

*NCDPI and the Office of Exceptional Children carefully consider state complaints filed on behalf of children with disabilities and initiates a state complaint investigation if there are sufficient facts to support allegations. The same careful consideration was given to the recent complaint filed by Disability Rights North Carolina.*

*The placement of students with disabilities in the least restrictive environment are individualized decisions made by individualized education program (IEP) teams. As a result, findings of compliance or noncompliance are very fact specific. While individual findings of noncompliance may occur for students with the same disability, this alone does not establish a pattern indicative of a systemic violation.*

*Systemic complaints address violations of special education laws, policies, or procedures that potentially impact multiple students or reflect a pattern of noncompliance. These complaints do not focus on concerns related to a single student's services or educational experience, but rather on issues that suggest a widespread problem affecting a group of students or an entire program.*

*While NCDPI OEC has investigated multiple complaints filed by DRNC, the findings in the individual cases did not yield a pattern of noncompliance that rose to the level of a systemic complaint. Nor could those individual findings of noncompliance be attributed to a policy, practice, or procedure applied across similarly situated students. DRNC's recent allegation of systemic violations was limited to facts about a single student. The systemic allegation did not include sufficient facts to support that a policy, practice, or procedure was applied to multiple students. As a result, NCDPI OEC opened an individual state complaint investigation.*

*The state complaint investigation process is one strategy for monitoring compliance with special education law. Other monitoring activities can be initiated should information across multiple sources of data suggest systemic concerns.*

*NCDPI OEC appreciates the advocacy undertaken by Disability Rights NC as the NCDPI OEC is also committed to ensuring a free, appropriate public education is available to students with disabilities. To support these shared goals, NCDPI OEC welcomes the opportunity to discuss these matters concurrently with both DRNC and school district(s) in which there are systemic concerns.*