Health screening includes but is not necessarily limited to vision screening, hearing screening, dental screening, review of health history, review of developmental milestones, assessment of physical growth and assessment of nutritional status. Health screening can be performed by a school nurse.
- (11) Social/Developmental History. A social/developmental history documents normal and abnormal developmental events and includes a review of information developed during the screening process. The history is to be attained by a certified social worker, special educator, psychologist, counselor or another appropriate person.

(c) Free Appropriate Public Education. As used in this part, the term "free appropriate public education" means special education and related services which:

- (1) are provided at public expense, under public supervision and direction, and without charge.
- (2) meet the standards of the state education agency.
- (3) are provided in conformity with an individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant.

(d) Individualized Education Program. As used in this Section, the term "individualized education program" means a written statement for a child with special needs that is developed and implemented pursuant to .1512 of this Section.

(e) Least Restrictive Appropriate Setting. Least restrictive appropriate setting means that among all alternatives or environments for placement within an educational system, children with special needs should be placed where they can obtain the best educational services which meet their individual educational needs as close to and as nearly like a regular classroom setting as possible.

(f) Local Educational Agencies. For purposes of this Section, the term "local educational agency" refers to the following:

- (1) All city and county school administrative units as separate local educational agencies;
- (2) Department of Human Resources as one local educational agency; All schools, hospitals and agencies providing educational programs and/or services will be considered schools or programs under this local educational agency;
- (3) Department of Correction as one local educational agency; All prisons providing educational programs or services will be considered programs under this local educational agency.

(g) Parent. The term "parent" means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with this Section. The term does not include the state if the child is a ward of the state.

(h) Program and Teacher Variations.

- (1) Communication Development Program. The communication development program serves the general school population and is prevention-oriented providing strong speech and language models and sequenced curriculum activities emphasizing listening skills, cognitive and expressive competencies, understanding and protection of the hearing and speech mechanism and self-confidence to help children develop appropriate communicative behaviors in social, educational and cultural contexts. The role of the speech and language specialist includes planning, promotion, consultation and demonstration with professionals and supportive personnel.
- (2) Communication Deviations Program. The communication deviations program serves individuals with mild developmental or nonmaturational problems in articulation, voice, fluency or language, as well as those with mild hearing loss requiring minimal aural rehabilitation procedures. The program provides services which include speech, language and hearing screening, and speech and language improvement. The speech and language specialist's role includes identification, diagnosis, organization, consultation and supervision of supportive personnel and occasionally a direct role in correction and follow-up. The deviations program may be conducted in regular classrooms, large groups, or in small groups.

- (3) Communication Disorders Program. The communication disorders program serves children with handicapping disorders of communication. It includes comprehensive diagnostic and intensive individual and/or small group therapy utilizing modern research technology and diagnosis and program management, including direct scheduling, referral, counseling, direct therapy and dismissal. The speech and language specialist works with children on an individual basis or in small groups. Scheduling varies according to the pupil's needs.
- (4) Crisis Teacher. A crisis or helping teacher is a teacher who is trained in remedial educational and behavioral management to provide direct immediate help to individual pupils when they are unable to cope with usual classroom demands. The crisis teacher must work closely with classroom teachers and support services and make referrals for diagnostic and intensive help.
- (5) Diagnostic-Prescriptive Teacher. A diagnostic-prescriptive teacher is a resource teacher who provides consultation to regular teachers concerning children with special needs and/or gives director services to children with special needs in order to insure successful instruction. They may assist with basic screening. The major function of the diagnostic-prescriptive teacher is to assist in the formal or informal diagnosis of the child's specific strengths and weaknesses and assist the regular teacher in developing and implementing a curricular prescription.
- (6) Enrichment Teacher. An enrichment teacher is a resource teacher who meets children for in-depth, enrichment activities at least an hour per week. This teacher may be itinerant between schools or be stationed in one school only. This teacher usually works with academically gifted children.
- (7) Full-Time Special Class. A full-time special class is a self-contained class where the teacher provides all of the academic instruction to the particular students.
- (8) Part-Time Special Class. The part-time special class is a class that meets every day for a set period of time (e.g., EMH block or departmentalized; EMH, LD, EH resource teacher). This could be one class period per day up to most of the school day. The child has his/her enrollment in a regular class.
- (9) Regular Classroom Program. A regular classroom program means a program where children with special needs are placed into the regular class full-time with an individualized program and no special services.
- (10) Regular Classroom with Supportive Services. A regular classroom with supportive services means a program in which a child with special needs remains in the regular class most of the time. Supportive personnel may enter the class or draw the child out of class for special services (e.g., enrichment for the gifted, speech, language or hearing specialist; resource teacher for LD, EH, or EMH).

(11) Resource Teacher. "Resource teacher" means a teacher who may work with the child daily and/or consult with the regular classroom teachers on individualizing instruction for a child with special needs. The child remains in the regular class most of the time.

(i) Related Services. "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with special needs to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. The terms used in this definition are defined as follows:

(1) "Audiology" includes:

- (A) identification of children with hearing loss;
- (B) determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (C) provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation and speech conservation;
- (D) creation and administration of programs for prevention of hearing loss;
- (E) counseling and guidance of pupils, parents, and teachers regarding hearing loss; and
- (F) determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) "Medical services" means services provided by a licensed physician to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

(5) "Occupational therapy" includes:

- (A) improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
- (B) improving ability to perform tasks for independent functioning when functions are impaired or lost; and
- (C) preventing, through early intervention, initial or further impairment or loss of function.

- (6) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.
- (7) "Physical therapy" means services provided by a qualified physical therapist. Physical therapy is a health professional concerned with prevention of physical disability and rehabilitation of individuals with handicapping conditions resulting from prenatal causes, birth, illness or injury. The purpose of physical therapy is to develop or restore neuromuscular and/or sensorimotor functions, control postural deviations to minimize disabilities and to develop and maintain maximal performance levels within the individual's capabilities. The physical therapist is employed for the purpose of: screening, evaluation, treatment, consultation, inservice education for school personnel, inservice education of community and state health agencies and personnel and total program planning for exceptional children.
- (8) "Psychological services" include:
 - (A) administering psychological and educational tests, and other assessment results;
 - (B) interpreting assessment results;
 - (C) obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
 - (D) consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
 - (E) planning and managing a program of psychological services including psychological counseling for children and parents;
 - (F) referring children and families to community agencies and services when appropriate;
 - (G) screening and early identification of children with special needs; and
 - (H) developing strategies for the prevention of learning and behavior problems.
- (9) "Recreation" includes
 - (A) assessment of leisure functions;
 - (B) therapeutic recreation services;
 - (C) recreation programs in schools and community agencies; and
 - (D) leisure education.

- (10) "School health services" means services provided by a qualified school nurse or other qualified person.
 - (11) "Social work services in schools" include:
 - (A) preparing a social or developmental history on a handicapped child;
 - (B) group and individual counseling with the child and family;
 - (C) working with those problems in a child's living situation (home, school and community) that affect the child's adjustment in school; and
 - (D) mobilizing school and community resources to enable the child to receive maximum benefit from his or her educational program.
 - (12) "Speech pathology" includes:
 - (A) identification of children with speech or language disorders;
 - (B) diagnosis and appraisal of specific speech or language disorders;
 - (C) referral for medical or other professional attention necessary for the habilitation of speech or language disorders;
 - (D) provisions of speech and language services for the habilitation or prevention of communicative disorders; and
 - (E) counseling and guidance of parents, children and teachers regarding speech and language disorders.
- (j) Screening. Screening consists of first-step assessment procedures aimed at selecting students who may have special needs. Two separate components of screening may be identified:
- (1) Mass screening or sweep screening is the selection, from the preschool or school-aged population, of services, which may include special education, related services, special health services, or sensory aids in order to achieve full learning potential. These individuals will need follow-up to identify specific academic and behavioral needs by additional evaluation processes. Mass screening may be accomplished through the administration of such programs as:
 - (A) school-wide achievement testing,
 - (B) school-wide health and sensory testing,
 - (C) early childhood and kindergarten testing, and
 - (D) class-wide surveys and observations.
 - (2) Individual screening is the identification, from a population of preschool or school-aged children referred from mass screening or other sources, of specific academic or behavioral problem areas which need further in-depth evaluation. Individual screening should more accurately select those students who need further consideration for special school services, which may include special education and related services.

(k) Special Education. As used in this Section, the term "special education" means specifically designed instruction, at no cost to the parent, to meet the unique needs of the exceptional child, including classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions. The term includes speech pathology, or any other related service, if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of an exceptional children, and is considered "special education" rather than a "related service" under State standards. The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped child.

(1) "Transportation" includes:

- (A) travel to and from school and between schools;
- (B) travel in and around school buildings, and
- (C) specialized equipment (such as special or adapted buses, lifts and ramps), if required to provide special transportation for a handicapped child.

History Note: Statutory Authority G.S. 115C-108 through 110;
115C-113;
Eff. October 1, 1978;
Amended Eff. November 1, 1984; September 28, 1981;
September 30, 1980; July 15, 1979

.1502 IDENTIFICATION, SCREENING, EVALUATION AND PLACEMENT

(a) Local educational agencies including local school administrative units and Department of Human Resources and Department of Correction agencies providing special education to children with special needs are 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 twenty-one.

(b) Local educational agencies and private schools shall implement procedures for identification, screening, evaluation and placement of children with special needs. These procedures shall be in keeping with Chapter 1293 of 1973 Session Laws as amended by Chapter 151 and 563 of 1975 Session Laws and Subchapter 13, Article 9, Chapter 115-C, Chapter 423, 1981 Session Laws and Education of All Handicapped Children Act, P.L. 94-142. The local procedures shall be adopted by the governing body of each local educational agency and private school and shall include the procedures described in this rule.

(c) Variations from these procedures may occur when sufficient evidence exists to indicate that children can be properly identified and placed within the intent of the procedures. A written plan detailing the variations with reasons listed shall be submitted to the Director, Division for Exceptional Children, for approval prior to their implementation.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
Eff. July 15, 1979

.1503 OBSERVATION

If a teacher recognizes a need for assistance with a child, the child should be observed in his/her class or present setting by at least one of the following: the principal, the chairperson of programs for exceptional children, a teacher of exceptional children or appropriate support services personnel. This step may be eliminated if it is determined that sufficient documentation exists that the child is having definite problems with his/her educational program(s). If a child is observed, a written description of his/her behavior and academic skills should be completed.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
Eff. July 15, 1979

.1504 INITIAL CONFERENCE PRIOR TO SCHOOL-BASED COMMITTEE REFERRAL

The teacher, the local chairperson of programs for exceptional children or his/her designee and the principal may confer to determine whether the regular program can be adapted to meet the needs of a child, whether transfer to another teacher is advisable, or whether the need for special education service(s) or placement appears to be indicated. If it is felt that a special program or service may be needed, the parents shall be notified, and a referral shall be made in writing to the school-based committee. The observation report and initial conference report should be presented to the school-based committee.

History Note: Statutory Authority G. S. 115C-106(b); 115-113;
Eff. July 15, 1979

.1505 REFERRAL

When a teacher or other involved person recognizes that a child's education needs are not being met, he/she will provide in writing the reason for referral, addressing the specific presenting problems and the child's current strengths and weaknesses. This referral will be given to the principal of the school, the child's teacher, or the superintendent or other appointed official of the local educational agency. All newly identified children with special needs between the ages of five and seventeen who are diagnosed or evaluated by personnel under the Department of Human Resources shall be referred to the city or county school administrative unit of their residence for local educational agency involvement in placement.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
Eff. July 15, 1979

.1506 SCHOOL-BASED COMMITTEE

(a) Overall Function. The school-based committee should provide a team framework for evaluating data and recommending the most appropriate placement for children referred for special education services. It is responsible for receiving referrals, involving parents in the planning process, obtaining parental permission for assessment, initiating screening and evaluation procedures, evaluating information, seeing that an individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant, is developed, and is reevaluated annually.

(b) Composition. Members of the school-based committee shall be selected from the following:

- (1) principal (or designee) as chairperson;
- (2) teacher referring the child;
- (3) director, programs for exceptional children (or designee);
- (4) teacher of exceptional children;
- (5) psychologists;
- (6) social worker;
- (7) guidance counselor;
- (8) speech, language and hearing specialist;
- (9) physician or school nurse;
- (10) physical therapist;
- (11) occupational therapist;
- (12) physical education teacher;
- (13) recreation specialist;
- (14) referring agency personnel;
- (15) parent(s).

When the school-based committee is considering the appropriate placement for a child with special needs who is fourteen years of age or older, a vocational education teacher and/or a vocational rehabilitation counselor should be included on the committee if possible.

At least one member of the school-based committee should be of the same race and sex as the child being referred.

(c) Responsibilities of School-Based Committees. The school-based committee shall:

- (1) receive referral information for students suspected of needing special education services;
- (2) ensure that within 30 calendar days after an initial referral is made, the student's parent or guardian is sent a written notice describing the evaluation procedure which will be followed to diagnose the student's educational needs and requesting written consent for the evaluation. All communication with the student's parent or guardian shall be in the native language or dominant mode of communication of the parent or guardian;
- (3) initiate screening and assessment of students referred to it;
- (4) ensure that a student receives a diagnosis and evaluation appropriate to meet his/her educational needs within 30 calendar days after sending written notice to the parent or guardian;
- (5) review and interpret the results of the diagnosis and evaluation data in conjunction with appropriate evaluation personnel. If the evaluators cannot be present at the school-based committee meeting, their written reports are to be presented;
- (6) ensure that within 20 calendar days after the diagnosis and evaluation are completed a conference is scheduled with the child's parent(s) or guardian(s) and the school-based committee or a representative of the school-based committee who is competent to interpret the report of the diagnosis and evaluation. In no event shall the conference be held later than 30 calendar days after the date of scheduling. This conference may be waived by the parent;
- (7) ensure that within 15 calendar days after the diagnosis and evaluation are completed, the student's parent(s) or guardian(s) is sent or given a written summary of the results and findings along with proposals for meeting the student's educational needs;
- (8) ensure that information from all the appropriate evaluations and sources is documented and considered;

- (9) forward to the administrative placement committee a recommendation of the individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant and the placement which would best meet the educational needs of the student and the information which was considered in formulating the placement recommendation. Appropriate placement alternatives will be discussed with the parent.
- (10) ensure that written consent for placement in a program for special needs children is obtained from the parent or guardian and that the parents have been involved in the development of the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant;
- (11) ensure that notice is given to parents which meets the requirements of Section .1517 prior to the placement or denial of placement.
- (12) ensure that the student is placed in the appropriate special program;
- (13) ensure that the teacher(s) of the child receives the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant and pertinent information necessary for working with the student;
- (14) ensure that twelve months after placement and at least annually thereafter, the progress of each child placed in a special program is evaluated on the basis of previously expected benefits, and a decision is made regarding an updated individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant and continuation of the student in the program.

(e) Exit Criteria. When a school-based committee has documented evidence to show that a pupil no longer needs the special program or service in which he/she is enrolled or that another placement would be more beneficial, the committee shall make a recommendation to the administrative placement committee. After the administrative placement committee has made a decision, the parent(s) or guardian(s) is notified pursuant to the procedures set forth in .1517 of this Section. If the parent(s) or guardian(s) objects to the recommended placement, he/she may follow the appeal procedures as outlined in .1517 of this Section. An appropriate special educator should work with the receiving teacher(s) to assist in developing an appropriate program and services for the child.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
 Eff. October 1, 1978;
 Amended Eff. November 1, 1984; September 28, 1981,
 September 30, 1980; July 15, 1979

.1507 ADMINISTRATIVE PLACEMENT COMMITTEE

(a) Function. The administrative placement committee will make all final decisions regarding placement of students in programs for exceptional children.

(b) Responsibilities. The administrative placement committee is responsible for:

- (1) receiving and reviewing all information collected and considered by the school-based committee in formulating the recommendation regarding placement of a student in a special program;
- (2) reviewing the recommendation of the school-based committee regarding placement of a student in a special program;
- (3) ensuring compliance with due process procedures concerning the identification and placement of a student in a program for exceptional children. Due process procedures must be provided in writing to the parents.
- (4) reviewing referrals of students from other agencies or of students who are not being presently served in the local educational agency and making the final decision concerning placement. For a child not presently served in the local educational agency, the committee might wish to refer the child to a school-based committee for the development of an individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant. If a child is screened or evaluated by the staff of the Department of Human Resources, this information should be presented to the administrative unit where the student resides for the determination of appropriate placement.
- (5) conferring with appropriate Department of Human Resources staff for the development of an individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant and determination of appropriate placement if it is determined by the administrative placement committee in a city or county school administrative unit that a child should receive a free appropriate public education in a program operated by the Department of Human Resources. If a child is released from a program operated by the Department of Correction or the Department of Human Resources, staff from the program shall confer with the administrative placement committee in the school administrative unit for development of an individualized education program for the handicapped, group education program for the academically gifted and written educational program for the pregnant and determination of appropriate placement. The individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant will follow the child from one placement to another. The individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant may be challenged under due process provisions;

- (6) making financial arrangements with other local educational agencies, other public agencies or private schools;
- (7) If the placement decision is for placement outside the local educational agency, the committee must see that an appropriate individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant is developed in conjunction with the school or program where the child is being placed.
- (8) If the administrative placement committee determines that the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant is not adequate and does not define an appropriate education for the child, then the administrative placement committee can either reconvene the committee or ask the parent to join the administrative placement committee and actively change the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant. The parent must be informed that he or she has all rights to participate in changing the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant and the right to a hearing. After the change, a new consent form must be signed by the parent, if it is for initial placement.

(c) Composition. The members of the administrative placement committee should be selected from the following:

- (1) Director, Programs for Exceptional Children;
- (2) Chairperson of the appropriate school-based committee;
- (3) Superintendent, or designee;
- (4) General supervisor;
- (5) School psychologist;
- (6) Other appropriate personnel;
- (7) If a child is referred by another agency, an appropriate representative from that agency shall provide input for appropriate placement.

The administrative placement committee should have at least one member of the same race as the student being considered for special education placement.

(d) Committee Alternative. The school-based committee, individualized education program committee, group education program committee, written educational program committee, multidisciplinary team and administrative placement committee may be combined into one committee or a combination of committees to meet the needs of the particular school administrative unit. To combine committees, local school administrative units must submit the procedures to the Division for Exceptional Children for written approval. In combining the committees, local school administrative units must meet the requirements in Section .1512. If the category is specific learning disabilities, the unit must also meet the requirements of Section .1509(6).

History Note: Statutory Authority G. s. 115C-106(b); 115C-113;
 Eff. October 1, 1978;
 Amended Eff. September 28, 1981; September 30, 1980;
 July 15, 1979.

.1508 COMPREHENSIVE SCREENING AND EVALUATION

Screening and assessment are the responsibility of the school-based committee and professionals qualified to administer and determine the results of certain technical (clinical) tests which are designed to screen or assess a pupil's strengths and weaknesses in specific areas of learning and/or behavior. Such professionals might be available within the city and county school administrative units or from other appropriate agencies (i.e., mental health centers, public health departments and developmental evaluation clinics).

- (1) Parental Permission. When initial screening and/or evaluation require the administration of instruments, interviews, or other procedures used selectively with an individual child (not given to everyone in the child's class, grade or school), written parental permission must be obtained. Within 30 calendar days of the referral, the local educational agency shall send a written notice to the parents or guardians. Refer to Section .1517 for contents of notice to parents.
- (2) Screening. Screening should be done to determine if the child is eligible for further consideration for special education services. Appropriate screening may eliminate unnecessary referrals for psychologicals and other in-depth assessment. The child's existing school records, including work samples, shall be collected and analyzed. Other screening information could include physical health information, educational data, and informal social behavior data.
- (3) Evaluation. The evaluation of an exceptional child must be multi-factored and multi-disciplinary in order to provide a comprehensive view of the child from the perspective of the school, home, and community. In addition to ability and achievement data, information on physical condition, socio-cultural background, and adaptive behavior in the home and school should be gathered, considered and weight should be given to each.
- (4) If the parent(s) or guardian(s) consents, the local educational agency shall provide or cause to be provided an appropriate evaluation within 30 calendar days after sending the notice. If the parent does not consent, the local educational agency may obtain a due process hearing on the failure of the parent to consent, pursuant to .1517 of this Section.
- (5) Types of Evaluation. Types of evaluations for determining eligibility for special educational services include, but are not limited to, the following:
 - (A) educational evaluation,
 - (B) psychological evaluation,
 - (C) adaptive behavior evaluation,
 - (D) psychomotor evaluation,

- (E) vision and hearing screening and evaluation,
 - (F) medical screening and evaluation,
 - (G) speech and language development evaluation,
 - (H) audiological evaluation,
 - (I) otological evaluation,
 - (J) ophthalmological or optometric evaluation,
 - (K) vocational evaluation.
- (6) Validated Instruments. Tests and other evaluation materials must have been validated for the specific purpose for which they were used.
- (7) Racially and Culturally Unbiased Evaluations. All tests and evaluational materials and procedures utilized for the purposes of evaluation and placement of children with special needs will be selected and administered so as not to be racially or culturally discriminatory. Such materials and procedures will be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child. Test results should accurately reflect the child's aptitude, achievement level, or whatever other factor the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills, except when such skills are the factors which the tests purport to measure.

History Note: Statutory Authority G.S. 115C-113;
 Eff. July 15, 1979
 Amended Eff. September 28, 1981; September 30, 1980.

.1509 SPECIAL IDENTIFICATION PROCEDURES

Special identification procedures appropriate to particular types of special needs children include, but are not limited to, the following:

- (1) Academically Gifted.
- (a) Local educational agencies shall develop a local screening procedure in order to establish a pool of students who are possibly qualified for and in need of differentiated instruction. Initial screening of the pool will determine students for whom formal referrals will be made. Suggested screening procedures may include checklists/behaviorial scales of characteristics of the gifted; scores obtained on system-wide standardized test of intelligence and/or achievement; teacher/parent/peer/self nomination; scores obtained on screening instruments; and a listing of students from high, middle, and low income levels who have demonstrated outstanding ability in the classroom, school or community.

(b) Identification shall be based on an assessment of intelligence or aptitude test scores, standardized achievement test scores and student performance based on grades, demonstrated skills or products. Students earning 98 or more points on IQ/aptitude and achievement percentiles or on IQ/aptitude and achievement percentiles plus scholastic performance are eligible to be considered by the School-Based and Administrative Placement Committees for the academically gifted program.

(c) Criteria.

- (i) IQ/Aptitude (50 point maximum): Individual or group tests may be used. A list of approved tests is available in the Division for Exceptional Children. Scores are to be converted to percentiles, and each percentile has a point value.
- (ii) Achievement (50 point maximum): Composite or total reading/total math subtests may be used. Scores are to be converted to percentiles and each percentile has a point value.
- (iii) Scholastic Performance (10 point maximum): For students earning fewer than 98 points on IQ/aptitude and achievement test scores, scholastic performance shall be considered. A maximum of 10 points shall be added to points earned on IQ/aptitude and achievement based on the accompanying scale for overall academic average, specific subject area grades or documentation of outstanding skills or abilities (e.g., writing portfolios, science projects, etc.).

Percentile	Points		Grades	Points
	IQ	Achievement		
99	50	50	A	10
98	49	49	A-/B+	9
97	48	48	B	8
96	47	47	B-/C+	7
95	46	46	C	6
94	45	45		
93	44	44		
92	43	43		
91	42	42		
90	41	41		
89	40	40		
88	39	39		
87	38	38		
86	37	37		
85	36	36		

etc.

- (d) Special Consideration/Further Testing. Standardized assessment instruments do not always adequately control for the lack of environmental or cultural opportunities to learn or for the presence of physical, emotional, or learning handicaps. If the presence of these factors or discrepancies between test scores and classroom performance are judged to have affected the reliability of identification data, further standardized testing shall be completed and the scores used in determining eligibility.

- (2) Behaviorally/Emotionally Handicapped
- (a) The following screening information shall be collected and considered in order to make decisions regarding further educational interventions and/or evaluations:
- (i) dated and signed documented evidence of a least two interventions attempted in order to make behavioral and academic achievements possible within the regular educational setting; and the effect of each on the student's behavior. Those interventions should be designed in consultation with other staff members and may include but not be limited to changes in the student's class schedule, curriculum, teachers, instructional techniques, and interventions by student services personnel; and community interventions;
 - (ii) systematic observation(s) by at least one independent observer which specifically records the incidence and describes the nature of the behavior(s) leading to a referral;
 - (iii) documented and dated evidence that conferences or attempts to conference with the parent and/or guardian concerning the student's specific problems have been conducted;
 - (iv) vision screening;
 - (v) hearing screening;
 - (vi) records review.
- (b) After reviewing screening data, a screening committee determines that a referral for evaluation is necessary if:
- (i) specific interventions implemented were not effective;
 - (ii) vision and hearing appear to be within limits;
 - (iii) it is determined that the documented maladaptive behavior appears to be long standing or of such frequency or intensity so as to interfere with the student's own learning process.
- (c) The evaluation of behaviorally/emotionally handicapped shall include the following areas:
- (i) Behavioral/Emotional Evaluation. The evaluation of behavioral/emotional functioning shall be conducted by a certified or licensed psychologist to document maladaptive behaviors or deficits in coping skills and emotional functioning. Behavioral/emotional evaluation includes information about the unique personal attributes of the student and describes any distinctive patterns of behavior which characterize the student's personal feelings, attitudes, moods, perceptions, thought processes, and significant personality traits. The evaluation shall include:
 - (A) interviews with the student, appropriate staff and others;
 - (B) checklists or rating scales; and
 - (C) screening data and any other observation data.

- (ii) Educational Evaluation. A comprehensive evaluation conducted by a certified school psychologist, special educator, or other trained professional shall include an assessment of:
 - (A) the learning environment including curriculum and task demands;
 - (B) academic strengths and weaknesses including written and oral language and information from individualized achievement assessment;
 - (C) present levels of academic functioning;
 - (D) vocational needs (secondary students).
- (iii) Cognitive Evaluation. A cognitive functioning evaluation shall be conducted by a certified or licensed psychologist. This evaluation includes interviews with the student, learning history, and behavioral observations with special consideration given to evaluation of disorders of thought, memory, judgment, and/or time-place orientation as appropriate. An individual intellectual evaluation shall be given when academic or learning deficits or giftedness is suspected.
- (iv) Social/Developmental History.
- (d) In order to determine eligibility for behaviorally/emotionally handicapped programs, the following are required:
 - (i) Evidence that the student, after receiving supportive regular educational assistance, including specific techniques suggested by the screening committee, still exhibits a behavioral/emotional disorder consistent with the definition.
 - (ii) Evidence that the disability is not the result of social maladjustment; a physical, sensory, or intellectual deficit; or lack of appropriate instruction or management of behavior.
 - (iii) Evidence that the student's own learning process is consistently and significantly disrupted.
 - (iv) Evidence that the patterns of behavior occur in more than one setting over an extended period of time.
 - (v) Evidence of a marked deviance from the student's peer group.
- (3) Hearing Impaired. Children may be identified as needing audiological and otological evaluations through mass hearing screening efforts and/or teacher referral. The audiological evaluation shall include air conduction testing, bone conduction testing, speech reception testing with and without amplification, and impedance testing to determine the type and extent of any hearing loss that may be present.
- (4) Mentally Handicapped. The assessment process will provide information to indicate whether the child needs a program for the mildly retarded (educable mentally handicapped), moderately retarded (trainable mentally handicapped), or severely/profoundly mentally handicapped. The intelligence quotient range for placement in programs for the educable mentally handicapped is 50-69 plus or minus one standard error of measurement. The intelligence quotient range for placement in programs for the trainable mentally handicapped is 30-49 plus or minus one standard error of measurement.

Children scoring on the borderline between the educable mentally handicapped and trainable mentally handicapped ranges should be provided services in the least restrictive appropriate environment. Children scoring below 30 on an individual psychological test may be enrolled in a class with the trainable mentally handicapped if their needs can be met appropriately in such a setting. Severely or profoundly mentally handicapped pupils who manifest severe learning and/or behavior problems, and who require extensive structure in learning situations if their educational needs are to be met, will need to be placed in a separate program.

- (5) **Multihandicapped and Severely/Profoundly Mentally Handicapped.** Multi-handicapped and severely/profoundly mentally handicapped children have a wide variety of handicapping conditions and their associated characteristics require diverse and unique evaluation procedures. Comprehensive evaluation data must include:
 - (a) medical evaluation with information on precautions, medications and recommendations for physical and occupational therapy;
 - (b) education evaluations that address self-help, cognitive, social and, where appropriate, prevocational skills;
 - (c) psychological evaluation that includes intellectual functioning, personality, social and adaptive behavior;
 - (d) psychomotor evaluation giving information on the neurological and physiological dysfunctions; and
 - (e) communication evaluation with information on expressive and receptive speech and language skills, with particular attention given to the need for augmentative communication systems.
- (6) **Specific Learning Disabilities.**
 - (a) **eligibility Criteria.** The following criteria shall all be met in identifying a student as learning disabled and in need of special education:
 - (i) after intervention strategies have been implemented in regular education or other programs, the student still exhibits learning difficulties.
 - (ii) achievement measured in age standard score units is 15 or more points below intellectual functioning.
 - (iii) the disability is not primarily the result of sensory deficits; mental handicap; behavioral/emotional handicap; or environmental, cultural, and/or economic influences. If a student's learning problems can be attributed to any of these exclusionary factors, then the primary disability is not a learning disability.
 - (iv) the student exhibits characteristics of learning disabilities consistent with the definition.

- (b) Screening Procedures. The following screening information shall be collected and considered in order to make decisions regarding further educational interventions and/or evaluations:
- (i) dated documentation of conferences or attempts to conference with parents or guardians concerning the students specific problems.
 - (ii) dated and signed documented evidence of at least two interventions attempted within the regular education setting and the effect of each. Those interventions should be designed in consultation with other staff members and may include, but not be limited to, changes in the student's class schedule, curriculum, teachers, instructional techniques, and interventions by student services personnel.
 - (iii) behavioral observation(s) by an appropriate third-party observer and/or other evidence, such as work samples, which describe and document the student's learning problem.
 - (iv) information concerning the student's:
 - (A) educational history,
 - (B) medical history,
 - (C) school attendance record,
 - (D) performance in relation to peers (e.g., group or individual screening intelligence and achievement tests, criterion referenced tests and work samples),
 - (E) social functioning, and
 - (F) environmental and cultural status.
 - (v) vision screening for near and far vision acuity.
 - (vi) hearing screening.
- (c) Evaluation Procedures. The evaluation of a student to determine eligibility for a learning disability program involves four steps: determine the student's current intellectual functioning, determine the student's current level of academic functioning, determine the amount of discrepancy between current intellectual functioning and academic functioning and document that the discrepancy is the result of a learning disability including descriptions of learner characteristics and behavior.
- (i) Psychological Evaluation. The student's cognitive/intellectual functioning must be assessed by using the recent revision of an appropriate Wechsler Intelligence Scale, the Stanford-Binet Intelligence Scale, or a test of equal validity and equivalent norms. This evaluation shall be conducted by a certified school psychologist or a licensed psychologist. Variability or "scatter" within intelligence measures is expected and normal. It is inappropriate to select the higher of subscale, subtest, factor or other scores for use as an estimate of intellectual functioning without considerable supporting evidence including other assessment results. When there are verbal/performance

IQ discrepancies of at least 20 points on the Wechsler Scale, the higher scale IQ may be used to determine the achievement-ability discrepancy providing there is evidence that the higher score accurately reflects the student's intellectual functioning. Because of the importance of the intellectual assessment to the identification process, group intelligence tests, unjustified prorated scores or extrapolated scores and abbreviated forms shall not be used.

(ii) Educational Evaluation. Evaluation of academic functioning for learning disabilities has two primary purposes:

- (A) to define the level of functioning in order to determine a severe discrepancy, and
- (B) to identify learner and environmental characteristics that can be used to document that the discrepancy results from a learning disability and to plan intervention strategies and program development.

Achievement difficulties may be identified in the areas of listening comprehension, oral expression, written expression, reading, reasoning and/or mathematics. Individually administered, standardized, norm-referenced achievement tests are required to determine a discrepancy. Other procedures, such as curriculum-based assessment, review of written classwork, classroom observations of performance and expectations, criterion-referenced instruments, and informal tests, should also be used to document specific disabilities. Comprehensive assessment of academic functioning should be conducted by professionals specifically trained to administer and interpret norm-referenced, criterion-referenced and other diagnostic measures of achievement. Such professionals might include school psychologists, specially trained teachers or counselors. Achievement information obtained from more than one source must be integrated for a comprehensive view of academic functioning.

(iii) Discrepancy Determination. Subtract achievement age standard score from the IQ score, assuming both measures have a mean of 100 and standard deviation of 15. If the test does not have a mean of 100 and standard deviation of 15, statistical procedures shall be implemented. Determine if the discrepancy is 15 points or more between achievement and ability. In cases where the multidisciplinary team determines that assessment measures did not accurately reflect the discrepancy between academic functioning and intellectual functioning, appropriate

- documentation must be used to verify the discrepancy. If norm referenced tests are not available for a particular area of achievement or the multidisciplinary team determines that the assessment measures did not accurately reflect the discrepancy between achievement and ability, the team shall state in writing the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and whether a substantial discrepancy is present that is not correctable without the provision of special education.
- (iv) Documentation of Specific Learning Disability. This documentation will involve a systematic procedure for comparing information gathered in the evaluation process to identify behavioral and academic patterns of strengths and weaknesses (e.g., standardized tests, informal tests, observations, interviews, work samples, measures of adaptive and/or affective behaviors).
- (d) Multidisciplinary Team. The multidisciplinary team shall provide a team framework for evaluating a child suspected of having a learning disability. The multidisciplinary team must consist of, but not be limited to:
- (i) the student's regular teacher
 - (ii) if the child does not have a regular teacher, then a regular classroom teacher qualified to teach a child of his/her age.
 - (iii) for a child less than school age, an individual qualified by the State Department of Public Instruction to teach a child of his or her age.
 - (iv) a person certified or trained in the area of learning disabilities.
 - (v) at least one person qualified by the State Department of Public Instruction to conduct individual diagnostic examinations of children, such as a:
 - (A) school psychologist
 - (B) speech-language specialist
 - (C) remedial reading teacher, or
 - (D) specific learning disability teacher
- (e) The major responsibilities of the multidisciplinary team are:
- (i) to collect or assist in compiling all data relevant to the determination of eligibility.
 - (ii) to appoint one member of the team (other than the student's regular teacher) to observe the student's performance in the regular classroom setting and note relevant behaviors.
 - (iii) to review all available data, including the observation data.

- (iv) to make a collective group decision as to whether or not the student meets the eligibility criteria, based on all required data.
 - (v) to write a report addressing all of the following areas:
 - (A) relevant behaviors noted during observation and the relationship of that behavior to the student's academic functioning
 - (B) educationally relevant medical findings, if any
 - (C) whether there is a significant discrepancy between current achievement and ability, which is not correctable without special educational and related services
 - (D) the basis of making the discrepancy determination
 - (E) the determination of the team that the significant discrepancy is not primarily the result of:
 - (i) other handicapping conditions
 - (ii) environmental, cultural and/or economic influences and/or
 - (iii) lack of appropriate school experiences commensurate with age and ability
 - (F) whether the student has a specific learning disability.
 - (vi) to have each team member to certify by signing the written report with individuals providing statements of concurrence or dissent from the decision. In case of disagreement among team members, the majority will constitute the decision. If the team composition is an even number and the decision is split, a person knowledgeable in the area of learning disability as specified by the Exceptional Children Program Administrator should be added to the team. A team member in disagreement with the team decision must submit a separate statement presenting his/her conclusion.
 - (vii) to recommend an educational program to meet the unique instructional needs of the student and to provide recommendations to be used in the development of an individualized education program.
 - (viii) to provide a team framework for evaluating a child for continuation in or exit from the specific learning disability program at the third year reevaluation.
- (7) Speech and Language Impaired. Children may be identified as needing speech-language evaluations through mass screening efforts and/or teacher referral. Children determined through screening or referral to need evaluations shall be assessed in the areas of articulation, language (form, content and function), voice and fluency. It is on the basis of such an evaluation that the determination as to the type and intensity of services is to be made.

- (a) Articulation. For a student to be considered for placement in an articulation therapy program, he/she must demonstrate one to three consistent sound substitutions and/or distortions of phonemes which should have been developed within one year of his/her chronological/cognitive level.
 - (b) Language. A battery of two diagnostic measures is recommended to assess comprehension and production aspects of language. Assessment instruments chosen may include normed tests, criterion referenced tests, and/or a language sample. Scores should be computed in standard deviations (SD), language quotients (LQ), percentiles and/or stanine scores when possible. For a student to be considered for placement in a language therapy program, appropriate diagnostic tests must indicate a language disorder of a least one standard deviation below the mean, a language quotient of 85, a percentile of 22 and/or a stanine of three. When evaluating an individual with language problems, a comparison should be made between the individual's language age score (as determined by the diagnostic battery) and the chronological or cognitive level. Placement decisions for individuals who are eligible for programs for the mentally handicapped should be based on a comparison of language age (LA) to mental age (MA) or cognitive potential scores, obtained from standardized measures of intelligence.
 - (c) Voice. For a student to be considered for placement in a voice therapy program, he/she must demonstrate consistent deviations in vocal production that are inappropriate for chronological/mental age, sex, and ability.
 - (d) Fluency. For a student to be considered for placement in a fluency therapy program, he/she must demonstrate nonfluent speech behavior characterized by repetitions/prolongations as noted on a regular basis.
- (8) Pregnant School Girls. Diagnosis of a pregnant school girl shall be by the family's physician or by the Health Department. The identification of the special educational needs of pregnant school girls shall be accomplished by multiple means. These methods shall include, but are not limited to, written recommendations from a licensed practicing physician, school counselor, social worker, teacher, nurse practitioner, parent, the student or significant others. Such recommendations shall be reviewed by the school-based/administrative placement committee which shall make the final decision on educational placement and programming.

History Note: Statutory Authority G.S. 115C-106(b); 115C-113;
 Eff. October 1, 1978;
 Amended Eff. January 1, 1985; November 1, 1983;
 September 28, 1982; September 30, 1980; July 15, 1979.

.1510 REQUIRED AND RECOMMENDED SCREENING AND EVALUATION

Specific screening and evaluation procedures are required for the various categories of exceptionality and for children in hospital or home programs. Some evaluations are required for a particular handicap and others are highly recommended. Required and recommended screening and evaluations for each area of exceptionality and for children in hospital or home programs are as follows:

- (1) Autistic
 - (a) required:
 - (i) review of early history,
 - (ii) educational evaluation,
 - (iii) psychological evaluation,
 - (iv) speech and language evaluation,
 - (v) medical/neurological evaluation,
 - (vi) adaptive behavior evaluation,
 - (vii) hearing and vision screening.
 - (b) recommended: audiological evaluation
- (2) Academically Gifted
 - (a) required screening or evaluation before placement:
 - (i) intelligence quotient or aptitude percentiles
 - (ii) educational evaluation (achievement test total or subtest scores)
 - (iii) student performance based on grades or demonstrated skills/products, as needed.
 - (b) recommended screening or evaluation before placement: further standardized testing when environmental, cultural, or handicapping conditions are judged to have affected the reliability of identification data.
- (3) Hearing Impaired
 - (a) required screening or evaluation before placement:
 - (i) educational evaluation,
 - (ii) speech and language evaluation,
 - (iii) audiological evaluation,
 - (iv) otological evaluation,
 - (v) vision screening;
 - (b) recommended screening or evaluation before placement:
 - (i) health screening,
 - (ii) psychological evaluation,
 - (iii) adaptive behavior evaluation,
 - (iv) ophthalmological or optometric evaluation,
 - (v) social/developmental history.
- (4) Home
 - (a) required screening or evaluation before placement: medical evaluation.
 - (b) recommended screening or evaluation before placement: educational evaluation.
- (5) Hospital
 - (a) required screening or evaluation before placement: medical evaluation.
 - (b) recommended screening or evaluation before placement: educational evaluation.

- (6) Educable Mentally Handicapped
- (a) required screening and evaluation before placement:
- (i) health screening, followed by a medical evaluation when appropriate,
 - (ii) psychological evaluation,
 - (iii) educational evaluation,
 - (iv) adaptive behavior evaluation,
 - (v) psychomotor screening followed by an in-depth evaluation when appropriate,
 - (vi) speech and language screening followed by speech and language evaluation when appropriate,
 - (vii) hearing screening,
 - (viii) vision screening which measures far and near acuity.
- (b) recommended screening and evaluation before placement:
- (i) audiological evaluation for initial placement, followed by routine audiometric screening when reevaluated,
 - (ii) vocational evaluation for students age 14 or older,
 - (iii) social/developmental history for initial placement followed by annual up-dating.
- (7) Trainable Mentally Handicapped
- (a) required screening and evaluation before placement:
- (i) medical evaluation,
 - (ii) psychological evaluation,
 - (iii) educational evaluation,
 - (iv) adaptive behavior evaluation,
 - (v) psychomotor screening followed by an in-depth evaluation when appropriate,
 - (vi) speech and language screening, followed by speech and language evaluation when appropriate,
 - (vii) hearing screening,
 - (viii) vision screening which measures far and near acuity.
- (b) recommended screening and evaluation before placement:
- (i) audiological evaluation for initial placement, followed by routine audiometric screening when reevaluated,
 - (ii) vocational evaluation for students age 14 or older,
 - (iii) social/developmental history for initial placement followed by annual up-dating.
- (8) Severely/Profoundly Mentally Handicapped
- (a) required screening and evaluation before placement:
- (i) medical evaluation,
 - (ii) psychological evaluation,
 - (iii) educational evaluation,
 - (iv) adaptive behavior evaluation,
 - (v) psychomotor screening followed by an in-depth evaluation when appropriate,
 - (vi) speech and language screening, followed by speech and language evaluation when appropriate,
 - (vii) hearing screening,
 - (viii) vision screening which measures far and near acuity.

- (9) Multihandicapped
- (a) required screening and evaluation before placement:
 - (i) medical evaluation,
 - (ii) psychological evaluation,
 - (iii) educational evaluation,
 - (iv) adaptive behavior evaluation,
 - (v) psychomotor screening followed by an indepth evaluation when appropriate,
 - (vi) speech/language evaluation,
 - (vii) hearing screening,
 - (viii) vision screening;
 - (b) recommended screening and evaluation before placement:
 - (i) audiological evaluation,
 - (ii) ophthalmological or optometric evaluation.
- (10) Other Health Impaired. Required screening and evaluation before placement:
- (a) medical evaluation,
 - (b) educational evaluation.
- (11) Orthopedically Impaired
- (a) required screening and evaluation before placement:
 - (i) medical evaluation,
 - (ii) educational evaluation,
 - (iii) psychomotor screening followed by an indepth evaluation when appropriate,
 - (iv) hearing screening,
 - (v) vision screening;
 - (b) recommended screening and evaluation before placement:
 - (i) adaptive behavior evaluation,
 - (ii) physical therapy evaluation,
 - (iii) speech/language evaluation,
 - (iv) occupational therapy evaluation.
- (12) Behaviorally/Emotionally Handicapped
- (a) required screening and evaluation before placement:
 - (i) behavioral/emotional evaluation in Section .1509,
 - (ii) educational evaluation in section .1509,
 - (iii) cognitive evaluation in Section .1509,
 - (iv) social/developmental history in Section .1509.
 - (b) recommended screening and evaluation before placement:
 - (i) medical evaluation,
 - (ii) psychomotor screening followed by an indepth evaluation when appropriate,
 - (iii) speech/language evaluation,
 - (iv) hearing screening,
 - (v) vision screening.
- (13) Specific Learning Disabled
- (a) required screening and evaluation before placement:
 - (i) psychological evaluation,
 - (ii) educational evaluation,
 - (iii) hearing screening,
 - (iv) vision screening,
 - (v) screening procedures (i-iv) in Section .1509(6) for initial placement only.

- (b) recommended screening and evaluation before placement:
 - (i) health screening,
 - (ii) medical evaluation,
 - (iii) psychomotor screening followed by an indepth evaluation when appropriate,
 - (iv) speech/language evaluation.
- (14) Speech and/or Language Impaired
 - (a) required screening and evaluation before placement:
 - (i) educational evaluation,
 - (ii) speech and language screening with valid instruments using developmental or normative data to determine age appropriate performance for articulation and receptive and expressive language skills,
 - (iii) speech and/or language diagnostic evaluation administered to assess performance in those areas in which the student failed to demonstrate appropriate performance on screening test,
 - (iv) hearing screening
 - (b) recommended screening and evaluation before placement:
 - (i) health screening,
 - (ii) psychological evaluation,
 - (iii) vision screening.
- (15) Visually Impaired
 - (a) required screening and evaluation before placement:
 - (i) hearing screening,
 - (ii) ophthalmological or optometric evaluation;
 - (b) recommended screening and evaluation before placement:
 - (i) medical evaluation,
 - (ii) psychological evaluation,
 - (iii) educational evaluation,
 - (iv) adaptive behavior evaluation
 - (v) speech/language evaluation,
 - (vi) audiological evaluation.

History Note: Statutory Authority G.S. 115C-113;
 Eff. October 1, 1978;
 Amended Eff. January 1, 1985; September 28, 1981;
 September 30, 1980; July 15, 1979.

.1511 REEVALUATION

Appropriate in-depth reevaluations of exceptional children must be completed at least every three years in order to determine the appropriateness of current educational status of students and to determine whether or not a student continues in or exits from a special education program. The date by which reevaluations must occur is determined by the date placement was made. Although each test does not have to be administered exactly three years from the date it was previously given, all tests must be completed prior to the time the committee reviews the placement decision. That review must be within three years of the time the last placement decision was made. The

reevaluations shall include the types of screening and evaluations in Section .1510 required prior to the initial placement. Parent approval is not required prior to the reevaluation. The parent(s) must be notified in writing that the child is being reevaluated and the notice must meet the requirements of Section .1517. If the parent objects, the due process procedures set forth in .1517 of this Section may be followed. If a child's performance/behavior warrants reevaluation before the three-year period has expired, a referral for reevaluation should be made. Students who upon reevaluation no longer qualify for placement in a special education program are not to remain in the program beyond the present grading period.

History Note: Statutory Authority G. S. 115C-113
 Eff. July 15, 1979;
 Amended Eff. November 1, 1984; September 28, 1981.

.1512 INDIVIDUALIZED EDUCATION PROGRAM FOR THE HANDICAPPED, GROUP EDUCATION PROGRAM FOR THE ACADEMICALLY GIFTED AND EDUCATIONAL PROGRAM FOR THE PREGNANT

(a) Each local educational agency shall develop and implement an individualized education program for each handicapped child. The requirements in this Section are not required for children in hospital or home programs who have not been appropriately identified as children with special needs under one or more of the categories in Section .1501(a). The State Department of Public Instruction shall monitor the effectiveness of these programs.

(b) Composition of Individualized Education Program Committee. The entire school-based committee may or may not be involved; however, the following individuals must be involved in the development and writing of the individualized education program.

- (1) A representative of the local educational agency other than the child's teachers who shall be qualified to provide, or supervise the provision of, specifically designed instruction to meet the unique needs of the child;
- (2) The child's teacher;
- (3) The parent(s) of guardian(s) of the child;
- (4) The child when appropriate;
- (5) Other individuals at the discretion of the agency such as professionals from other agencies or private sector who have been involved in evaluation or treatment of the child;
- (6) Special consideration should be given to including the student's regular classroom teacher and a teacher of exceptional children on each individualized education program committee;
- (7) For a handicapped child who has been evaluated for the first time, the local educational agency shall have:
 - (A) a member of the evaluation team participate in the Individualized Education Program meeting, or
 - (B) a representative of the local educational agency, the child's teacher, or some other person present at the meeting who is knowledgeable about the evaluation procedures used with the child and who is familiar with the results of the evaluation.

(c) Content of the Individualized Education Program. The individualized education program for each child must include:

- (1) a statement of the child's present levels of educational performance;
- (2) a statement of annual goals;
- (3) a statement of short-term instructional objectives;
- (4) a statement of specific education and related services to be provided to the child;
- (5) a description of the extent to which the child will participate in regular education programs and a description of the program to be provided;
- (6) the projected dates for initiation of services and the anticipated duration of services;
- (7) objective criteria, evaluation procedures, and schedule for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

(d) Maintenance of the Individualized Education Programs. The local educational agency shall maintain records of the individualized education program for each handicapped child. The individualized education program is considered a confidential record.

(e) Department of Human Resources and Department of Correction. In the facilities and programs of the Department of Human Resources and the Department of Correction, the individualized education program shall, in addition to .1512(c), be planned in collaboration with those other individuals responsible for the design of the total treatment and/or habilitation plans; the resulting educational, treatment, and habilitation plans shall be coordinated, integrated, and internally consistent. For purposes of these programs, requirements for parent(s) or guardian(s) involvement are limited to only educational matters in the identification, placement and special education programming of handicapped children.

(f) Private School Placement.

- (1) An individualized education program is to be developed by the local educational agency for any child who is enrolled in a parochial or other private school, but who receives special education or related services from a local educational agency.
- (2) Before a local educational agency places a handicapped child in or refers a child to a private school or facility, the local educational agency will initiate and conduct with a representative of the private school in attendance an individualized education program meeting before referring the child to a private school or facility.
- (3) After a child is placed in a private school any meeting to review or revise the individualized education program may be initiated and conducted by the private school at the discretion of the public agency.
- (4) If the private school initiates and conducts an individualized education program meeting, the public agency must assure that the parents and an agency representative are involved in any decision about the individualized education program and agree to any proposed change in the program before the changes are implemented.

- (5) If a handicapped child is enrolled in a parochial or private school and receives special education or a related service from a public agency, the public agency shall insure that a representative of the private school attends each individualized education program meeting or use other methods to insure participation such as individual or conference phone call.
 - (6) Even if a private school implements a student's individualized education program responsibility for compliance with this part remains with the local educational agency.
- (g) Timelines.
- (1) An individualized education program must be in effect before special education and related services are provided to the child.
 - (2) For an handicapped child who is receiving special education, the individualized education program must be revised as often as determined necessary but at a minimum annually. As the school year begins, the individualized education program shall be reviewed by the teacher or teachers responsible for implementation so that the program will allow for changes needed.
 - (3) For an handicapped child not receiving special education at the present time, the individualized education program must be developed within 30 days of a determination that the child is to receive special education programs or services.
 - (4) An individualized education program must be implemented as soon as possible following the individualized education program meeting.
- (h) Parent Participation.
- (1) Steps should be taken to insure that one or both of the parents or guardians of the handicapped child are present at each meeting or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place.
 - (2) The notice from the local educational agency informing the parent(s) of the individualized education program meeting must contain the purpose of the meeting, time, location of the meeting, and who will be in attendance.
 - (3) If neither parent can attend, the local educational agency shall use other methods to insure parent participation, including individual or conference telephone calls.
 - (4) A meeting may be conducted without a parent in attendance if the parent(s)/guardian(s) cannot or will not participate. In this case the local educational agency must have a record of its attempts to arrange a mutually agreed upon time and place, such as:
 - (A) detailed records of telephone calls made or attempted and the results of those calls,
 - (B) copies of correspondence sent to the parent(s)/guardians(s) and any responses received,
 - (C) detailed records of visits made to the parent(s)/guardian(s) home or place of employment and the results of those visits.

- (5) The local educational agency shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(i) Notification and Consent for Placement. The following information must be supplied to the parent(s) or guardian(s) during a conference or by mail:

- (1) a copy of the individualized education program if requested;
- (2) 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/or services of the child;
- (3) information concerning their right to an independent educational evaluation, at public expense, if they disagree with the evaluation obtained by the local educational agency. A list of other agencies providing free evaluations should be provided. The local educational agency may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent evaluation but not at public expense. The results of an independent evaluation obtained at the parents' own expense must be considered by the local educational agency in any decision about the placement of a program and/or services for the child;
- (4) information concerning the right to appeal the decision and a copy of the appeals procedures.
- (5) information must be in language understandable to the general public and provided 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.

(j) Review of the Individualized Education Program.

- (1) the individualized education program shall be reviewed at least annually,
- (2) the student's program must be reviewed and necessary changes made in the individualized education program,
- (3) the student's parent(s) or guardian(s) must be invited to participate in the review,
- (4) recommendations for any change in the student's placement must be made to the administrative placement committee,
- (5) the student's parent(s) or guardian(s) must be notified of any change in placement and due process procedures must be followed.

(k) Liability. An agency, teacher or other person shall not be held liable if the child does not reach the growth projected in the annual goals and objectives in the individualized education program but must make a "good faith effort" to assist the child in achieving the objectives and goals.

(1) Group Education Programs for the Academically Gifted. Each local educational agency shall prepare Group Education Programs (GEPs) for academically gifted students. The Group Education Program shall be differentiated for a group of two or more academically gifted students who share similar academic characteristics and/or program needs.

For students whose special needs are not adequately addressed by the Group Education Program, an individualized component shall be considered. The Group Education Program shall be in place at the time services are initiated, and shall be reviewed at least annually to aid in recommendations for the next year's placement and program. The Group Education Program shall include:

- (1) The differentiated program and services:
 - (A) a brief narrative describing the program content;
 - (B) annual goals;
 - (C) methods and procedures for determining that the goals have been met;
 - (D) additional needs, if any, of a student(s) that are not already addressed and a description of further modifications needed.
- (2) Documentation of opportunities for parents to participate in the Group Education Program process. Because the Group Education Program describes the instructional program for academically gifted students, the teacher responsible for implementation shall be responsible for Group Education Program development. Group or individual meetings to promote parental involvement in Group Education Program development may be held. Student participation, if appropriate, is recommended.
- (3) Attached to the Group Education Program should be the following:
 - (A) a list of the students' names;
 - (B) the name of the school;
 - (C) the program type, grade level, or subject area class (Examples: Elementary Enrichment; 11th Grade English--Advanced);
 - (D) school year; and
 - (E) name of instructor.

(m) Educational Program for the Pregnant. Local school administrative units shall develop a written program to meet the special educational needs of pregnant school girls.

History Note: Statutory Authority G. S. 115C-113;
 Eff. October 1, 1978
 Amended Eff. November 1, 1983; September 28, 1981;
 September 30, 1980,
 July 15, 1979.

.1514 CONFIDENTIALITY AND ACCESS TO RECORDS

(a) Formulation of Policy and Procedures. Each local educational agency shall formulate and adopt a policy of:

- (1) Informing parents of students or eligible students of their rights,
- (2) permitting parents of students or eligible students to inspect and review the education records of the student, including at least:
 - (A) a statement of the procedure to be followed by a parent or an eligible student who requests to inspect and review the education records of the student;
 - (B) with an understanding that it may not deny access to an education record, a description of the circumstances in which the agency feels it has a legitimate cause to deny a request for a copy of such records;
 - (C) a schedule of fees for copies; and
 - (D) a listing of the types and locations of education records maintained by the educational agency and the titles and addresses of the officials responsible for those records.
- (3) not disclosing personally identifiable information from the education records of a student without prior written consent of the parent of the student or the eligible student. The policy shall include, at least:
 - (A) a statement of whether the educational agency will disclose personally identifiable information from the education records of a student and, if so, a specification of the criteria for determining which parties are "school officials" and what the educational agency considers to be a "legitimate educational interest," and
 - (B) a specification of the personally identifiable information to be designated as directory information.
- (4) maintaining the record of disclosures of personally identifiable information from the education records of a student required to be maintained, and permitting a parent or an eligible student to inspect that record.
- (5) providing a parent of the student or an eligible student with an opportunity to seek the correction of education records of the student through a request to amend the records or a hearing under the due process hearing procedures in Section .1517, and permitting the parent of a student or an eligible student to place a statement in the education records of the student in the event that the parent or eligible student does not agree with the results of the hearing.

The policy required to be adopted by paragraph (a) of this section shall be in writing and copies shall be made available upon request to parents of students and to eligible students.

(b) Annual Notification of Rights.

- (1) Each local educational agency shall give parents of students in attendance or eligible students in attendance annual notice by such means as are reasonably likely to inform them of the following:
 - (A) Their rights concerning confidentiality and access to records. The notice shall also inform parents of students or eligible students of the locations where copies of the policy may be obtained; and

(B) The right to file complaints concerning alleged failures by the educational agency to comply with confidentiality requirements.

- (2) Agencies shall provide for the need to effectively notify parents of students identified as having a primary or home language other than English.

(c) Access Rights.

- (1) A parent, legal guardian, or eligible student has the right to read, inspect, or copy the student's education records maintained by the local educational agency and to have a representative of the parent inspect and review the records. Upon request, parents shall be entitled to have these records fully explained, interpreted and analyzed for them by the staff of the agency. Such requests shall be honored within a reasonable period of time, but in no case more than 45 days after the request has been made. Eligible student is defined as one who has reached the age of majority, 18 years, unless he/she has been declared incompetent by the court. The term "education records" does not include personal notes of teachers or professionals working with the child. The agency should comply with a request to inspect the records prior to meeting regarding an individualized education program or hearing. These records relate to the identification, evaluation, and placement of the child including the records on free appropriate public education rights when the public agency is unable to supply an appropriate education and seeks to purchase appropriate services from a private or public provider.
- (2) An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.
- (3) If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.
- (4) A participating educational agency may charge a fee for copies of records which are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under this part.

Prior Consent for Disclosure Required.

- (1) An educational agency shall obtain the written consent of the parent of a student or the eligible student before disclosing personally identifiable information from the education records of a student to a third party, other than directory information, except as provided in (e) of this section.
- (2) Whenever written consent is required, an educational agency may presume that the parent of the student or the eligible student giving consent has the authority to do so unless the agency has been provided with evidence that there is a legally binding instrument, or a State law or court order governing such matters as divorce, separation or custody, which provides to the contrary.

- (3) The written consent required by paragraph (d) (1) of this section must be signed and dated by the parent of the student or the eligible student giving the consent and shall include:
 - (A) a specification of the records to be disclosed,
 - (B) the purpose or purposes of the disclosure, and
 - (C) the party or class of parties to whom the disclosure may be made.
 - (4) When a disclosure is made pursuant to paragraph (1) of this section, the educational agency shall, upon request, provide a copy of the record which is disclosed to the parent of the student or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.
- (e) Parental Consent.
- (1) Parental Consent is required prior to release of education records, except:
 - (A) school officials within the local educational agency who have legitimate educational interests,
 - (B) officials of another school or local educational agency in which the student intends to enroll or obtain services,
 - (C) certain authorized representatives of the state and federal government who are determining eligibility of the child for aid as provided under Public Law 94-142,
 - (D) when required by a judicial order or any lawfully issued subpoena upon condition that parents/students are notified by the local educational agency of all such orders or subpoenas in advance of the compliance.
 - (2) All other persons may gain access to a student's record only with the specific written consent of the parent(s) or guardian(s) or student of majority age.
 - (3) Recipients of student records should be cautioned that student information may not be released to third parties without the consent of the parent/legal guardian.
 - (4) When a parent refuses to provide consent and the agency feels that the record must be shared with another party to insure appropriate education of the child, the agency must use the hearing procedures in order to compel consent which could be ordered by the hearing officer.
 - (5) The participating agency must: keep a record of parties obtaining access to education records (name of party, date of access, and purpose of access); provide parents on request a list of types and locations of education records; maintain, for public inspection, a current listing of names and positions of those employees within the agency who may have access to personally identifiable information.
 - (6) Information from a student's record should be furnished without the parent's or student's consent when required by a judicial order or any lawfully issued subpoena upon condition that parents/students are notified by the local educational agency of all such orders or subpoenas in advance of the compliance.
- (f) Amendment of Records at Parent's Request.
- (1) A parent who believes that data which is collected and maintained is inaccurate, misleading or in violation of the privacy or other rights of the child may request the participating agency which maintains the data to make appropriate amendments to the data.

- (2) The participating agency shall decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request.
 - (3) If the agency decides to refuse to amend the data in accordance with the request, it shall so inform the parent of the refusal and advise the parent of the right to a hearing under Section .1517.
- (g) Right to a Hearing.
- (1) A parent, legal guardian or eligible student has a right to a hearing to challenge the validity of the contents of the child's record. They have the right to add to records, data and information a written explanation or clarifications thereof and to cause the expunction of incorrect, outdated, misleading, or irrelevant entries. On the agency's refusal to delete such entries, the parents may request a due process hearing pursuant to Section .1517 within 30 days after such refusal.
 - (2) If, as a result of the hearing, the agency decides that the data is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the data accordingly and so inform the parent in writing.
 - (3) If, as a result of the hearing, the agency decides that the data is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the data and setting forth any reasons for disagreeing with the decision of the agency.
 - (4) Any statements or explanations placed in the records of the child under the guidelines of the above paragraph shall be maintained by the agency as long as the record or contested portion thereof is maintained by the agency; and if the records of the child or the contested portion thereof is disclosed by the agency to any party, the explanation shall also be disclosed to the party.
- (h) Safeguards.
- (1) Each agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
 - (2) One official in each agency shall assume responsibility for insuring the confidentiality of any personally identifiable information. This official may assign personnel in each school to ensure confidentiality.
 - (3) All persons collecting or using confidential information must receive training or information regarding State policies and procedures.
 - (4) Each agency shall maintain for public inspection, a current listing of the names and positions of those employees within the agency who have access to personally identifiable information.
- (i) Destruction of Information.
- (1) The public agency shall inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. The agency should inform the parent that the records may be destroyed but at the parent's request a copy of the record would be sent.

- (2) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
- (3) Parents should be informed, prior to destruction, that the records may be needed by the child or the parent for social security benefits or other purposes. If the parent still requests that the information be destroyed, the records are to be destroyed, retaining only information in (2) above.
- (j) Children's Rights. A student who is eighteen (18) years or older has the same rights as his parents or guardian previously had with the exception of psychiatric or treatment records which may be withheld. Consent may be given for a doctor of his choice to have access to the records and interpret the records to the student.

History Notes: Statutory authority G. S. 115C-114
 Eff. July 15, 1979;
 Amended Eff. November 1, 1984; September 28, 1981;
 September 30, 1980

.1515 CONTINUUM OF PROGRAMS AND SERVICES: CHILDREN WITH SPECIAL NEEDS

- (a) To the maximum extent possible, children with special educational needs shall be educated in regular class settings. Each child with special needs is to participate with children who are not children with special needs in services and activities to the maximum extent appropriate to the needs of the child in both non-academic and extra curricular services including meals, recess period, counseling services, recreational activities, special interest groups or clubs sponsored by the local educational agency. Each child with special needs is to be placed as close as possible to his/her home. Unless the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant requires some other arrangement, the child is to be educated in the school which he/she would attend if not handicapped, academically gifted or pregnant. When the regular class environment does not prove satisfactory in meeting the needs of the children, consultant or supportive services, remedial or advanced instruction and/or special instructional materials should be provided prior to removing them from the regular classroom. Special classes, separate schools or removal of children requiring special education from the regular educational environment should occur only when the needs of the children are such that education in regular classes, even with the use of supplemental aids and services, cannot be accomplished satisfactorily.
- (b) Each local educational agency shall provide a facility(s) that will enable each student with special needs to have his/her individual educational needs met. No identified student with special needs shall, because the facilities are inaccessible to or unusable by the student, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that is needed to meet his/her special educational needs.

(c) Each local educational agency shall explore available local resources and determine whether the needed services are being offered by an existing public or private agency. When a specified special education or related service is being offered by a local, public or private source, the local educational agency shall negotiate for the purchase of that service or shall present full consideration of alternatives and the recommendations to the State Board.

A new program for special education or related services shall be developed with the approval of the Board only when:

(1) that service is not being provided by existing public or private resource, or

(2) the service cannot be purchased from existing providers.

Local educational agencies may expand an existing program or services without Board approval.

(d) In order that a child's needs can be met, a number of options should be made available for the delivery of programs and services. The principal determinants in selecting the program or service for each child should be goals of the child's individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant. In providing services to a child with special educational needs, the first factor should be the degree to which the child will profit from such an arrangement rather than administrative considerations. In selecting the least restrictive and most appropriate environment for the child, consideration must be given to any potentially harmful effect on the child or a reduced quality of service. The principal determinants of the number of children served in each program will be the age of the children, the nature and severity of their handicapping characteristics or advanced intellectual status, and the degree of intervention necessary to meet the individual needs. When serving children with special needs in regular classes, consideration should be given to the pupil-teacher ratio to allow for maximum benefits to regular and special students.

(e) The following is a list which describes the continuum of programs and services available to children with special needs.

- (1) Regular Classroom. Many children with special needs will be educated in the regular classrooms full-time. The teacher will individualize the program to meet their needs. The teacher may seek consultative services from resource persons as needed.
- (2) Regular Classroom Program with Supportive Services. At this level of the continuum, children remain with their regular teacher for most of their academic instruction. However, supportive personnel may work with the child in the regular classroom or may have him/her leave the regular class to go to another setting for service. The teacher will individualize the program to meet the educational needs of the children.

- (3) Part-Time Special Class. This type of service occurs every day for a minimum of one hour or one class period, but may cover most of the day except for those periods of time during which the child is returned to the regular classes for programs such as creative arts, physical education or activity periods so as to give him/her opportunities to interact with his/her peers. Some classes may be departmentalized by subject areas. Others such as language arts and social studies may be arranged in blocks of time.
- (4) Full-Time Special Class. Some children have educational needs which cannot be met in any of the previously described program alternatives. Their needs require a major modification of their curriculum or a major modification in approach and methodology. Some of these children may be returned to a less restrictive setting whenever the educational objectives for the child in this program have been met. The classes are located in a school building where classes for regular students are being held.
- (5) Special Day School. Some local educational agencies have decided to locate their special programs in a separate building or school. A child should be placed in a special day school only when his/her needs cannot be met in a regular school environment. A clear educational advantage for this arrangement must be documented prior to the placement of a child in this program. Developmental day centers and head start programs provide training and socialization opportunities to children who have demonstrated a significant lag in one or more areas of development and cannot presently be served in the public schools. An individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant must be written for each child.
- (6) Hospital/Home Services. Any child who is expected to be confined for four weeks or longer to a hospital or home for treatment or for a period of convalescence is eligible for this program. Any child who is disabled to the degree that it is impossible or medically inadvisable for him/her to attend public school even with the provision of special classes and transportation is eligible for home/hospital services. The child needing home services should be expected by competent medical authority to be away from the classroom for a minimum of four weeks, and the medical statement should set forth the nature and extent of the handicap, the physical or psychological limitations under which the child can operate successfully, and the anticipated length of time he/she is expected to be incapacitated. Children eligible for hospital/home services are to be given instruction based upon their individual needs from three to five hours per week unless prohibited for medical reasons. Pupils who have been identified as other health impaired should have their

- special needs for hospital/home services designated in an individualized education program for the handicapped, group education program for the academically gifted or written educational program for the pregnant and are not required to be absent four weeks or longer before receiving services.
- (7) Residential Centers. Residential centers provide educational diagnosis and treatment/education to children who cannot be provided for in any other available appropriate program. Such programs include education for the hearing impaired, visually impaired, severely or profoundly retarded, emotionally handicapped and autistic.

(f) Continuum of Communication Programs. Speech, language and hearing services may appear at any level of the continuum and offer program or service alternatives. A continuum of program and services model for children with speech, language and hearing impairments includes a communication development program, a communication deviations program and a communication disorders program.

History Note: Statutory Authority G. S. 115-110;
Eff. July 15, 1979;
Amended Eff. September 28, 1981.

.1516 MAXIMUM CLASS SIZE: PUPIL-TEACHER RATIO

The following class sizes shall not be exceeded in programs for children with special needs. Deviations may be made only with the prior written approval of the State Board of Education upon request by a local educational agency. Local educational agencies are encouraged to lower the maximum class sizes, if needed, to meet the needs of their particular students.

- (1) Autistic. Full-time special class--self-contained:
 - (a) up to 6 pupils--1 teacher, 1 aide;
 - (b) up to 9 pupils--1 teacher, 2 aides.
- (2) Academically Gifted
 - (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, teacher: Up to 15 pupils per class period; up to 75 per day, or maximum of 175 pupils per week--1 teacher;
 - (b) part-time special class-departmentalized-block: Up to 25 pupils per class period or up to 100 per day--1 teacher;
 - (c) full-time special class--self-contained: Up to 26 pupils---1 teacher.
- (3) Hearing Impaired.
 - (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant: Up to 20 pupils per week--1 teacher;

- (b) part-time special class--departmentalized-block:
Up to 10 per half day block--1 teacher; up to 20 pupils per day--1 teacher;
 - (c) full-time special class--self-contained
 - (i) preschool/primary--up to 7 pupils--1 teacher, 1 aide;
 - (ii) elementary--up to 7 pupils--1 teacher, 1 aide;
 - (iii) secondary--up to 9 pupils--1 teacher, 1 aide;
 - (iv) severely handicapped--up to 4 pupils--1 teacher, 1 aide in residential programs.
- (4) Educable Mentally Handicapped
- (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant:
Up to 35 pupils per week--1 teacher;
 - (b) part-time special class--departmentalized-block
 - (i) preschool/primary--up to 12 pupils per class period;
 - (ii) elementary--up to 12 pupils per class period or 40 per day--1 teacher;
 - (iii) secondary--up to 16 pupils per class period or 40 per day--1 teacher;
 - (c) full-time special class--self-contained
 - (i) preschool/primary--up to 12 pupils--1 teacher;
 - (ii) elementary--up to 12 pupils--1 teacher;
 - (iii) secondary--up to 16 pupils--1 teacher.
- (5) Trainable Mentally Handicapped. Full-time special class-self-contained:
- (a) up to 6 pupils--1 teacher,
 - (b) 7-12 pupils--1 teacher, 1 aide;
 - (c) 13-16 pupils--1 teacher, 2 aides.
- (6) Severely/Profoundly Handicapped. Full-time special class--self-contained:
- (a) up to 6 pupils--1 teacher
 - (b) 7-12 pupils--1 teacher, 2 aides.
- (7) Multihandicapped. Full-time special class--self-contained:
- (a) up to 6 pupils--1 teacher, 1 aide;
 - (b) 7-12 pupils--1 teacher, 2 aides.
- (8) Orthopedically Impaired
- (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant;
Up to 15 pupils per week--1 teacher;
 - (b) part-time special class--departmentalized-block:
Up to 10 pupils per class period--1 teacher;
 - (c) full-time special class--self-contained:
Up to 12 pupils--1 teacher, 1 aide.
- (9) Seriously Emotionally Handicapped
- (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant, crisis teacher:
Up to 20 pupils per week--1 teacher;
 - (b) part-time special class--departmentalized-block:
Up to 6 pupils per class period--1 teacher; up to 8 pupils per class period--1 teacher, 1 aide; up to 16 pupils per week--1 teacher, 1 aide;

- (c) full-time special class--self-contained:
8 pupils--1 teacher, 1 aide.
- (10) Specific Learning Disabled
 - (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant;
Up to 35 pupils per week--1 teacher if direct services; up to 40 pupils per week if indirect consultant services only;
 - (b) part-time special class--departmentalized-block:
Up to 8 pupils per class period or 25 per day--1 teacher;
 - (c) full-time special class self-contained:
Up to 12 pupils--1 teacher.
- (11) Speech and Language Impaired
 - (a) There are no maximum or minimum caseloads. Caseload requirements must be flexible enough to provide for appropriate services in direct accord with diagnosed pupil needs. Consideration should be given to types of severity of pupils' problems; nature and level of services required by pupils to allow them to progress at optimum learning rates in accomplishing specific objectives; and ages, intellectual abilities and emotional behaviors of pupils to be served.
 - (b) Full-time and part-time class for children with language disorders:
Up to 12 pupils--1 teacher, 1 aide.
- (12) Visually Impaired
 - (a) regular class and supportive services--resource, enrichment, diagnostic-prescriptive, consultant:
Up to 35 pupils per week--1 teacher
 - (b) part-time special class--departmentalized block:
Up to 8 pupils per class period or 25 per day--1 teacher;
 - (c) full-time special class--self-contained;
 - (i) blind--up to 8 pupils--1 teacher
 - (ii) partially sighted--up to 10 pupils--1 teacher
 - (iii) blind-severely handicapped--up to 4 pupils--1 teacher, 1 aide in residential programs.
- (13) Hospital/home services:
Up to 12 pupils--1 teacher.

History Note: Statutory Authority G. S. 115C-110;
Eff. October 1, 1978;
Amended Eff. September 28, 1981, September 30, 1980;
July 15, 1979.

.1517 DUE PROCESS PROCEDURES FOR PARENTS AND CHILDREN

- (a) As used in this rule
 - (1) "Consent" means that:
 - (A) the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

- (B) the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and
 - (C) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- (2) "Evaluation" means procedures used in accordance with 16 NCAC 2E .1502 to determine whether a child has special needs and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade or class.
- (b) The parents of a child with special needs shall be afforded, in accordance with the procedures in 16 NCAC 2E .1514, an opportunity to inspect, review and copy all the child's education records with respect to the identification, evaluation and educational placement of the child, and the provision of a free, appropriate public education to the child. Records of the Department of Correction which are confidential for purposes of security and custody management, and records of the Department of Human Resources which relate to the child's treatment and which are confidential under the regulations of the department, are not education records and are not available for parental inspection and review.
- (c) An independent educational evaluation is available as follows:
- (1) The parents of a child with special needs have the right under this paragraph to obtain an independent educational evaluation of the child, subject to subparagraphs (4) through (7) of this paragraph.
 - (2) Each local educational agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.
 - (3) For the purposes of this rule:
 - (A) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the local educational agency responsible for the education of the child in question.
 - (B) "Public expense" means that the local educational agency either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent, consistent with 34 CFR 300.301.
 - (4) Parent right to evaluation at public expense. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency. However, the local educational agency may initiate a hearing under this rule to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

- (5) Parent initiated evaluations. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:
 - (A) must be considered by the local educational agency in any decision made with respect to the provision of a free appropriate public education to the child; and
 - (B) may be presented as evidence at a hearing under this rule regarding that child.
 - (6) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.
 - (7) Agency criteria. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the local educational agency uses when it initiates an evaluation.
- (d) Prior notice; written consent.
- (1) Notice. Written notice which meets the requirements of paragraph (e) of this rule must be given to the parents of a child with special needs a reasonable time before the local educational agency:
 - (A) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or
 - (B) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

For purposes of this paragraph, a suspension or expulsion of a child with special needs for a period of more than 10 consecutive days for behavior caused by the child's special needs shall be deemed to be a change of educational placement.

- (2) Consent.
 - (A) Parental consent must be obtained before:
 - (i) conducting a preplacement evaluation; and
 - (ii) initial placement of a child with special needs in a program providing special education and related services.
 - (B) Consent may not be required as a condition of any benefit to the parent or child.
 - (C) Consent is not required prior to reevaluations to determine if the child remains eligible for special education and related services, but prior notice is required before such evaluations.

- (3) Procedures where parent refuses consent. When a parent refuses consent as required by part (A) of subparagraph (2) of this paragraph, the local educational agency may initiate an impartial due process hearing under paragraph (f) of this rule. If the hearing officer upholds the local educational agency, the local educational agency may evaluate or initially provide special education and related services to the child without the parent's consent, subject to the parent's rights of administrative appeal and judicial review.
- (e) Content of notice.
- (1) The notice under paragraph (d) of this rule must include:
- (A) a full explanation of all of the procedural safeguards available to the parents under this rule which shall include impartial due process hearing rights, surrogate rights, when appropriate, opportunity to examine records; independent educational evaluation, protection in evaluation procedures, least restrictive environment, and confidentiality;
 - (B) a description of the action proposed or refused by the local educational agency, and explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;
 - (C) a description of each evaluation procedure, test, record or report the local educational agency uses as a basis for the proposal or refusal;
 - (D) a description of any other factors which are relevant to the agency's proposal or refusal; and
 - (E) a state indicating to whom the parent or guardian should make the request for hearing and the appropriate address for mailing purposes.
- (2) The notice must be:
- (A) written in language understandable to the general public;
 - (B) provided 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, and
 - (C) sent to the parent by certified mail, return receipt requested or the local school administrative unit must have written documentation that the parents have received the notice.
- (3) If the native language or other mode of communication of the parent is not a written language, the State or local educational agency shall take steps to insure:
- (A) that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (B) that the parent understands the content of the notice, and
 - (C) that there is written evidence that the requirements of this subparagraph have been met.

- (4) The local educational agency must inform the parent, guardian or surrogate parent of any free or low-cost legal and other relevant services available in the area if:
 - (A) the parent requests the information, or
 - (B) a hearing is initiated under this rule.
- (f) Impartial due process hearing.
 - (1) A parent or a local educational agency may initiate a hearing on any of the matters described in subparagraph (d) (1) of this rule within 30 days after the parent receives notice. The request for a hearing must be directed to the local superintendent, the Secretary of Human Resources, or the Secretary of Correction, depending on which agency has jurisdiction.
 - (2) The hearing shall be conducted by an impartial hearing officer appointed by the local educational agency. The hearing officer must be selected from a list of hearing officers approved by the State Board of Education. Each local educational agency shall keep a list of hearing officers approved to serve within the educational district, which includes a description of the qualifications of the hearing officers. Upon being appointed, the hearing officer shall schedule a date for the hearing which shall not be more than 30 days after the date the request for hearing was received. The hearing officer shall send written notice of the hearing date, time and place to the parties at least 20 days prior to the date, by certified mail, return receipt requested. The hearing shall take place at a time and in a location convenient to the parent. For the Department of Correction, the hearing location shall be a Departmental Youth Complex Prison facility. Within 45 days after the request for hearing is received, the hearing officer shall make a final decision.
 - (3) The hearing officer may grant specific extensions of time at the request of either party or at the discretion of the hearing officer. The extensions shall not exceed the time limit for the rendering of a decision unless mutually agreed upon by the parties or unless the hearing officer determines it to be necessary to exceed the time limit.
 - (4) If a party fails to appear in a hearing after proper service of notice, the hearing officer may either adjourn the hearing to a later date or proceed with the hearing and make a decision in the absence of the party.
 - (5) The rules of evidence shall apply unless relevant facts may not be established thereunder, in which case these facts may be shown by the most reliable and substantial evidence available. All hearings shall be closed unless otherwise requested by the parent, guardian or surrogate parent. Each party shall be entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person, and to be represented by counsel and by individuals with special knowledge or training with respect to the problems of

children with special needs. Each party may also prohibit the introduction of evidence not disclosed to it at least five days prior to the hearing. The child may appear at the hearing. The party which initiates the hearing shall present its case first and shall bear the ultimate burden of proof. The hearing shall be transcribed by a court reporter and the official record shall be prepared in accordance with G.S. 150A-37.

- (6) The hearing officer shall have the powers listed in G.S. 150A-33, and in addition shall have the following authority:
 - (A) to establish reasonable time limitations on the parties' presentations;
 - (B) to disallow irrelevant, immaterial or repetitive evidence;
 - (C) to direct that additional evaluations of the child be performed.
 - (D) to make findings of fact and conclusions of law relevant to the issues involved in the hearing;
 - (E) to issue subpoenas for the attendance of witnesses or the production of documents;
 - (F) to specify the type and scope of the program and related services to be offered the child, where the proposed program or placement is found to be inappropriate, and the least restrictive environment appropriate to the child's needs; and
 - (G) to advise the parties of their right under G.S. 150A-17 to seek a declaratory ruling from the State Board of Education, where an issue concerns the validity of a rule or the applicability of a statute administered by the Board to a given state of facts.
- (7) The hearing officer does not have the authority to
 - (A) determine that only a specific class, specific teacher, or specific school is appropriate for the pupil.
 - (B) determine noncompliance of state law and regulations.
- (8) State law and regulations shall govern due process hearings.
- (9) The decision of the hearing officer shall be in writing and shall contain findings of fact, conclusions of law and the reasons for the decision. The hearing officer shall mail a copy of the decision to each party by certified mail, return receipt requested, and shall inform the parties of their right to appeal the decision to the State Superintendent of Public Instruction.
- (10) The hearing officer shall inform the parent that the parent may obtain a transcript of the hearing by paying the cost for a copy. If the hearing officer determines that the parent is indigent, a transcript shall be provided without cost.
- (11) The LEA shall transmit a copy of the decision, after deleting all personally identifiable information, to the Council on Educational Services for Exceptional Children.
- (12) Decisions made by the hearing officer are binding on the parties unless either party requests administrative review by the State Superintendent.

- (g) Impartial hearing officer.
- (1) Any persons who desires to become an approved impartial hearing officer must request approval by the State Board of Education. The person's letter of request shall be addressed to the Director, Division for Exceptional Children, North Carolina Department of Public Instruction, 114 W. Edenton Street, Raleigh, North Carolina 27611.
 - (2) The Division for Exceptional Children shall provide a program of training for hearing officer applicants. This program shall include training in both substantive and procedural issues. At the end of this training program, each applicant will be examined for thoroughness of understanding of the material presented.
 - (3) The following requirements shall apply to all applicants:
 - (A) An applicant must hold at least a baccalaureate degree.
 - (B) An applicant must have special training in law, psychology, special education or school administration.
 - (C) An applicant must be available to serve throughout one or more educational districts.
 - (D) An applicant must complete training provided by the Division for Exceptional Children.
 - (E) Impartial hearing officers shall be approved by the State Board of Education for a term of two years. The State Board of Education may renew the term of an impartial hearing officer as it deems appropriate.
 - (F) The State Board of Education shall consider for approval as an impartial hearing officer any qualified person recommended by a local board of education.
 - (G) Approved hearing officers must participate in continuing education activities provided or approved by the Division for Exceptional Children.
 - (4) The Division for Exceptional Children shall distribute to each LEA a list of the approved hearing officers, which list will indicate the hearing officer's qualifications and the geographic region in which he or she will serve.
 - (5) A person otherwise approved to serve as an impartial hearing officer may not serve in a particular case if that person is an employee of a public agency which is involved in the education or care of the child or if that person has any personal or professional interest which would conflict with his or her objectivity in the hearing. A person otherwise qualified and approved to serve as an impartial hearing officer is not an employee of the local educational agency solely because the person is paid by the local educational agency to serve as a hearing officer.
- (h) Administrative review.
- (1) Any party aggrieved by the decision of the hearing officer may request administrative review of the decision by mailing such request to the State Superintendent within 30 days after the party receives a copy of the decision.

- (2) The State Superintendent, upon receiving notice of the request for administrative review, shall appoint an impartial review officer, who shall:
 - (A) examine the entire hearing record;
 - (B) insure that the procedures at the hearing were consistent with the requirement of due process;
 - (C) seek additional evidence only if necessary to make a final determination of the matter;
 - (D) afford the parties the opportunity for oral or written argument, or both, at the discretion of the review officer;
 - (E) make an independent decision on completion of the review; and
 - (F) serve a copy of the administrative review decision to the parties within 30 days after receipt of the request for review.
- (3) The review officer may grant specific extensions of time at the request of either party or at the discretion of the review officer.
- (4) The decision of the review officer is final unless a party seeks judicial review under Chapter 150A of the General Statutes within 30 days after notice of the review decision, or brings a civil action in federal district court.
- (i) Child's status during proceedings.
 - (1) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.
 - (2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in a public school until the completion of all the proceedings.

History Note: Statutory Authority G.S. 115C-106(b); 115C-113;
 115C-116
 ; Eff. October 1, 1978;
 Amended Eff. November 1, 1984; November 1, 1983;
 September 28, 1981; September 30, 1980; July 15, 1979.

.1518 SELECTION OF SURROGATE PARENTS

(a) The State Superintendent of Public Instruction, the Secretary of Human Resources and the Secretary of Correction shall recruit, train and maintain a registry of eligible people to act as surrogate parents. Local educational agencies, the Council on Educational Services for Exceptional Children and the Governor's Advocacy Council for Persons with Disabilities may make recommendations to the Superintendent and the Secretaries of potentially eligible people to act as surrogate parents.

(b) Surrogate parents shall have no interest that conflicts with the interests of the child represented and knowledge and skills that ensure adequate representation of the child. A surrogate parent must not be an employee of the State or any local government, educational or human resources agency responsible for or involved in the education or care of the child; however, a person is not to be considered an employee of the State or other agency solely because he or she is paid by the agency to serve as a surrogate parent, where volunteers are unavailable.

(c) The following two factors may also be considered in the selection of a surrogate parent, but are not mandatory:

- (1) relationship to the child;
- (2) whether the prospective surrogate parent is of the same race as the child.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
115C-116;
Eff. July 15, 1979;
Amended Eff. September 28, 1981.

.1519 PROCEDURES FOR DETERMINING AND ASSIGNING SURROGATE PARENTS

(a) An employee of the Department of Human Resources, Department of Public Instruction, Department of Correction, other State agencies, residential school or hospital, any physician, judicial officer, and other person whose work involves education or treatment of children who knows that the parent or guardian is not known, unavailable, or that the child is a ward of the State, may file a request for assignment. A copy of this request shall be sent to the Secretary of Human Resources, Superintendent of Public Instruction or Secretary of Correction.

(b) In an effort to determine whether or not the parents or guardians are in fact unknown, unavailable, or the child is a ward of the State, the local educational agency should send a notice of the need for a surrogate to the adult in charge of the child's place of residence and to the parents or guardians at their last known address.

(c) The local educational agency should request from the Superintendent, Secretary of Human Resources, or Secretary of Correction the assignment of a hearing officer where appropriate to weigh the evidence and determine whether or not the parents or guardians are unknown, unavailable, or the child is a ward of the State. A hearing under G.S. 150A may be sought by the person questioning the need for an appointment of a surrogate. This determination should be completed within a reasonable time following receipt of the original request for a surrogate; and the finding of the hearing officer should be sent to the local educational agency, State education agency, Department of Human Resources, or Department of Correction. If the hearing officer finds a need for a surrogate, such assignment should be made by the Superintendent or Secretaries within 30 days.

(d) The Superintendent of Public Instruction, Secretary of Human Resources or Secretary of Correction makes the assignment of the surrogate parent to the child dependent upon whether it is a public instruction matter, human resources matter or correction matter. In all other cases the Superintendent of Public Instruction makes the assignment.

(e) The Secretary of the Department of Correction may assign a surrogate parent for persons seventeen years old or younger committed to the Department when, after appropriate notice to parents or guardians as provided for in Section .1517, there has been no response or acknowledgement by the parent within 20 calendar days.

History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
115C-116;
Eff. July 15, 1979.
Amended Eff. September 28, 1981.

.1520 RESPONSIBILITIES OF SURROGATE PARENTS

The surrogate parent shall represent the child in all matters relating to the identification, evaluation and educational placement of the child and the provision of a free appropriate public education to the child, including the appeal of any placement decisions.

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History Note: Statutory Authority G. S. 115C-106(b); 115C-113;
115C-116;
Eff. July 15, 1979.

.1521 ADMINISTRATION

Implementation of the rules is the responsibility of the local educational agencies. All agencies not associated with city and county school administrative units, Department of Human Resources or the Department of Correction must also meet the standards described in this Section if they provide education services to children with special needs. Local educational agencies shall ensure that the standards are met prior to contracting for services from such programs.

History Note: Statutory Authority G. S. 115C-106(b); 115C-110;
Eff. July 15, 1979.

.1522 FULL AND APPROPRIATE SERVICES

It is declared the policy of the State Board of Education in reaffirming action of the General Assembly in An Act to Provide for a System of Educational Opportunities for All Children Requiring Special Education, "to provide a free appropriate publicly supported education to every child with special needs between the ages five through eighteen." The State Board reaffirms the finding of the General Assembly "that all children with special needs are capable of benefitting from appropriate programs of special education and training and that they have the ability to be educated and trained and to learn and develop." No child with special needs between the ages of five through eighteen shall be denied a free appropriate public education or be prevented from attending the schools of the local educational agency from which he/she receives services or in which he/she or his/her parents (guardians) reside or from attending a program in a city or county school administrative unit because he/she is a child with special needs. A student who becomes nineteen years of age during the school year may continue to receive a free appropriate public education during that school year. The State Board of Education supports special education and related services for children with special needs from birth through age four and from nineteen through twenty-one on a permissive basis.

History Note: Statutory Authority G. S. 115C-106(b); 115C-107;
115C-110;
Eff. July 15, 1979.
Amended Eff. November 1, 1984.

.1523 DISCIPLINARY SUSPENSIONS

(a) In the event that a child with special needs exhibits behavior which, if the child were not a child with special needs, could result in the suspension or expulsion of the child from school for more than ten days during the school year, the LEA shall require a multidisciplinary team promptly to review the evaluations already completed for the child and conduct any additional evaluations necessary to determine if the behavior is caused by the child's special needs including (1) whether the child is presently receiving appropriate education, (2) whether medication is needed or present medication is appropriate. If the evaluation establishes no such relationship, the LEA may initiate its normal disciplinary procedures. If the evaluation does establish such a relationship, the LEA may not initiate its normal disciplinary procedures. The findings should be used in determining an appropriate program.

(b) In an emergency situation, the child may be immediately suspended for a period not to exceed ten days. As soon as possible after the suspension has begun, and in no case beyond the end of the ten-day maximum period, except under extraordinary circumstances, the multidisciplinary team shall conduct the evaluation described above in paragraph (a). To constitute an emergency situation, there must be a continuing threat to the child or to others due to the child's behavior.

(c) In all actions involving suspension of a special needs child whose behavior is determined to be caused by his/her handicapping condition or lack of proper medication, the parties have available all due process rights of G. S. 115C-116 and 20 USC 1415.

History Note: Statutory Authority G. S. 115C-112;
Eff. October 1, 1978;
Amended Eff. November 1, 1984; January 1, 1983;
September 28, 1981; July 15, 1979.

.1524 EQUAL EDUCATION OPPORTUNITIES PLAN

(a) On or before October 15, 1977 and annually thereafter of each year, each local educational agency shall report to the Board the extent to which it is then providing special education for children with special needs. The annual report also shall detail the means by which the local educational agency proposes to secure full compliance with the policy of this act, including the following:

- (1) a statement of the extent to which the required education and services will be provided directly by the agency;
- (2) a plan which describes the extent to which State Board standards are being met by the agency;
- (3) the means by which the agency will contract to provide, at levels meeting State Board standards, all special education and related services not provided directly by it or by the State.

(b) This report will be provided on forms supplied by the Division for Exceptional Children. Supplemental reports shall be submitted as required by the Division for Exceptional Children.

History Note: Statutory Authority G. S. 115C-110;
Eff. July 15, 1979.

.1525 ANNUAL CENSUS AND LISTING OF STUDENTS

(a) Each local educational agency shall conduct an annual census of children with special needs, subdivided for "identified" and "suspected" children with special needs, and include their age, the nature of their exceptionality, their county and city of residence, their school administrative unit residence, whether they are being provided special educational or related services and if so by which department or agency. In taking a census, the city or county school administrative units shall collect the census information with the cooperation, participation, and assistance of all other State and local governmental departments and agencies providing or required to provide special education services to children with special needs. The census shall be of children with special needs ages birth through twenty-one inclusive.

(b) Each city or county school administrative unit shall make and keep current a list of all children evaluated and diagnosed who are found to have special needs and who reside in that city or county. This shall include all children who are receiving home, hospital, institutional or other special education services, including those being educated within the regular classroom setting or in other special education programs including programs under the Department of Human Resources and Department of Correction.

(c) When a newly identified child with special needs has been diagnosed or evaluated by personnel under the Department of Human Resources, appropriate personnel from the Department shall contact the city or county school administrative unit of the child's residence and inform them in writing of the evaluation and results. Exemptions from the Department of Human Resources will be considered by the Department of Public Instruction upon written request by the Secretary, Department of Human Resources.

History Note: Statutory Authority G. S. 115C-110;
Eff. July 15, 1979.

.1526 JOINT PLANNING

Local educational agencies should work together in planning and implementing programs and services for children with special needs. This includes city and county school administrative units and the programs and agencies of the Departments of Human Resources and Correction.

History Note: Statutory Authority G. S. 115C-110; 115C-113;
Eff. July 15, 1979.

.1527 PRIVATE SCHOOLS - STANDARDS AND STATE BOARD APPROVAL

(a) Children with special needs in private schools and facilities shall be provided special education and related services in conformance with the individualized education program, at no cost to their parent(s) or guardian(s), provided such children have been placed in or referred to such schools or facilities by an appropriate local educational agency. Local educational agencies shall determine whether the private schools and facilities meet the standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies. Local school administrative units may place children with special needs out-of-LEA only in approved private programs. The State and local educational agencies shall be excused from payment of the costs of special education and related services in a private school if a child is placed in that school by his parent(s) or guardian(s) against the advice of the State educational agency or local educational agency.

(b) State departments, agencies and divisions and local educational agencies furnishing special education and related services to children with special needs may contract with private special education facilities or services providers to furnish such services as the public providers are unable to furnish. A copy of all contracts between school administrative units and private schools shall be filed with the Division for Exceptional Children.

(c) Parents who request a due process hearing concerning the appropriateness of a local educational agency's program for a pupil enrolled in a private school must present the pupil for observation and evaluation, if the local educational agency has not observed and evaluated the child within the last two years. If the local educational agency consents, or if written medical advice states that the pupil cannot be moved from his/her present placement for observation, then the parents may present evaluations and private school records concerning the pupil to the local educational agency instead of making him/her physically available. Failure of the parent to comply with the requirement of this subsection shall constitute a waiver of the parent's right to any hearing pursuant to the provisions of G. S. 115C-116.

History Note: Statutory Authority G. S. 115C-115;
Eff. October 1, 1978;
Amended Eff. November 1, 1984; September 30, 1980;
July 15, 1979.

.1528 RESPONSIBILITIES OF THE DIVISION FOR EXCEPTIONAL CHILDREN

(a) The services of the Division for Exceptional Children are available to all local educational agencies.

(b) The Division shall provide consultative services to local educational agencies in planning, establishing, and maintaining programs for the instruction of children with special needs in the least restrictive appropriate setting.

(c) The Division shall assist local educational agencies in developing and implementing an equal educational opportunities program. The Division shall also approve and monitor the equal educational opportunities plan.

(d) The Division shall be responsible for developing a plan for a statewide census, collecting information and reporting to the State Board of Education. All local educational agencies shall participate in the census.

(e) The Division shall provide consultative services in developing and implementing the individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant. The Division shall also monitor these programs.

(f) The Division shall cooperate with other divisions in the Department of Public Instruction and other departments, agencies, and institutions of higher education to foster a collaborative effort on behalf of all children with special needs.

(g) The Division shall disseminate information needed by parents, lay persons, legislators, organizations, and agencies to keep them properly informed and to assist their understanding of programs for children with special needs.

(h) The Division shall provide consultative services and technical assistance in the area of curriculum development and use of media and materials for programs for children with special needs.

(i) The Division shall provide and support staff development services to improve and upgrade competencies of regular and special class teachers, administrators and support personnel as they impact on children with special needs.

(j) The Division shall coordinate and administer the activities of the following federal programs.

- (1) Education of the Handicapped Act, Title VI, Part C (South Atlantic Regional Center for Services to Deaf-Blind Children);
- (2) Education of the Handicapped Act, Part B, P. L. 91-230 as amended by P.L. 94-142 (Federal Programs);
- (3) Education of the Handicapped Act, Part B, P.L. 94-142 (Early Childhood Incentive Grant Program);
- (4) Education of the Handicapped Act, Part D, P.L. 91-230 as amended by P. L. 95-49 (Professional Improvement of Teachers);
- (5) Elementary and Secondary Education Act, Title I, P.L. 89-10 as amended by Public Law 89-313.

(k) The Division shall assist in developing, approving and monitoring special projects under Education of the Handicapped Act, Part B, P.L. 94-230 as amended by P.L. 94-142 and Elementary and Secondary Education Act, Title I, P.L. 89-10 as amended by P.L. 89-313 for all local educational agencies eligible for these funds and P.L. 93-380.

History Note: Statutory Authority G. S. 115C-110;
Eff. July 15, 1979.

.1529 QUALIFICATIONS AND CERTIFICATION OF EDUCATIONAL PERSONNEL

(a) Personnel in City and County School Administrative Units

- (1) Teachers of children with special needs shall hold as a minimum a regular class "A" teaching certificate.
- (2) All teachers of children with special needs regardless of sources of funds shall have completed their requirements for endorsement in exceptional children under the 18 semester hour program, or an approved institutional-based program for certification. Excluded from this requirement are regular teachers with heterogeneous classes which may include one or more children with special needs. Personnel employed for services to exceptional children on a provisional certificate must work at a rate of six semester hours each year to be employed in these positions.

- (3) Speech and language specialists shall have certification endorsement in speech and language to be employed.
- (4) Teacher aides shall have training which meets the standards of the State Board of Education.
- (5) Psychologists who are employed by the school administrative units shall be certified by the State Department of Public Instruction. All school psychologists must meet Level II certification requirements to function independently. No new Level I certification will be issued after September 1, 1982. Psychologists in private practice contracted by the local school administrative units shall be licensed. Psychologists providing services through another State agency must meet the qualifications of the employing agency.
- (6) Individuals designated as directors of programs for exceptional children shall have an academic degree at the Master's level in the education of exceptional children or related field.
- (7) Occupational therapists shall have graduated from an accredited program of occupational therapy. They shall be licensed by the State of North Carolina as occupational therapists.
- (8) Physical therapists shall have graduated from an accredited program of physical therapy. They must be licensed by the State of North Carolina as physical therapists.

(b) Personnel in Department of Human Resources and Department of Correction

- (1) All teachers employed by the Department of Human Resources and the Department of Correction to provide special educational services to students of school age and who have a valid class "A" teacher certificate as of September 1, 1978, shall follow the same regulations that apply to public school teachers except that all teachers who do not have a valid class "A" teaching certificate and who are employed to work with children with special needs of school age during the 1978-79 school year shall have completed their requirements for class "A" certificate and certification endorsement in exceptional children by September 1, 1983.
- (2) In the Department of Human Resources, speech and language specialists shall have the appropriate certification endorsement or license in order to provide services for communicatively impaired children and youth. Speech and language specialists employed by schools for the deaf or blind must have certification endorsement in speech and language issued by the Department of Public Instruction. Speech and language specialists working in other Department of Human Resources programs must be licensed by the North Carolina Board of Examiners for Speech and Language Pathology and Audiology.
- (3) In the Department of Correction, speech and language specialists must be licensed by the North Carolina Board of Examiners for Speech and Language Pathology and Audiology.

- (4) Teacher aides shall have training which meets the standards of the State Board of Education.
 - (5) Psychologists shall either be certified by the State Department of Public Instruction, licensed under the North Carolina Psychological Licensing Act, or meet the qualifications of the employing agency.
 - (6) Occupational therapists shall have graduated from an accredited program of occupational therapy, have current registration and be registered or be eligible for professional registration with the American Therapy Association.
 - 7) Physical therapists shall have graduated from an accredited program of physical therapy. They must be licensed by the State of North Carolina as physical therapists.
- (c) Personnel in Private Schools
- (1) All teachers employed in private schools to provide educational services to school-aged children with special needs and who have a valid class "A" teaching certificate as of September 1, 1978, shall follow the same regulations that apply to public school teachers except that all teachers who do not have a valid class "A" teaching certificate and who are employed to work with children with special needs of school age during the 1978-79 school year shall have completed their requirements for class "A" certification and certification endorsement in exceptional children by September 1, 1983.
 - (2) Speech and language specialists must be licensed by the North Carolina Board of Examiners for Speech and Language Pathology and Audiology.
 - (3) Teacher aides shall have training which meets the standards of the State Board of Education.
 - (4) Psychologists shall either be certified by the State Department of Public Instruction, licensed under the North Carolina Psychological Licensing Act, or meet the qualifications of the employing agency.
 - (5) Occupational therapists shall have graduated from an accredited program of occupational therapy, have current registration, and be registered or be eligible for professional registration with the American Therapy Association.
 - (6) Physical therapists shall have graduated from an accredited program of physical therapy. They must be licensed by the State of North Carolina as physical therapists.

History Note: Statutory Authority G.S. 115C-110;
 Eff. October 1, 1978;
 Amended Eff. November 1, 1984; September 28, 1981;
 September 30, 1980; July 15, 1979.

.1530 CATEGORICAL EXCEPTIONAL CHILDREN FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS

(a) In the administration of these programs, the State Superintendent, the Controller and the State Board of Education shall deal solely with city and county superintendents and their local board of education.

(b) It is the policy of the State Board of Education that exceptional children be counted in the average daily membership used to compute all state ADM allocations. Central office and school-based costs of administration, clerical support, instruction (for mainstreamed children), instructional support services, plant operations, textbooks, supplies and materials, and other general costs are expected to be funded from "regular allotments" intended for the benefit of all children. In addition, to the extent that self-contained exceptional children earn teaching positions in the regular allotment, it is the intent of the State Board of Education that these positions be used for the benefit of exceptional children. The state categorical funds allocated to serve exceptional children are intended to provide the additional costs of these programs beyond the regular program costs described in paragraph (b) of this Rule.

(c) Eligibility and Age of Children with Special Needs

- (1) All children with special needs between the ages of five through eighteen shall be provided a free and appropriate education.
- (2) Exceptional children funds may be used for children with special needs who are between the ages of birth through four and nineteen through twenty-one on a permissive basis.
- (3) Evaluations of exceptional children for placement or for special services shall be performed by qualified personnel and in accordance with the placement procedures outlined in "Rules Governing Programs and Services for Children with Special Needs."

(d) Eligible Headcounts

- (1) All eligible exceptional children served by local school administrative units shall be counted in the October 1 or December 1 headcount by the local unit which they are legally entitled by residence to attend, except when the local unit contracts with another unit to serve the children and for children in community residential centers.
- (2) Eligible headcounts are reported as:
 - (A) The actual numbers being served;
 - (B) Those eligible and processed, but not yet served.
- (3) Eligible headcounts for the next school year shall be revised by June 1 each year for the allocation of state funds. This headcount shall be conducted using the same procedures as for the December 1 headcount. No other changes in headcounts for the purpose of additional funds will be authorized during a school year.
- (4) Eligible headcounts shall include only those pupils identified according to State Board of Education criteria and having an approved individualized education program for the handicapped, group education program for the academically gifted or written education program for the pregnant on file as of the reporting date.

- (5) An exceptional child shall not be counted twice in the headcount for state funding.
- (6) The October 1 headcount includes handicapped pupils ages five to 21 who have returned to the local school administrative units from state-operated programs and who meet the criteria for being counted under the Education Consolidation and Improvement Act, Chapter I, Handicapped funds. This headcount is added to the December 1 headcount, and, for state funding only, includes handicapped pupils ages five through eighteen.
- (7) The December 1 headcount includes all eligible exceptional children for whom the local school administrative unit provides special education, including children for whom special education services are purchased, and is used to generate both federal and state funds for the ensuing school year.
- (e) **Headcounts for Contracting Units and Private Providers**
- (1) **State Funds**
 Exceptional children will be counted in the average daily membership of the local school administrative unit in which they are being served. The serving unit will also count the children in its October 1 or December 1 headcount for state add-on exceptional children funds. The local school administrative unit serving the children will receive the full benefit of all regular allotments and state add-on exceptional children funds.
- (2) **Federal Funds**
 Exceptional children will be counted in the October 1 or December 1 headcount in the serving local school administrative unit.
- (3) In contracts with a private provider, with the payment of a fee, the local school administrative unit of legal residence shall count the child in its October 1 or December 1 headcount, and shall not count such child in its regular average daily membership.
- (f) **Allocation of State Exceptional Children Funds**
- (1) Allocations shall be made on a headcount basis and will be in "addition to" or "add-on" allocations to the average daily membership base allocation for all children.
- (2) Add-on allocations for exceptional children will be determined by the State Board of Education.
- (3) Funds will be allocated on the following expectancy norms of exceptional children among the total population of children. (These are 30 percent above the national expectancy norms.)
Exceptionality Expectancy Norms (Percent of Total ADM)
- | | |
|-----------------------------------|--------------|
| Handicapped: | |
| Mentally Handicapped | 3.00 percent |
| Specific Learning Disabilities | 3.90 percent |
| Seriously Emotionally Handicapped | 2.60 percent |
| Speech/Language Impaired | 4.55 percent |
| Other Handicapped | 2.20 percent |

Autistic

Hearing Impaired
 Multihandicapped
 Orthopedically Impaired
 Other Health Impaired
 Visually Impaired

Pregnant School Girls (state funding only)

Academically Gifted 3.90 percent

- (4) In a local school administrative unit, the total population of eligible handicapped children for allocation purposes may not exceed 12.5 percent and academically gifted may not exceed 3.9 percent of the best three of the first four months average daily membership of the prior school year without the approval of the State Board of Education. The local school administrative unit allocation is calculated as follows:
- (A) Eligible handicapped children weighted at .75.
 (B) Eligible academically gifted children weighted at .25.
 Local school administrative units reporting headcount above the expectancy norms will be audited. The Board may authorize within funds available additional allocations based upon audit recommendations.
- (5) Beginning July 1, 1985, all of subsection (f) of this section except for subsection (5) and subsection (6) will continue to apply and the level of support provided for exceptional children for the 1979-80 fiscal year shall have no effect on the level of state support.
- (g) Allocation of Federal Handicapped Funds. Allocation of federal funds to each local school administrative unit shall be based on the actual eligible headcount of handicapped pupils, ages three through twenty-one, without caps and excluding the academically gifted and the pregnant.
- (h) State and Federal Funds
- (1) A separate per pupil average statewide allocation from state and federal funds will be determined based on the total eligible headcounts for each.
- (2) Total state and federal allocations for the handicapped shall not exceed 100% of the regular pupil per capita state allocation for the current year based on the total eligible number without regard to categorical handicapping areas.
- (i) Utilization of State Exceptional Children Funds
- (1) Exceptional children funds may be used for the following:
- (A) To employ full or part-time exceptional children program administrators to supervise programs for children with special needs. Persons employed in a position under these funds may be paid on a supervisor's salary schedule if they meet the requirements of the State Board of Education. The salary will be prorated based on the percentage of time assigned to supervision. Persons who do not qualify for payment on a supervisor's salary schedule will be paid on the appropriate teacher salary schedule. The following rule will be followed in approving funds to support a full or part-time exceptional children program administrator position(s):

Average Daily Membership	Positions
0 - 23,999	1.0
24,000 - above	2.0
(B)	Clerical Assistance. Clerical assistance may be provided through these funds using the rule listed in (i) (1) (A) of this rule.
(C)	Teachers; speech, language and hearing specialists. Personnel employed with these funds shall be used exclusively to provide special education and/or related services to children with special needs in one or more of the following categories: autistic, deaf-blind, academically gifted, hearing impaired, mentally handicapped, multihandicapped, orthopedically impaired, other health impaired, seriously emotionally handicapped, specific learning disabled, speech and language impaired, visually impaired, and pregnant. Teachers in bona fide team teaching situations are exempt from these requirements.
(D)	Supportive personnel limited to physical therapists, occupational therapists, psychologists, audiologists, and teacher aides.
(E)	Contracted services limited to medical evaluations, psychological evaluations, audiological services, educational services, including education services in sheltered workshops, developmental day centers and community residential centers.
(F)	Equipment. Fifty dollars (\$50) per child per year may be used to purchase equipment for identified exceptional children. Any deviation from this will require approval of the State Board of Education.
(G)	Annual census activities to be provided through these funds must be approved by the Director, Division for Exceptional Children.
(H)	Diagnostic and Evaluation Services. Funds may be used to extend the employment period for school psychologists employed from instructional support funds.
(I)	Travel for itinerant teachers, occupational therapists, physical therapists, and audiologists.
(J)	Staff Development. Staff development for special education personnel is to support the following: <ul style="list-style-type: none"> (i) to grant certification endorsement to teachers of children with special needs; (ii) to improve competencies, knowledge and skills of certified teachers and support personnel who work with children with special needs; (iii) to provide competencies for teachers moving into new roles (program areas serving children with special needs).
(K)	Funds may be used to also provide staff development for parents of children with special needs.
(L)	All out-of-state travel for staff development from these funds must have prior written approval by the Division for Exceptional Children. Out-of-state travel from the funds is limited to one person per local administrative unit per year.

- (M) All staff development activities must be designed to achieve specific training objectives, and evaluations must be in writing, prior to the date(s) of the staff development activity.
 - (N) Exceptional children funds may be used for locally developed and conducted inservice training for regular educators in developing techniques and strategies for working with exceptional children in the regular classroom. Standards and regulations adopted by the State Board must be followed.
 - (O) Microcomputers and programs will be considered on a case-by-case basis. Approval must be granted in writing by the Division prior to purchase. The following information must be submitted to the Division in making a request to use state aid-exceptional children funds for this purpose:
 - (i) number and type of children,
 - (ii) how system will be utilized,
 - (iii) brand name of the equipment,
 - (iv) total cost.
 - (P) Contract Services. When a child is placed in a program not operated by the local board of education, the program must:
 - (i) offer an instructional program which will meet the special educational needs of the child, and
 - (ii) be approved as a program for children with special needs for the school year in question by the appropriate public agency in the state where the school is located.

All contracts must meet the requirements of state and federal allocations.
 - (Q) Hospital or Home Services. Funds may be used to provide services to children who are not categorized as special needs children but are in a hospital or home program.
- (2) Exceptional children funds may not be used for the following:
- (A) Building construction or renovation;
 - (B) To supplant locally funded programs and other state funds for materials and service positions;
 - (C) To supplant existing programs and services for children with special needs.
 - (D) Travel of directors and psychologists; except to attend instate meetings as requested by the Director, Division for Exceptional Children.
 - (E) Student travel to and from school;
 - (F) To pay supplements;
 - (G) Fields trips;
 - (H) Purchase of filing cabinets, regular classroom furniture, storage shelves and cabinets, bookcases, copying machines, adding machines and dictaphones for office use, laminating and duplicating machines, office typewriters, professional textbooks, journals and periodicals, televisions, timeout booths, cameras and related photographic equipment, study carrels, AV carts, overhead projectors, 16 mm projectors, and large equipment for kitchens (stoves, water heaters, refrigerators, etc.);

- (I) Summer programs;
- (J) Tutorial programs;
- (K) Medical services;
- (L) Custodial services or day care;
- (M) To serve students who exit from special education programs.

(j) **Set-Aside Funds.** The State Board of Education shall establish set-aside funds for special allocations prior to the determination of per pupil allocations with the maximum amount per set aside to be justified and approved annually by the Board and reported to local school administrative units. The Continuation Budget will contain a statement that gives the amount of set-aside funds approved by the State Board of Education.

- (1) **Out-Of-District Placements.** The State Board of Education (or its delegate) may approve the use of the reserve fund toward the payment of the excess cost of the placement of a child in a program not operated by the local board of education within funds available and subject to the following conditions:

- (A) State Board of Education review reveals that the local school administrative unit has approved alternative placement and the unit finds it is necessary for the child to be placed in a program not operated by the local board of education in order to receive an educational program or service which will appropriately meet the child's special educational needs.
- (B) The local school administrative unit must fund an amount equal to the sum of the following per pupil allocations:
 - (i) the state's regular per pupil allocation,
 - (ii) the state's add-on per pupil allocation for exceptional children,
 - (iii) the federal per pupil allocation for exceptional children.

If the sum of those per pupil allocations does not cover the cost of the alternative placement, then the reserve fund may be approved, but in no case will the reserve fund pay more than fifty percent of the total cost of the alternative placement. Any cost then remaining must be assumed by the local unit, using any local, state or federal funds approvable for such expenditure. The Controller shall reimburse the local board of education for any reserve funds approved by the State Board of Education.

- (C) Funds shall not be used for summer programs or for tutorial programs.
- (D) Funds must be used only to provide special education and related services. Funds must not be used for medical services, custodial, or day care.
- (E) Any application for a special reserve fund allocation must be submitted prior to enrolling the child in the program.

(2) Developmental Day Centers

- (A) State categorically appropriated funds will be allocated to local school administrative units at a per month per child rate determined annually by the State Board of Education. Special developmental day center funds are based on the actual months of service up to 180 school days and shall provide for educational services, including personnel, supplies, materials and educational equipment.
- (B) Local school administrative units whose developmental day center expenditures per child exceed the rate approved by the State Board may provide for the additional cost from other available funds.
- (C) Once a child is transferred from the developmental day center and is to be served in the local school administrative unit by agreement between the two governing bodies, the local school administrative unit will then be eligible for an allocation at a per month per child rate established by the State Board of Education. For the initial year of transfer, funds for this purpose shall include the regular per pupil allocation, state add-on, Title VI-8 handicapped funds. These funds will be allocated by the State Board of Education as required for each fiscal year.
- (D) Children served in developmental day centers may be counted for federal funds.
- (E) Developmental day center headcounts, external to local school administrative units are not included in the projected regular average daily membership.
- (F) If the decision is to place the child in the developmental day center(s), the local school administrative unit(s) must submit the following to the Division for Exceptional Children:
 - (i) Name of center;
 - (ii) Number of children;
 - (iii) Date of birth of each child;
 - (iv) Type of handicapping condition of each child;
 - (v) Rate per month per child (including a breakdown of center's educational costs per month for teachers' salaries, fringe benefits, support services such as occupational therapists, physical therapists, speech, etc.);
 - (vi) Copy of contract/agreement with center;
 - (vii) All required information (i-vi) must be submitted to Director, Division for Exceptional Children, State Department of Public Instruction, Raleigh, North Carolina 27611, for review and approval. Following review and approval by the Division for Exceptional Children, the Controller will be notified to allocate funds to the requesting local school administrative unit.

- (G) Personnel employed by local boards of education and/or independently operated developmental day centers may be employed for ten months.
 - (H) These funds are for children ages five through seventeen to provide special education and related services for no more than 180 school days.
- (3) Funds for Community Residential Centers
- (A) Funds will be allocated to the community residential centers based on a headcount of eligible handicapped children.
 - (B) The rate of funds per child shall be determined jointly by the Division for Exceptional Children and appropriate personnel from the community residential center. The amount will be based on the individualized education program.
 - (C) The amount of funds allocated to the community residential centers per child and per month will be based on a recommendation to the Controller by the State Superintendent.
 - (D) The local school administrative unit in which the child has legal residence shall certify to the State Board of Education that the placement for any child has been approved by the local superintendent.
- (4) Group Home Placements
- (A) The State Board of Education shall reserve an amount annually to provide special education and related services for the first-year placement of children with special needs in residential group homes.
 - (B) A local school administrative unit is eligible for group home funds for the initial year of group home placement only if the child has not been counted in either the December 1 or revised June 1 headcounts or projected regular average daily membership. After the initial placement, the local school administrative unit serving the child will count the child and will be eligible for the state and federal add-ons approved on a pro rata annual basis.
 - (C) Special allotments for children who have not been counted by local school administrative units for educational allocations will be made on a pro rata annual basis according to the following formula:
 - (i) Regular allocation;
 - (ii) State add-on (handicapped)
 - (iii) Federal add-on (Title VI-8 only).
 - (D) Upon application for funds for initial year of placement, each local school administrative unit shall submit to the Division for Exceptional Children:
 - (i) Name of child;
 - (ii) Name and location of group home;
 - (iii) Date of birth of each child;
 - (iv) Type of handicapping condition;
 - (v) Type of program to be provided.
 - (E) Neither academically gifted nor pregnant students are eligible for federal funds.

- (F) Without regard to the place of domicile of a parent or guardian, the cost of free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal laws, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home and similar facility.
- (5) Special Regional Allotments
- (A) Provision is made for a separate allotment of teachers to be used in programs serving children with special needs from more than one local school administrative unit, such allotments to be known as Special Regional Allotments.
- (B) Special Regional Allotments may be made to selected local boards of education for teachers to serve children with special needs in the following ways in regional facilities:
- (i) Large general or special hospitals;
- (ii) In special regional programs for children with special needs
- (6) State-Arranged Staff Development Funds. Funds shall be appropriated separately for state-arranged staff development activities in the area of exceptional children. Such activities may include workshops, institutes, tuition/fee awards, special studies, and committee meetings. Participants to be trained in these activities may include superintendents, local directors, school psychologists, support personnel, principals, teachers, state-level personnel, parents, surrogate parents, and hearing officers.
- (k) Preschool Incentive Grant Funds
- (1) Five percent of the total funds will be retained by the State Department of Public Instruction for administration purposes.
- (2) Ninety-five percent (95) of the remaining funds will be allocated on the basis of the number of three-and four-year-old handicapped children reported as being served on the annual December 1 headcount and five percent (5%) will be retained in the Division for Exceptional Children for special projects.
- (3) Local educational agencies must submit to the Division for Exceptional Children for approval a project proposal for use of funds for three and four year old handicapped children.
- (4) The proposals shall address program requirements and priorities for use of the funds, in keeping with Title VI-8 priorities, and designate the type of services to be provided and the activities to be initiated.
- (5) Funds may be used to initiate or expand educational services to three and four year old handicapped children.
- (6) Projects will be submitted to the State Board of Education for approval for funding.

- (7) Local school administrative units shall submit to the Division for Exceptional Children an end-of-the-year report.

History Note: Statutory Authority G. S. 115C-110; 115C-122;
 Eff. October 1, 1978;
 Amended Eff. November 1, 1984; November 1, 1983;
 April 1, 1982; September 28, 1981; September 30, 1980;
 July 15, 1979.

.1531 TRANSPORTATION

(a) Local boards of education are responsible for providing or paying the costs of transportation for children with special needs enrolled in schools or programs under their jurisdiction and are responsible for providing or paying the costs of transportation to any non-residential program, public or private, if the students has been placed in or assigned to that program by the local board of education. Special funds may be provided for this purpose through the Director, Division of Transportation of the State Board of Education and are incorporated in the general transportation plan of the local board.

(b) If a child with special needs is assigned to or enrolled in a residential program operated by or under the jurisdiction of the Department of Human Resources or the Department of Correction, the department operating the program or having the program under its jurisdiction or control is responsible for providing or paying the costs of transportation.

(c) If a local area mental health center places a child with special needs in an educational program, the local area mental health center shall pay for the transportation of the child to the program.

(d) The costs of transportation for a child with special needs placed in or assigned to a school or program outside the state shall be paid by the local educational agency placing or assigning the child in that school or program.

(e) In no event shall reimbursement for the costs of transportation paid for any one child exceed the Department of Transportation allowance per mile unless it is demonstrated by the child or his/her parent that such limitation will work a hardship or is unreasonable. This justification must be approved by the local educational agency and appropriate state agency.

History Note: Statutory Authority G. S. 115C-110;
 Eff. July 15, 1979;
 Amended Eff. November 1, 1984.

.1532 MATERIALS, SUPPLIES AND EQUIPMENT

Local boards of education shall determine and make necessary arrangements for providing the materials, supplies and equipment essential to the instructional programs for children with special needs.

History Note: Statutory Authority G. S. 115C-110;
Eff. July 15, 1979.

.1533 FUNDS TO DEPARTMENT OF HUMAN RESOURCES AND DEPARTMENT OF CORRECTION

Funds appropriated to the State Board of Education from either state or federal resources for special education and related services to children with special needs within the Department of Human Resources and Department of Correction will be distributed on formulas adopted by the State Board based on state and federal guidelines regarding the distribution of these funds.

History Note: Statutory Authority G.S. 115C-110;
Eff. July 15, 1979.

.1534 ORGANIZATION AND ADMINISTRATIVE STRUCTURE OF GOVERNOR'S SCHOOLS

The policies adopted by the State Board of Education for the Governor's Schools of North Carolina are as follows:

- (1) that the Schools be administered and financed by the State Board of Education as a part of and in connection with the Division for Exceptional Children.
- (2) that it will be the responsibility of the Director, Division for Exceptional Children, to coordinate the efforts of the Governor's Schools directors with the Division and State Agency and to coordinate the outreach activities of the Governor's Schools.
- (3) that the State Board of Education appoint and maintain for the Schools an advisory board to be known as "The Board of Governors," said Board to be composed of ten citizens of the state, one of whom shall always be a state assistant superintendent; that the other nine members shall include a local superintendent, a teacher, a local director of gifted programs, and lay persons and shall be selected so as to represent the eight educational districts of the State; that the State Superintendent recommend to the State Board of Education for its approval the members of the Board of Governors for not more than two consecutive three-year terms; that the Board of Governors so constituted select from its membership annually a chairman and vice-chairman; that the presidents of the facilities housing the Schools serve as ex officio members of

- the Board of Governors; that the Board meet at least three times each year upon call of its chairman;
- (4) that the Director, Division for Exceptional Children, or his designee, serve as secretary to the Board; that the Board be given responsibility for recommending the policies which shall govern the administration and supervision of the Schools and for observing and reviewing all phases of the Schools' operation;
 - (5) that the directors of the Governor's Schools are employees of the State Agency; that in accordance with the recommendations of the Board of Governors and with the approval of the Director, Division for Exceptional Children, the Governor's Schools directors will be given the responsibility for administering the affairs of the Schools under the direction of the Director, Division for Exceptional Children;
 - (6) that the directors of the Governor's Schools will be recommended to the Director, Division for Exceptional Children, the number and types of positions required to staff the Schools;
 - (7) that the Director, Division for Exceptional Children, will recommend to the Board of Governors for its approval the number and types of positions required;
 - (8) that the directors of the Governor's Schools under the direction of the Director, Division for Exceptional Children, be responsible for the development and implementation of the curriculum of the Schools and also for recommending procedures which will insure the continuous evaluation of all aspects of the Schools and their programs. The Director, Division for Exceptional Children with the approval of the Board of Governors, will prepare and submit to the State Superintendent and the State Board of Education the recommended budget for the operation of the Schools.
 - (9) that the directors of the Governor's Schools periodically submit reports to the Director, Division for Exceptional Children, on the status of the Schools and their outreach activities.

History Note: Statutory Authority G. S. 115C-110;
Eff. July 15, 1979;
Amended Eff. September 28, 1981.

.1540 PROGRAM AND STANDARDS REVIEW

The Department of Public Instruction shall monitor all local educational agencies to determine compliance with appropriate state and federal laws and State Board "Rules Governing Programs and Services for Children with Special Needs." Local educational agencies that are not to be monitored during the current year, shall monitor their programs for children with special needs using procedures developed by the Department of Public Instruction. A report of the local monitoring shall be reported to the Department of Public Instruction.

History Note: Statutory Authority G. S. 115C-113;
Eff. September 30, 1980
Amended Eff. September 28, 1981

.1541 WILLIE M. CHILDREN

(a) Willie M. class members are children who have been certified by the State Certification Committee in accordance with Civil Action No. cc79-0294, a class action suit on behalf of North Carolina children under the age of 18 who now or will in the future suffer from serious emotional, mental or neurological disorders, which have been accompanied by behavior which is characterized as violent or assaultive.

(b) Location and Identification of Class Members

- (1) Local school administrative units shall nominate to area mental health centers children who are suspected to be members of the Willie M. class.
- (2) Local school administrative units shall request informed consent from parents to conduct additional evaluations, if needed.
- (3) Local school administrative units shall notify the Department of Public Instruction regarding the number of children nominated.
- (4) Local school administrative units shall keep an on-going register of all identified Willie M. class members.
- (5) The Department of Public Instruction will assign staff to the state level certification committee to assist in the certification of members of the Willie M. class.

(c) Provision of Educational Services

- (1) For children certified as being members of the Willie M. class local school administrative units shall:
 - (A) provide special education services in compliance with an individualized education program;
 - (B) use data received through the evaluations conducted by the area mental health centers and other sources in writing the individualized education program in the area of education;
 - (C) provide special education and/or related services to certified Willie M. class members who are located in the local school administrative units, group homes or special facilities. Special programs may be provided in the group home or special facility.
- (2) The decision as to the location of the program shall be determined jointly by the local board of education and the area mental health center with the local board of education making the final decision.
- (3) Local school administrative units shall notify the Department of Public Instruction of the special education program being provided. The notification shall contain the following:
 - (A) types of services;
 - (B) the duration of services;
 - (C) any other information that the department deems relevant.
- (4) The Department of Public Instruction will assist in the training of personnel who provide educational services to Willie M. class members.

(d) Funding

- (1) These categorically appropriate funds will be allocated on a prorata annual basis, according to the following formula:
- (A) Students not counted in the December 1 exceptional children headcount, the revised June 1 headcount or the projected regular average daily membership, and who will be served in a public school setting or an educational placement in a group home or similar facility, will be eligible to receive the following:
 - (i) Regular allocation,
 - (ii) State add-on (handicapped)
 - (iii) Federal add-on (Title VI-8 only);
 - (iv) Additional amount (not to exceed \$2,000)
 - (B) Students not counted in the December 1 exceptional children headcount, the revised June 1 headcount but counted in the project regular average daily membership, and who will be served in a public school setting or an educational placement in a group home or similar facility, will be eligible to receive the following:
 - (i) State add-on (handicapped);
 - (ii) Federal add-on (Title VI-8 only)
 - (iii) Additional amount (not to exceed \$2,000)
 - (C) Students counted in the December 1 exceptional children headcount, the revised June 1 exceptional children headcount and the projected regular average daily membership, and who will be served in a public school setting or an educational placement in a group home or similar facility, will be eligible to receive the following:
 - (i) State add-on (handicapped);
 - (ii) Federal add-on (Title VI-8 only)
 - (iii) Additional amount (not to exceed \$2,000)
- (2) The following information must be submitted to the Department of Public Instruction for review:
- (A) name of the child;
 - (B) age;
 - (C) educational services to be provided;
 - (D) program placement of the child;
 - (E) justification for additional funds.

A local superintendent must certify that the funds are needed to receive the funds.

- (3) Any purchase of equipment that exceeds \$50 per child per year must be approved by the Director, Division for Exceptional Children.

(e) For cooperative mental health and local school day treatment and educational programs, the educational component shall be supervised by a local school system. If several school systems contract with a single program, the superintendents shall agree on the school system to supervise.

(f) In case of cooperative treatment and education programs in which the program is located in a facility other than a public school building, the following procedures will apply:

- (1) Any student who attends the program for his/her full educational services will be counted in the ADM of the local school administrative unit which is supervising the program until the student returns to full-time status in his/her sending school administrative unit.
 - (2) Any student who attends the day treatment and educational program on a part-time basis will remain in the ADM of the sending school administrative unit.
- (g) Monitoring. The State Board of Education through the Division for Exceptional Children shall monitor local school administrative units and/or other facilities that are providing educational services to Willie M. class members to determine if the program is appropriate to meet the needs of the child.

History Note: Statutory Authority G.S. 115C-106(b)
Eff. September 28, 1981
Amended Eff. November 1, 1984; January 1, 1983.