



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Maurice "Mo" Green, Superintendent of Public Instruction

www.dpi.nc.gov

March 12, 2026

Dr. Anthony Lewis, Superintendent
Durham Public Schools
PO Box 30002
Durham, NC 27702
anthony_lewis@dpsnc.net

Ms. Peggy Nicholson, Supervising Attorney
Duke Children's Law Clinic
Box 90360
Durham, NC 27708-0360
Peggy.d.nicholson@duke.edu

Ms. Michele Delgado, Staff Attorney
American Civil Liberties Union/ACLU of North Carolina
P.O. Box 28004
Raleigh, NC 27611
mdelgado@acluofnc.org

VIA DPI ENCRYPTED EMAIL

**Re: Nicholson & Delgado– Durham Public Schools
Intake Letter: Complaint Number 25-411**

Dear Dr. Lewis, Ms. Nicholson, and Ms. Delgado:

On **February 24, 2026**, the Office of Exceptional Children (OEC) received the systemic state complaint filed by **Peggy Nicholson, attorney at Duke Law Children's Clinic and Michele Delgado, attorney at the American Civil Liberties Union (ACLU)** on behalf of **students with disabilities "confined" in a youth home located in the LEA**. The complainant alleges that the local education agency, **Durham Public Schools (DPS)**, failed to follow federal and state laws regarding children with disabilities.¹ Based upon statements in the complaint and supporting documentation, the OEC has identified the following issues for investigation:

Whether between February 24, 2025, to February 23, 2026, DPS followed the federal regulations, state laws, and/or state *Policies* regarding the provision of a free appropriate public education (FAPE), specific to:

- **Policies, practices, and/or procedures regarding the provision of special education services to students with disabilities detained in the Youth Home during a facility-wide lockdown.**

¹ The Individuals with Disabilities Education Improvement Act (IDEA) Amendments of 2004 (20 U.S.C. 1400 et seq.), the IDEA regulations (34 CFR § 300), Article 9 §115C of the North Carolina General Statutes, and the North Carolina Policies Governing Services for Children with Disabilities.

OFFICE OF EXCEPTIONAL CHILDREN

Dr. Carol Ann M. Hudgens, Senior *Director* | CarolAnn.Hudgens@dpi.nc.gov
6356 Mail Service Center, Raleigh, North Carolina 27699 | (984) 236-2550

Durham Public Schools
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An investigation of the issue identified above will be completed, and the final report will be sent on or before **April 25, 2026**, in accordance with the 60-day timeline. The report will contain a corrective action plan if the investigation results in a finding of noncompliance.

The special education laws strongly encourage the parties to engage in dispute resolution at the local level to resolve the complaint in a timely manner for the benefit of the child. The Office of Exceptional Children can provide an impartial mediator at the request of the parties (parents and the LEA) to assist in that process. Please note that if the complainant is a third-party complainant, they may participate in private mediation, or other forms of alternative dispute resolution, as the OEC's mediation program is limited to complaints filed by, or on behalf of parents of students with disabilities against a LEA. The 60-day timeline can be extended if exceptional circumstances exist, or the parties are engaged in mediation and agree to the extension. If the complaint is resolved to the satisfaction of both parties, a signed, written agreement must be provided to the consultant assigned to the investigation, as listed at the end of this letter.

Both parties are encouraged to send any documentation that supports their positions **within 15 days of receiving the encrypted email of this letter**. The LEA shall provide this office a written narrative response to the allegations **no later than the 15th day, March 27, 2026**. After the 15th day, no further evidence will be accepted as part of this investigation from either party. Should the complainant have evidence to submit that could indicate an additional violation, not already being investigated, they may submit a formal state complaint to be considered as a new and independent issue. Additionally, the LEA shall provide this office with proposed resolutions, if appropriate, and copies of the documents listed below.

Please send a copy of the following documents in effect during the identified periods above:

1. Any policies, practices, and/or procedures in place that govern the delivery of special education instruction to students with disabilities detained in the Youth Home.
2. A detailed, written narrative responsive to the issue on page one of this letter.
3. Any other evidence deemed relevant to the investigation of the alleged violation.

****Note: NCDPI cannot receive encrypted documents. Documents may be submitted via email, shared Google folder, SharePoint, or other means agreed upon with the Complaint Investigator.***

If a due process petition that contains one or more of the same allegations has been or is filed with the Office of Administrative Hearings, the OEC will set aside the investigation of those allegations until the conclusion of the hearing. The consultant assigned to this case will investigate any allegations not included in the due process petition.

The investigation of this complaint has been assigned to **Lakisha Walden**, Dispute Resolution Consultant. Please send all correspondence to them in a confidential, electronic format. If you, **Durham Public Schools** are unable to send the required documents and narrative response in an electronic format, please contact **Lakisha Walden** at **Lakisha.Walden@dpi.nc.gov** or **984-236-2578**. If you have any questions about the complaint process or wish to provide more information, please reach out.

Durham Public Schools
Intake Letter: Complaint Number 25-411

Sincerely,

Signed by:

FC88FCE41A5045A...
Sara Self-Maddox, Section Chief
IDEA Dispute Resolution
Office of Exceptional Children

DocuSigned by:

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Lakisha Walden, Consultant
IDEA Dispute Resolution
Office of Exceptional Children

SSM/LW/lw

Procedural Safeguards: <https://www.dpi.nc.gov/media/11182/download?attachment>

- c Dr. Kristin Bell, Executive Director for Exceptional Children, DPS
Dr. Eleanor Patrick, IDEA Consultant: Regional Administrative Support, OEC