



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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Date: December 8, 2014

To: Directors and Coordinators, Exceptional Children Programs

From: William J. Hussey, Director *WJH*
Exceptional Children Division

Subject: **Transition IEP Writing and 30-Day Rule**

Through-out the years, there have been several memos and questions around the issue of developing individualized education programs (IEPs) prior to thirty (30) days before the end of the school year.

The original memo stemmed from a 1990 monitoring visit from the Office of Special Education Programs (OSEP). At that time IEPs, that were following a school-year calendar, were being developed in early Spring. There was a gap in service between the start date of the new IEP (fall of the next school year) and the service needed from the previous IEP to the end of the school year. LEAs were serving the “old” IEP for the remainder of the school year. This was considered a compliance violation because the development of a new annual IEP replaces the current IEP; therefore a “gap” in service between start and end dates of the annual IEP were occurring.

In the present day, an option to remedy this problem would be to transition to the anniversary IEP or a true annual IEP that runs a calendar year. It is understood that utilizing this option considers services to be provided during the “school year” unless the IEP Team determines “Extended School Year” services are required. Other concerns, which arise from utilizing this option, stem from the IEP management software which often prohibits multiple placements and creates errors for reporting the least restrictive environment (LRE) setting. These concerns are truly only software issues as the idea of multiple placements and LRE settings do not create compliance violations as each piece of information appropriately plans for the transitions and services required during the life of the IEP.

Below is an example of how services could be recorded to account for transition from middle to high school with class periods that are different in length. This is an option for accurately recording multiple placements.

V. Specially Designed Instruction, Related Services, and Nonacademic Services and Activities

A. Anticipated Frequency and Location of Specially Designed Instruction:

Special Education	Sessions Per	Sessions Length	Location
Reading	5/Week	30 Minutes	Exceptional Children Classroom
Reading	5/Week	90 Minutes	Exceptional Children Classroom

Comments

Reading will be provided 5 times per week for 30 minutes during the 1st, 2nd, and 3rd reporting periods and 5 times per week for 90 minutes during the 4th reporting period.

Finally, only one setting can be selected from a dropdown list in CECAS. The new setting will override the previous setting as soon as the IEP is closed/verified (or a new plan is entered). This is the setting that is reported in any

EXCEPTIONAL CHILDREN DIVISION

William J. Hussey, Director | bill.hussey@dpi.nc.gov

6356 Mail Service Center, Raleigh, North Carolina 27699-6356 | (919) 807-3969 | Fax (919) 807-3243

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periodic counts that occur. All reports that include setting will show the new setting. When PowerSchool picks up the data, the new setting will be displayed on the EC Data screen and in any reports that include the EC setting.

Recommended solution:

The CECAS user selects the new setting in the IEP and enters a comment describing the situation, such as “Student will stay in “A” setting until the end of the 2014-2015 school year and will start in the “B” setting in August 2015.” This comment also needs to be included on the Plans screen and in the DEC5. LEAs must be sure that the student’s setting is correct for the December 1 and April 1 child counts.

Technical assistance can be provided through the EC Delivery Team and from the Policy, Monitoring and Audit section. Please contact Carol Ann Hudgens, Section Chief for Policy, Monitoring and Audit at (919) 807-3976 or CarolAnn.Hudgens@dpi.nc.gov for additional thoughts or concerns around the solutions proposed above.

WJH/CAH/cah