

**North Carolina Department of Public Instruction
Office of Exceptional Children**

**Complaint Investigation Final Report
Case No. 25-411
April 24, 2026**

The Office of Exceptional Children (OEC), Department of Public Instruction (DPI), has completed the investigation of the complaint filed on February 24, 2026, against Durham Public Schools (DPS). Based upon statements in the complaint, the OEC identified the following issue to be investigated:

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.**

The findings that follow are drawn from the information in the complaint letter, the school system's letter of response, and supporting documentation provided by both parties. The conclusions of law are drawn from the Individuals with Disabilities Education Improvement Act (IDEA) Amendments of 2004 (20 U.S.C. 1400 *et seq.*), the IDEA regulations (34 CFR §300), the North Carolina *Policies Governing Services for Children with Disabilities (Policies)*, and Article 9 Chapter 115C of the NC General Statutes. **The following report conveys the issues, findings of fact, conclusions, and final decisions of our investigation of the complaint.**

Background

The Durham County Youth Home is a juvenile detention facility that serves students with and without disabilities pending a court disposition.

Issue One: Whether LEA followed federal regulations, state laws and/or state *Policies* regarding the provision of 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.

Description of the Complaint

This complaint alleges that DPS has policies, practices, and procedures relating to the provisions of special education services to students with disabilities detained in the Durham County Youth Home, which violated the IDEA during a facility-wide lockdown from February 2025 through March 2025 when students with disabilities were in residence.

Findings of Fact

1. The Durham County Youth Home (DCYH) is a juvenile detention facility for youth ages 11-24 pending a court disposition. An educational program is supported by 2 full-time teachers and 2 instructional assistants. [Source: DCYH website]

2. A letter from the DCYH Director to the complainants dated May 6, 2025, indicates the following (excerpts):
 - The letter was in response to an email sent by the complainants on April 3, 2025.
 - “The youth home was in lockdown status in early February and March 2025. During lockdown status, only staff and contract employees are allowed to enter the facility. Residents are secured in their rooms and are moved throughout the facility one at a time, and all programming is suspended, except for essential activities necessary to ensure the safety and protection of residents and staff.”
 - “The youth home has a contract with DPS which is responsible for providing all educational services to juveniles at the youth home, including identifying and providing exceptional children's services. The juveniles in the Youth Home are following the DPS’ traditional calendar and are out of school over the summer, during holidays, and for spring break. When in school two DPS teachers and two assistants are contracted to provide the educational services they deem necessary according to their professional requirements.”

3. A document provided by Durham Public Schools (DPS) titled EC Services at DCYH, indicates the following (excerpts):
 - [DPS School] currently serves students with identified disabilities who have an Individualized Education Program (IEP) and are placed at DCYH.
 - [DPS School] ensures that Exceptional Children (EC) services are provided to all eligible students placed at DCYH, regardless of their traditional home school placement.
 - An EC-certified teacher from [DPS School] currently travels to the Youth Home two days per week to provide specialized instruction, IEP support, and consultation with instructional staff.
 - The EC teacher works to address students’ individual learning goals and ensures that the accommodations and modifications outlined in their IEPs are implemented.

4. A Narrative Response provided by DPS, dated March 27, 2026, indicates the following (excerpts):
 - DPS teachers are available and prepared each day to provide a full 6 hours of services.
 - Educational services at DCYH are provided in specific locations set aside for educational instruction and other programming. During times of lockdown, security procedures implemented by DCYH restrict residents’ movements throughout the facility such that residents must remain in their housing units and are prohibited from traveling to the programming centers.
 - DPS teachers are not permitted to travel to the housing units. During times of lockdown, the principal of [DPS School], made multiple requests of DCYH administration in an attempt to provide educational services, even if in an altered manner. Requests to provide instruction to small numbers of students in the housing units, the ability to provide packets of instruction to students, and access to any type of virtual instruction, were all summarily denied.”
 - The [Principal] regularly participates in zoom calls with administration at the Youth Home and made the above requests during these calls. Present during these calls were: the principal of the school, the assistant principal of the high school, the assistant principal of the middle school, and two staff members from the Youth Home.

- The request to provide services virtually was denied because the computers at the Youth Home are located in the programming centers and not in the housing pods where residents were confined during times of lockdown.
 - The request to serve students in the housing pods was refused for “safety reasons.”
 - The request to provide students with work packets was denied because the provision of pencils or pens to the residents was a safety risk.
 - Dates/times for the zoom meetings were not provided.
5. A written response from the principal of [DPS School] indicates the following (excerpts):
- All decisions regarding resident movement, staff-to-student ratios, pod access, and the use of instructional spaces are determined by DCYH administration in accordance with [State Agency] policies. When the facility is operating under lockdown conditions, these security procedures take precedence and limit the ability of external staff, including school personnel, to access residents or conduct normal classroom instruction.
6. A formal written policy, procedure, or practice regarding the provision of educational services during periods of lockdown at the DCYH was not provided in response to this complaint.

IDEA and Federal Regulations

34 CFR 300.102 Limitation—exception to FAPE for certain ages. (excerpts) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children of those ages. (2) (i) Children aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility—(A) Were not actually identified as being a child with a disability under § 300.8; and (B) Did not have an IEP under Part B of the Act. (ii) The exception in paragraph (a)(2)(i) of this section does not apply to children with disabilities, aged 18 through 21, who—(A) Had been identified as a child with a disability under § 300.8 and had received services in accordance with an IEP, but who left school prior to their incarceration; or (B) Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability under § 300.8.

34 CFR 300.118 Children in public or private institutions. Except as provided in § 300.149(d) (regarding agency responsibility for general supervision of some individuals in adult prisons), an SEA must ensure that § 300.114 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

34 CFR § 300.114 LRE requirements. (a) *General.* (1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120. (2) Each public agency must ensure that—(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that

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education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

34 CFR § 300.323 When IEPs must be in effect.[excerpts] (a) *General*. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.

NC Policies

NC 1501-1.2 Limitation - Exception to FAPE for Certain Ages (See Federal Regulations).

NC 1501-3.1 LRE Requirements (See Federal Regulations).

NC 1501-3.5 Children in Public or Private Institutions (See Federal Regulations).

NC 1503-4.4 When IEPs Must be in Effect (See Federal Regulations).

Analysis and Final Decision

Students with disabilities that are incarcerated in youth facilities are entitled to a free appropriate public education (“FAPE”), provided the student was previously identified as a student with a disability and receiving services through an Individualized Education Program prior to incarceration.

The evidence in this case indicates that the Youth Home was under a lockdown during the period in question, resulting in educational services being limited or restricted. Written responses confirmed that the Youth Home limited access to the facility during lockdown, including access for DPS educational staff to incarcerated students. While the response indicated that the DPS made requests for access that were declined by the facility during zoom meetings, no written documentation to support the requests were provided.

The responses to this complaint confirm there is a contractual relationship between DCYH and DPS as it pertains to providing services to children with disabilities in the juvenile detention facility. However, there are no clear procedures documenting the conditions upon which access to students for the purposes of delivering educational services will be limited, occur differently, or will be made up once unique circumstances such as lockdowns occur.

Based on these findings, the LEA is found in violation of its obligation under 34 CFR § 300.323 to implement the IEPs.

Final Decision: The LEA IS IS NOT in violation of the *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.*

Based on the identified violation, corrective action is warranted.

CORRECTIVE ACTION

The investigation of state complaint 25-411 is concluded. When allegations of noncompliance are substantiated by an investigation, corrective action is required. The LEA is directed to take the following corrective action to remedy the violations identified:

- **By May 15, 2026**, in collaboration with staff from DCYH, DPS will draft procedures to address the expectations when the Youth Home has a lockdown or other circumstance that suspends educational services. When developing the procedures, the following must be considered:
 - Conditions upon which student access to educational services will be limited or restricted.
 - Alternative service delivery when access to students is limited or restricted.
 - Compensatory services when services cannot be delivered as scheduled due to limited or restricted access.
 - Documentation necessary to record the event that restricts access to students, students missing services, amount of services missed, and when missed services were provided.
 - Any additional provisions that the parties determine to be necessary to ensure appropriate service delivery.

The drafted procedures will be submitted for approval to the Complaint Investigator (Lakisha.walden@dpi.nc.gov), and the Corrective Action Coordinator.

Once approved, the EC Administrator or designee will provide training on the approved procedures to all EC teachers, EC Specialists, related service providers, and school administrators involved with the Youth Home. The LEA is required to submit all participant sign in sheets indicating when the training took place as well as how the materials were distributed. The confirmation is to be submitted to the Corrective Action Coordinator **on or before June 1, 2026**.

Evidence of corrections shall be submitted according to the due dates established. Any request to deviate from the required due date shall be communicated, by either the LEA or parent, via email to the Corrective Action Coordinator with a courtesy copy to the other party.

All evidence of corrections must be submitted electronically by the dates established above to the email address below with the complaint number in the subject line:


Dr. Eleanor Patrick, Corrective Action Coordinator

StateComplaintCorrectiveAction@dpi.nc.gov

Subject Line: 25-411

This complaint shall remain open pending the submission and approval of all elements of the corrective action plan. Failure to implement the corrective action will result in sanctions in accordance with General Statute §115C-107.4.

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Signed by:

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Sara Self Maddox
IDEA Dispute Resolution
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