



CHAPTER 115C

ARTICLE 9 - EDUCATION OF CHILDREN WITH DISABILITIES

N.C.G.S. § 115C-107.4.

Monitoring and enforcement.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2006-69, s. 2 — ninth act in the lineage	21 September 2026, 02:54 UTC	dc781c9fb30b920d1608b61b - d98a0c4edebaf0722aa5e9d4 - cbc2993b39f9d101

§ 115C-107.4(a) The State Board shall monitor all local educational agencies to determine compliance with this Article and IDEA. The State Board also shall monitor the effectiveness of IEPs in meeting the educational needs of children with disabilities.

§ 115C-107.4(b) The State Board shall implement an effective and efficient system of incentives and sanctions for local educational agencies in order to improve results for children with disabilities and meet the requirements of this Article and IDEA. The system, which must be based on a continuum of recognition and sanctions, shall:

- (1) Identify and recognize local educational agencies that achieve or exceed targets and indicators as determined by the State Board, demonstrate significant improvement over time, and show growth on targets and indicators as determined by each local educational agency.
- (2) Provide consequences for local educational agencies that are substantially noncompliant with statutory and regulatory requirements under this Article and IDEA.

§ 115C-107.4(c) The system of incentives developed under subsection (b) of this section may include commendations, public recognition, allocation of grant funds if available, and any other incentives as considered appropriate by the State Board.

§ 115C-107.4(d) The system of sanctions developed under subsection (b) of this section shall include the following:

- (1) Level One - Needs Assistance: When the State Board determines (i) a local school educational agency has been in noncompliance for two years and (ii) that agency needs assistance in implementing the requirements of this Article and IDEA, the State Board shall take one or more of the following actions:
- a. The Board may direct the local educational agency to allocate additional time and resources for technical assistance and guidance related to areas of noncompliance.
 - b. The Board may impose special conditions on that agency's application for IDEA funds and receipt of State funds.
 - c. The Board may direct how that local educational agency utilizes IDEA and State funds to address the remaining findings of noncompliance. The local educational agency must track the use of these funds to show how the funds are targeted to address areas of noncompliance.
- (2) Level Two - Needs Intervention: If the State Board determines (i) that the local educational agency has been in noncompliance for three years and (ii) that agency needs assistance in implementing this Article and IDEA, the following apply:
- a. The Board may take any of the actions described in subdivision (1) of this subsection.
 - b. The Board shall withhold, in whole or in part, any further payments of IDEA and State funds to the agency.
 - c. The Board shall require the agency to enter into a compliance agreement.
- (3) Level Three - Needs Substantial Intervention: In addition to the sanctions described in subdivisions (1) and (2) of this subsection, if at any time the State Board determines a local educational agency (i) needs substantial intervention in implementing the requirements of this Article and IDEA, or (ii) has established a substantial failure to comply with this Article and IDEA, the Board shall take one or more of the following actions:
- a. The Board shall direct the agency to implement a compliance agreement, billed to that agency.
 - b. The Board shall recover IDEA and State funds.
 - c. The Board shall refer the agency for appropriate enforcement under State or federal law.

§ 115C-107.4(e)

In addition to the consequences required under subsections (b) and (d) of this section, the State Board shall develop sanctions for local educational agencies that fail to implement a corrective action or hearing decision.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1977		1992		2006	
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 927, s. 1	ENACTED		
02	1981	c. 423, s. 1	AMENDED		
03	1983	c. 247, ss. 3, 4	AMENDED		
04	1989	c. 585, s. 3	AMENDED		
05	1996	2nd Ex. Sess., c. 18, ss. 18.24(c), (d)	AMENDED		
06	1997	S.L. 1997-443, s. 11A.118(a)	AMENDED		
07	1998	S.L. 1998-202, s. 4(g)	AMENDED		
08	2000	S.L. 2000-137, s. 4(j)	AMENDED		
09	2006	S.L. 2006-69, s. 2	AMENDED		

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 115C-107.4 (2006).

PINPOINT

N.C. Gen. Stat. § 115C-107.4(a) (2006).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 927, s. 1; 1981, c. 423, s. 1; 1983, c. 247, ss. 3, 4; 1989, c. 585, s. 3; 1996, 2nd Ex. Sess., c. 18, ss. 18.24(c), (d); 1997-443, s. 11A.118(a); 1998-202, s. 4(g); 2000-137, s. 4(j); 2006-69, s. 2.)

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