

Learning Disabilities Association of North Carolina  
P.O. Box 3832  
Chapel Hill, NC 27515  
LDA.of.North.Carolina@gmail.com

September 23, 2016

William J. Hussey  
Director  
Exceptional Children Division  
North Carolina Department of Public Instruction  
6356 Mail Service Center  
Raleigh, NC 27699-6356

Re: February 4, 2016 Addendum to NC *Policies Governing Services for Children with Disabilities* ("Policies");  
Intent to Implement

Dear Mr. Hussey,

Pursuant to North Carolina Public Records Law, G.S. §132-1, I am hereby requesting the opportunity to inspect or obtain copies of the following information:

- (1) Any Intent to Implement documents that have been submitted by any LEA or school pursuant to the adoption of the *Policies* adopted by the State Board of Education on February 4, 2016. (These Intent to Implement documents would be submitted pursuant to your instructions to Directors of Exceptional Children Programs in the memo dated August 30, 2016. See attachments.)
- 2) Any documents or communications (including emails) that infer that a LEA or school has implemented the criteria for eligibility for special education in the category of Specific Learning Disability adopted by the State Board of Education on February 4, 2016, even if the LEA or school has not submitted a new Intent to Implement.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$20. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of changes made to the NC *Policies Governing Services for Children with Disabilities*. This information is not being sought for commercial purposes.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay in responding to and fulfilling this request,

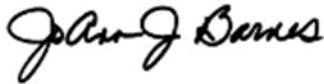
please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If you have any questions or wish to contact me, please send any written communication to the address provided above, or call me at 919-929-3621 or email me at joannajbarnes@hotmail.com

Thank you for considering my request.

Sincerely,



JoAnna J. Barnes  
President, Learning Disabilities Association of North Carolina

Home address:  
308 Sunset Creek Circle  
Chapel Hill, NC 27516

cc: Lynne Loeser, Consultant for Learning Disabilities, EC Division, NC DPI  
Carol Ann Hudgens, Section Chief for Policy, Monitoring and Audit, EC  
Division, NC DPI

Attachments  
August 30, 2016 Memo  
Intent to Implement Form



# PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.NCPUBLICSCHOOLS.ORG

August 30, 2016

**TO:** Directors, Exceptional Children Programs  
Lead Administrators, Charter Schools

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

**RE:** **Intent to Implement**  
**Specific Learning Disabilities – Addendum to NC Policies Governing Services for Children with Disabilities**

On February 4, 2016, the State Board of Education approved the policy for Specific Learning Disabilities (SLD) – Addendum to NC *Policies Governing Services for Children with Disabilities*. The addendum can be found on the Exceptional Children Division website at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>.

Local education agencies (LEAs) may adopt the new *Policies* prior to July 1, 2020, by completing the Intent to Implement document. This document notifies the NC Department of Public Instruction that LEAs will no longer use the discrepancy method, the alternative to discrepancy analysis or the use of a pattern of strengths and weaknesses for determining eligibility for students with Specific Learning Disabilities and will comply with the new SLD policy.

It is strongly suggested that LEAs complete the Self-Assessment of MTSS (SAM) as an implementation fidelity measure and have a rating of “initially implementing” or “fully implementing” across all of the six critical components/domains measured prior to submitting an Intent to Implement. The SAM measures school-level implementation of MTSS. The purpose of administration is to help school-level and district-level personnel identify and prioritize implementation steps. For information regarding the SAM, contact Amy Jablonski, Director of Integrated Academic and Behavior Systems, at [amy.jablonski@dpi.nc.gov](mailto:amy.jablonski@dpi.nc.gov).

For additional information, you may contact Lynne Loeser, Consultant for Learning Disabilities, at [lynne.loeser@dpi.nc.gov](mailto:lynne.loeser@dpi.nc.gov); or Carol Ann Hudgens, Section Chief for Policy, Monitoring and Audit, at [carolann.hudgens@dpi.nc.gov](mailto:carolann.hudgens@dpi.nc.gov).

WJH/DM/CAH/II

## EXCEPTIONAL CHILDREN DIVISION

William J. Hussey, *Director* | [bill.hussey@dpi.nc.gov](mailto:bill.hussey@dpi.nc.gov)

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

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

## Intent to Implement

*As of February 4, 2016, and prior to July 1, 2020, LEAs may submit an Intent to Implement to indicate the schools within the LEA who will be using RtI as a component of a comprehensive evaluation for any student suspected of having a Specific Learning Disability.*

Local Education Agency: \_\_\_\_\_

### Assurances

	RtI is integrated within a multi-tiered system of support.
	For a student suspected of a specific learning disability, data derived from a student's RtI is utilized as <u>one component</u> of a comprehensive evaluation which requires <u>multiple</u> sources of data.
	RtI/MTSS may not be used to delay or deny an evaluation for any student suspected of having a disability.
	The Intent to Implement serves as notification that the school(s) within the LEA will no longer use a discrepancy method for the identification of students suspected of having Specific Learning Disabilities. <i>Submission of this document remains in effect and cannot be retracted.</i>
	I agree to follow the SLD Policy Addendum to the NC Policies Governing Services for Children with Disabilities prior to the implementation requirement date of July 1, 2020.

### **Definitions**

NC 1500-2.x	Comprehensive balanced assessment system
NC 1500-2.x	Diagnostic assessments
NC 1500-2.x	Multi-tiered system of support (MTSS)
NC 1500-2.11(b)(13)	Progress monitoring
NC 1500-2.x	Responsiveness to instruction/responsiveness to intervention
NC 1500-2.x	Systematic problem-solving process
NC 1500-2.x	Universal Screening

### **Evaluation Procedures**

NC 1503-2.5(d)(11)	Specific Learning Disability
<b>Additional Procedures for Evaluating Children with Specific Learning Disabilities</b>	
NC 1503-3.1	Specific Learning Disabilities
NC 1503-3.2	Additional Group Members
NC 1503-3.3	Determining the Existence of a Specific Learning Disability
NC 1503-3.4	Observation
NC 1503-3.5	Specific Documentation for the Eligibility Determination

\_\_\_\_\_  
 (Signature) Exceptional Children Director/Coordinator

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 (Signature) LEA Superintendent/Director of Schools

\_\_\_\_\_  
 Date

The LEA will implement RtI as an evaluation component and discontinue the use of a discrepancy method in the following schools:

School	Principal Signature	Grade Levels	School Level MTSS Coordinator/Coach	SAM has been completed
				Choose an item.
				Choose an item.
				Choose an item.
				Choose an item.
				Choose an item.

If ALL of the schools in the LEA are implementing RtI, check here.