



BRIAN TAYLOR
STATE FIRE MARSHAL

August 8, 2025

Highland Learning Center
c/o Stacey E. Tally, Attorney
111 Highland Avenue
Fayetteville, NC 28303
stacey@playermclean.com

Dear Ms. Tally,

This letter responds to Highland Learning Center's ("HLC") request for a formal interpretation from the Office of the State Fire Marshal ("OSFM") dated June 5, 2025 and received by OSFM on the same date. Your request seeks clarification on the application of the terms "first grade children" and "second grade children" in the 2018 North Carolina Building Code ("NCBC") Section 430.3 and the 2018 North Carolina Fire Code ("NCFC") Section 320.1, as applied to rising second graders during the summer between school years.

As stated in relevant part from your letter:

"[T]he narrow issue is whether it is a violation of NCBC 430.3/NCFC 320.1 for HLC to use rooms located on the second floor, which is one story above the level of exit discharge, for rising second grade children this summer. Thus, the decisive question is whether rising second graders, i.e., children who successfully completed first grade at the end of the past school year and were promoted to second grade, as identified (for NC public school children) by the notice of grade placement on their end-of-year (EOY) report card, still come within the definition of 'first grade children and younger.'"

Remarks:

Code sections cited in this letter refer to the 2018 edition of the NCBC and NCFC unless otherwise noted.

Attachment A, a copy of your request for formal interpretation dated June 5, 2025, is attached for reference.

Attachment B, a copy of your letter dated June 5, 2025 setting forth HLC's position on the interpretation, is attached for reference.

Attachment C, a copy of the exhibits referenced in your letter dated June 5, 2025 setting forth HLC's position on the interpretation, is attached for reference.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH NC 27699 -1202 | TEL 919.647.0000 | FAX 866.851.6508 | NCOSFM.GOV

Code Analysis:

2018 NCBC Section 430.3 and 2018 NCFC Section 320.1 – Group E in churches, private schools and public schools, both state:

“Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge.”

Neither the NCBC nor the NCFC defines the terms “first grade,” “second grade,” or “grade” as applied to schoolchildren. *See* 2018 NCBC 202 and 2018 NCFC 202. 2018 NCFC 201.3 and 2018 NCBC 201.3 – Terms defined in other codes, both authorize the use of definitions provided in various international codes, but those codes also lack a definition for these terms in the context of schoolchildren and educational occupancies. 2018 NCFC 201.4 – Terms not defined, states:

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. *Merriam Webster’s Collegiate Dictionary, 11th Edition*, shall be considered as providing ordinarily accepted meanings.

The Merriam-Webster’s Collegiate Dictionary, 11th Edition, does not define “first grade” or “second grade.” While it defines “grade” in several contexts, none apply to a child’s advancement between grade levels in school. Accordingly, these terms must be interpreted according to their plain and ordinarily accepted meanings.

The plain language of 2018 NCBC 430.3 and 2018 NCFC 320.1 presumes that children can be classified as belonging to one of three groups: (1) “first grade children and younger” (2) “second grade children,” or (3) neither. It does not contemplate an intermediate category such as a “rising second grader,” and does not address the status of children who have graduated from first grade but have not yet begun second grade instruction. The code provisions in Sections 430.3 and 320.1 appear to be based on a traditional school calendar in the school context.

The exhibits provided include communications from educational and licensing authorities, and supporting materials, indicating that in common educational usage, a child who has completed (i.e., graduated from) a lower grade and has been promoted is regarded as a member of the higher grade for the upcoming school year. The NC Department of Public Instruction’s processes treat such promotion as occurring at the end of the school year, and end-of-year report cards reflect this placement. Educational agencies may use these terms with different intent – i.e., with a focus on academic achievement and capability – than the code provisions, which are intended to promote life safety by restricting children who require more time and assistance to evacuate a building during an emergency to the level of exit discharge. These materials do, however, provide persuasive evidence that the plain meaning of “second grade children” includes children who have graduated from the first grade and not yet begun second grade instruction.



Conclusion:

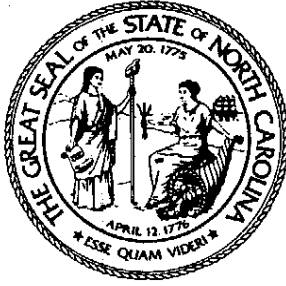
1. Based on common educational usage and evidence provided, children who have successfully completed first grade should be considered “second grade children” for purposes of 2018 NCBC 430.3 and 2018 NCFC 320.1, even during the time preceding the formal beginning of second grade instruction. Therefore, rooms used for such children may be located on a story above the level of exit discharge in accordance with the limitations for “second grade children.”

Please contact our office if you have further questions or comments.

Sincerely,

Pak Keung Yip, PE
Chief Code Consultant
North Carolina Office of State Fire Marshal

cc: Diana Bunton, HLC Director, hlcdirector10@gmail.com
Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov
David Bruce Rittlinger, NCOSFM, Division Chief – Codes & Interpretations, david.rittlinger@ncdoi.gov
Kyle Heuser, NCOSFM, Assistant General Counsel, kyle.heuser@ncdoi.gov



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

ATTACHMENT A

GS 153A-374, GS 160A-434
Formal Interpretation by NCDOI ☒ X
Appeal of Local Decision to NCDOI _____

Hearing Date _____ / _____ / _____
GS 143-140, GS 143-141
Appeal of Local Decision to NCBCC _____
Appeal of NCDOI Decision to NCBCC _____

APPELLANT Highland Learning Center **PHONE** (910) 485 - 2591 **x** _____
REPRESENTING _____
ADDRESS 111 Highland Avenue
CITY Fayetteville **STATE** NC **ZIP** 28303
E-MAIL hlcdirector10@gmail.com **FAX** (_____) _____ - _____

North Carolina State Building Code, Volume 2018; 2024 - Section 430.3; 432.3
North Carolina Fire Code - 2018, Section 320.1; 2024, Section 323.1

REQUEST ONE: ☒ [X] Formal Interpretation by NCDOI ☐ [] Appeal of Local Decision to NCBCC
☐ [] Appeal of Local Decision to NCDOI ☐ [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Highland Learning Center ("HLC") is a five-star North Carolina licensed childcare center located at 111 Highland Avenue in Fayetteville, NC. HLC is operated in a building situated within the larger Highland Presbyterian Church of Fayetteville NC campus. The HLC building is a two-story building classified, upon information and belief, as Educational Group E. HLC offers a year-round early childhood program for children from 6 weeks through pre-K, with before and after school care options for school aged children during the school year, as well as a recently expanded summer program for school aged children. All preschool classrooms are located on the ground floor, which is the level of exit discharge., and which is licensed for approximately 160 children. In anticipation of its planned expansion of the summer program, HLC sought, and obtained approval in or around April 2024 for, the licensing of five classrooms located on the second floor for an additional 70 children. Following licensure approval of the upstairs space, HLC has invested significant expense in furnishing and preparing the second floor classrooms for its school age use this summer. HLC proceeding to enroll children in its Summer 2025 program with the intent to use the second floor classrooms for rising second graders and older children and to assign the kindergarten graduates enrolled in summer camp to one or more classrooms located on the level of exit discharge. HLC believes that the phrase "first grade children and younger," as used in NC Building Code Sections 430.3 (2018) and 432.3 (2024) and in NC Fire Code Sections 320.1 (2018) and 323.1 (2024), pursuant to the plain

and ordinary meaning and common usage of those words, does not include children who have successfully completed first grade and have been promoted to second grade as of the end of this current academic school year. Concomitantly, HLC believes that using classrooms located one story above the level of exit discharge for rising second graders during the summer does not constitute a violation of the rule that rooms used for "first grade children and younger" shall be located on the ground floor. HLC would expect to treat first graders who are retained at the end of the school year as "first grade children" during the summer unless they are promoted following summer school or other remediation program mid-summer, at which point they would no longer be first grade children. The Engineering Division has recently provided HLC an informal interpretation to the contrary, and, accordingly HLC respectfully seeks a formal interpretation of the subject code sections. Supporting information and a thorough discussion of the rationale for HLC's position will follow under separate cover.

APPEAL TO NCDOI/NCBCC

Signature /s/ Stacey E. Tally, Attorney for HLC

DATE: 5/19/25

FORM 3/14/17

202.9 Appeals

202.9.1 Engineering Division. A written technical interpretation shall be provided as specified in Section 203.2.1.2. Any person may appeal in writing an order, decision, or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within ten (10) days after the order, decision, or determination. A copy of the appeal shall be furnished to each party.
(General Statutes 143-140, 153A-374 and 160A-434)

203.2.1 Interpretations

203.2.1.1 Informal Interpretations. The Engineering Division shall provide informal interpretations on code related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal interpretation of the code.

203.2.1.2 Formal Interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the Department website. (General Statute 143-140)

203.2.2 Appeals. Any person may appeal in writing an order, decision, or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within ten (10) days after the order, decision, or determination. The appeal shall contain the type and size of the building in question, the location of the building, and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. A copy of the appeal and written decision shall be furnished to each party. (General Statutes 153A-374 and 160A-434)

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of State enforcement agencies relating to any matter related to the code. Any person wishing to appeal a decision of a State enforcement agency to the Building Code Council shall give written notice of appeal as follows:

202.9.2.1 Twenty one (21) copies including an original of the Notice of Appeal shall be filed with the Building Code Council c/o NC Department of Insurance, Engineering Division, 325 North Salisbury Street, Room 5_44, Raleigh, NC 27603 and one (1) copy shall be filed with the State enforcement agency from which the appeal is taken.

202.9.2.2 The Notice of Appeal shall be received no later than thirty (30) days from the date of the decision of the State enforcement agency.

202.9.2.3 The Notice of Appeal shall be legibly printed, typewritten or copied and shall contain the following:

- (1) Name, address of the party or parties requesting the appeal.
- (2) The name of the State enforcement agency, the date of the decision from which the appeal is taken, and a copy of the written decision received from the enforcement agency.
- (3) The decision from which the appeal is taken shall be set forth in full in the Notice of Appeal or a copy of the decision shall be attached to all copies of the Notice of Appeal.
- (4) The contentions and allegations of fact must be set forth in full in a clear and concise manner with reference to the sections of the code in controversy.
- (5) The original Notice of Appeal shall be signed by the party or parties filing appeal.
- (6) The Notice of Appeal shall be received by the first day of the month prior to the Building Code Council's quarterly scheduled meeting in order to be placed on the agenda for that meeting. The Chairman may schedule a special meeting to hear an appeal.

202.9.2.4 Upon the proper filing of the Notice of Appeal, the Building Code Council Secretary shall forward one (1) copy of the Notice of Appeal to each member of the Building Code Council. The Chairman may appoint a Hearing Committee to hear appeals. The Secretary shall send notice in writing to the party or parties requesting an appeal and to the Building Code Council Hearing Committee members at least fifteen (15) days prior to the Hearing Committee meeting. A written decision of the Hearing Committee meeting shall be provided to all Building Code Council Members. The actions of the Hearing Committee shall be final, unless appealed to the full Building Code Council in writing within 30 days of the Hearing Committee's action. If a Hearing Committee consists of at least seven Council members, it will constitute a quorum of the full Council. Further appeals shall be as specified in Section 202.9.3.

202.9.2.5 The Building Code Council shall, upon a motion of the State enforcement agency or on its own motion, dismiss appeals for the following reasons:

- (1) Not pursued by the appellant or withdrawn;
- (2) Appeal not filed in accordance with these rules; or
- (3) Lack of jurisdiction.

202.9.2.6 When the Building Code Council finds that a State enforcement agency was in error in its interpretation of the code, the Building Code Council shall remand the case to the agency with instructions to take such actions as the Building Code Council directs. When the Building Code Council finds on appeal that materials or methods of construction proposed are equivalent to those required by the code, the Building Code Council shall remand the case to the State enforcement agency with instructions to permit the use of such materials or methods of construction. The Building Code Council shall immediately initiate procedures for amending the code to permit the use of such materials or methods of construction.

202.9.2.7 The Building Code Council shall provide a written decision setting forth the findings of fact and the Building Code Council's conclusions to each party or parties filing the appeal and to the State enforcement agency from which the appeal was taken.

202.9.3 Superior Court. Whenever any person desires to appeal a decision of the Building Code Council or a decision of a State or local enforcement agency, he may appeal either to the Wake County Superior Court or the Superior Court of the county in which the proposed building is to be situated in accordance with the provisions of Chapter 150B of the General Statutes.
(General Statute 143-141(d))

Lonnie M. Player, Jr. *
James A. McLean, III
Anne Mayo Evans
Jennifer L. Malone **
Stacey E. Tally



Player McLean, LLP
—ATTORNEYS—

* NCDRC Certified Civil
Superior Court Mediator

** Also Licenced in Florida

June 5, 2025

Via E-mail: pak.yip@ncdoi.gov

North Carolina Department of Insurance
Office of State Fire Marshal
Attn: Pak Keunk Yip, PE, OSFM Chief Code Consultant
1202 Mail Service Center
Raleigh, NC 27699-1202

Re: *Highland Learning Center Request for Formal Interpretation*
NCBC, Section 430.3; NCFC, Section 320.1

Dear Mr. Yip:

As you may recall, I represent Highland Presbyterian Church of Fayetteville, NC, Presbyterian Church (U.S.A.) d/b/a Highland Learning Center ("HLC") in connection with its previously filed request for a formal interpretation of the above-captioned Code sections. Thank you for allowing me the additional time to prepare and submit the foregoing in support of HLC's proposed interpretation. Please consider this letter, together with the exhibits attached hereto, to be the formal position statement of HLC regarding the correct interpretation of "first grade children" as used in these Code sections.

HIGHLAND LEARNING CENTER'S BACKGROUND
INFORMATION AND POSITION STATEMENT

Pursuant to N.C. Gen. Stat. § 143-140(a) and Section 203.2.1.2 of the North Carolina Building Code: Administrative Code and Policies (2018) (the "Administrative Code"), HLC is requesting a formal interpretation of the term "first grade children" as used in Section 430.3 of the North Carolina Building Code (2018) ("NCBC") and Section 320.1 of the North Carolina Fire Code ("NCFC"). The Administrative Code, NCBC, and NCFC are collectively referred to herein as the "Code."

Relevant Regulatory Language

- NCBC Section 430.3 and NCFC Section 320.1 both state: "Group E in churches, private schools and public schools. Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge."
- Childcare Rule 10A NCAC 09 .1301 states: "The North Carolina State Building Code standards for child care facilities is [sic] hereby incorporated by reference, including subsequent amendments and editions."

Copies of the above are attached hereto as Ex. A.

Background

- HLC is a five-star NC licensed childcare center in Fayetteville, NC, that offers year-round early childhood programs for children from 6 weeks through pre-K, with before- and after-school care options for school-aged children during the school year. HLC also operates a full-day summer program for school-aged children during the summer months between traditional school calendar years.
- HLC is operated in a two-story building situated within the larger Highland Presbyterian Church campus located at 111 Highland Avenue in Fayetteville. It is believed that the HLC building is classified with respect to occupancy as an Educational Group E daycare facility under the Code.
- Until recently, the HLC building was licensed for approximately 160 children, and all classrooms and other licensed spaces were located on the ground floor (the level of exit discharge). However, in early 2024, in anticipation of expanding its summer program, HLC sought licensing approval of five additional classrooms and ancillary space located on the second floor, with the intent of using the second-floor rooms for children who will be entering grades two and above next school year. In April 2024, HLC received licensing approval for the second-floor space and an additional 70 children, and proceeded to invest significant expense in furnishing and preparing the second-floor rooms for school-age use.
- In early 2025, HLC began to enroll children in its Summer 2025 program, and, for planning and roster purposes, assigned kindergarten graduates-to-be to one or more ground level classrooms, and children going into grades two and above to the second-floor classrooms, believing that first grade graduates would no longer come within the definition of “first grade children,” as used in the Code and incorporated into 10A NCAC 09 .1301 by reference.
- A question did arise regarding how HLC should treat a child who had been in first grade during the 2024-25 school year, but was retained at the end of the year, and inquiry was made to HLC’s licensing consultants with the North Carolina Division of Child Development and Early Education (DCDEE). The HLC Director was advised, that, because the regulation is maturity-based rather than a question of age, children cannot go upstairs until they have actually started second grade.
- Given the general nature of DCDEE’s response, the agency appeared to be applying this “actually started second grade language” to all then-current first graders (and not just to those who would be retained at the end of the school year as requested), and the HLC Director became concerned about the effect of the same on efforts to reconcile then-current summer program enrollment with Code-compliant classroom assignments, which she had based on her understanding that rising second graders are able to go upstairs.
- Follow-up correspondence (copies attached hereto as Exhibit B) confirmed that HLC’s area DCDEE consultants are interpreting the term “second grade children” to require an actual instructional day of second grade, and defining all children prior to that event as “first grade children and younger” under the Code, and HLC, through counsel, sought guidance from this office as to the appropriate definitions of first grade and second grade children under the Code. The Chief Code Consultant advised HLC, through counsel, to pursue an official position statement from DCDEE.
- On April 3, 2025, HLC, through counsel, e-mailed DCDEE attorneys seeking feedback on HLC’s position that: (1) even if rising second graders are not considered “second grade children” during the summer, it still

does not violate the express Code language to have them present on the second floor because they also are not “first grade children and younger” once promoted; and (2) the intent of the Code language, upon which the daycare licensing rule relies, is to treat rising second graders as “second grade children” following their last day of first grade.

- DCDEE counsel responded by e-mail on April 7, 2025, that the childcare division does not have authority to interpret Code language and deferred entirely back to Code officials, stating that DCDEE was not the correct agency to address HLC’s concern. Copies of the e-mails with DCDEE legal counsel are attached hereto as Exhibit C.
- HLC followed up with local Code enforcement officials in the City of Fayetteville and was advised to again consult with OSFM, in response to which HLC, through counsel, sought an informal interpretation from the Chief Fire Code Consultant by e-mail on April 8, 2025, and further communicated with the City of Fayetteville Fire Marshal in conjunction therewith. Copies of the correspondence with Code officials are attached hereto as Exhibit D.
- On May 9, 2025, the Engineering Division, through Mr. Charlie Johnson, provided an informal interpretation (the “Informal Interpretation”) that the definition of “first grade children and younger” includes rising second graders, and that the Code therefore requires HLC to place children who will enter second grade at the beginning of the next school in rooms on the level of exit discharge during its summer program. A copy of the Informal Interpretation is attached hereto as Exhibit E.
- HLC is now requesting a formal interpretation of the Code sections in question, on the grounds that the Informal Interpretation exceeds the permissible scope of statutory interpretation by requiring more than what appears in the Code’s plain language, and that the Informal Interpretation is inconsistent with the prevailing opinion in the education sector, which should control.

Question Presented

This request for formal interpretation is limited to the application of the first sentence of NCBC 430.3/NCFC 320.1 to the particular facts at issue and as applied to the HLC building only. More particularly, the narrow issue is whether it is a violation of NCBC 430.3/NCFC 320.1 for HLC to use rooms located on the second floor, which is one story above the level of exit discharge, for rising second grade children this summer. Thus, the decisive question is whether rising second graders, i.e., children who successfully completed first grade at the end of the past school year and were promoted to second grade, as identified (for NC public school children) by the notice of grade placement on their end-of-year (EOY) report card, still come within the definition of “first grade children and younger.”

Summary of HLC’s Position

It is clear and unambiguous that students who have successfully completed first grade are no longer “first grade children” as of the time they are promoted. Whether or not they become “second grade children” at that time is another matter that does not control the precise issue raised. These rising second-graders are plainly not in first grade anymore, and, thus, are not limited to the level of exit discharge under the common and ordinary meaning of the subject Code language, which must be given effect. Reading NCBC 430.3 and NCFC 320.1 to limit rising second graders to the level of exit discharge would entail adding more requirements than are contained in Code’s plain language, which our laws do not permit. It follows that it cannot be a violation thereof (or, by extension, N.C. Gen. Stat. § 110-91 and the Child Care Rules under Title 10A, Chapter 9 of the North Carolina Administrative

Code), for HLC to assign them to rooms on the second floor, where the use of rooms located one story above the level of discharge in a Group E building for rising second grade children does not run afoul of any part of NCBC 430.3/NCFC 320.1 or any other part of the Code. It is not necessary, then, to determine whether rising second graders are included within the definition of “second grade children” under these Code sections in order to fully address HLC’s question. However, to the extent the DOI believes that such determination is necessary, the common understanding of these terms, the Building Code Council’s intent in regulating this matter based on maturity and not age, and, most importantly, the prevailing opinion within the education sector and the implications of our schools’ EOY data entry processes overwhelmingly support treating rising second graders as “second grade children” rather than “first grade children” under the Code.

Applicable Law

The principles that control interpretation of the Code were enunciated by our Court of appeals in *In re Appeal of Med. Ctr.*, 82 N.C. App. 414, 417, 346 S.E.2d 193, 195 (1986) (*see Exhibit F*):

- In this case, the DOI’s interpretation, which would have expanded the Code’s requirements, was unsupportable, where the plain language of the Code section at issue required “emergency generator power supply” only for fans that “provide required pressurization, smoke venting or smoke control for elevator shafts and stairways and areas of refuge,” and “simply [did] not require emergency power fans that vent smoke in other parts of the building.”
- In interpreting the requirements of the Code, “[i]t is the duty of the administrative agency to apply the Code as it is written.”
- Statutory construction principles apply equally to the Building Code, such that the words used in the Code “are to be given their plain and ordinary meaning.” When the Code’s language is clear and unambiguous, it must be given effect, and its clear meaning may not be evaded “under the guise of construction.”
- While the Code is to be liberally construed in order to accomplish its purpose, the plain language of any section therein cannot be ignored, and the enforcement agencies cannot interpret the Code to require more than its plain language provides, *even if* doing so might accomplish proper life safety goals.
- A desire to defer to the interpretation of the Department of Insurance or any other agency charged with enforcement of the Code provision in question does not permit us to ignore the plain language of the Code.

Other general principles of statutory construction that apply equally to the interpretation of the subject Code sections include:

- In determining the meaning of a Code provision, we attempt to ascertain and effectuate the intent of the promulgating body, which always begins with the plain language. Unless the words used therein have acquired some technical meaning or the context otherwise dictates, they must be construed in accordance with their common or ordinary meaning. The same rule applies to administrative regulations. Unless a term is defined specifically within the regulation in which it is referenced, it should be assigned its plain and ordinary meaning.
- Thus, the Code must be construed in accordance with the ordinary and common meaning of the words used unless they have a technical meaning or a definite meaning is apparent or indicated by their context.

Undefined terms are accorded their plain meaning, which is the natural and ordinary meaning reflected by by normal layperson usage and common understanding, and is often reflected by the dictionary definition of the term.

- However, if the context of the words used in a statute or regulation indicates that they bear a technical sense or is a term of art unique to, or used specifically in, a particular industry or profession, the technical meaning rather than the plain meaning is favored if they are not consistent. When a statute or regulation uses terms applicable to a particular industry, trade, or profession, those terms will be construed in the sense in which such terms generally are used or understood in the trade, industry, or profession.
- If the Code language is clear and unambiguous, statutory construction principles are eschewed in favor of giving the words their plain and definite meaning. Canons of statutory interpretation are only employed if the language of the statute is ambiguous or lacks precision, or is fairly susceptible of two or more meanings.

Discussion

1. **The Plain and Ordinary Meaning of the Term “First Grade Children and Younger” does not include Children who have Successfully Completed First Grade and are no Longer in First Grade During the Summer Months.**

- Here, the term “first grade children” is undefined in NCBC Section 430.3, NCFC Section 320.1, and/or elsewhere in the Code (as is “second grade children”). Thus, interpretation thereof properly begins with an examination of the plain words of the term.
- Pursuant to the above-referenced principles, the term “first grade children,” as used in the Code, must be construed in accordance with its ordinary and common meaning unless it has acquired technical meaning within the specific industry or profession to which it belongs, *i.e.*, the education sector.
- Looking to the dictionary definitions, as used in the U.S., a “first-grader” is “a child in the first grade,” and “first grade” is “the first school year after kindergarten” and/or “relating to the first school year after kindergarten.” Thus, the dictionary definition of “first grade children” relates to said status during the school year.
- The plain and ordinary meaning, as it is commonly understood in regular speech, is further informed by customary discourse and practices at the end of the school year and during summer break (by both laypersons and education professionals), e.g.:
 - Teachers at kindergarten graduation at the end of the year refer to the students as, and congratulate them on becoming, first graders now.
 - Signs say and parents and teachers cheer, “Welcome to Middle School!” during the fifth-graders’ “clap-out” procession out of the elementary school doors on the last day of school. Down the road on the last day of school, parents of promoted eight grade students cannot believe their child is already in high school and refer to him or her as a high schooler throughout the summer.
 - Student athletes who have sports tryouts or practice during the summer tryout for, and/or practice with, the team that is consistent with the grade they will be in when school starts, notwithstanding that they have not actually attended the first day of school in that grade. For example, eighth grade

graduates may tryout for the ninth-grade team during the summer; ninth grade students who were retained the prior school year may tryout for/practice with the ninth-grade team during the summer; rising tenth grade students would not.

- NCDPI literature on NC's Career and College Promise Program, which it defines as a dual enrollment "for high school students," states that rising ninth-graders are eligible to apply and that high school graduates are not, thus considering students to be in the grade of promotion or out of high school as of EOY. (See Exhibit G)
- Summer camps that enroll by grade rather than age tend to enroll based on rising grade level. This includes camps sponsored by schools (e.g., NC State and a local Fayetteville private school), thus reflecting the common understanding in the education sector to be "forward looking." (See, e.g., Exhibit H)
- More generally, both lay and education industry-specific understanding is that once the requirements of a certain educational status are successfully met, the person who completed those requirements and is eligible for the next level, if any, does not remain in that prior educational status. Moving beyond the prior level does not require actually beginning the next one, e.g.:
 - After eighth grade, one is not still a middle schooler in the summer. Graduating seniors are not called twelfth grade children (or high school students altogether) following graduation, whether or not they have postsecondary education plans or not. A college freshman who successfully completes the requisite number of credits his first year of college is simply no longer a freshman at the end of second semester; to the contrary, he is a sophomore, regardless of whether he starts taking his next courseload in the summer, the fall, or otherwise, unless and until he completes his sophomore year requirements or unenrolls.
 - Guidance from the undergraduate college admission application known as the Common Application (or the "Common App") advises students to list courses, activities, and jobs that take place over the summer under the year for the rising grade. (See Exhibit I).
 - This is consistent with the general and education sector understanding that the summer before x grade is considered part of x grade. When someone says 10th grade summer, they mean the summer after 9th grade. A college student who refers to their "sophomore summer" is talking about the summer before sophomore year. (See Exhibit J, from Vanderbilt University)

The above principles applied here readily establish that school-aged children's grade level status is dictated by EOY placement. For students who are promoted to second grade, as of the last instructional day, first grade is over. The grade level is completed, and they are no longer "first grade children" (or younger). As in *In re Appeal of Medical Center*, the DOI's practice of routinely interpreting the Code "to insure the maximum life safety" cannot supplant the Code language when it is clear and unambiguous. Recognizing that "the Building Code is to be liberally construed in order to accomplish its purpose," the Court of Appeals stressed that the plain language of the Code cannot be ignored, even if "proper life safety is accomplished" by measures not required therein, and refused to interpret the Code "to require more than is provided in its plain language. See Exhibit F ("[I]f the Building Code Council had intended to make the emergency power requirement applicable to fans providing smoke venting or smoke control throughout the building, the Council would have used language other than language specifying that the requirement applies only to stairways, elevator shafts and areas of refuge."). Similarly, if the Building Code Council had intended to make the level of exit discharge requirement applicable to rising second graders or any

other child beyond first grade, the Council would have used different language than “first grade children and younger.”

2. Still, to the Extent there is Any Ambiguity in the Interpretation of “First Grade Children” During the Summer Months, the Ambiguity Must be Resolved in Favor of Defining Rising Second Graders as “Second Grade Children” in Accordance with the Education Sector’s Understanding and End-of-Year Practices and to Give Effect to the Legislative Intent.

A. The Education Sector’s Treatment of Student Status During Summer

Any question about the plain meaning of “first grade children” (or “second grade children”) as used in the Code, should be resolved by deferring to the education sector, and, particularly, the applicable department of public instruction and local school district. Notwithstanding that these terms appear in the building and fire codes, they belong to education and carry the meaning accorded them within the education profession and industry, even when adopted by other agencies. We can glean the education sector’s position as to grade level status between instructional terms by looking to: (i) Federal court decisions under the IDEA; (ii) NCDPI commentary on EOY processes; and (iii) the understanding of education professionals, including principals, teachers, and data managers are instructive.

(i) IDEA Cases re: “Current Educational Placement”

Several federal courts have addressed what a student’s “current educational placement” under the Individuals with Disabilities Education Act (“IDEA”), is during the summer or otherwise between operative placements of actual instruction. HLC acknowledges the contextual distinctions, but the rationale is markedly similar and equally applicable here in interpreting the comparable question of what a student’s grade level placement is in between academic years.

- Background: School districts subject to IDEA place children with qualifying disabilities throughout the school year and develop Individualized Education Programs (IEPs) for those children on an annual basis. If parents request a due process hearing to challenge a proposed IEP, the child must “stay put,” i.e., remain in the then-current educational placement during the pendency of the due process action, unless the school district and parents agree otherwise. However, the IDEA does not define “then-current educational placement.”
- The courts that have addressed the meaning of “then-current educational placement” generally agree that the last-implemented IEP in place when an action is filed describes the child’s then-current educational placement. What that means during the summer or otherwise following the termination of a prior placement but prior to actually beginning the next has been addressed in the following:
 - *N.E. by & through C.E. & P.E. v. Seattle Sch. Dist.*, 842 F.3d 1093, 1096 (9th Cir. 2016) (copy attached as Exhibit K).
 - School district produced IEP in May 2015, placing student in an individual class for the rest of the 2014–15 school year, and then a self-contained class for the 2015–16 school year, and the parents requested a hearing during the summer.
 - **The pivotal issue was what educational placement was “then-current” in the summer of 2015 but before the 2015-16 school year began.**

- The Court noted that the reading **most consistent with the ordinary meaning** of the phrase “then-current educational placement” refers to the educational setting in which the student is **actually enrolled at the time**, but that “two conceptual difficulties complicate the analysis”: (1) **during the hiatus between school years, it is artificial to refer to a current placement; “literally, there is none”**; and (2) when **in between stages**, “determining the ‘then-current educational placement’ **requires one to look either backward or forward**.”
 - The parents argued that the 2015-16 placement could not be the “current educational placement” during the summer because physical enrollment had not yet occurred and that placement had not actually been implemented.
 - The Court expressly rejected this argument and found it decisive that the student had already been placed for the following school year and was scheduled to start:
 - First, and more importantly, the IEP was implemented, and **stage two was always the intended setting in which N.E. would begin the 2015–16 school year**, effective September 1.
 - Second, we commonly think of education as ***forward-looking***; we refer to a child who has completed fourth grade and is about to enter fifth grade as a **“rising fifth grader.”**
 - **Thus, the status quo during the summer was the anticipated entry into the placement set to begin the following academic year, pursuant to the “placement decision” made near the end of the prior academic year.**
- *Sch. Comm. of Town of Burlington, Mass. v. Dep't of Educ. of Mass.*, 471 U.S. 359 (1985)
- Parents rejected IEP’s public school placement for the upcoming school year and requested a hearing during the summer.
 - Parents enrolled the child in a private school and started him there in September.
 - The district court found the public school to be the then-current educational placement during the summer, “**even though strictly speaking there was no actual placement in effect during the summer**” because all parties agreed the student was **finished with his prior school** and the school district “**itself proposed in the IEP to transfer him to a new school in the fall.**”
 - The United States Supreme Court assumed that the public school, proposed in the IEP, was the “then current educational placement” in the summer, “when both the Town and the parents had agreed that a new school was in order.”
- *Verhoeven v. Brunswick Sch. Comm.*, 207 F.3d 1, 10 (1st Cir. 1999); *Millay v. Surry Sch. Dep't*, 584 F. Supp. 2d 219, 230 (D. Me. 2008).

- Where the “stay put provision” is designed to preserve the status quo pending resolution of a challenge under the IDEA, the status quo as “the last placement that the parents and the educational authority agreed to be appropriate.”

(ii) *The End-of-Year Process*

The NC public schools’ EOY processes, as determined by the North Carolina Department of Public Education (NCDPI), give us one of the best, if not the best, indicators of the education sector’s view on the issue presented. NCDPI guidance on Infinite Campus and PowerSchool, the current and legacy NC Student Information System (NCSIS) platforms, is particularly instructive, as are its bulletins regarding EOY procedures. These NCDPI resources clearly reflect the “forward-looking” nature of education, and support an interpretation that favors defining rising second graders as “second grade children” during the summer under the subject Code provisions. Excerpts from NCDPI guidance regarding EOY data collection in InfiniteCampus and PowerSchool (attached as Exhibit L) describe the local end EOY processes:

- **Before the last instructional day** of the current year, in anticipation of rolling forwards enrollments:
 - **Promotion and retention decisions are made** (“Students are retained or promoted at the end of the school year.”)
 - Future calendars are created for the next school year, with start date of 7/1/20yy, and rolled forward
 - Grade levels for the next school year are assigned and, together with student enrollments, are rolled forward
 - “Students are retained or promoted **at the end of each school year**. In NCSIS, the future enrollment information is **used to determine the status of a student’s next year enrollment**. . . . The student’s next grade will determine whether the student will be assigned a promotion or retention local end status when the calendar is rolled forward for the new year.”
- **After the last day of school**, and typically within a few weeks thereafter (*see Exhibit M*):
 - Retention enrollments are updated
 - As retention status changes, e.g., by summer school promotion, fulfillment of course work, other requirements, student’s promotion/retention status is changed and the new status takes effect, e.g. EOY Retained becomes EOS Promoted
 - Following the last instructional day, enrollments are rolled forward into the future school year, and enrollments for the current year are “ended” during the EOY process.
 - The “end date” for the current year enrollment is the last instructional day of the calendar.
 - Enrollments are “ended” as of the last instructional day
 - Thus “**EOY Status**” will be “**Promoted**” or “**Retained**” as of the Enrollment End Date, which is the same as the **Last Instructional Day**

- Students promoted through the InfiniteCampus enrollment roll forward process completed at EOY “automatically have an enrollment record that reflects that promotion.”
- The Active Year is updated on the local end after all EOY local-end tasks are complete, which must occur prior to 6/30
 - Prior PowerSchool EOY guidance stated: “All active students at all schools must be transitioned with a valid next school and next grade level prior to June 30.”
- NCDPI switches the active year to the new future year on the state level on 6/30.

The chart below from prior PowerSchool guidance illustrates the correlation between the EOY processes and a student’s enrollment status:

Traditional School

| Situation | Example | Current Grade | Next Grade | Next School | Notes |
|---|--|---------------|------------|--|---|
| Graduating Student | Highest grade level, graduating out of school | | 99 | Graduated Students School, field 999999 | After EOY, student will be inactive and graduated. See Graduated student activities on EOY Checklist. |
| Student in highest grade level, moving to next school and next grade (promoted) | 8 th grade middle school student promoted to 9 th grade, high school | 8 | 9 | Default high school within the student's current LEA | Student will be pre-registered until the calendar's first day of school. |
| Student in the highest grade level, retained | 8 th grade middle school student retained in 8 th grade | 8 | 8 | Current middle school | Student will be pre-registered until the calendar's first day of school. |
| Promoted student, same school (not graduating) | 3 rd grade student promoted to 4 th grade | 3 | 4 | Current school | Student will be pre-registered until the calendar's first day of school. |
| Retained student, same school | 3 rd grade student retained in 3 rd grade | 3 | 3 | Current school | Student will be pre-registered until the calendar's first day of school. |

current educational placement in the summer is thus the *intended* setting, including school, grade level, special programs, etc., in which the student will begin the next academic year, unless and until that placement changes (e.g., no-show, relocation, etc.). Similar guidance from other educational agencies (DoDEA and the Florida Department of Education) is attached as Exhibit K-1 in support of the position that, in the education sector, a student's EOY/EOS grade promotion status results in a change in the student's grade assignment as of the end of the regular school year (or the summer, as the case may be).

(iii) *School Professionals*

Local school administrative professionals, educators, and data managers agree, based on rationale akin to the reasoning in the Seattle School District case, and based on EOY processes and their activities following the last instructional day, that the grade placement label on the students' EOY report card identifies the student's current educational status as of the last day of school and during the summer. The fact that the placement will not actually begin until the first day of school in the fall is not controlling, as they share the view that education is forward looking.

The attached statement from Elizabeth Blue, Principal at Raleigh Road Elementary School in Linden, Cumberland County, NC (*see Exhibit M*) wholly endorses HLC's position. Ms. Blue's statement describes her understanding, based on her first-hand knowledge and 15 years of experience as an educator and school administrator, that, as of EOY, students who are promoted are considered to be in the grade level they will enter next school year. Her view is particularly instructive with respect to the subject question of how to define first grade graduates/rising second graders during the summer. This is due to the unique nature of Raleigh Road Elementary as a kindergarten through first grade school, so her EOY processes for rising second graders involve not only transitioning their enrollment statuses to second grade but also transferring their files to another school, all of which happens by early to mid-June. The details provided by Ms. Blue support the position that NC students' EOY grade placement on their report card is equivalent to the "placement decision" in the 9th Circuit case. It is the *anticipated entry* into the placement set to begin the following academic year, pursuant to the "placement decision" made near the end of the prior academic year, that defines the student's grade level during summer break. Ms. Blue further opines that this is the prevailing opinion within the education industry. Conversations with multiple education professionals, including a second-grade teacher and the data manager at another K-1 Cumberland County school, suggest that many individuals in this field share Ms. Blue's understanding and opinion of the education sector generally.

B. Intent of the Building Code Council to Serve Maturity-Based Purpose

Treating rising second graders as "second grade children" under the Code is further consistent with the intent of the subject provisions, in light of the fact that the Building Code Counsel chose to regulate children's proximity to the exits based on grade level rather than age. Age does not control grade level or promotion: at the beginning of the school year, some of the children starting second grade may still be 6 years old. Some will already be 8, maybe older. Rather, achieving promotion from first grade necessarily means that the school has determined that child to be ready for second grade as of the end of his/her first-grade year, which readiness is determined by academic progress and the student's physical, social, and emotional maturity. (*See Exhibit N*). Thus, a student who has demonstrated that readiness in May of any given year is just as ready, if not more (due to the "summer slide/slump"), for second grade in the summer as he or she will be at the end of August. It is therefore entirely consistent with the Building Code Council's intent—in regulating Group E building use based on grade level rather than age alone—to define "first grade children and younger" as those children who have not yet been promoted to second grade, and to define "second grade children" to include both children currently enrolled in second grade and rising second graders as of the time of promotion from first grade.

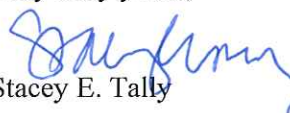
Conclusion

There is no question that the term “First grade children and younger” includes children for whom first grade is the operative placement under which they are actually receiving instruction, i.e., children actually in first grade from the first instructional day throughout the last instructional day. The question of whether that term includes children between first and second grade is answered with a resounding “no.” the foregoing discussion establishes that, at the expiration of the last instructional day, the ordinary and common meaning of the term “first grade children and younger” ceases to include children who are promoted to second grade. They are no longer first grade children once the second-grade placement decision is made. This lay understanding is consistent with the meaning within the education profession and education industry, so the Code’s usage of this language must be construed in accordance therewith. This interpretation is sufficient to answer the narrow question presented and conclude that it does not violate NCBC, Section 430.3 or NCFC, Section 320.1 for HLC to use its second-floor rooms for rising second graders, regardless of whether they are “second grade children” because they clearly are not “first grade children.” There is simply nothing in the express, unambiguous language of the Code sections at issue that precludes HLC from using rooms located on the floor that is one story above the level of exit discharge for rising second graders, and it is not within the purview of any agency or our Courts to fill in language that does not exist in the Code. This is true, as the NC Court of Appeals recognized in *In re Appeal of Medical Center*, even if one or more agencies charged with enforcing the subject Code sections (or regulating the childcare industry based thereon) desire(s) an interpretation that defines rising second graders as “first grade children.” The plain language just does not support that, and a desire to defer to the interpretation of CDCEE does not permit the Department of Insurance (or the Building Code Council or our superior courts, as the case may be) to ignore the plain meaning of the words actually used in the Code.

To the extent that children in between first grade and second grade have to be defined as one or the other, the forward-looking nature of education, as informed by EOY processes and education professionals, overwhelmingly weighs in favor of defining them as “second grade children” during the summer (or other hiatus from school). This interpretation is further consistent with the Building Code Council’s maturity-based purpose in electing to use grade-level language in these Code sections as the defining factor. Students who are promoted to the next grade level at the end of any given academic year have successfully completed the requirements and otherwise met the promotion standards for that grade. The grade placement for the following year is the “last placement” that the educational authority deemed appropriate for the child and attaches to the child at the end of the prior year.

With kindest regards I am

Very truly yours,



Stacey E. Tally

Enclosures

cc: David Bruce Rittlinger, PE, LEED AP, OSFM Division Chief (via e-mail: david.rittlinger@ncdoi.gov)
Client

2018 North Carolina State Building Code: Building Code

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

430.3 Group E in churches, private schools and public schools.

Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge.

Chapter 3 General Requirements: General Requirements, North Carolina Fire Code 2012 | UpCodes

320.1 Group E in Churches, Private Schools and Public Schools

Rooms used for **first grade children and younger** shall be located on the **level of exit discharge**. Rooms used for second grade children shall not be located more than one *story* above the *level of exit* discharge.

CHAPTER 09 - CHILD CARE RULES

EFFECTIVE NOVEMBER 1, 2024

SECTION .0100 - DEFINITIONS

10A NCAC 09 .0101 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0102 DEFINITIONS

The terms and phrases used in this Chapter are defined as follows:

- (1) "Activity area" means a space that is accessible to children and where related equipment and materials are kept in accordance with G.S. 110-91(12).
- (2) "Agency" as used in this Chapter means Division of Child Development and Early Education, Department of Health and Human Services located at 333 Six Forks Road, Raleigh, North Carolina 27609.
- (3) "Appellant" means the person or persons who request a contested case hearing.
- (4) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40 C.F.R. 763.88(b)(1)-(6).
- (5) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project.
- (6) "Biocontaminant" means blood, bodily fluids, or excretions that may spread infectious disease.
- (7) "Child Care Center" means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This does not include arrangements described in Item (18) of this Rule regarding Family Child Care Homes.
- (8) "Child Care Facility" means child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
- (9) "Child care provider" as defined by G.S. 110-90.2(a)(2) includes the following employees who have contact with the children in a child care program:
 - (a) facility directors;
 - (b) child care administrative staff;
 - (c) teachers;
 - (d) teachers' aides;
 - (e) substitute providers;
 - (f) uncompensated providers;
 - (g) cooks;
 - (h) maintenance personnel; and
 - (i) drivers.
- (10) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- (11) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidenced-based, and with a reading component.
- (12) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- (13) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- (14) "Domains" means the developmental areas of learning described in the North Carolina Foundations for Early Learning and Development © 2013, available on the Division's website at https://ncchildcare.nc.gov/providers/pv_foundations.asp. This instrument is incorporated by reference and does not include subsequent editions. The domains address children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development.
- (15) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.

*Amended Eff. July 1, 1998; July 1, 1988;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0709);
Amended Eff. February 1, 2021.*

SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .1301 BUILDING CODE REQUIREMENTS FOR CENTERS

The North Carolina State Building Code standards for child care facilities is hereby incorporated by reference, including subsequent amendments and editions. The current Code may be found online at http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Current_and_Past&user=State_Building_Codes.

*History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .1302 BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .1303 BUILDING CODE REQUIREMENTS FOR SMALL GROUP FACILITIES LICENSED PRIOR TO 7/1/88

*History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1987;
Repealed Eff. October 1, 2017.*

10A NCAC 09 .1304 REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN A RESIDENCE

*History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. April 1, 2001;
Repealed Eff. October 1, 2017.*

SECTION .1400 - SPACE REQUIREMENTS

10A NCAC 09 .1401 INDOOR SPACE

- (a) As used in this Rule, the term "Primary Space" means the indoor space designated by the operator that will be used by children who attend the center. It shall be used to calculate a center's licensed capacity.
- (b) The Division shall calculate the total area of the Primary Space by measuring the Primary Space or by reviewing current drawings of the space that have been signed and sealed by an architect or engineer licensed to practice in the State of North Carolina.
- (c) All measurements of the Primary Space shall be rounded to the nearest inch.
- (d) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care the dining area of a kitchen may be counted as Primary Space if it is used for children's activities in addition to eating.
- (e) The following spaces shall not be included in the designation or measurement of Primary Space:
 - (1) closets;
 - (2) hallways;
 - (3) storage areas;
 - (4) kitchens;
 - (5) bathrooms;
 - (6) utility areas;
 - (7) thresholds;
 - (8) foyers;
 - (9) space used for administrative activities;
 - (10) space occupied by adult-sized desks, cabinets, file cabinets, and other office equipment;



From: HLC Director <hlcdirector10@gmail.com>
Sent: Thursday, March 13, 2025 1:43 PM
To: Pridgen, Yolanda A <yolanda.pridgen@dhhs.nc.gov>; Blackmon, Rhonda <rhonda.blackmon@dhhs.nc.gov>
Subject: [External] Learning Center Upstairs

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello Ladies,

I am seeking clarification as soon as possible regarding the regulation on grade-level placement for children enrolling in the summer program.

As I understand it, once a child has fully completed 1st grade, they may no longer be considered a 1st grader. However, I am uncertain whether this means they would automatically be classified as a 2nd grader for purposes of program enrollment. The current regulation seems open to interpretation, and I want to ensure that I am following the appropriate guidelines when enrolling children for the upcoming summer program.

Could you kindly clarify whether a child is considered a 2nd grader once they have completed 1st grade, or if there are any other factors that should be considered for enrollment? It was my understanding that rising 2nd graders are able to go upstairs.

Thank you for your time and assistance. I look forward to your guidance on this matter.

Diana Bunton

Director

----- Forwarded message -----

From: **Pridgen, Yolanda A** <yolanda.pridgen@dhhs.nc.gov>

Date: Thu, 13 Mar 2025 at 16:07

Subject: RE: [External] Learning Center Upstairs

To: HLC Director <hlcdirector10@gmail.com>, Blackmon, Rhonda
<rhonda.blackmon@dhhs.nc.gov>

Hi Ms. Bunton,

Thank you for your inquiry. Based on our findings from Cumberland County building inspectors, it was determined that 2nd grade and above doesn't begin until the child has started the 2nd grade and applies only to those actually in the 2nd grade. This requirement lives in Building Codes for the state and NC General Statutes 110-91 says "All child care facilities shall comply with all State laws and federal laws and local ordinances that pertain to child health, safety, and welfare." I hope this is helpful to you moving forward.

Also, if you have additional questions or concerns, feel free to contact Mary E. Datka, Licensing Supervisor, at 910-824-0790.

Thank you again,

Yolanda Pridgen

From: [Stacey Tally](#)
To: [Davis, Amber](#); stackett@ncdoj.gov
Subject: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Thursday, April 3, 2025 9:45:19 AM
Attachments: [CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY.pdf](#)
[Chapter 9 Child Care Rules effective November 1, 2024.pdf](#)
[image004.png](#)

Good morning, Ms. Davis and Ms. Tackett,

I had your contacts from an OAH matter (involving a different childcare facility) that we worked on together a few years ago, so I hope you don't mind me reaching out to you for some guidance regarding the regulatory interpretation discussed in the e-mails below, or even just some direction regarding who I should reach out to.

To quickly summarize, I am assisting Diana Bunton, the Director of licensed childcare facility, Highland Learning Center ("HLC"), located in Fayetteville, navigate a summer program enrollment issue that requires fairly prompt attention. Believing that first grade graduates would no longer come within the definition of "first grade children," as used in NC Building Code (the "Code") Section 430.3 (copy attached) and incorporated into 10A NCAC 09 .1301 by reference (copy attached), Ms. Bunton enrolled several rising second graders-to-be in HLC's Summer program, and did so with the intention of placing them in one of several second-floor classrooms. Following an inquiry about how children retained in first grade would be classified under this Code/licensing provision, Ms. Bunton reached out to her licensing consultants for advice. She was told that, because it is a maturity, and not an age, question, children cannot go upstairs until they have actually started second grade, which caused Ms. Bunton concern about how this "actually started second grade" language would affect her summer enrollment generally. The e-mails below followed, and, as you can see from their response, our area consultants have determined that rising second graders are not treated as "second graders" for building code, and thus licensing, purposes, until their first day of second grade.

Even under this interpretation, I do not believe that it is violation of the express language of the Code for rising second graders to be present on the second floor. They are no longer in first grade once they are promoted, and thus do not fall within the scope of the first sentence of Code Section 430.3. Are you able to confirm?

But, I also believe that the better interpretation of the Code language, upon which the licensing rule relies, is that the intent is to treat rising second graders as "second grade children" following their last day of first grade, and would also like to ask if there a fairly expedient way to obtain a higher level of review of the consultants' position? HLC believes their interpretation is incorrect for several reasons. Initially, the Building Code section does not specifically define first or second grade, or otherwise speak to what that means for traditional school calendar children in the summer, so we look to the plain and ordinary meaning of those terms as commonly understood in popular use. It is commonly understood that once a student passes a grade, he or she is no longer in that grade, and the interpretation in the e-mail below is inconsistent therewith. Second, if the use of "first grade" and "second grade" without expressly defining when the transition happens is ambiguous, I think

that statutory construction principles clearly lean toward an interpretation that, for Code purposes, first graders become second graders at the end of the school year if they are “promoted” and remain first graders throughout the summer if they are “retained” (unless their attendance at summer school results in a promotion). It seems to me that the education sector would be the authoritative source for guidance, and the NC Department of Public Instruction’s comments on retention and promotion are instructive, if not decisive. Students are retained or promoted at the end of each school year, and if they are promoted, they are no longer in that grade for enrollment purposes. This interpretation also meets the stated maturity purpose of the Code provision, given that students are promoted if they meet the requirements to go to the next grade, which is determined at the end of the school year.

Any feedback you have would be most appreciated. And, of course, if there is a proper channel for seeking a more formal interpretation or advisory opinion, please advise and I will follow the protocol. I just did not know exactly where to begin!

Thank you,
Stacey Tally



Stacey E. Tally
Associate Attorney

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(910) 426-9500 (facsimile)
stacey@playermclean.com

Effective January 16, 2024, our new office address will be 1019 Hay Street, Fayetteville, NC 28305. Our PO Box, phone and emails will remain the same.

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From: [Davis, Amber](#)
To: [Stacey Tally](#); [Tackett, Sarah](#)
Subject: RE: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Monday, April 7, 2025 4:02:11 PM
Attachments: [image003.png](#)

Stacey,

Thank you for reaching out. Unfortunately, I'm not sure that I'm going to be of much help.

It is my understanding that while licensing staff were communicating an interpretation of the Building Code, it was not their interpretation, but that of the building inspectors. Frankly, this is not DCDEE's lane. DCDEE requires that programs adhere to federal, state, and local requirements and obtain proper inspections, but they don't determine whether a program is in compliance with building code. So, the information that was being shared came from Cumberland County and is what we'd enforce.

Bottom line, I don't think DCDEE is the correct agency to address your concern and I'd suggest you contact the local inspections department.

Amber

From: Stacey Tally <stacey@playermclean.com>
Sent: Thursday, April 3, 2025 9:45 AM
To: Davis, Amber <AlDavis@ncdoj.gov>; Tackett, Sarah <stackett@ncdoj.gov>
Subject: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3

Good morning, Ms. Davis and Ms. Tackett,

I had your contacts from an OAH matter (involving a different childcare facility) that we worked on together a few years ago, so I hope you don't mind me reaching out to you for some guidance regarding the regulatory interpretation discussed in the e-mails below, or even just some direction regarding who I should reach out to.

To quickly summarize, I am assisting Diana Bunton, the Director of licensed childcare facility, Highland Learning Center ("HLC"), located in Fayetteville, navigate a summer program enrollment issue that requires fairly prompt attention. Believing that first grade graduates would no longer come within the definition of "first grade children," as used in NC Building Code (the "Code") Section 430.3 (copy attached) and incorporated into 10A NCAC 09 .1301 by reference (copy attached), Ms. Bunton enrolled several rising second graders-to-be in HLC's Summer program, and did so with the intention of placing them in one of several second-floor classrooms. Following an inquiry about how children retained in first grade would be classified under this Code/licensing provision, Ms. Bunton reached out to her licensing consultants for advice. She was told that, because it is a maturity, and not an age, question, children cannot go upstairs until they have actually started second grade, which caused Ms. Bunton concern about how this "actually started second grade" language would affect her summer enrollment generally. The e-mails below followed, and, as you can see from their

From: [Stacey Tally](#)
To: ["charlie.johnson@ncdoi.gov"](mailto:charlie.johnson@ncdoi.gov)
Cc: ["hlcdirector10@gmail.com"](mailto:hlcdirector10@gmail.com); ["pak.yip@ncdoi.gov"](mailto:pak.yip@ncdoi.gov)
Subject: FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Tuesday, April 8, 2025 10:14:17 AM
Attachments: [image003.png](#)

Good morning, Mr. Johnson,

I am assisting Highland Learning Center mostly as a parent and a little bit as a lawyer in navigating the interpretation of Code Section 430.0, and what that means for summer enrollment of children in between first and second grades. I am following up on a voicemail I just left you with the correspondence below for some context.

I just spoke with City of Fayetteville Code Inspections, and the recommendation was that we consult your office for guidance. I actually did talk to Mr. Yip last week about the issue, and he was so helpful, so I am looping him back in as well. Pursuant to his suggestion, I sought an interpretation or advisory opinion from NCDCEE legal, and it appears that they are deferring back to Code Enforcement. And I understand that Ms. Bunton received a message from you yesterday, so I figured I would go ahead and reach out to you directly.

If you had a moment to review the e-mail communications below and share any feedback, I would very much appreciate it. Otherwise, is there a way to requested an expedited formal interpretation?

Thank you for any assistance you can provide.

Best regards,
Stacey Tally



Stacey E. Tally
Associate Attorney

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Fayetteville, North Carolina 28305
(910) 426-5291
(910) 426-9500 (facsimile)
stacey@playermclean.com

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From: Davis, Amber <AIDavis@ncdoj.gov>

Sent: Monday, April 7, 2025 4:02 PM

To: Stacey Tally <stacey@playermclean.com>; Tackett, Sarah <stackett@ncdoj.gov>

Subject: RE: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3

Stacey,

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Bottom line, I don't think DCDEE is the correct agency to address your concern and I'd suggest you contact the local inspections department.

Amber

From: Stacey Tally <stacey@playermclean.com>

Sent: Thursday, April 3, 2025 9:45 AM

To: Davis, Amber <AIDavis@ncdoj.gov>; Tackett, Sarah <stackett@ncdoj.gov>

Subject: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3

Good morning, Ms. Davis and Ms. Tackett,

From: [Stacey Tally](#)
To: justinmclaurin@fayettevillenc.gov
Cc: [HLC Director](#)
Subject: FW: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Thursday, April 24, 2025 3:31:00 PM
Attachments: [image009.png](#)
[CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY.pdf](#)
[Chapter 9 Child Care Rules effective November 1, 2024.pdf](#)

Hi Mr. McLaurin,

I understand that you spoke with Diana Bunton earlier this afternoon regarding the fire code interpretation issue that Highland Learning Center (HLC) is attempting to navigate. I believe she mentioned that I am assisting her, and I wanted to reach out to say hello and that we very much appreciate your willingness to help us with this matter.

It sounds like you understand our position, and I am sure that Ms. Bunton articulated it perfectly, but I wanted to pass along my e-mails with NCDCCDEE attorneys, Amber Davis and Sarah Tackett, and with State Fire Marshal's Office Code Consultant, Charlie Johnson, for your reference. The e-mail chain below (which also includes e-mails between Ms. Bunton and HLC's child care consultants) gives a little bit of background as to how this issue arose, and summarizes HLC's interpretation of Code Section 430.0 and what the language in used in the Code means for rising second graders during the summer. I tried to be concise in communicating our position by e-mail, but I am more than happy to discuss further if you have any questions or would like me to expand upon our reasoning below. For what it is worth, I spoke with NC Chief Building Code Consultant Pak Yip a few weeks ago, and he tended to agree that it made more sense to treat promoted first graders as second graders during the summer but referred me to the childcare folks. As you can see, the childcare folks are clearly deferring to the Code folks, so any written guidance you could provide would be invaluable.

Please don't hesitate to call or email me if you would like to further discuss.

Best regards,
Stacey Tally



Player McLean, LLP
—ATTORNEYS—

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Associate Attorney

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Fayetteville, North Carolina 28305
(910) 426-5291
(910) 426-9500 (facsimile)
stacey@playermclean.com

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From: Stacey Tally <stacey@playermclean.com>

Sent: Tuesday, April 8, 2025 10:14 AM

To: Johnson, Charlie E <charlie.johnson@ncdoi.gov>

Cc: hlcdirector10@gmail.com; Yip, Pak <pak.yip@ncdoi.gov>

Subject: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3

Some people who received this message don't often get email from stacey@playermclean.com. [Learn why this is important](#)

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From: [Justin T. McLaurin](#)
To: [Stacey Tally](#)
Cc: [HLC Director](#)
Subject: Re: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Friday, April 25, 2025 3:32:34 PM
Attachments: [image009.png](#)
[Outlook-mwfeiq0l.png](#)
[Outlook-fgaqlsyc.png](#)
[Outlook-4ynvvgbp.png](#)

Thank you, Yes ma'am we are working on a solution with the state and the Chief Building Official for the City. Hopefully soon we will have an resolution in the matter. The only update I have at this time is I have spoken to OSFM and provided all details that have been given to me. Once we have a answer we will provide it in writing.

If you have any question or concerns please reach out to me.



Justin T. McLaurin

Fire Marshal

Fire Department

5091 Santa Fe Dr. Fayetteville NC, 28303

Office: 910-433-1347 | Mobile: 910-964-8687

E-mail: JustinMcLaurin@Fayettevillenc.gov

Web: www.FayettevilleNC.gov

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From: Stacey Tally <stacey@playermclean.com>
Sent: Thursday, April 24, 2025 3:31 PM
To: Justin T. McLaurin <JustinMcLaurin@FayettevilleNC.Gov>
Cc: HLC Director <hlcdirector10@gmail.com>
Subject: FW: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3

Hi Mr. McLaurin,

I understand that you spoke with Diana Bunton earlier this afternoon regarding the fire code interpretation issue that Highland Learning Center (HLC) is attempting to navigate. I believe she mentioned that I am assisting her, and I wanted to reach out to say hello and that we very much appreciate your willingness to help us with this matter.

From: [Stacey Tally](#)
To: [Justin T. McLaurin](#); [Yip, Pak](#); [Johnson, Charlie E](#)
Cc: [Director HLC](#)
Subject: RE: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Tuesday, May 6, 2025 10:16:00 AM
Attachments: [Chapter 3 Use and Occupancy Classification.pdf](#)

All – Just in case it is helpful, I am attaching a few pages from what is admittedly another state’s building code (Oregon), but I think that the definition of “school age” (see page 40) is instructive, given that the Oregon code, just like the NC Building Code, is a fully integrated code based on the IBC. The definitions section in the attached actually addresses summer months and states that school age “*during the months of summer vacation from school, means of an age eligible to be enrolled in first grade or above in the next school year,*” the logical application being that any time that Code regulates a facility or its use based on children’s grade in school, it is the grade in which the student is enrolled during the school year that controls during said school year, and the grade in which the student *will be enrolled* in the *next school year* that controls during the summer.



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—ATTORNEYS—

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From: [Johnson, Charlie E](#)
To: [Stacey Tally](#); [Justin T. McLaurin](#); [Yip, Pak](#)
Cc: [Director HLC](#); [Rittlinger, David B](#); [Senada, Hany A](#)
Subject: RE: [External] FW: Childcare Regulation Interpretation question - 10A NCAC 09 .1301 and NC Building Code section 430.3
Date: Friday, May 9, 2025 10:10:02 AM
Attachments: [image001.png](#)
[Fw External Grade Level Clarification .msg](#)

Ms. Tally,

I apologize for the length of time it has taken to provide a response to your request. As you know, Sections 430.3 in the NC Building Code and 320.1 in the NC Fire Code states:

Group E in churches, private schools, and public schools. Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge.

The language in this section uses grade level as the determining factor for classroom location requirements but does not specify whether this refers to the grade completed or the grade about to be entered, nor does it address periods outside the standard academic year, such as during summer breaks.

The code intent for restricting younger children to the level of exit discharge is life safety. Younger children typically require more time and assistance to evacuate a building during an emergency. The code aims to minimize evacuation challenges by keeping the younger children closest to the exits without the requirement for traversing stairs.

As Rhonda Blackmon from Division of Child Development stated in an email from April 25th (attached), ““2nd grade and above” applies only to children that have entered 2nd grade or higher and attended at least 1 day.”

I appreciate the information you provided below from the Oregon Building Code but it is apparently derived from a state licensing requirement for family child care homes and group child care homes located in a private residence and would not be applicable in North Carolina.

In matters of building safety and code compliance, particularly where ambiguity exists, the standard practice is to adopt the more conservative approach that provides the highest level of safety. Applying the requirement for "first grade children and younger" aligns with these thresholds and students who have completed first grade but have not yet begun second grade shall be classified under the "first grade children and younger" category for the purposes of applying Sections 430.3 and 320.1 during a summer program.

Therefore, rooms occupied by these students for the summer day program should be located on the level of exit discharge to ensure compliance with the intent and safety objectives of the 2018 North Carolina State Building Code.

Please let me know if additional assistance is needed.

Charlie Johnson
Chief Fire Code Consultant



North Carolina
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0094

Codes may be viewed for free at: <https://codes.iccsafe.org/codes/north-carolina>

Approved Amendments to these codes: <https://www.ncosfm.gov/codes/codes-current-and-past>

NCDOT Web Interpretations: <https://www.ncosfm.gov/interpretations>

From: [Justin T. McLaurin](#)
To: [Johnson, Charlie E](#)
Subject: Fw: [External] Grade Level Clarification
Date: Friday, April 25, 2025 12:37:29 PM
Attachments: [Outlook-4gxjhhfb.png](#)
[Outlook-agpcw5lj.png](#)
[Outlook-tu5sfxg3.png](#)

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Good afternoon sir, it wasn't City went to Pak it was DHHS staff. See below for clarification. They will not budge until they get something form OSFM. Talk to Jason and he is in the same mind set. You know where I stand. with it. If you got questions on it let me know. They all want something from OSFM.



Justin T. McLaurin

Fire Marshal

Fire Department

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Web: www.FayettevilleNC.gov

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From: Blackmon, Rhonda <rhonda.blackmon@dhhs.nc.gov>
Sent: Friday, April 25, 2025 11:15 AM
To: Crystal Pate <CrystalPate@FayettevilleNC.gov>
Cc: Jason Everage <JasonEverage@FayettevilleNC.gov>; Justin T. McLaurin <JustinMcLaurin@FayettevilleNC.Gov>; Datka, Marybeth <marybeth.datka@dhhs.nc.gov>
Subject: RE: [External] Grade Level Clarification

Good morning:

Thank you for following up with a written communication. As stated in our recent conversations, the DCDEE uses universal interpretation of how it's written into child care requirements. For example:

- A child is an infant until their first birthday.
- A child is a preschooler until they enter a public or private kindergarten (Day 1) and meets age requirements as specified in G.S. 115C-364.
- A child is 15 years old until their 16th birthday.

Therefore, “2nd grade and above” applies only to children that have entered 2nd grade or higher and attended at least 1 day.

When the grade level question was presented, Mary Beth Datka, Licensing Supervisor, consulted with the South-Central Regional Manager and the Policy and Planning Unit Program Manager. The DCDEE Policy and Planning Unit Program Manager has reached out to her contact at the Department of Insurance for written clarification/clear interpretation. Currently, we’re awaiting clarification to be provided to us so we can proceed accordingly.

Thank you for your continued support and willingness to obtain clarification from the Building and Fire Code Consultants at the NCOSFM. Once clarification is received, please share that with us in writing so we can forward it to the Policy and Planning Unit Program Manager for consideration and implementation.

Rhonda Blackmon

Lead Child Care Consultant

Division of Child Development and Early Education, Regulatory Services Section

[NC Department of Health and Human Services](#)

Office: 910-709-4168

rhonda.blackmon@dhhs.nc.gov

PO Box 279

Linden, NC 28356

[Twitter](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#)

From: Crystal Pate <CrystalPate@FayettevilleNC.gov>

Sent: Thursday, April 24, 2025 6:47 PM

To: Blackmon, Rhonda <rhonda.blackmon@dhhs.nc.gov>

Cc: Jason Everage <JasonEverage@FayettevilleNC.gov>; Justin T. McLaurin <justinmclaurin@fayettevillenc.gov>

Subject: [External] Grade Level Clarification

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Good evening Rhonda,

I hope you're doing well.

I’ve spoken with our Building Official, Jason Everage, and our Fire Marshal, Justin McLaurin—both of whom are copied on this email—regarding the grade level question that has been raised. Together, they plan to reach out to Building and Fire Code Consultants at the NC Office of the State Fire Marshal (NCOSFM) to request clarification

on this issue.

Following our conversation, Justin requested that I follow up with you via email to ask if you could please share what the process would be for NCDHHS in the event that NCOSFM provides clarification. You stated that written clarification would be required from the state, which would then be sent to a division within NCDHHS, for a potential review to the guidelines. (I cannot recall that process.)

It is my understanding that we have been categorizing students as second graders once they have completed the first day of second grade, rather than once they have completed the requirements of first grade. As such, students in first grade or below have been required to remain on the level of exit discharge.

Thank you in advance for what you do to try to keep children safe. We look forward to your response.

Best regards,
Crystal Pate

Thank you,
Crystal Pate
Building Inspection Supervisor
City of Fayetteville
(910) 433-1761

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82 N.C.App. 414

Court of Appeals of North Carolina.

In re Appeal of MEDICAL CENTER
 (Bowman Gray School of Medicine
 of Wake Forest University and North
 Carolina Baptist Hospitals, Inc.) From
 Decision of the Commissioner of Insurance,
 North Carolina Department of Insurance.

No. 8521SC1065.

|

Aug. 5, 1986.

Synopsis

Medical center requested hearing before Commissioner of Insurance on Department of Insurance's interpretation of provision of building code applicable to construction of new in-patient tower. The Commissioner upheld the Department's interpretation of code and medical center sought judicial review. The Superior Court, Forsyth County, Edward K. Washington, J., reversed Commissioner's decision and Commissioner appealed. The Court of Appeals, Cozort, J., held that **clear language of provision of building code required emergency generator power supply only for fans which provided required pressurization, smoke venting or smoke control for elevator shafts, stairways and areas of refuge and did not require emergency power fans that vent smoke in other parts of the building.**

The Superior Court affirmed.

West Headnotes (2)

[1] Health 🔑 Protection Against Fire; Exits

Clear language of provision of state building code required emergency generator power supply only for fans which provide required pressurization, smoke venting or smoke control for elevator shafts, stairways and areas of refuge and did not require emergency power fans that vent smoke in other parts of the building.

[2] Health 🔑 Constitutional, Statutory, and Regulatory Provisions

While the state building code is to be liberally construed in order to accomplish its purpose, the court cannot ignore the plain language of its provisions. *G.S. § 143-138(c)*.

1 Case that cites this headnote

Attorneys and Law Firms

****193 *414** Atty. Gen. Lacy H. Thornburg by Special Deputy Atty. Gen. Isham B. Hudson, Jr., Raleigh, for State.

Womble, Carlyle, Sandridge & Rice by Roddey M. Ligon, Jr., and Anthony H. Brett, Winston-Salem, for petitioner Medical Center.

Opinion

COZORT, Judge.

The Commissioner of Insurance ruled that Section 506.13(a) (1) of the North Carolina ****194** State Building Code requires the Medical Center's proposed Class III high-rise building to be provided with emergency generator power for fans that vent smoke in some areas of the building in addition to elevator shafts, stairways, and areas of refuge. His decision was reversed by the superior court, which held the Building Code does not require emergency power for vent fans in the additional areas. We affirm the superior court.

In late 1984 the Medical Center, consisting of Bowman Gray School of Medicine of Wake Forest University and North Carolina ***415** Baptist Hospitals, Inc., located in Winston-Salem, North Carolina, submitted to the Engineering Division of the North Carolina Department of Insurance (hereinafter "Department") design development documents and final construction documents for a new inpatient tower. The submission was made pursuant to the North Carolina State Building Code, hereinafter "Building Code."

The tower (defined under the Building Code as a Class III high-rise building) will be equipped with sprinklers and will contain windows that cannot be opened to vent products of combustion and smoke in the event of fire. Documents submitted by the Medical Center show that emergency electrical power would not be provided for the air handling

equipment designed for venting the building, other than in elevator shafts, stairways, and areas of refuge.

During review of the final construction documents, the Department informed the Medical Center's architects and engineers that the Department's interpretation of Section 506.13 of Volume 1 of the Building Code required that air handling equipment designed for smoke removal in some areas other than elevator shafts, stairways, and refuge areas was to be provided with emergency power.

After an unsuccessful attempt to get the Department to alter its position, the Medical Center requested a hearing pursuant to G.S. 143–140 before the Commissioner of Insurance on the Department's interpretation of Section 506.13 of Volume 1 of the Building Code. On 27 June 1985 the Commissioner ruled that the Building Code required emergency power for the air handling equipment (fans) in question. On 3 July 1985, pursuant to G.S. 143–141, the Medical Center sought judicial review of this decision in superior court. On 27 August 1985 the Commissioner's decision was reversed by the Honorable Edward K. Washington. On 30 August 1985, the Commissioner appealed to this Court Judge Washington's order.

The issue before the Commissioner, the superior court, and this Court is whether the Building Code requires the Medical Center's proposed Inpatient Tower to be provided with emergency power for fans that vent smoke in those parts of the building not consisting of elevator shafts, stairways, and areas of refuge. The resolution of this issue turns upon the interpretation of Section *416 506.13(a)(1) of Volume 1 of the Building Code. That section provides:

506.13—EMERGENCY ELECTRICAL POWER SUPPLY.

(a) Emergency Generator Capacity—Class I, II and III buildings shall be provided with an approved emergency generator power supply, located in a 2 hour fire rated enclosure, properly ventilated to the outside. The emergency generator power supply shall be capable of operating under a full load for at least 2 hours and shall be automatically switched over in the event of failure of the normal source of power supply or manually operational for emergency power supply for:

(1) Pressurization Fans—Fans to provide required pressurization, smoke venting or smoke control for

elevator shafts and stairways and areas of refuge in 506.3(c), 506.7(b) and 506.18(d). (Emphasis added.)

Commissioner Long, in interpreting the underlined language of Section 506.13(a)(1), concluded that,

[t]he Department has routinely interpreted the N.C. Building Code to insure the maximum life safety. Proper life safety is accomplished in high rise structures by **195 providing (1) pressurization of some areas, (2) venting of products of combustion from the fire floor, and (3) preventing smoke contamination in areas such as elevators and stairs used for exit purposes and for designated areas of refuge.

The Commissioner further concluded that,

[i]n order to accomplish these purposes, Section 506.13(a)(1) must be interpreted to mean that the three types of fans required to be served by emergency power are the following:

(1) Those that provide “required pressurization”. This is not limited to pressurization for elevator shafts, stairways, and areas of refuge, but applies to any other area of the building requiring pressurization.

(2) Those that provide for venting smoke. When taken together with Section 506.5, plain language and common *417 sense dictate that emergency power cannot be limited to just those fans that serve elevator shafts, stairways, and areas of refuge, but must also serve other parts of the building occupied by patients and employees.

(3) Those that provide smoke control (by pressurization) in elevator shafts, stairways, and areas of refuge—areas where venting by exhausting smoke is not appropriate or specified.

The superior court ruled that the Commissioner's decision was affected by an error of law and reversed the Commissioner. The superior court found the “plain language” rule of statutory construction to be applicable in construing the meaning of Section 506.13(a)(1). It determined “that the plain language of this Section limits the requirement of an emergency power supply to the fans that serve for pressurization, smoke venting or smoke control for elevator shafts and stairways and areas of refuge.” The superior court noted that the Commissioner “contends that the Court should defer to the interpretation of the Code made by the officials of the Department of Insurance since that is the Department charged with the enforcement of the Code.” The superior court noted, however, “that a desire to defer to the

interpretation of the Insurance Department does not permit the Court to ignore the plain language of the Code. It is the duty of the administrative agency to apply the Code as it is written, and likewise the responsibility of the Court to apply the Code as it is written.” We agree with the superior court’s reasoning and its “plain language” interpretation of Section 506.13(a)(1).

As we stated in *State v. Felts*, 79 N.C.App. 205, 208–09, 339 S.E.2d 99, 101, *disc. review denied*, 316 N.C. 555, 344 S.E.2d 11 (1986):

In construing a statute, its “words are to be given their plain and ordinary meaning unless the context, or the history of the statute, requires otherwise.” *State v. Wiggins*, 272 N.C. 147, 153, 158 S.E.2d 37, 42 (1967), *cert. denied*, 390 U.S. 1028, 20 L.Ed.2d 285, 88 S.Ct. 1418 (1968). When a statute’s language is clear and unambiguous, it must be given effect, and its clear meaning may not be evaded by the courts under the guise of construction. *State ex rel. Utilities Commission v. Edmisten*, 291 N.C. 451, 465, 232 S.E.2d 184, 192 (1977).

***418** [1] [2] The clear language of Section 506.13(a)(1) requires “emergency generator power supply” only for fans which “provide required pressurization, smoke venting or smoke control for elevator shafts and stairways and areas of refuge in 506.3(c), 506.7(b) and 506.18(d).” Section 506.13(a)(1) simply does not require emergency power fans that vent smoke in other parts of the building. While the Building Code is to be liberally construed in order to

accomplish its purpose, G.S. 143–138(c), we cannot ignore the plain language of Section 506.13(a)(1). It might be true, as the Commissioner concluded, that “[p]roper life safety is accomplished in high rise structures by providing (1) pressurization of some areas, (2) venting of products of combustion from the fire floor, and (3) preventing smoke contamination in areas such as elevators and stairs used for exit purposes and for designated areas of refuge.” The ****196** Building Code Council, however, did not require emergency power for fans to vent smoke other than those fans for providing “required pressurization, smoke venting or smoke control for elevator shafts and stairways and areas of refuge in 506.3(c), 506.7(b) and 506.18(d).” Section 506.13(a)(1). We agree with the superior court “that if the Building Code Council had intended to make the emergency power requirement applicable to fans providing smoke venting or smoke control throughout the building, the Council would have used language other than language specifying that the requirement applies only to stairways, elevator shafts and areas of refuge.” We cannot interpret the Building Code to require more than is provided in its plain language.

Affirmed.

WELLS and WHICHARD, JJ., concur.

All Citations

82 N.C.App. 414, 346 S.E.2d 193

① State Government websites value user privacy. To learn more, [view our full privacy policy \(https://www.nc.gov/privacy\)](https://www.nc.gov/privacy).

🔒 Secure websites use HTTPS certificates. A lock icon or https:// means you've safely connected to the official website.



Career and College Promise

What is the Career and College Promise (CCP) Program?

Career & College Promise (CCP) is North Carolina's dual enrollment program for high school students. This program allows eligible NC **high school students** to enroll in college classes at North Carolina community colleges and universities through their high school. Students who successfully complete college courses earn college credit they can take with them after graduation. In many cases, students can also earn dual credit — meeting high school graduation requirements with college courses. Career & College Promise offers students the option to choose from these pathways:

College Transfer — Designed for students planning to continue their educational career beyond high school to eventually achieve an Associate's or Bachelor's degree at a community college or university.

Career & Technical Education — Allows students to begin a certification or diploma program in a particular technical field or career area.

Cooperative Innovative High Schools — North Carolina's early colleges and other innovative schools are small public high schools, usually located on the campus of a university or community college, where students simultaneously work toward completion of both the high school diploma and an associate's degree, transferrable credit or certificate.

Career & College Promise offers North Carolina high students options to pursue educational and career goals of their choice using a rigorous yet supportive structure designed to help them become successful.

Who Can Participate in CCP?

Currently enrolled North Carolina high school students who meet the eligibility criteria for their chosen pathway can participate in CCP College Transfer and CTE pathways, including home school students and private school students. Students who have already graduated from high school are not eligible.

Rising ninth-graders and currently enrolled high school students may apply for enrollment in a Cooperative Innovative High School (CIHS) located in their school district. Inquire with local CIHS to learn about eligibility requirements. If the district has one or more CIHS, research the different CIHS because each may have a particular focus.

CCP Advising Resources

These resources are intended for North Carolina public school students and school personnel to promote and support the success of students interested in taking dual enrollment courses through the Career and College Promise (CCP) program.

Student Information (</documents/advancedlearning/ccp-student-information-21121pdf/download?attachment>)

Información Para El Estudiante (</documents/advancedlearning/cihs/ccp-student-information-spanish/download?attachment>)

Advising Guidance for School Personnel (</documents/advancedlearning/ccp-advising-guidance-school-personnel-21121pdf/download?attachment>)

Advising Resources Overview Webinar (<https://ncgov.webex.com/ncgov/ldr.php?RCID=ece1e4574bd7e8a7aa81a327f85f0a95>)

College of Engineering



The Engineering Place

Menu

▼

Day Camp Programs for Rising K – 5th Grade Students

Summer Day Camps for Elementary School Students

Campers have fun learning in collaborative groups how engineers help society while experiencing engineering through hands-on, creative investigations and design challenges. New activities are introduced each year, all of which give a unique perspective on the **Engineering Design Process**. Previous activities have involved designing extreme water slides, solar cities, heart valves, jellyfish, rockets, and many, many more exciting challenges!





Rising 3rd–5th Graders

Imagine Engineering Camp I: Rising 3rd-5th graders, July 21–25, 2025

Imagine Engineering Camp II: Rising 3rd-5th graders, July 28–August 1, 2025

The fun, hands-on collaborative camp curriculum for 3rd–5th graders is designed to provide campers with an understanding about the many different types of challenges engineers must solve. Camp agendas are new every year! Rising 3rd through 5th graders may attend either week of Imagine Engineering camp, but not both as the curriculum is the same for both weeks. However, you are able to attend a week of Imagine Engineering Camp and Computer Science Camp, if selected.

Computer Science: Snap It, Craft It, Play It: Rising 3rd-5th graders, July 7–11, 2025

A vibrant and inclusive week-long coding camp designed to captivate the imagination of rising 3rd through 5th graders. Throughout this exciting journey, young participants will explore the magic of programming through hands-on activities tailored to unleash their creativity. From snapping together code blocks to crafting delightful projects and diving into the world of coding languages, this camp offers a dynamic and engaging experience in a supportive and collaborative setting. Led by inspiring computer science mentors, students will not only develop essential coding skills but also foster teamwork, problem-solving, and confidence in their abilities. By the end of this empowering week, these budding tech enthusiasts will have discovered the thrill of coding and unlocked their potential as future innovators in the digital world.

Rising Kindergarten–2nd Graders

Imagine Engineering Camp: Rising K–2nd graders, August 4–8, 2025

Campers get a chance to spend time in small groups exploring new STEM concepts then creatively applying the concept to solving engineering challenges. The K-2nd grade camp curriculum is new every year.



At 9 a.m. students begin the morning by receiving a new engineering challenge. Students then split into small teams, working together to investigate the problem and find a solution. Students have plenty of break time and outside time to balance the challenging and fun design work they are completing. There is never a dull moment at engineering camp. At the end of the day, all students gather to present their tested and improved designs.

Camp Fees

- › **Total Cost:** \$500 for a week of camp (including daily lunch)
- › **Total amount:** Due May 2, 2025
- › **Financial Aid:** A limited amount of financial aid may be available for families who demonstrate financial need. To be considered, you must submit a financial aid application included in the application website.

Applying to Camp

Eligibility

All students **entering Kindergarten through 5th grade in Fall 2025** are welcome to apply, including home-schooled, out-of-state or out-of-country students.

Applying Online

The only way to apply is by logging in to our [Summer Programs Portal](#). Please bookmark the site so you can return to it to complete your application and to check your application status.

Application Components

Your son or daughter is required to submit short personal answers to these two questions:

- › **What are two goals that you would like to achieve at camp?**
- › **What problem would you like to solve?**

The submission is typed into the online application. If your child does not know how to type, please have him or her draft a response by hand, and you can type the answer into the application yourself.

Application Timeline

January 13 – March 28, 2025: Applications Open

April 28, 2025: Application status emailed

May 2, 2025: Payments Due

College of Engineering

The Engineering Place

Menu



Day Camp Programs for Rising 6th – 8th Grade Students

Summer Day Camps for Middle School Students

Campers learn in collaborative groups how engineers help society, and they experience engineering themselves through hands-on, creative investigations and design challenges. New activities are introduced each year, and every activity gives a unique perspective on the **Engineering Design Process**. Past activities have included designing earthquake-proof bridges, solar-powered boats, SNAP programming, nitrogen ice cream and many more fun challenges!



2025 Camp Information

Rising 6th–8th Graders

- Imagine Engineering Camp I:** Rising 6th-8th graders, July 7–11, 2025
- Imagine Engineering Camp II:** Rising 6th-8th graders, July 14–18, 2025

Eligibility

All students entering 6th through 8th in Fall 2025 are welcome to apply, including home-schooled, out-of-state or out-of-country students.

Applying Online

The only way to apply is by logging in to our Summer Programs Portal, which will be available between January 13 and March 28, 2025. Please bookmark the site so you can return to it to complete your application and check on the status.

Application Components

Your son or daughter is required to submit short personal answers to these two questions:

- > What are two goals that you would like to achieve at camp?
- > What problem would you like to solve?

The submission is typed into the online application.

Application Time Line

The deadline to apply is March 28, 2025. You will be notified of acceptance by April 28, 2025. Full payments are due on May 2, 2025.

Admission Decisions

Admissions decisions will be based on student interest as determined by his or her response of two short personal statements noted in Application Components above. Acceptance is not first come, first served — preference will not be given to early applicants. In recent years, we have not had enough room for all of the students who were interested in attending camp. If you applied to camp last year, and we were unable to find a spot for you, we will make an extra effort to find a place for you this year.

NC STATE

College of Engineering

Fitts-Woolard Hall
915 Partners Way
Raleigh, NC 27695-7901

CAMPUS MAP



College of Engineering

The Engineering Place

Menu



Day Camp Programs for Rising 9th/10th Grade Students

Summer Day Camps for High School Students

Each summer, the College of Engineering at NC State University offers rising 9th and 10th grade high school students the opportunity to experience engineering at NC State. We offer multidisciplinary week-long day camps that provides an experience into how engineers solve problems. Teams of campers experience introductory activities then transition to work on a collaborative team-oriented challenge project, learn about how computer scientists impact the world and how entrepreneurs create solutions for our changing lives.



2025 Camp Information

Rising 9th–10th Grade Camps

Engineering Camps

Imagine Engineering Camp: 9th–10th Day Camp, June 23–27, 2025



for them. Each year new challenges are presented at the week-long day camp, and each introduces students to a variety of engineering fields through fun, yet challenging, hands-on projects and investigations as well as a week long group project. By the end of the week, students will have a deeper understanding of the field of engineering and related career opportunities. You are able to attend a week of Imagine Engineering Camp and Computer Science Camp, if selected.

Computer Science Camp

Cyber Explorers: Introduction to Cybersecurity: Rising 9th–10th Grade Camp, July 14–18, 2025

Step into the exciting world of cybersecurity in this camp designed for 9th and 10th-grade students! No prior experience is needed—just curiosity and a willingness to learn! Led by experienced cybersecurity professionals and educators, this camp will empower students to think critically about technology and prepare them for future opportunities in the cybersecurity field. Through interactive activities, hands-on challenges, and engaging discussions, campers will:

- Discover the Basics: Learn the fundamentals of cybersecurity, including what it is, why it matters, and how it impacts our daily lives.
- Explore Cyber Threats: Understand common cyber threats like phishing, malware, and hacking.
- Practice Defense Skills: Gain hands-on experience with basic tools and strategies for protecting personal and online information.
- Think Like a Cyber Pro: Participate in problem-solving exercises that introduce ethical hacking and incident response.



COME JOIN US!

Camp Details Below

Camp Logistics

Camp Hours

Campers are dropped off between 8:30 and 8:45 a.m. and are picked up between 3:30 and 3:45 p.m.

Camp Locations

Detailed drop-off and pick-up locations will be provided upon acceptance. Activities take place on NC State’s College of Engineering [campuses](#).

Food

Lunch and snacks will be provided each day. Dietary needs will be accommodated.

Camp Staff

Camp will be staffed by area teachers and undergraduate and graduate students, with some visits with NC State faculty. The staff-to-student ratio is approximately 1:8.

Camp Fees

- **Total Cost:** Raleigh: \$500 for a week of camp (including daily lunch)
- **Total amount:** Due May 2, 2025
- **Financial Aid:** A limited amount of financial aid may be available for families who demonstrate financial need. To be considered, families must submit an online financial aid application included in the application website.

Applying to Camp

Eligibility

All students [entering 9th through 10th in Fall 2025](#) are welcome to apply, including home-schooled, out-of-state or out-of-country students.

Applying Online

The only way to apply is by logging in to our [Summer Programs Portal](#), which will be available between January 13 and March 28, 2025. Please bookmark the site so you can return to it to complete your application and check on the status.

2025 SUMMER CAMP DATES & RATES



| SESSION | DATES | AGE/GRADE | SESSION COST | DEPOSIT DUE |
|---|----------------|-------------|--------------|-------------|
| SUPER KIDS RETREAT One parent attend FREE with each child and will receive a FREE t-shirt! | June 13-14 | Ages 4-7 | \$50 | \$10 |
| Grade levels are based on Grade entering Fall of 2025 | | | | |
| KIDS' CAMP #1 | June 15-20 | Grades 2-4 | \$400 | \$30 |
| KIDS' CAMP #2 (EARLY SESSION) | June 15-20 | Grades 5-6 | \$400 | \$30 |
| KIDS' CAMP #2 | June 22-27 | Grades 4-6 | \$400 | \$30 |
| Kids' Camp Options and Information: <ul style="list-style-type: none"> Kids' Camp #2E session enrollment is limited to 56 campers - hilltop lodging only Rising 4th graders may attend Kids' Camp #1 and/or Kids' Camp #2 Rising 5th & 6th graders may attend Kids' Camp #2E and/or Kids' Camp #2 If campers attends two sessions, a \$30 discount will be applied | | | | |
| TEEN CAMP #1 | June 29-July 4 | Grades 7-9 | \$400 | \$30 |
| TEEN CAMP #2 | July 6-11 | Grades 9-12 | \$400 | \$30 |
| Teen Camp Options: <ul style="list-style-type: none"> Rising 9th graders may attend Teen Camp #1 or #2, but not both | | | | |

GENERAL INFORMATION:

- 10% Military Discount** for campers with a parent on active duty! Discount applies to total registration cost upon verification and does not include extras.
- A **deposit** is required to reserve your spot for each session. Total deposit paid will be deducted from the total cost of camp.
- To register and get further information, visit campdixie.com.
- Register early to begin making **monthly installment** on your camper account. Ex) Camper #1 has a total cost of \$395. By registering in November, 6 monthly payments of approximately \$66 beginning December 1st will have your camper paid in full by the time camp begins.

EXTRAS:

- BANK MONEY:** Kids' camp campers are required to keep all money in the camp bank. Teen camp campers are recommended to put all money in camp bank.
- CABIN PHOTO:** A digital copy is included with each registration for FREE!
- SUMMER CAMP THEME T-SHIRT:** Included with each registration for FREE!

Questions?

Contact us at registration@campdixie.com or 910-865-5180

Camp Dixie, 373 Bladen Union Church Road, Fayetteville, NC 28306

FIA SUMMER CAMPS 2025

Camps are run from 9am-2pm (except for Camp Invention)

Register for 7 weeks of camp and get a 100.00 discount. July Camps are offered to children going into First grade through rising 6th. The last week, (August camp) is open to kids going into kindergarten through rising 6th. We will have two separate camps divided by age group.

Child's Name _____ Age _____ Birthdate _____

Parent's Name _____ Phone # _____

Email Address _____

Does your child have any allergies YES NO If yes, to what? _____

Alternate authorized pickup person _____ Phone # _____

Weekly Schedule & Rates

FIA Student

Non-FIA Student

| | | | | |
|--|----------------|--------|--------|-------|
| June 23 rd – June 27 th | JPs Camp | 160.00 | 180.00 | _____ |
| June 30 th - July 3 rd (4days) | Summer Fun | 120.00 | 140.00 | _____ |
| July 7 th - July 11 th | STEMSPIRE | 225.00 | 245.00 | _____ |
| July 14 th - July 18 th | CSI Camp | 160.00 | 180.00 | _____ |
| July 21 st -July 25 th | Code Ninjas | 225.00 | 245.00 | _____ |
| July 28 th - August 1 st | Kid Create | 225.00 | 245.00 | _____ |
| August 4 th - August 8 th | Camp Invention | 270.00 | 270.00 | _____ |

Before and Aftercare WEEKLY

Before Care: 7:30am-9:00am 50.00

Aftercare: 2:00pm-5:30pm 70.00

Full day- before and aftercare 100.00

Hourly Care will be available if full day care is not at capacity (7.00 an hour)

*5% Sibling discount on camps only * \$100 discount if you register for all 7 camps.

Camps _____ -Discount (if applicable) _____ + Care _____ =Total _____

Check# _____ Cash _____

I understand that fees are non-refundable or transferable for any reason. _____

**Tuition is due with registration to hold the slot. You may postdate checks or leave a credit card on file; however, each camp must be paid for before they attend. Camps are non-refundable or transferrable once you register. Pack a nut free lunch and a water bottle to enjoy ☺

FIA SUMMER CAMPS 2025

Camps are run from 9am-2pm (except for Camp Invention)

Code Ninjas Camp-

July 21st July 25th

Transform your child's love for technology into an exciting learning adventure. Guided by our team of Code Senseis, Code Ninjas Camps empower kids to gain valuable tech skills and make new friends. It's an unforgettably fun learning experience! There will be different projects each day and based on age group.

5-7 year olds will work on Jr.Creative Engineering, Jr. Ninja Bots, Jr.Game Makers, Jr. Inventors Creative Engineering, & Jr. inventors with Makey Makey.

8-12 year olds will have Digital Game art, Game Lab Scratch Edition, Intro to Web Design, Game lab Retro Style, & Lego Robo Dojo- (Brought to you by Code Ninjas Fayetteville).

Kid Create Camp- Tie Dye & Slime with Kidcreate Studio

July 28th – August 1st

Vibrant colors and slime collide in a kaleidoscope of creativity! In this dynamic camp, kids embark on a colorful journey as they master the art of tie-dyeing. The excitement continues as they delve into the world of slime, concocting their own oozy, stretchy, and mesmerizing concoctions. From tie-dyed shirts to custom slime creations, this camp is a hands-on adventure that encourages self-expression and messy fun. These are not projects you want to do at home! **Each child needs to bring their own white cotton t-shirt to camp.** (This week is Brought to you by Kid Create Fayetteville).

Camp Invention: Discover- (Open to all rising Kindergarteners)

August 4th- August 8th (rising Kindergartners- rising 6th) – This camp signup will be online through their website- please do not add this \$ this to your registration form, just check the camp if you want to sign up-

Give your young innovator an inspiring, action-packed summer adventure! Exciting, hands-on challenges will spark curiosity and build their confidence as they jump into limitless STEM (science, technology, engineering and mathematics) fun with opportunities to imagine, experiment and create.

We will send you the link to sign up through the company website. If you need before and aftercare that week, you will sign up on their website for care too! (do not add this camp to your registration amount).

Please check the camp and wait for the email to the link or visit: <https://www.invent.org/program-search/camp-invention/nc21/15235>

****Tuition is due with registration to hold the slot. You may postdate checks or leave a credit card on file; however, each camp must be paid for before they attend. Camps are non-refundable or transferrable once you register. Pack a nut free lunch and a water bottle to enjoy ☺**



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Under what grade should students list activities or

jobs?

For activities or jobs that take place over the summer, students will check off the box for the rising grade.

Example: The activity or job took place during the summer between your 9th and 10th grade year. You will check off the 10th grade box.

If you are completing the activities section prior to your senior year, and you would like to list activities you intend to participate in for your 12th grade year, you will check the 12 grade box.

Example: You have not yet started your senior year but you know you will be participating in a club once school starts. You will list that club and check off the 12th grade box as that is the year you intend to participate.

Under what grade should students list activities or jobs?

Under-what-grade-should-I-list-my-summer-job-activity

Related Articles

Do all Common App colleges use the Courses & Grades section? (/membersupport/s/article/Do-all-mem-
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NEWS & EVENTS

Sophomore Summer: Preparing for Career Success

Jul 15, 2024

Make your sophomore summer count! Learn how to strategically plan for success and set the stage for your professional journey.

By Eigen Escario



Cherrie Wilkerson

The summer before sophomore year—dubbed “sophomore summer”—is often seen as the last break of relaxation before stepping into the professional world of internship tracks and job offers. However, there are different ways students can use this time more wisely in preparation for the rest of their college careers. Cherrie Wilkerson (<https://business.vanderbilt.edu/bio/cherrie-wilkerson/>), Faculty Director for Accelerator Summer Business Immersion, shares a few keys to a successful sophomore summer.

Building Your Professional Brand

While most internships targeted at college students—especially at recruitment events on campus—generally only take rising juniors and seniors, Wilkerson says that recruitment timelines are increasingly starting earlier for students.

“The recruiting and the job market have been starting earlier and earlier for students,” Wilkerson said. “While most rising sophomores have fun traveling and going to the beach, there’s other students out there who are building their resume during that summer.”





Despite the difficulty of obtaining an internship offer for your **sophomore summer**, Wilkerson says that this should be a time of reflection and future planning.

“It’s hard to get internships sophomore summer as opposed to **junior summer**,” Wilkerson said. “But what you do during the **sophomore summer** will set you up for your **junior summer internship**. That means taking time to refine your interests and skills is essential.”

A strong foundation to enter the application process for internships and jobs entails networking and developing your professional pitch to potential employers and companies.

“Start to network and make contacts in the industry that you’re interested in—tap your family, your friends, organizations on your campus, or wherever you can to widen your professional network,” Wilkerson said. “Tap into your career center so you can get your resume up to par and build out your LinkedIn model—whether it be posting things, looking at other people’s posts, or simply immersing yourself in the professional environment as much as you can.”

Navigating Sophomore Summer With Purpose

The idea of competing with more experienced rising juniors and seniors for internships may seem daunting for students **right out of their freshman year**, but as long as you are taking incremental steps to improve yourself, you will stay on the course to success.

“Assuming you have the months of June and July, almost the whole month of May, and half the month of August off for the summer, that’s a ton of time,” Wilkerson said. “It’s okay to take a month’s vacation; that leaves you 10 weeks for an internship if you are able to do one. If not, that’s also fine as long as you ultimately show some progress, some forward movement, and some idea of what you want to do in a few short years.”





Investing some time to plan out your junior year is another great use of the end of your sophomore summer, especially since these building blocks culminate in the recruitment processes that happen during junior and senior summers for eventual job offers after graduation.

“Joining and participating in organizations you are passionate about and rising to leadership positions in those spaces are attractive to big consulting firms who recruit on campus,” Wilkerson said. “Have a mix of professional and personal interests. Focus on a few key pursuits rather than spreading yourself too thin with too many organizations since you also need to keep your grades up to get your choice of internships and jobs.”

And for those who already want to go ahead and get started with an internship, asking yourself some key questions about what you’re looking for would make any experience more valuable.

“Some students need to make money, so if you’re going to weigh that over holding out for something that is more meaningful and relevant for your career path, then go and do that,” Wilkerson said. “Regardless of the internship, you have to contribute a lot and work hard to learn all you can about that field and create a network of peers and mentors who will help you make the most out of your sophomore summer experiences.”

Finding A Stimulating Experience

Understandably, most students just want to have fun during their sophomore summer. However, finding a perfect balance of fun and professional development would be a win-win for your break and your resume.

“You should try to find a job that is fun and a career that is stimulating. If it’s an internship, you need enough passion to show up every day with genuine enthusiasm for what you’re learning, the people you’re meeting, and the environment that you’re getting exposed to – even if you’re just dealing with organizing files,” Wilkerson said. “You need to have an attitude of viewing your work as something fun—if they’re not synonymous for you, then you’re on the wrong track.”

Fortunately, there are some programs that are available to **incoming sophomores** that provide great alternatives to internships or summer jobs back home.



“The Accelerator® Summer Business Immersion (<https://business.vanderbilt.edu/accelerator/summer-business-immersion/>). program at Owen essentially gives students 3 in-depth internships in one because you are working for 3 different, real clients during those 3 weeks,” Wilkerson said. “It positions you well for the rest of the recruitment process since you have networking opportunities with people who are in your fields of interest, as well as our career coaching staff to refine your resume and meet contacts.”

Gaining experiences in learning environments like Accelerator also gives you the necessary flexibility and buffer to pivot if you need to recalibrate your short and long-term professional goals.

“The program accelerates your preparation for your career, even if you end up deciding that you don’t want to commit to a particular field after,” Wilkerson said. “I had an Accelerator student last year who always wanted to go into investment banking and took all of the necessary steps to do so. After the program, he came to me and confessed that he changed his mind, so at least he found out before he put all his eggs in one basket.”

Accelerator News (<https://business.vanderbilt.edu/news/category/accelerator-news/>) Featured News (<https://business.vanderbilt.edu/news/category/featured-news/>) News (<https://business.vanderbilt.edu/news/category/news/>) Press Releases (<https://business.vanderbilt.edu/news/category/press-releases/>)

WRITTEN BY

Eigen Escario

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READ MORE > ([HTTPS://NEWS.VANDERBILT.EDU/2025/05/07/CLASS-OF-2025-MILITARY-VETERAN-RYAN-THOMAS-BUILDS-WORK-LIFE-BALANCE/](https://news.vanderbilt.edu/2025/05/07/class-of-2025-military-veteran-ryan-thomas-builds-work-life-balance/))

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August 22, 2018

842 F.3d 1093

United States Court of Appeals, Ninth Circuit.

N.E., BY AND THROUGH his
parents C.E. AND P.E.; C.E.;
and P.E., Plaintiffs–Appellants,

v.

SEATTLE SCHOOL
DISTRICT, Defendant–Appellee.

No. 15-35910

|

Argued and Submitted May 5, 2016 Seattle, Washington

|

Filed November 17, 2016

Synopsis

Background: Parents of child with a disability appealed decision by administrative law judge (ALJ), which found that child's “stay put” placement while resolving challenges to child's individualized education program (IEP) was the second stage of student's previous IEP, in which student was placed in a self-contained class. The United States District Court for the Western District of Washington, [James L. Robart](#), J., 2015 WL 12564236, denied parents' motion for a temporary restraining order and a preliminary injunction. Parents appealed.

[Holding:] The Court of Appeals, [Graber](#), Circuit Judge, held that student's “stay put” placement was the second stage of a multi-stage IEP.

Affirmed.

[Berzon](#), Circuit Judge, filed a dissenting opinion.

West Headnotes (3)

[1] Federal Courts Preliminary injunction; temporary restraining order

The Court of Appeals reviews the denial of a preliminary injunction for abuse of discretion.

[4 Cases that cite this headnote](#)

[2] Federal Courts Statutes, regulations, and ordinances, questions concerning in general

The Court of Appeals reviews legal questions on appeal, such as the meaning of a statute, de novo.

[2 Cases that cite this headnote](#)

[3] Education Stay-put during pendency of review

Disabled student's then-current education placement was the second stage of a multi-stage individualized education program (IEP), in which the student was to be placed in a self-contained class, and thus the self-contained class was student's “stay-put” placement during a challenge to student's IEP, even though parents filed a due process challenge to the IEP during the summer break, prior to the implementation of the second step of the IEP, where the second stage had already been scheduled to start at the beginning of student's next school year, and education was generally viewed as forward-looking. Individuals with Disabilities Education Act § 615, 20 U.S.C.A. § 1415(j).

[18 Cases that cite this headnote](#)

Attorneys and Law Firms

[Lauren Rebecca Hruska](#) (argued) and [Charlotte Cassady](#), Cassady Law Firm, Seattle, Washington, for Plaintiffs–Appellants.

***1094** [David T. Hokit](#) (argued), Curran Law Firm P.S., Kent, Washington, for Defendant–Appellee.

Appeal from the United States District Court for the Western District of Washington, James L. Robart, District Judge, Presiding, D.C. No. 2:15-cv-01659-JLR

Before: Susan P. Graber, Marsha S. Berzon, and Mary H. Murguia, Circuit Judges.

Dissent by Judge Berzon

OPINION

GRABER, Circuit Judge:

Plaintiff N.E. is a child with a disability who, in accordance with the Individuals with Disabilities Education Act (“IDEA”), has received a series of Individualized Education Programs (“IEP”). In May 2015, three-and-a-half weeks before the 2014–15 school year ended, the Bellevue School District produced an IEP for N.E. that encompassed two stages: The first stage would begin immediately and the second would begin at the start of the 2015–16 school year. N.E.’s parents, Plaintiffs C.E. and P.E., allowed their son to finish the school year in accordance with the first stage of the IEP but did not agree to the second stage. Over the summer, the family moved to Seattle. Just before the start of the 2015–16 school year, Defendant Seattle School District proposed a class setting for N.E. that was similar to the second stage of the May 2015 IEP. Plaintiffs objected and sought a “stay-put” placement.

The pivotal issue is what “educational placement” was “then-current,” 20 U.S.C. § 1415(j), after N.E.’s family moved to Seattle in the summer of 2015 but before the 2015–16 school year began. Plaintiffs contend that the “then-current educational placement” must be the educational setting in which N.E. was enrolled either before his May 2015 IEP or, in the alternative, during the first stage of the May 2015 IEP. Defendant counters that the “then-current educational placement” for the 2015–16 school year is the setting described in the second stage of the May 2015 IEP. We agree with Defendant and, accordingly, affirm the district court’s denial of injunctive relief.

The relevant facts in this case are not disputed. N.E. was in the third grade at Newport Heights Elementary School in the Bellevue School District for most of the 2014–15 school year. Until the final month of that school year, and in prior school years, N.E. spent most of his instructional time in

general education classes. His most recent IEP reflecting that arrangement dates from December 2014.

During the 2014–15 school year, Bellevue School District officials reported that N.E. exhibited very serious behavioral problems on a regular basis. As a result, the school district began to consider changes. An IEP meeting occurred on May 26, 2015, at which Bellevue School District officials proposed a new IEP that placed N.E. in a self-contained, special education class for students with behavioral and emotional disorders (“self-contained class”). Plaintiffs objected to that proposal and wrote “disagree” on the front sheet of the proposed IEP. Bellevue officials and Plaintiffs also discussed where to place N.E. for the remainder of the school year. Bellevue and Plaintiffs agreed that N.E. would finish the final few weeks of the 2014–15 school year at a different school. At that school, he would spend most of the day in a one-on-two educational setting with a teacher and a paraeducator, but with no other students (“individual class”).

One day later, on May 27, 2015, the Bellevue School District produced the May 2015 IEP. The IEP incorporated two stages: During stage one, N.E. would finish the end of the 2014–15 school year in the agreed-upon individual class; during stage two, for the 2015–16 school year and *1095 beginning on September 1, 2015, N.E. would be placed in a self-contained class. Plaintiffs received that IEP approximately one week later, along with a prior written notice¹ notifying Plaintiffs that the Bellevue School District intended to alter N.E.’s educational placement and that the individual class would serve as a transition to the self-contained class. Plaintiffs did not file an administrative due process challenge to the May 2015 IEP and, instead, allowed N.E. to attend the individual class until the end of the school year on June 22, 2015.

Plaintiffs moved to Seattle in the summer of 2015 and contacted the Seattle School District to enroll N.E. Plaintiffs requested an individual class setting similar to the one in which N.E. had completed the prior school year.² The school district, however, reviewed N.E.’s records and proposed placing him in a self-contained class similar to the one embodied in stage two of the May 2015 IEP. Plaintiffs objected on September 9, 2015, and filed an administrative due process challenge. Plaintiffs also filed a “stay-put” motion, pursuant to 20 U.S.C. § 1415(j), arguing that N.E.’s stay-put placement was the general education class described in the December 2014 IEP. Defendant resisted the stay-put motion and argued that the self-contained class described in the May 2015 IEP was N.E.’s stay-put placement.³

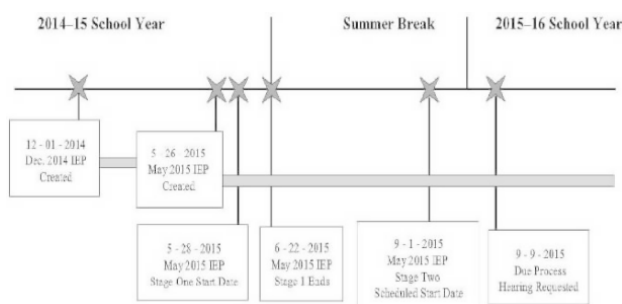
An administrative law judge agreed with Defendant and determined that the self-contained class was N.E.'s stay-put placement. Plaintiffs appealed that decision and filed a motion with the district court seeking a temporary restraining order and a preliminary injunction. The motion sought an order requiring Defendant to place N.E. in a general education class pending the outcome of the due process challenge. The district court denied Plaintiffs' motion on the ground that they had not established a likelihood of success on the merits. Plaintiffs timely appeal.

[1] [2] We review the denial of a preliminary injunction for abuse of discretion. *Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc.*, 204 F.3d 867, 874 (9th Cir. 2000). But we review legal questions, *1096 such as the meaning of a statute, de novo. *Brookfield Commc'ns, Inc. v. W. Coast Entm't Corp.*, 174 F.3d 1036, 1046 (9th Cir. 1999).

[3] The pertinent portion of the IDEA provides:

[D]uring the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child....

20 U.S.C. § 1415(j) (emphasis added). The IDEA does not define “then-current educational placement.” The reading most consistent with the ordinary meaning of the phrase suggests that the “then-current educational placement” refers to the educational setting in which the student is actually enrolled at the time the parents request a due process hearing to challenge a proposed change in the child's educational placement. But two conceptual difficulties complicate the analysis. First, during the hiatus between school years, it is artificial to refer to remaining in a then-current placement; literally, there is none. Second, when an IEP contains two stages, determining the “then-current educational placement” requires one to look either backward or forward.⁴ Here is a graphic representation of the situation:



Our caselaw assists us in resolving the conundrum. We have defined “educational placement” as “the general educational program of the student.” *N.D. v. Haw. Dep’t of Educ.*, 600 F.3d 1104, 1116 (9th Cir. 2010). More specifically, we have, in a series of cases, “interpreted ‘current educational placement’ to mean ‘the placement set forth in the child's last implemented IEP.’” *K.D. ex rel. C.L. v. Dep’t of Educ.*, 665 F.3d 1110, 1117–18 (9th Cir. 2011); *N.D.*, 600 F.3d at 1114; *L.M. v. Capistrano Unified Sch. Dist.*, 556 F.3d 900, 911 (9th Cir. 2009); *Johnson ex rel. Johnson v. Special Educ. Hearing Office*, 287 F.3d 1176, 1180 (9th Cir. 2002) (per curiam). Although the statute refers to “educational placement,” not to “IEP,” the purpose of an IEP is to embody the services and educational placement or placements that are planned for the child. See *1097 *Timothy O. v. Paso Robles Unified Sch. Dist.* 822 F.3d 1105, 1111–12 (9th Cir. 2016) (describing the creation and elements of an IEP).

That rule does not fully resolve the dispute here, though, because the parties disagree about the status of N.E.'s “then-current educational placement.” Plaintiffs contend that a multi-stage IEP should be viewed as containing several discrete “educational placements” and that any unrealized stage within such an IEP should be seen as an unimplemented “educational placement” that cannot serve as the stay-put placement. Thus, Plaintiffs argue, because stage two of the May 2015 IEP was never implemented, it cannot be considered the “then-current educational placement.” That conclusion, according to Plaintiffs, leaves only two options as permissible stay-put placements: the individual class setting described in stage one of the May 2015 IEP or the general education setting that preceded the May 2015 IEP. Because the individual class setting was considered short-term at the time the parties created the May 2015 IEP, Plaintiffs claim that the earlier general education setting is the most appropriate stay-put placement. Defendant counters that the May 2015 IEP, as a whole, was N.E.'s “then-current educational placement” and that no legal authority precludes a multi-stage IEP or an IEP that spans a summer break.

We agree with Defendant that a partially implemented, multi-stage IEP, as a whole, is a student's then-current educational placement. A multi-stage IEP *could* be structured as several distinct IEPs, but it need not be. For example, some of our past cases assume that a single IEP may contain several phases. See, e.g., *T.B. ex rel. Brenneise v. San Diego Unified Sch. Dist.*, 806 F.3d 451, 462–63 (9th Cir. 2015) (describing a procedural defect in a multi-stage IEP, but not criticizing the IEP for having several stages), *cert. denied*, — U.S.

—, 136 S.Ct. 1679, 194 L.Ed.2d 769 (2016). Plaintiffs’ reading of the statute would allow students and their families to challenge the second half of any two-stage IEP when the transition occurs during a school break and would permit repeated challenges at every stage of a multi-stage IEP. We do not think that Congress intended that result.

Additionally, by the time N.E.’s parents filed their due process challenge, the second stage of the May 2015 IEP had already been scheduled to start. As noted, the May 2015 IEP provided that stage two—the self-contained placement—would begin on September 1, 2015, while N.E.’s parents did not request a due process hearing until September 9, 2015. Under Plaintiffs’ view, parents who disagree with a new IEP could wait until it is scheduled to take effect, pull their child out of school, and then request a due process hearing after the effective date of the new IEP. The new IEP would not be “implemented” because the child is not physically present in the new setting. By this logic, the parents could then avail themselves of the stay-put mechanism to enforce the terms of a preferred old IEP during the course of the new school year while their due process challenge is litigated. Once again, we do not think that Congress intended such a result because it would undermine the cooperative process envisioned by the IDEA.

We do not suggest that Plaintiffs’ request for a due process hearing was untimely; the issue here does not pertain to a statute of limitations. Rather, the question simply is how to identify the status quo when a timely challenge occurs. For example, had a one-stage IEP been completed on August 31, for a single year, had N.E. begun school on September 1, and had his parents brought their challenge a week later, the challenge plainly would have ***1098** been timely; but, just as plainly, the “stay-put” placement would have been the current (as of September 1) placement.

In short, the December 2014 IEP was superseded. The May 2015 IEP encompassed both the individual class and the self-contained class stages. Plaintiffs did not challenge the May 2015 IEP despite having had months to do so before the scheduled implementation of its second phase in September 2015.⁵ The May 2015 IEP had already been implemented (and the scheduled start date for stage two had already passed) by the time Plaintiffs requested a due process hearing and, thus, was N.E.’s “then-current educational placement.”

The remaining question is whether the fact that the hearing request occurred during the summer—before N.E. physically

enrolled in a self-contained class like the one described in stage two of the May 2015 IEP—forces us to view stage one as the stay-put placement. We think not, for two reasons. First, and more importantly, the IEP was implemented, and stage two was always the intended setting in which N.E. would begin the 2015–16 school year, effective September 1 (before N.E.’s parents requested a due process hearing). **Second**, we commonly think of education as forward-looking; we refer to a child who has completed **fourth** grade and is about to enter **fifth** grade as a “**rising fifth grader**.” The status quo at the time of the hearing request was the anticipated entry into the self-contained program. Stage two of the May 2015 IEP, therefore, was N.E.’s stay-put placement.

AFFIRMED.

BERZON, Circuit Judge, Dissenting:

I respectfully, but emphatically, dissent.

The majority applies the IDEA’s “stay-put” provision to allow N.E. to be placed in an entirely new learning environment, more restrictive than any in which he had previously been enrolled, over his parents’ objection. The “stay-put” provision was designed precisely to preclude transferring students to new, more restrictive environments while their parents challenge the transfer. None of the majority’s explanations for refusing to enforce the statute’s promise that children will remain in the existing placement while challenges go forward are persuasive, and each would open a large gap in the IDEA’s “stay-put” assurance.

I.

The majority opinion is short on facts. The facts matter in this case. I therefore fill in the gaps.

N.E. is an “intelligent child, [who] performs well when he desires to be engaged.” Overall, he was, as of the spring of 2015, “very strong academically.”¹ He loves to read. He has a great knowledge base.” He “qualifies for special education services ... due to an ADHD diagnosis,” and because he needs “specially designed instruction in Social Emotional” development.

***1099** N.E. was enrolled as a student in the Bellevue School District from kindergarten through third grade. He received

special education services throughout his time there. During the 2014–15 school year, as in earlier years, N.E. received the majority of his instruction “mainstreamed”—that is, in a classroom with other children of his grade—with full time, one-on-one support from a paraeducator. This instructional setting, with associated services, was set forth most recently in his December 2014 Individualized Education Program (“IEP”).

N.E. had a difficult third grade year; the parties dispute the reasons for the difficulties. In May 2015, Bellevue School District conducted a reevaluation of N.E.’s special educational needs. N.E.’s IEP team met on May 26, 2015 to discuss the reevaluation and to adopt an IEP for the 2015–16 school year. At that meeting, the Bellevue School District determined that N.E.’s educational needs had changed and proposed that N.E.’s placement be altered, to a self-contained classroom program for emotionally and behaviorally disordered students (the Cascade Program), for the 2015–16 school year. N.E.’s parents rejected the proposed placement at the IEP team meeting, writing “disagree” on the draft IEP.²

Just before the May IEP meeting, the school emergency expelled N.E., due to alleged escalating aggressive behaviors at school.³ At the time of the meeting, N.E. was still expelled and several weeks remained in the school year. After the full IEP team dispersed, N.E.’s parents met with their attorney, the principal, the Special Education Supervisor, and the district’s attorney to discuss N.E.’s return to school following the emergency expulsion.

N.E.’s parents did not want N.E. to return to Newport Heights Elementary, as their trust in the school had been strained by the emergency expulsion. They requested that the district pay for a private school for the approximately three weeks remaining in the school year. After the district declined the request, N.E.’s parents and the district agreed that N.E. would attend a different public elementary school for those final days, where he would receive individualized instruction from a certified teacher with support from a full-time paraeducator. N.E. began attending that individual classroom program two days later.

This short-term solution was not mentioned at all in the text of the May 2015 IEP. Instead, the narrative stated that “[N.E.] will be served in the Cascade program, which has therapeutic social-emotional and behavior supports.” A grid in the IEP, though, includes, under “Special *1100 Education and

Related Services,” the short-term solution the parents and the principal had arrived at, as well as the year-long self-contained classroom setting, to begin the following fall, discussed at the IEP meeting—that is, the Cascade placement to which the parents had already noted their objection.

Consistent with this sequence of events and with the Prior Written Notice,⁴ both school personnel and N.E.’s parents consistently described this individual class thereafter as a “temporary” or “interim” program. The Special Education Supervisor for the Bellevue School District described this placement as a “temporary program to finish out the remaining few weeks of the school year,” in an “interim setting.” Likewise, the Seattle School District later described the program as a “temporary measure,” taken because “the decision to move him to a self-contained program came near the end of the school year.” N.E.’s mother also repeatedly described the individual class program as “interim.”

At the time N.E.’s parents received the Prior Written Notice, they knew the family would be moving from Bellevue to Seattle during the summer, and that it was the Seattle School District that would be responsible for deciding N.E.’s 2015–16 placement. Moreover, an Independent Educational Evaluation funded by the Bellevue School District was pending at the time of the May 2015 IEP meeting. N.E.’s parents expected the results of that evaluation to inform the Seattle School District’s placement decision for the next school year.

In August, N.E.’s family moved to Seattle and enrolled N.E. in the Seattle School District. The Seattle School District scheduled a Transfer Review IEP meeting with the family for September 3, before the school year started.⁵ At the IEP meeting, N.E.’s parents provided the District with a letter from N.E.’s treating psychologist and the report from the then-completed Independent Educational Evaluation, both recommending against N.E.’s placement in a self-contained classroom. Nonetheless, after considering the relevant materials, the Seattle School District proposed placing N.E. in a self-contained classroom like the one adopted by the Bellevue School District in the May 2015 IEP. N.E.’s parents rejected the Seattle School District’s proposal at the September 3 meeting and filed their due process complaint less than one week later, on September 9.

II

A.

Against this background, I turn to the question whether, as the majority holds, the statute permitted the Seattle School District immediately to place N.E., who had been “mainstreamed” in Bellevue except for the three week end-of-year ***1101** agreed-upon program, in a self-contained special education classroom. I am convinced that doing so while the parents were challenging that restrictive placement violated the IDEA’s “stay-put” provision.

I begin with the statute:

(i) [Section 1415\(j\)](#), titled “Maintenance of current educational placement,” states:

[D]uring the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

[20 U.S.C. § 1415\(j\)](#) (emphasis added). Notably, [§ 1415\(j\)](#) uses the term “then-current educational placement,” not “Individualized Education Program,” as the benchmark.

Throughout the statute, the term “placement” refers to a child’s on-the-ground educational experience, not the content of a document. *See, e.g.*, [20 U.S.C. §§ 1414\(e\); 1415\(d\)\(2\); \(k\)\(1\); \(k\)\(3\)](#). For example, [Section 1415\(k\)\(1\)\(B\)](#) authorizes school personnel in exigent circumstances temporarily to remove a child who violates the code of student conduct from their “current placement” to an interim alternative setting. *Id.* [§ 1415\(k\)\(1\)\(B\)](#). [Section 1415\(k\)\(1\)\(C\)](#) further provides that a school can only in narrow circumstances order a “change of placement” exceeding 10 days.⁶ *Id.* [§ 1415\(k\)\(1\)\(C\)](#). [Section 1415\(k\)\(3\)](#) provides a mechanism for a parent to challenge such a “decision regarding placement.” *Id.* [§ 1415\(k\)\(3\)](#). These provisions indicate parents may challenge individual placements without regard to whether or how they are set forth in an IEP, and so confirm that as used throughout the statute, “placement” refers to the child’s actual educational experience.

The phrase “then-current educational placement,” then, refers to an educational setting actually experienced by the student.

“Because the term connotes preservation of the status quo, it refers to the operative placement actually functioning at the time....” *Thomas v. Cincinnati Bd. of Educ.*, 918 F.2d 618, 625–26 (6th Cir. 1990); *cf. N.W. ex rel. J.W. v. Boone Cty. Bd. of Educ.*, 763 F.3d 611, 617 (6th Cir. 2014) (explaining that any such operative placement cannot be one in which the parents unilaterally place their child); [34 C.F.R. § 300.116](#) (describing how educational placements are determined). Consistently with this understanding, [Section 1415\(j\)](#) is commonly referred to as the “stay-put” provision.

(ii) The IDEA separately defines “Individualized Education Program.” An “Individualized Education Program” (“IEP”) is “a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section.” [20 U.S.C. § 1414\(d\)\(1\)\(A\)](#). An IEP sets out a child’s present educational performance and measurable annual goals, describes how progress toward those goals will be measured, and explains the special education and related services the child will receive in the future. *Id.*

***1102** The term “Individualized Education Program” (“IEP”) appears in various sections of the statute. *See, e.g.*, [20 U.S.C. § 1415\(c\)\(1\)\(E\); \(f\)\(1\)\(B\)\(i\); \(k\)\(1\)\(D\)\(i\); \(k\)\(1\)\(E\)\(i\)](#). The term helps describe the role of the team responsible for establishing a child’s education program; the child’s documented learning goals; and the documents administrators must review when determining if a child’s behavior is a manifestation of their disability. As these uses and the definition indicate, an IEP is a “statement”—a document. It is not the operational, on-the-ground educational setting experienced by the child.

(iii) The distinct uses of the terms “placement” and “Individualized Educational Program” throughout the IDEA confirm that the terms refer to distinct concepts. As the Sixth Circuit observed in *Cincinnati Bd. of Educ.*, 918 F.2d at 625, “[h]ad Congress intended a prospective IEP to govern the Act’s stayput provision, as opposed to an operational placement, it could have employed the term ‘individualized educational program’ which it had already defined.” By using the term “placement,” not “Individualized Education Program,” in the stay-put provision, the IDEA evidences the intent *not* to tether the stay-put placement to a program planned for the future.⁷ Instead, the “then-current educational placement of the child” is the educational program to which the child was accustomed at the time a proposed new, never-implemented program is under challenge.

B.

My reading of the statutory language and structure reflects the role of the “stay-put” provision in the statutory scheme.

The IDEA was first enacted in 1975 in response to evidence that disabled children were not receiving adequate educational services and that many children were “excluded entirely from the public school system and [would] not go through the educational process with their peers.” *Pub. L. No. 94–142*, § 3(b)(4), 89 Stat. 773, (1975) (codified at *20 U.S.C. § 1401* note (1976) (Congressional Findings)).⁸ The IDEA prevents the unnecessary exclusion of children with special educational needs from the classrooms attended by nondisabled children (“general education classrooms”), by requiring that school districts provide to special needs children the least restrictive education setting practical. *20 U.S.C. § 1412(a)(1), (5)*; *Honig v. Doe*, 484 U.S. 305, 309–11, 324, 325 n.8, 327, 108 S.Ct. 592, 98 L.Ed.2d 686 (1988), *partially superseded by statute on other grounds*, Individuals with Disabilities Education Act *1103 Amendments of 1997, *Pub. L. No. 105–17*, § 615(k), 111 Stat. 37 (1997). Toward that end, the IDEA provides both a substantive guarantee that all children with disabilities will receive a free appropriate public education, *20 U.S.C. § 1412(a)(1)*, and procedural safeguards to ensure that result. Among those safeguards are provisions that require meaningful parent participation in all aspects of the child’s education, including the right to challenge in impartial proceedings official school action. *20 U.S.C. § 1415(f)(1)(A)*; *see Honig*, 484 U.S. at 312, 108 S.Ct. 592.

The statute’s stay-put provision complements both the substantive concern with avoiding restrictive educational environments if possible and the assurance that parents may meaningfully participate in deciding on their children’s educational placement. Enacted “to prevent school officials from removing a child from the regular public school classroom over the parents’ objection pending completion of the review proceedings,” *Sch. Comm. of Town of Burlington, Mass. v. Dep’t of Educ. of Mass.*, 471 U.S. 359, 373, 105 S.Ct. 1996, 85 L.Ed.2d 385 (1985); *see also K.D.*, 665 F.3d at 1120, the stay-put provision “meant to strip schools of the *unilateral* authority they had traditionally employed to exclude disabled students, particularly emotionally disturbed students....” *Honig*, 484 U.S. at 323, 108 S.Ct. 592. By doing so, the stay-put requirement eliminated the “heightened risk of irreparable harm inherent in the premature removal of

a disabled child to a potentially inappropriate educational setting.” *Joshua A. v. Rocklin Unified Sch. Dist.*, 559 F.3d 1036, 1040 (9th Cir. 2009). Tying the stay-put provision to an actual educational setting experienced by the child—not a planned future placement included in an IEP statement—avoids that result.

C.

Here, at the time N.E.’s parents brought their due process challenge on September 9, 2015, the summer break was just concluding, the 2015–16 school year was about to begin (apparently that day), and the new school district had just announced N.E.’s assignment for the coming year. In this circumstance, the IDEA’s promise that parents can preserve the status quo while challenging school district actions most sensibly requires us to look for stay-put purposes to the general education classroom (with accommodations).

The two other candidates for the “stay-put” benchmark are the individual class, the stop-gap educational setting agreed to by his parents and understood by all concerned as temporary or interim, and the Cascade Program, which N.E. had *never* attended.

As to the first, the school district and N.E.’s parents agreed that N.E. would be in the individual class for approximately three weeks, to finish the school year. As both parties now recognize, “[t]he policy behind [the stay-put provision] supports an interpretation of ‘current educational placement’ that excludes temporary placements....” *Verhoeven v. Brunswick Sch. Comm.*, 207 F.3d 1, 10 (1st Cir. 1999). Such placements do not reflect any considered judgment, at any point, that the temporary placement is suitable for the long-term educational development of the child. In situations like this one, where the school district and the child’s family do not agree to extend a temporary placement, the stay-put provision requires placing the student “in the last placement that the parents and the educational authority agreed to be appropriate.” *Id.*

As to the Cascade Program, it was certainly not the “then-current educational placement” at the time N.E.’s parents challenged the Seattle District’s proposed *1104 placement. N.E. had never been taught in an isolated special education classroom. To place him in one would fundamentally alter his educational experience, without his parents’ consent and before the proceedings designed to prevent the “heightened

risk of irreparable harm inherent in the premature removal of a disabled child to a potentially inappropriate educational setting,” *Joshua A.*, 559 F.3d at 1040, could go forward.

The third alternative, placement in the general education classroom with full-time paraeducator support, is the setting in which N.E. received instruction for all but the last few weeks of the prior school year, as well as in prior years. The May 2015 IEP identifies this setting and associated services as N.E.’s “current placement at his neighborhood school.” Placing N.E. in that general education setting while his parents bring their due process challenge would fulfill the statutory “stay-put” purpose of ensuring that schools cannot unilaterally exclude children from the general educational setting. See *Honig*, 484 U.S. at 323, 108 S.Ct. 592. And it would provide stability for N.E. in his educational experience, to the degree possible given the change in school districts.

The alternative embraced by the majority—allowing Seattle to move N.E. *for the first time* to a self-contained classroom for emotionally and behaviorally disordered children—would, in contrast, fundamentally disrupt N.E.’s education. Yet, the challenge to the IEP, if successful, could result in a second disruption, returning N.E. to the general educational setting his parents seek. In the meantime, N.E. would have been educated for a long period in an inappropriate setting, in isolation from his peers. Section 1415(j) is designed to preclude precisely such disruption and such potentially long term harm to students with disabilities.

III.

The majority disagrees with my application of the IDEA “stay-put” requirement to this case. It does not contest that “then-current educational placement” ordinarily refers to the actual educational setting in which a student is enrolled. But it insists that for several reasons, the usual understanding does not apply here, and that, instead, the “stay-put” baseline is the self-contained classroom setting *which N.E. had never actually experienced*.

First, the majority maintains that the May 2015 IEP contained two stages, one of which was implemented, and that the “then-current educational placement” therefore became the never-implemented, longterm part of the IEP. Second, the majority sees significance in the timing of N.E.’s parents due process challenge—during the summer break. *Maj. Op.*, pp. 1095–96. Third, the majority indicates that N.E.’s

parents brought the stay-put problem on themselves by filing their challenge to the Cascade Program when they did. Finally, the majority suggests that N.E.’s alleged disruptive behavior in the spring of 2015 justified the transfer. None of these circumstances supports the majority’s conclusion that “a partially implemented, multi-stage IEP, as a whole, is a student’s then-current educational placement,” and that the self-contained classroom is therefore N.E.’s stay-put placement. *Maj. Op.*, p. 1097. I take in turn each of the specific circumstances of this case on which the majority relies.

A.

The majority characterizes the May 2015 IEP as a partially implemented, multi-stage IEP. In fact, the May 2015 IEP proposed only one continuing placement, the self-contained classroom program. On both the Prior Written Notice and in the *1105 IEP, the district stated that it was proposing a new placement for N.E. in the Cascade Program, a self-contained classroom. The Prior Written Notice specifically referred to the individual class as an “interim” setting and did not propose the individual class as a new placement. Instead, it noted that “to assist with [N.E.’s] transition to the cascade program at the beginning of the year,” for the remainder of the current school year N.E. “would receive 1:1 instruction provided by a certificated teacher and supported by a paraeducator in an interim setting at another elementary school.” The IEP itself included the three-week interim program in the matrix of services, but it did not elsewhere describe the program. All concerned parties understood the individual classroom program to be a stop-gap measure that was distinct from the placement proposal made at the May IEP meeting. See pp. 1100, *supra*. The manner in which these documents present, and the participants in the IEP decision understood, the two programs indicates that the proposed placement was the self-contained program; the one-on-one setting was a temporary, agreed-upon measure to close out the last weeks of the school year.

In the end, though, on my reading of the statute, the dispute over whether the IEP is a two-stage educational program or a one-stage, full-year program with a temporary, stop-gap placement ultimately does not matter. The “stayput” provision, as I have explained, focuses not on what is contained in the IEP document but on the child’s actual educational experience.

Here, N.E. had never experienced the self-contained classroom program the 2015 IEP proposed. A child cannot “stay-put” in a program in which he never took part; the “then-current educational placement” cannot be an educational setting the child has never experienced. From the child’s point of view, moving him to an entirely new kind of educational experience, one that exists only on paper, is precisely the sort of fundamental disruption the “stay-put” provision was designed to prevent.

Moreover, permitting the school district to implement an entirely new educational program while the parents are properly challenging it allows the unilateral school district decisionmaking the IDEA does not permit. “The preservation of the status quo [is meant to] ensure[] that the student remains in the last placement that the parents and the educational authority agreed to be appropriate.” *Verhoeven*, 207 F.3d at 10.

B.

Like the majority’s concern with the nature of the IEP, the circumstance that the summer break intervened does not require departure from the stay-put provision’s mandate to preserve the status quo. Even if “we commonly think of education as forward-looking,” *Maj. Op.*, p. 1098, the focus of the stay-put requirement is static—to *preserve* an existing educational placement until any challenge to a newly proposed one is resolved. An entirely new, future placement, never experienced by the child, is not what one would call the “current” one in ordinary language; “current” suggests continuity, not disruption.⁹ As between (1) the educational placement in place at the time the IEP was devised and for the entirety of N.E.’s prior education, and (2) an educational program N.E. had never experienced, the former, most recent one (except for the three-week *1106 stop gap) has to be the “then-current” one for purposes of a provision designed to preserve the status quo and prevent disruption. Further, if school districts could unilaterally and fundamentally change a child’s educational placement over the summer break because there is no “then-current” educational placement during that period, the IDEA’s commitment to parental involvement in devising educational programs for disabled children would be severely undermined.

C.

The majority also faults N.E.’s parents for filing their due process challenge when they did, suggesting the result might be different had the challenge been lodged earlier. But the parents filed their challenge when they did for a practical reason: N.E.’s parents did not know the Seattle School District would propose the self-contained classroom placement proposed by the Bellevue School District until the IEP meeting on September 3.

Having moved from one district to another over the summer, N.E.’s parents knew that the Seattle School District would decide N.E.’s placement for the 2015–16 school year. The statute requires that “[a]t the beginning of each school year, each local educational agency ... shall have in effect, for each child with a disability in the agency’s jurisdiction, an individualized education program.” 20 U.S.C. § 1414(d)(2)(A).¹⁰ Given the Independent Educational Evaluation report and the psychologist’s letter recommending against the self-contained classroom placement, N.E.’s parents had good reason to anticipate that the Seattle School District might not propose the self-contained classroom placement in adopting the new IEP. A due process challenge against the Seattle School District before September 1 would have been premature.

The majority’s focus on the September 1 date is misplaced for another reason. The Bellevue School District listed September 1 on the May IEP as the start date for the self-contained classroom placement, but the date did not correspond to the actual start of the school year in Seattle. As noted, school had not yet begun in Seattle on September 1. Because the stay-put provision requires attention to a child’s actual educational experience, a projected start date in a document should not obscure the on-the-ground reality.

The majority’s critique of the timing of N.E.’s parents’ due process challenge leads to untoward practical consequences if accepted. The majority faults N.E.’s parents for not challenging what they call “stage one” of the IEP, a challenge which would have been meaningful only had it been *1107 brought before that stage finished. But N.E.’s parents *agreed* with the stage one placement, as an available interim measure. There is nothing in the statute requiring parents to object to a short, interim, emergency placement to which they agree so that they can challenge a later, long-term, entirely different, placement they oppose, while still benefitting from IDEA’s stay-put provision.

Moreover, under the majority's reasoning, for the general education setting to become the "stay-put" placement, N.E.'s parents would have had to file their due process challenge before stage one began. But it would have been impossible for N.E.'s parents to do so here, as they did not receive the statutorily-mandated prior written notice until a week or ten days *after* N.E. began attending the interim individual class.¹¹ That notice was the first time in which the interim, agreed-upon setting and the self-contained classroom placement were bundled into a single IEP. Under the majority's approach, N.E.'s parents were effectively locked into both stages of the IEP by the time they saw the IEP document.

Even assuming that the parents received sufficient notice in the May meetings that the two programs would thereafter be inextricably linked—and I do not think they did—it would take some time for the parents to bring a due process challenge. N.E. began attending the interim program only two days after the IEP meeting. To bring a due process challenge, parents must: find and contact a competent lawyer; set up an appointment; discuss their options with the lawyer and probably between themselves; draft and file a complaint; and then assert their child's stay-put right.

Indeed, even in a situation in which parents *do* receive timely prior written notice of an IEP containing a short-term interim placement and a new placement, it is quite possible that they would not be able to file a complaint to challenge the IEP before the first stage is implemented. The statute requires roughly ten days' notice prior to implementation of a proposed change. *See Letter to Winston*, 213 IDELR 102, p. 3 (Office of Special Educ. Programs 1987). Filing a due process complaint will likely often take more than ten days.

Under the majority's rule, any time an emergency placement is proposed for rapid implementation and is attached to a longer placement in an IEP, the parents' only feasible option is to challenge both the interim and new placement before the interim placement begins. Otherwise, they will be stuck with implementation of the unacceptable stage of the IEP while the challenge proceeds. And doing so is likely to be difficult, given the time necessary to mount a challenge.

D.

Finally, moving N.E. to a restrictive environment during the pendency of the due process proceedings was not necessary to address any concern about N.E.'s allegedly aggressive

and violent behavior. The IDEA provides procedures for addressing behavioral problems and safety concerns short of such unilateral action.

First, the Act provides that an IEP team "consider the use of positive behavioral interventions and supports" when a *1108 child's behavior "impedes the child's learning or that of others." 20 U.S.C. § 1414(d)(3)(B)(I). Next, when a child with a disability violates a code of student conduct, the Act authorizes school personnel to remove that child to an alternative educational setting, or to suspend the student, for up to 10 days, to the extent such discipline would be applied to children without disabilities. 20 U.S.C. § 1415(k)(1)(B).¹² If, after school personnel remove a child from their current placement pursuant to that authority, the IEP team determines that the problem behavior is a manifestation of the child's disability, the Act directs the IEP team to "conduct a functional behavioral assessment, and implement a behavioral intervention plan," or to review and modify an existing behavioral intervention plan to address the child's problem behavior. *Id.* § 1415(k)(1)(F). Finally, school authorities can remove a child with a disability to an alternative setting for up to 45 days when that child has a weapon, possesses or uses illegal drugs, or injures another person at school. *Id.* § 1415(k)(1)(G). If N.E.'s problem behavior recurred while he was placed in a general education classroom, these provisions would provide the Seattle School District with lawful, effective means of addressing those problems and preserving classroom safety.

* * * *

In short, although the circumstances of this case do introduce some complexity into applying the IDEA's stay-put requirement, these circumstances do not change my conclusion that N.E.'s stay-put placement is the general educational setting with individual paraeducator support he had experienced for almost all his student life.

IV.

The majority's approach simply cannot be reconciled with the text of the statute or its purposes. It confines N.E. to the most restrictive placement contained in any of his IEPs, removes him almost entirely from the general education setting, and places him in a setting in which he was never previously enrolled. The majority's approach has the practical potential

broadly to preclude relief to parents and their children with special educational needs. I respectfully dissent.

All Citations

842 F.3d 1093, 337 Ed. Law Rep. 620, 2016 Daily Journal D.A.R. 11,380

Footnotes

- 1 Pursuant to the procedural requirements of the IDEA, school districts must provide parents with “[w]ritten prior notice ... whenever the local educational agency proposes to initiate or change or refuses to initiate or change ... the identification, evaluation, or educational placement of the child.” 20 U.S.C. § 1415(b)(3)(A).

In addition to making the arguments discussed in text, Plaintiffs argue that Bellevue School District committed a procedural error, in violation of the IDEA, by sending the written notice after the school district had already implemented stage one of the May 2015 IEP. They argue that this error prevents the May 2015 IEP from serving as the stay-put placement. But that argument was waived; Plaintiffs raised it only in a motion for reconsideration, which does not suffice to preserve the issue for appeal. *Hendricks & Lewis PLLC v. Clinton*, 766 F.3d 991, 998 (9th Cir. 2014).

- 2 The dissent argues that a general education class with full-time paraeducator support (the December 2014 IEP) should be considered N.E.’s stay-put placement, and it dismisses the individual class (stage one of the May 2015 IEP) as “understood by all concerned as temporary or interim,” and “not reflect[ing] any considered judgment, at any point, that the temporary placement is suitable for the long-term educational development of the child.” Dissent at 22–23. But N.E.’s parents, citing the recommendations of two psychologists, *requested an individual class setting* when they first contacted the Seattle School District. In other words, Plaintiffs initially sought a more isolated, not a less isolated, environment for N.E. Had the Seattle School District acceded immediately to Plaintiffs’ wishes, N.E. would not have been placed in a general education class.

- 3 Plaintiffs do not argue that Defendant’s proposal differed meaningfully from the second stage of the May 2015 IEP.

- 4 It is our view that the change of school districts, in this case, does not affect the analysis.

- 5 We cannot fault Plaintiffs for not having objected to stage one before allowing N.E. to attend the individual class for the last few weeks of the 2014–15 school year. But we view as critical the fact that Plaintiffs never challenged the May 2015 IEP at any point before the new school year was set to begin. Had Plaintiffs done so, they likely would have been entitled to a stay-put order under the terms of the December 2014 IEP that they could have presented to the Seattle School District upon transferring there.

- 1 N.E. has scored in the 99th percentile in reading and 85th percentile in mathematics on his last standardized test.

- 2 That draft was blank on one page on which a proposed placement was to be listed. The District had indicated its intention to fill in that page with the proposed self-contained classroom program. The parents therefore wrote “disagree” on the cover page of the draft.

- 3 An “emergency expulsion” in Washington public schools is a denial of attendance for no more than ten days, imposed while a student poses a danger or risk of substantial disruption. See [Wash. Rev. Code 28A.600.015](#); [Wash. Admin. Code 392–400–295](#). A student who is emergency expelled does not have the right to remain in school while challenging the disciplinary action. See [Wash. Admin. Code 392–400–295](#). This state law accords with the IDEA, which allows school authorities to remove a child with disabilities who violates a code of student conduct from the classroom, to the extent they would do so for children without disabilities, for up to ten days. See 20 U.S.C. § 1415(k)(1)(B).

The school asserted that N.E. had gotten into a fight with his younger brother while waiting to be picked up after school. N.E.’s parents maintain that the Bellevue School District “fabricated” this incident because of hostility to N.E.

- 4 The Prior Written Notice sent to N.E.’s parents along with the final IEP stated as N.E.’s “current placement” “his neighborhood school with resource room support, 1:1 para[educator], and Behavior Intervention Plan.” The “proposed or refused action” was “a change of placement to the Cascade Program.” Under “Any other factors that are relevant to the

action,” the District explained that “[t]o assist with transition to the [C]ascade program ... the team discussed that for the remainder of this school year, [N.E.] would receive 1:1 instruction provided by a certificated teacher and supported by a paraeducator in an *interim* setting at another elementary school.” (emphasis added).

- 5 The Seattle School District's "Transfer Review IEP" for N.E. lists the dates of the proposed placement as September 9, 2015 to May 25, 2016, indicating that the school year started on September 9.
- 6 N.E.'s temporary placement in the individual classroom was not made by the District pursuant to § 1415(k). Instead, the school district and N.E.'s parents agreed to place N.E. in the individual classroom as a temporary measure after his emergency expulsion, because N.E.'s parents preferred he not return to Newport Heights Elementary School for the remaining few weeks of the school year.
- 7 Our precedents are not to the contrary. Some refer to an *implemented* IEP as the touchstone for the "stay-put" requirement. But those cases state only that the then-current educational placement "is *typically* the placement described in the child's most recently implemented IEP," not that it always is. *Johnson ex rel. Johnson v. Special Educ. Hearing Office*, 287 F.3d 1176, 1180 (9th Cir. 2002) (per curiam) (emphasis added); see also *L.M. v. Capistrano Unified Sch. Dist.*, 556 F.3d 900, 911 (9th Cir. 2009). None of those cases held that the child's stay-put placement was an educational setting the child never before experienced. See *Johnson*, 287 F.3d at 1178–81; *Capistrano*, 556 F.3d at 911–13; *K.D. ex rel. C.L. v. Dep't of Educ.*, 665 F.3d 1110, 1117–21 (9th Cir. 2011); *N.D. v. Haw. Dep't of Educ.*, 600 F.3d 1104, 1116 (9th Cir. 2010). Use of the shorthand term "last implemented IEP" in that line of cases thus did not encompass situations in which a future educational placement projected in an IEP never occurred.
- 8 The Act was originally entitled the Education for All Handicapped Children Act of 1975. It was amended in 1990 and renamed the "Individuals with Disabilities Education Act." Pub. L. No. 101–476, 104 Stat. 1103 (1990). I refer to both versions of the statute as "IDEA."
- 9 The majority notes that we might refer to a child who is about to enter **fifth** grade as a "**rising fifth grader**." But we do not refer to that child as a "fifth grader," precisely because they have not yet started fifth grade.
- 10 The statute also contains a section that deals with student transfers between school districts that take place within an academic year. That section provides: "In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State Law." 20 U.S.C. § 1414(d)(2)(C). Since N.E. did not transfer districts within the same academic year, this section does not govern his case. The Seattle School District nonetheless described N.E.'s new proposed IEP as a "Transfer Review" IEP, so it may have been under the impression that this provision applied. Whether under § 1414(d)(2)(A) or § 1414(d)(2)(C), it was clear to both school officials and N.E.'s parents that the Seattle School District had an obligation to adopt an IEP for N.E. for the beginning of that school year.
- 11 The majority is correct that N.E.'s parents waived their argument that the entire May 2015 IEP is invalid because they did not receive timely prior written notice. That does not, however, change the fact that, given the tardiness of the notice, N.E.'s parents could not have filed a challenge and brought a stay-put motion before the stage one placement began.
- 12 N.E.'s "emergency expulsion" before his temporary placement in the individual class conformed with this statutory authorization.



EOY Checklist

(/home/pdfexport/id/67f27a7905c34f3f870c8ae2)

05/21/2025 7:32 pm EDT

EOY Checklist

The EOY Process below is a living process and is subject to changes as NCDPI determines best practices for End of Year.

If Part 1 of the Scheduling Workflow (/home/scheduling-workflow-building) has been completed, refer to the 'Before the Last Day of School' section as a double check.

Before the Last Day of School

| Task | <input checked="" type="checkbox"/> Completed |
|---|---|
| School Year and Calendar | |
| Create the future School Year. (/home/create-future-school-year) | <input type="checkbox"/> |
| Create the future year school calendar(s) (/home/rolling-forward-program-calendars#SchoolCalendars) | <input type="checkbox"/> |
| Create the future year program calendars (/home/rolling-forward-program-calendars#ProgramCalendars) | <input type="checkbox"/> |

| Task | Completed |
|---|--------------------------|
| Checks and Updates (/home/checks-and-updates) *Make sure the calendar context is the future year! | |
| Grade Levels (/home/checks-and-updates#GradeLevelCheck) | <input type="checkbox"/> |
| Term Setup (/home/checks-and-updates#TermSetupCheck) | <input type="checkbox"/> |
| Period Setup (/home/checks-and-updates#PeriodSetupCheck) | <input type="checkbox"/> |
| Day Setup (/home/checks-and-updates#DaySetupCheck) | <input type="checkbox"/> |
| School Months (/home/checks-and-updates#SchoolMonthsCheck) | <input type="checkbox"/> |
| Future Enrollments (/home/future-enrollments) | |
| School Calendar Student Enrollment Roll Forward (/home/future-enrollments#StudentRollForward) | <input type="checkbox"/> |
| Program Calendars Student Enrollment Roll Forward (/home/future-enrollments#ProgramRollForward) | <input type="checkbox"/> |
| Enrollment Cleanup Wizard (/home/future-enrollments#EnrollmentCleanup) *Make sure the calendar context is the future year! Run weekly! | <input type="checkbox"/> |
| Pre-Register Students (/home/future-enrollments#Pre-registerStudents) *Make sure the calendar context is the future year! | <input type="checkbox"/> |
| Additional (/home/additional-items) | |
| EDDIE Updates (/home/additional-items#EDDIEUpdates) (if applicable) | <input type="checkbox"/> |
| Online Registration Updates (/home/additional-items#OLRUpdate) (if applicable) | <input type="checkbox"/> |

After the Last Day of School

| Task | <input checked="" type="checkbox"/> Completed |
|--|---|
| Final Grading (/home/final-grading) | |
| Post Grades (/home/final-grading#PostGradesEOY) | <input type="checkbox"/> |
| Final Report Cards (/home/final-grading#FinalReportCards) | <input type="checkbox"/> |
| Post Transcript Grades (/home/final-grading#PostTranscriptEOY) | <input type="checkbox"/> |
| Grade Suppression (/home/final-grading#GradeSuppressionEOY) (if applicable) | <input type="checkbox"/> |
| Class Rank (/home/final-grading#ClassRankEOY) (if applicable) | <input type="checkbox"/> |
| Final Transcripts (/home/final-transcripts) (if applicable) | <input type="checkbox"/> |
| Graduates (/home/graduates-eoy) (if applicable) | |
| Graduation Checklist (/home/graduates-eoy) (if applicable) | <input type="checkbox"/> |
| Retentions (/home/retentions-eoy) | |
| Create Retention Filter (use for ending enrollments) | <input type="checkbox"/> |
| End Retention Enrollments (/home/retentions-eoy#endretentionenrollment) | <input type="checkbox"/> |
| Enrollment Processes (/home/end-enrollments-for-eoy) | |
| Last Instructional Day Check (/home/end-enrollments-for-eoy#LastInstructionalDay) | <input type="checkbox"/> |
| End Enrollments (/home/end-enrollments-for-eoy#EndEnrollmentsEOY) *Roll forward all enrollments before ending current year enrollments | <input type="checkbox"/> |
| End Program Assignments (/home/end-program-assignments-for-eoy) | <input type="checkbox"/> |

| Task | Completed |
|---|--------------------------|
| Enrollment Cleanup (/home/end-enrollments-for-eoy#EnrollmentCleanup) *Make sure the calendar context is the future year! Run weekly! | <input type="checkbox"/> |
| Reporting and Billing (/home/reporting-and-billing) | |
| End of Year Fees (/home/reporting-and-billing#EOYFees) (if applicable) | <input type="checkbox"/> |
| State Reports (/home/reporting-and-billing#EOYStateReports) | <input type="checkbox"/> |
| Local PSU final reports (/home/reporting-and-billing#EOYPSUReports) | <input type="checkbox"/> |
| Pause Automated Tasks (/home/reporting-and-billing#EOYTasksPause) | <input type="checkbox"/> |
| Administrative (/home/administrative-eoy) | |
| Staff Records (/home/administrative-eoy#StaffEOY) | <input type="checkbox"/> |
| Access Management (/home/administrative-eoy#UserManagementEOY) | <input type="checkbox"/> |
| Record Retention (/home/administrative-eoy#RecordRetentionEOY) | <input type="checkbox"/> |
| Locker Assignments (/home/administrative-eoy#LockerEOY) (if applicable) | <input type="checkbox"/> |
| Scheduling (/home/scheduling-for-future-year) | |
| Scheduling Board (if applicable) | <input type="checkbox"/> |
| Future Year Schedule Active and Locked | <input type="checkbox"/> |
| Update Active Year (/home/update-active-year) | |
| DPI will switch the active year to the new future on June 30th. | <input type="checkbox"/> |

Home (/home) >> End of Year (/home/eoy) >> Before Last Day of Current Year (/...



Checks and Updates

 (/home/pdfexport/id/67eeaab339e7a5bb1807fa52)  

04/10/2025 5:57 am EDT

Once calendars are rolled forward the following items should be reviewed and/or updated.



Make sure the calendar context is the future year!

Grade Levels

Scheduling & Courses > Calendar Setup > Grade Level Setup

- Review Grade Levels (<https://kb.infinitecampus.com/help/grade-levels>) assigned to the calendars.
- Grade levels roll forward from one calendar to the next, when selected.

Grade Level Setup ☆

New

Save

Delete

Grade Level Editor

| Name | Seq |
|------|-----|
| IT | 1 |
| PR | 2 |
| PK | 3 |
| TK | 4 |
| KG | 5 |
| 1 | 6 |
| 2 | 7 |
| 3 | 8 |
| 4 | 9 |
| 5 | 10 |
| 6 | 11 |
| 7 | 12 |
| 8 | 13 |
| 9 | 14 |
| 10 | 15 |
| 11 | 16 |
| 12 | 17 |
| 13 | 18 |
| UG | 19 |
| ABE | 99 |
| OS | 99 |

Grade Level Detail

Name (locked)

3

*Sequence Number

8

*State Grade Level Code

03: Third

Standard Day

Maximum Membership Days

Whole Day Absence (minutes)

Half Day Absence (minutes)

Maximum Approved School Choice Applications

0

Grade Code

Exclude from cumulative GPA/Rank calculations

☒

Exclude from state reporting

☐

Exclude from Enrollment

☐

Exempt from Assignment

☐

Standard Code (SIF code)

Exclude from SIF reporting

☐

Exclude from Grade/Age Validation

☐

External LMS Exclude

☐

Exclude from Online Registration Calculations

☐

Term Setup

Scheduling & Courses > Calendar Setup > Term Setup

- Update the **start** and **end dates** for the terms.
- If term dates are not yet available, use the previous calendar's term dates as a reference to enter for the future year.
- Adjustments can be made when the official term dates are available.

Term Setup ☆

Save Term Schedule/Terms

New Term Schedule/Terms

Delete Term Schedule/Terms

Term Schedule/Terms Editor

Name

Quarters

Term Schedule Detail

*Name

Quarters

Primary

☒

Term Detail

| | *Name | *Sequence | *Start Date | *End Date |
|---|-------|-----------|-------------|------------|
| ✕ | Q1 | 1 | 08/25/2025 | 11/02/2025 |
| ✕ | Q2 | 2 | 11/03/2025 | 01/25/2026 |
| ✕ | Q3 | 3 | 01/26/2026 | 03/22/2026 |
| ✕ | Q4 | 4 | 03/23/2026 | 06/05/2026 |

Add Term



Future Enrollments

 (/home/pdfexport/id/67eeabf806b10e2bce0729cd)  

05/15/2025 9:55 am EDT

Student Enrollments must be rolled forward for the next school year. Enrollments must be rolled forward prior to ending the current year enrollments.

School Calendar Enrollments

Enrollment Roll Forward Wizard | Infinite Campus (<https://kb.infinitecampus.com/help/enrollment-roll-forward>)

Student Information > General Student Administration > Enrollment Roll Forward Wizard

- Roll current student's enrollments to the future year.
 - The Start Date should be the **First Instructional Day** of the future calendar.
 - The Local Start Status should be **E1: Init enroll - this year**.
- The enrollment roll forward process can be done multiple times without risk of creating multiple enrollments for students.
- As new students enroll in the current year, use this tool to roll forward their enrollment.
- A future enrollment is not required for students that will not be attending your PSU next year. Follow all PSU procedures for confirming future enrollments.



Do not roll forward Graduate enrollments. They do not require a future enrollment.

Charter schools

- Do not roll forward students who will not attend the school next year. They do not require a future enrollment.
 - For example, if the school only has K-8 grade levels, the grade 8 students do not need to have a future enrollment.



Retention/Promotion

(/home/pdfexport/id/669e56d86ace736458002a00)

01/26/2025 4:00 pm EST

Retention/Promotion Process

Students are retained or promoted at the end of each school year. In NCSIS, the future enrollment information is used to determine the status of a student's next year enrollment. Students will need a next calendar, next schedule structure, and next grade in the future enrollment fields for processing. The student's next grade will determine whether the student will be assigned a promotion or retention local end status when the calendar is rolled forward for the new year.

| Promotion Local End Status | Retention Local End Status |
|----------------------------|----------------------------------|
| PR: Promoted | RACD: Retention-Local Stds-Acad |
| PRN: Promoted New School | RADM: Retention-Admin decision |
| | RATN: Retention-Local Stds-Atten |
| | RSTA: Retention-State Standards |
| | RT: Retained |



Use the RtA Program (/home/read-to-achieve-program) for reading retained designation.

Below are steps on how to update retention or promotion information based on different situations.

Retained EOY Promoted Summer School | Incorrectly Retained EOY | Incorrectly Promoted EOY

Retained at End of Year and Promoted After Summer School

If a student was retained at the end of the previous year and attends summer school resulting in a promotion to a new grade level, follow the steps below:

Navigation: Select Student > Student Information > General > Transcripts

- Add any grades earned during summer school by following the Adding Transcript Grades (/home/adding-transcript-grades) article.

Navigation: Select Student > Student Information > General > Enrollments

- Click on the **current** year enrollment record.

| Enrollment Editor | | | | |
|---|------|--------------------------|------------|----------|
| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
| 11 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Retained | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: RACD Retention, Local Standards Academic Retained | | | | |

- Update the **Start Date** to 7/1/XXXX.
- Check the **No Show** checkbox.



The student's current schedule will be unloaded as part of this process.

- Add an **End Date** of 7/1/XXXX
- Select a **Local End Status** of **PR: Promoted** or **PRN: Promoted New School** as appropriate.
- Add an End Comment of **Promoted Summer School**.

- Click **Save** to update the enrollment record.

Enrollment ID 91424

Calendar: 24-25 Harrison High

Schedule (read only): Main

Grade: 09

Class Rank Exclude: ☐

External LMS Exclude: ☐

Start Date: 07/01/2024

No Show: ☒

End Date: 07/01/2024

Local Start Status: E1: Init enroll - this year

State Start Status: E1: Init enroll - this year

Start Comments: Retained

Local End Status: PR: Promoted

State End Status: PR: Promoted

End Comments: Promoted Summer School

The retention enrollment record for the current year should now show as a No Show in the enrollments list.

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|------------------------------|------------|------------|
| 09 | P | 24-25 Harrison High(No Show) | 07/01/2024 | 07/01/2024 |
| Start Status: E1 Init enroll - this year Retained | | | | |
| End Status: PR Promoted Promoted Summer School | | | | |
| 09 | P | 23-24 Harrison High | 01/01/2024 | |
| Start Status: CM1 Init enroll - this year | | | | |
| End Status: | | | | |

- Click on **New** to add a new enrollment.
- Verify the **calendar** and **schedule** are correct in the enrollment record.
- Select the new **grade**.
- Enter the **start date**. (For summer processing, the date should be the first day of school.)
- Select **E1: Init enroll- this year** from the local start status dropdown.
- Enter **Promoted Summer School** in the Start Comments box.
- Select the appropriate **Admission Status** from the dropdown.
- Enter the **Resident District, Resident School, Serving District, and Serving School**.
- Click **Save** to complete the new enrollment record.

Enrollment ID

Calendar: 24-25 Harrison High

Schedule: Main

Grade: 12

Class Rank Exclude: ☐

External LMS Exclude: ☐

Start Date: 7/1/2024

No Show: ☐

End Date:

Local Start Status: E1: Init enroll - this year

State Start Status: E1: Init enroll - this year

Start Comments: Promoted Summer School

CRDC School of Accountability: Select a Value

Local End Status: Select a Value

State End Status:

End Comments:

Future Enrollment

Next Calendar:

Next Schedule Structure:

Next Grade:

State Reporting Fields

State Exclude: ☐

Admission Status: MST1: Member - Standard Day Program

Year-Round Transfer Days Override: 0

Resident District: 100 Brunswick County Sch

Resident School: 190 Harrison High

Serving District: 100 Brunswick County Sch

Serving School: 190 Harrison High

The promoted enrollment record for the current year will be listed in the enrollments list.

Incorrectly Retained at End of Year

If a student was incorrectly retained at the end of a school year, follow the steps below to correct the enrollments.

Navigation: Select Student > Student Information > General > Enrollments

- Click on the previous school year enrollment.

| Enrollment Editor | | | | |
|--|------|--------------------------|------------|----------|
| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
| 11 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Retained | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: RACD Retention, Local Standards Academic Retention | | | | |

- Change the local end status to **PR: Promoted** or **PRN: Promoted New School** as appropriate.
- Change the end comment to **Promoted Same School** or **Promoted New School** as appropriate.
- Click **Save** to update the enrollment record.

SaveDeleteNewPrint Enrollment HistoryNew Enrollment HistoryDocuments

General Enrollment Information

Enrollment ID 87464

Calendar23-24 Harrison High

Schedule (read only)Main

Grade11

Class Rank Exclude

External LMS Exclude

*Start Date01/01/2024

No Show

End Date

*Local Start StatusE1: Init enroll - this year

State Start StatusE1: Init enroll - this year

Start Comments

End Action

*Service TypeP: Primary

Local End StatusPR: Promoted

State End StatusPR: Promoted

End CommentsPromoted Same School

The enrollment from the previous year will now show as Promoted in the enrollments list.

| Enrollment Editor | | | | |
|---|------|--------------------------|------------|------------|
| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
| 11 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Retained | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: PR Promoted Promoted Same School | | | | |

- Click on the current year enrollment record.

| Enrollment Editor | | | | |
|---|------|--------------------------|------------|------------|
| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
| 11 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Retained | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: PR Promoted Promoted Same School | | | | |

- Select the correct grade from the dropdown list.

- Change the Start Comments to **Promoted Same School** or **Promoted New School** as appropriate.
- Click **Save** to update the changes to the enrollment.

Buttons: Save, Delete, New, Print Enrollment History, New Enrollment History, Documents

General Enrollment Information

Enrollment ID 91861

Calendar: 24-25 Harrison High

Schedule (read only): Main

*Grade: 12

Class Rank Exclude: ☐ External LMS Exclude: ☐

*Start Date: 07/01/2024 No Show: ☐ End Date:

*Local Start Status: E1: Init enroll - this year

State Start Status: E1: Init enroll - this year

Start Comments: Promoted Same School

End Comments:

The student's previous and current year enrollment records should now be correct in the enrollments list. Follow up with reviewing the student's schedule as necessary.

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|--------------------------|------------|------------|
| 12 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Promoted Same School | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: PR Promoted Promoted Same School | | | | |

Incorrectly Promoted at End of Year

If a student was incorrectly promoted at the end of a school year, follow the steps below to correct the enrollments.

Navigation: Select Student > Student Information > General > Enrollments

- Click on the **previous** year enrollment record.

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|--------------------------|------------|------------|
| 12 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Promoted Same School | | | | |
| End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year | | | | |
| End Status: PR Promoted Promoted Same School | | | | |

- Change the Local End Status to the appropriate **Retention** status code. See the list above.
- Change the End Comments to **Retained**.
- Click **Save** to update the changes to the enrollment.

[Save](#)
[Delete](#)
[New](#)
[Print Enrollment History](#)
[New Enrollment History](#)
[Documents](#)

General Enrollment Information

Enrollment ID 87454

Calendar: 23-24 Harrison High

Schedule (read only): Main

*Grade: 11

Class Rank Exclude: ☐

External LMS Exclude: ☐

*Start Date: 01/01/2024

No Show: ☐

End Date: 06/30/2024

*Local Start Status: E1: Init enroll - this year

State Start Status: E1: Init enroll - this year

Start Comments:

End Action:

*Service Type: P: Primary

Local End Status: RACD: Retention, Local Standards Academic

State End Status: RACD: Retention-Local Stds-Acad

End Comments: Retained

The enrollment from the previous year will now show as Retained in the enrollments list.

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|--------------------------|------------|------------|
| 12 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Promoted Same School End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year End Status: RACD Retention, Local Standards Academic Retained | | | | |

- Click on the **current** year enrollment record.

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|--------------------------|------------|------------|
| 12 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Promoted Same School End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | 06/30/2024 |
| Start Status: E1 Init enroll - this year End Status: RACD Retention, Local Standards Academic Retained | | | | |

- Select the correct **grade** from the dropdown list.
- Change the Start Comments to **Retained**.
- Click **Save** to update the changes to the enrollment.

[Save](#)
[Delete](#)
[New](#)
[Print Enrollment History](#)
[New Enrollment History](#)
[Documents](#)

General Enrollment Information

Enrollment ID 91861

Calendar: 24-25 Harrison High

Schedule (read only): Main

*Grade: 11

Class Rank Exclude: ☐

External LMS Exclude: ☐

*Start Date: 07/01/2024

No Show: ☐

End Date:

*Local Start Status: E1: Init enroll - this year

State Start Status: E1: Init enroll - this year

Start Comments: Retained

End Action:

*Service Type: P: Primary

Local End Status: Select a Value

State End Status:

End Comments:

The student's previous and current year enrollment records should now be correct in the enrollments list. Follow up with reviewing the student's schedule as necessary.

Enrollment Editor

| Grade | Type | Calendar (Schedule Name) | Start Date | End Date |
|---|------|--------------------------|------------|----------|
| 11 | P | 24-25 Harrison High | 07/01/2024 | |
| Start Status: E1 Init enroll - this year Retained End Status: | | | | |
| 11 | P | 23-24 Harrison High | 01/01/2024 | |
| Start Status: E1 Init enroll - this year End Status: RACD Retention, Local Standards Academic Retained | | | | |



Retentions at End of Year

 (/home/pdfexport/id/67eeb27ef53318ac9e01bc8b)  

04/07/2025 7:34 am EDT

Students that will be retained at the end of the school year will need to have their end status and end date updated prior to processing all other students' end enrollment. This process can be done by updating each individual student's current enrollment local end status and end date or can be done by creating Retention ad hoc filter. The sections below provide a guide on creating a Retention Filter and updating the local end status and end date using the filter.

Retention Filter | End Retention Enrollments | Update Retention End Status | Update Future Enrollment | Validate Retentions

Create Retention Filter

Create a Retention ad hoc filter to use to complete the end enrollment process with the correct end status for retained students. This can be completed by creating a multi select ad hoc or a selection editor ad hoc.

Use the Infinite Campus Multi-Select (/home/multi-select) article as a guide for how to create a multi select ad hoc filter for retained students.

The Selection Editor ad hoc filter will allow users to select the students from a list.

Enrollments ☆

Beatty, Olivia Student #: 25086 Grade: 1 DOB: 02/19/2018

School Pickup

Save **Delete** **New** **Print Enrollment History** **New Enrollment History**

General Enrollment Information

Enrollment ID 652113

Calendar: 24-25 Madison Elementary Schedule (read only): 1 *Grade: 1 Class Rank Exclude: ☐ External LMS Exclude: ☐

*Start Date: 08/26/2024 No Show: ☐ End Date: 05/23/2025 End Action: *Service Type: P: Primary

*Local Start Status: E1: Init enroll - this year Local End Status: RT: Retained

State Start Status: E1: Init enroll - this year

Start Comments:

CRDC School of Accountability:

Future Enrollment

Next Calendar: Next Schedule Structure: Next Grade:

Update Future Enrollment

Students' future enrollments have been created, but the grade level may not be correct. If the student's future year enrollment is in the same calendar, then follow the steps below to update the student's grade level. If the student's future year enrollment is not in a calendar with your tool rights, contact the next school or SIS Coordinator to work on the process to update the future enrollment record with the correct grade level.

| Location of Future Enrollment | Action | Calendar Rights Needed | Tool Rights Needed |
|-------------------------------|--|-------------------------------|---------------------|
| Current School | Change grade level in the enrollment record in the future year | Future year of current school | Enrollments - Write |

Enrollments ☆

Beatty, Olivia Student #: 25086 Grade: 1 DOB: 02/19/2018

School Pickup

New Print Enrollment History **New Enrollment History**

Enrollment Editor

| Grade | Type | Calendar | Start Date | End Date |
|--|------|--------------------------------|------------|------------|
| 2 | P | 25-26 Madison Elementary Schoo | 08/25/2025 | |
| Start Status: E1 Init enroll - this year End Status: | | | | |
| 1 | P | 24-25 Madison Elementary | 08/26/2024 | 05/23/2025 |
| Start Status: E1 Init enroll - this year End Status: RACD Retention-Local Stds-Acad | | | | |
| KG | P | Madison School 2024 A | 08/28/2023 | 05/24/2024 |
| Start Status: E1 Init enroll - this year End Status: PR Promoted | | | | |

- Select the correct **grade level** from the grade dropdown.
- Add a **start comment** (optional)
- Click **Save** to update the grade level.

Enrollments ☆

Beatty, Olivia Student #: 25086 Grade: 1 DOB: 02/19/2018

School Pickup

Save **Delete** **New** Print Enrollment History **New Enrollment History**

General Enrollment Information

Enrollment ID 948471

Calendar: 25-26 Madison Elementary Schoo

Schedule (read only): Main

Grade: 1

Class Rank Exclude: ☐ External LMS Exclude: ☐

*Start Date: 08/25/2025 No Show: ☐ End Date: End Action:

*Service Type: P: Primary

*Local Start Status: E1: Init enroll - this year

Local End Status:

State Start Status: E1: Init enroll - this year

State End Status:

Start Comments:

End Comments:

CRDC School of Accountability:

Rolled From Enrollment ID: 652113

Validate End Status for Retained Students

Use the Enrollment Summary Details Report | Infinite Campus

(<https://kb.infinitecampus.com/help/enrollment-summary-details-report>) to review student's end status and end dates. Use the same Retention ad hoc filter to review just the students that were retained. This report can be generated in a CSV format to be opened in a spreadsheet view to filter as needed.

2023–24 Retention-Promotion Reporting Procedures

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NCSIS Phase I PSUs

Introduction

The Retention-Promotion Report spreadsheet has been designed to capture information about students who were in membership on the last day of school in the 2023-2024 school year and were **retained** at the end of the year (EOY) along with information about their retention reason, summer school (SS) attendance, summer school promotion status, and then the end of summer (EOS) retention status.

This report along with the 2023-24 Month 9 MLD is used to calculate the counts and retention rates at the School, PSU, and State level.

PSUs should use the spreadsheet provided to submit the 2023-24 Dropout Report to NCDPI.

RP Report Spreadsheet Pick-up Location

The RP report can be found on the eMFTS site in the **homebase/reporting** folder. RP--00-4081-LEAXXX--RP_Report_SY2324_10242024.xlsx for districts and RP--00-4081-CHRXXX--RP_Report_SY2324_10242024.xlsx for charters.

After downloading the spreadsheet, please **delete the spreadsheet** from the homebase/reporting folder. This lets NCDPI know the report has been picked up.

Final Submission Due Date

This report should be submitted to NCDPI by COB November 1.

Final Submission Process

Submit the report to NCDPI by uploading the spreadsheet to the eMFTS site in the **homebase/filestodpi** folder. Once the report has been uploaded, please enter a [ServiceNow](#) ticket. After the data has been downloaded and reviewed by NCDPI, NCDPI will update the ticket with confirmation.

Definitions

- EOY Retention - Students who were retained at the End of the Year for the reporting year (2023-24). This definition does not reflect changes made to a student's promotion or retention status during the summer after completion of summer school or the fulfillment of course work or other requirements.
- EOS Retention – Students who retained at the start
- EOS Promotion

Abbreviations

- RP – Retention-Promotion
- MLD – Membership Last Day
- EOY – End of Year
- SS – Summer School
- EOS – End of Summer

Retention-Promotion Calculations

NCDPI made every effort to produce student level data that was identical to the MLD Month 9 for 2023-24 school year; however, primarily due to changes to enrollment records after EOY, there were slight differences in what was reported in the PMR and the student level file that was produced. The following provides instructions for how to handle these differences.

Since this spreadsheet is designed to capture retentions, not promotions, we will subtract the number of retained students submitted using this spreadsheet from the 2023-24 MLD Month 9 to get the accurate number of promotions for 2023-24.

If a student who was retained at the end of the year is not on the spreadsheet, add a row for the student at the end of the table on the appropriate sheet. Please verify that the school code and the student's UID are correct before submission. The student's UID will be used to capture their demographic data that is required for reporting in the 2023-24 Civil Rights Data Collection.

Making Changes to the list of Retained Students provided in the Spreadsheet

- **Values and Choice Selections** - End of Year Status, Exit Codes, Attend Summer School, Summer School Status, and End of Summer Status can be changed by selecting the appropriate value in the dropdown list for that cell.
- **Removing Students from the List** - Do not delete a student from the list provided. To remove a student from the list of retained students change their EOY status to "Promoted", their Exit Code to "PR" or "PRN" and EOS status to "Promoted".
- **Adding Students to the List** - If a retained student needs to be added to the list, add them at the end of the list of students provided and enter in all the fields in the table. Please verify that the school code and the student's UID are correct before submission.

Data Validations

Use the following logic to validate data entry prior to submission.

- If a student's End of Summer (EOS) Status is equal to "Retained" then their EOY Status should also be "Retained".
- If a student has a Summer School (SS) status of "Promoted" or "Graduated", they should have an EOS of "Promoted".
- The count of students retained at EOY should be equal to or greater than the count of students retained at the EOS.
- The count of students with an exit code of PR or PRN should equal the number of students promoted at EOY.
- The count of students with an exit code of RACD, RADM, RATN, RSTA, RET, and DEM could equal the number of students retained at EOY.

NCSIS Phase II PSUs

The process for reporting retentions and promotions for Phase II PSUs did not change. In the Fall of 2024-25, all Phase II PSUs should have approved and submitted the RPG report in PowerSchool during

the reporting window. The 2023-24 data submitted in the RPG report will be used by NCDPI for federal and state reporting.

Questions and Clarifications

- Email [Amy Powell Moman](#) with any data or submission related questions.



End Enrollments for EOY

PDF (/home/pdfexport/id/67eeb3a483e43cfb180b0511) 🖨️ ✉️

04/07/2025 7:15 am EDT

Last Instructional Day

Scheduling & Courses > Calendar Setup > Day Setup

- The last day of school should be the actual last day that students were in the building and receiving instruction.
- The instruction checkbox should be marked for the last day.
- This date should also match the **end date in the last term for the current year.**
- If this date has changed, make sure that School Months have been updated for PMR.

Day Setup ☆

Scheduling & Course

Save Day/Day Events

Delete Day/Day Events

Day Reset

Day Rotation

Print

Print Rotation

Multi Day Event

<< May 2025 >>

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----|------------------------|------------------------|------------------------|------------------------|------------------------|-----|
| | | | | 01 Regular School D | 02 Regular School E | 03 |
| 04 | 05 Regular School A | 06 Regular School B | 07 Regular School C | 08 Regular School D | 09 Regular School E | 10 |
| 11 | 12 Regular School A | 13 Regular School B | 14 Regular School C | 15 Regular School D | 16 Regular School E | 17 |
| 18 | 19 Regular School A | 20 Regular School B | 21 Regular School C | 22 Regular School D | 23 Regular School E | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

▼ Event on this Day

Day Detail

Date

05/23/2025

Day #

162

*Period Schedule

Regular School E

School Day

Regular School E

Instruction

☒

Attendance

☒

Start Time

End Time

Duration

0

Comments

Day Events

Type

ER: Early Release

Duration

0

Inst. Minutes

300

Add DayEvent

Blended Learning Groups ?

Add Group

End Enrollments

Student Information > General Student Administration > Enrollment End Batch Wizard



Prior to ending enrollments for the current school year, ensure to roll enrollments forward into the future school year using the Enrollment Roll Forward Wizard (<https://kb.infinitecampus.com/help/enrollment-roll-forward>).

- Make sure to end graduating students' enrollments prior to ending all student enrollments (if applicable). See the Graduation Checklist (/home/graduation-checklist) for more information.
- Make sure to **end retention students' enrollments** prior to ending all student enrollments.
- Run the Enrollment End Batch Wizard (<https://kb.infinitecampus.com/help/enrollment-end-batch>) process to end enrollments for all students. Students with existing end dates and end statuses will not be changed when running this process.
- **The End Date should be the last instructional day of the calendar.**
- **Select the PR: Promoted as the local end status.**

Enrollment Cleanup Wizard (<https://kb.infinitecampus.com/help/enrollment-cleanup-wizard>)

Student Information > General Student Administration > Enrollment Cleanup Wizard

- The Delete Enrollments calendar selection should be the current year calendar.
- The **Update Enrollments calendar selection should be the future year calendar.** The student filter should include students whose future year enrollment should be updated.
- Run the wizard **weekly** to ensure future enrollments are cleaned up in the future year.



Make sure the calendar context is the future year.

Home (/home) >> End of Year (/home/eoy) >> After Last Day of Current Year (/h...



Update Active Year

 (/home/pdfexport/id/67eeb64e56a895b125008412)  

04/07/2025 7:36 am EDT






All Before the Last Day of School (/home/before-last-day-current-year) and After the Last Day of Current Year (/home/after-last-day-of-current-year) tasks for the End of Year should be completed before the future year is made active.

Scheduling & Courses > Calendar Setup > School Year Setup

1. Select the **future** year.
2. Check the **Active** Checkbox.
3. Click **Save** to make the future year active.

School Year Setup ☆

 Save  Delete  New

School Year Editor

| Label | Start Year | End Year | Active |
|-------|------------|----------|-------------------------------------|
| 25-26 | 2025 | 2026 | <input checked="" type="checkbox"/> |
| 24-25 | 2024 | 2025 | <input type="checkbox"/> |
| 23-24 | 2023 | 2024 | <input type="checkbox"/> |
| 22-23 | 2022 | 2023 | <input type="checkbox"/> |
| 21-22 | 2021 | 2022 | <input type="checkbox"/> |
| 20-21 | 2020 | 2021 | <input type="checkbox"/> |
| 19-20 | 2019 | 2020 | <input type="checkbox"/> |

School Year Detail

***Label**
25-26

***Start Year**
2025

Start Date
07/01/2025

Active
☒

***End Year**
2026

End Date
06/30/2026

School Year

Load Preference From Previous Year

Reset Default Preference

Instructional Minutes Preference

☒ Exclude non-instructional periods

☒ Exclude non-instructional minutes

☒ Exclude time gaps between periods

School Day Minutes Preference

☒ Exclude non-instructional periods

☐ Exclude non-instructional minutes Max non-instructional minutes per period

☐ Exclude time gaps between periods Max non-instructional minutes for period gaps

Note: When the active year is updated, the scheduling trial that is active will lock automatically.

DPI will switch the active year to the new future in the State Edition of NCSIS on June 30th.

End-of-Year (EOY) User Guide

Introduction

The PowerSchool End of Year (EOY) process will promote, retain, move and graduate students based on the pre-EOY student and school setup. Pre-EOY tasks include, but not limited to, running EOY Validations, updating a student's next school and next grade, as well as completing school setup and scheduling. Once EOY processing is complete, your PowerSchool instance will be updated to the 2017-2018 school year. Post EOY tasks will then be required.

Important Information

- All LEA and Charters must conclude business for the current school year (2016-2017) by June 30, 2017, at 5 p.m. Access to PowerSchool and Home Base integrated systems will be locked down at that time.
- LEAs and Charters will perform Pre-EOY Validations, the EOY Process, and Post-EOY Validations. Each LEA will provide a 24/7 contact with contact information of who will perform the EOY Process and Validations.
- The EOY Process and Validations are only available to run at the LEA level. All validation errors must be resolved prior to PowerSchool lockdown. If not corrected, the EOY process will halt, negatively impacting the state.
- The DPI Technology Support Center will be open and fully staffed on Saturday July 1st, 2017 to monitor the LEA/Charters as they run the EOY process and update their associated Remedy tickets. Only EOY questions and issues will be addressed throughout the day. If EOY any issues are encountered, please update your ticket and immediately call the support center at 919-807-4357.
- The EOY Process clears several logging tables of unnecessary data for the new school year. These tables include BulletinItems, DBLog, Logins, and PhoneLog. If an LEA wishes to keep this information it is their responsibility to export it via DDE prior to June 30th, 2017.
- PowerSchool and Home Base integrated systems are estimated to be available and unlocked to all users by 6:00 a.m., July 6, 2017. An NC SIS communication will be sent when all instances are available.
- DPI will make additional instructions, details, and updates available on the NC SIS website, within the weekly NC SIS Newsletter, or emailed directly to the designated contacts noted above.

Note: This document has been updated for the current school year. Please refer to the footer information for the latest version.

EOY Processing, LEA Contact Responsibilities, EOY Critical Issues

EOY Processing

All LEAs and Charters will execute the EOY Process. **EOY processing within PowerSchool is expected to begin by 8:00 a.m., July 1, 2017.** A 24/7 EOY Contact is required from every LEA and Charter and must be accessible from June 30 until notified that NCDPI has completed EOY processing.

If staffing issues occur that result in an LEA/Charter School's ability to run and complete the End of Year process, a ticket must be logged with the Technology Support Center no later than June 9, 2017.

LEA Contact Responsibilities

- **EOY Contact Page** ← **NEW FOR 2017**
 - Every LEA will designate a primary and secondary EOY Contact. Contact information for both the primary and secondary EOY contacts will be entered on the EOY Contacts page.
 - Navigation: Start Page > LEA Setup > District Info > EOY Contacts
- LEA/Charter contacts are responsible for running their Pre-EOY Validations in the weeks prior to EOY. If any changes are made (student enrollments, etc.) after the validation is run it should be run again.
 - The DPI Technology Support Center (TSC) will open a Remedy ticket for each LEA to track the progress of the validations. This ticket will remain open throughout the EOY process.
 - LEA/Charter contacts will update the Remedy ticket when they have completed their Pre-EOY Validations. If an LEA/Charter School continues to enroll students up to June 30, they must run the EOY Validation process daily to make sure all validation errors are cleared prior to running the EOY process.
- LEA/Charter Contacts are responsible for running the EOY Process on July 1, 2017 when notified to do so (Unless it is determined to be necessary for DPI to run the EOY process)
 - LEA/Charter contacts will update the Remedy ticket when they have started the EOY process on July 1st, as well as when it completes.

Pre-EOY

This section provides steps to the tasks that need to be accomplished prior to the end of the current school year and before the EOY process begins on June 30, 20XX, at 5:00 p.m. Some of the items are required and others are recommended or optional. Please see Appendix B for a two page, printable checklist.

Creating Years and Terms (required)

When running the End of Year Process, PowerSchool uses the Start and End dates of the upcoming school year to determine a student's new entry and exit date.

LEAs and charters must create a year-long term at each school, regardless of creating years and terms in PowerScheduler.

The LEA level Years and Terms must be created first. School level years and terms setup may be performed by LEA or school level staff with the appropriate rights in PowerSchool.

Important: At the LEA level, the start and end dates **MUST** be the start date of your earliest starting school and the end date of your latest ending school. One example might be an LEA with year-round schools whose calendar dates are July 27, 20XX through May 27, 20XX. The traditional schools have calendar dates of August 24, 20XX through June 8, 20XX. The LEA level Years and Terms must be July 27, 20XX through June 8, 20XX. The start dates, in Years and Terms, will be the first day of attendance for students and the last day, in Years and Terms, will be the last day of attendance for students in school. There should be no padding in the school's Years and Terms.

Use the following steps to set up Years and Terms for each school:

| |
|--|
| Navigation: Start > LEA or School > Years & Terms. |
|--|

1. From the selected school or LEA, click New.
2. Type the name of the new school year.
 - a. 20XX-20XX
3. Type an abbreviation, such as XX-XX.
4. Type the date of the first day of your school year.
5. Type the date of the last day of your school year.

6. Click Submit to finish creating the new school year.
7. Click on the name of term (20XX-20XX).
 - a. Verify the File Term ID is populated and populate the same number that appears below into the File Term ID box. Click submit.
8. **LEA Level:** Repeat steps 2 through 7 for each school in the LEA that will be in session during the upcoming school year.

Assigning Next School Indicators (required)

The End of Year process uses the next school indicator to determine which school each student will attend in the upcoming school year. Setting each student's Next School Indicator can be done individually on the Scheduling Setup student screen, or by updating the Next_School field using the Student Fields Value group function. This task can be performed by LEA or school level staff with the appropriate rights in PowerSchool.

The school information at the LEA Level defines the lowest and highest grade levels for a particular school and further defines the default next school. When a student is at the highest-grade level in a given school, the End of Year process will move the student record to the default next school unless a change is indicated in the student's Next Grade Level in the Schedule Setup Screen.

The system evaluates the student's current grade level with the next grade level in the student Schedule Setup screen. Based on the results of that evaluation, the student will then be promoted to the next school, promoted within the same school, retained in the same grade, or graduated.

Verifying or Adding a Default Next School

Verify the Default Next School for all schools within your PowerSchool instance. Please be reminded, this includes program and DPI or LEA created schools. If necessary, the Default Next School may be added or updated. Users may review an entire list of Default Next Schools by navigating to the End of Year Process screen.

There may be times when a new school has been added to the PowerSchool instance. New schools within the LEA may not be visible in the Next School list when attempting to update the Default Next School.

Use this section to view all schools and their associated Default Next School, add schools to the Next School list and update the Default Next School.

Assigning Next Year Grade Values (Required)

The End of Year Process uses the value in the Next Year Grade field for each student to determine which grade level a student will be enrolled in for the upcoming school year. Set each student's Next Year Grade before running the End of Year Process. This can be done individually on the Scheduling Setup student screen, or in groups by updating the Sched_NextYearGrade field using the Student Field Value group function. This task can be performed by LEA or school level staff with the appropriate rights in PowerSchool.

Individual Student

Set the Next Year Grade on the student screen >Scheduling Setup > NextYearGrade

Student Groups

Update the sched_NextYearGrade field using the Student Field Value group function, Start Page > Special Functions > Group Functions > Student Field Value.

DANGER! North Carolina requires students to be promoted, retained or graduated using the EOY process if they are active on the last day of the school year. EOY promotes the student to their next grade and next school. If the student is not active at the time EOY is run, the grade level for the student will not be updated.

Default Grade Level for FTEs (Required)

Verify that each grade level has a default FTE for the upcoming school year. If a student transfers into a grade level that is not assigned a default FTE, the student is not assigned an FTE for the upcoming school enrollment. This task can be performed by LEA or school level staff with the appropriate rights in PowerSchool.

Navigation: **Start > School > Full-Time Equivalencies (FTE).**

1. Click Term at the top of the page.
 - a. The Change Term page appears.
2. Click the upcoming school year from the list.
3. Click an existing FTE.
 - a. The FTEs displayed on this page were copied over from the previous school year when the new school year term was created.
 - b. Check the appropriate boxes near the bottom of the FTE to designate that FTE for the applicable grade levels.

Pre-EOY Validations

Phase 1 – Pre-EOY Validations

Validate School Enrollments (Required)

School enrollment conflicts occur if a student's school enrollment dates do not fall within the valid dates of a scheduling term or school year. Additionally, conflicts occur when enrollments overlap within the school year. Validating School Enrollments can be performed by LEA or school level staff with the appropriate rights in PowerSchool.

Navigation: **Start > System Reports > System > School Enrollment Audit**

Validate section enrollment dates by running the School Enrollment Audit report. Review the possible school enrollment conflicts and make any necessary corrections.

Validate Section Enrollments (Required)

Section enrollment conflicts occur if a student's section enrollment dates do not fall within the entry and exit dates for a valid school enrollment or within the first and last day of a valid scheduling term (Years and Terms). Conflicts also occur if a student is enrolled in a school, but not enrolled in any classes. To review section individual student enrollment dates, select the All Enrollments or Modify Info page for a student. Section enrollments are stored in the [CC] table. This task can be performed by LEA or school level staff with the appropriate rights in PowerSchool.

Validate section enrollment dates by running the Section Enrollment Audit report.

Navigation: **Start> Reports > Run Reports > Section Enrollment Audit**

Review the possible section enrollment conflicts and make any necessary corrections.

Data Validation Testing (Required)

All active students at all schools must be transitioned with a valid next school and next grade level prior to June 30. For school level staff, one means to do data validation testing, is by using field level searches. There are many student search options available that will return those students who will cause the EOY validation to fail.

LEA Level Validation

Data validation is critical to EOY. Validations are run at the LEA level but can be corrected at the school level.

The PowerSchool product focuses on a few key data elements for the EOY validation process:

- School not set up for next year
- School exists in LEA
- Years and Terms
- **Next Grade / Next School for all active students**
- Appropriate grade levels for next school based on student's current year grade
- Appropriate coding of Graduating students (Next Grade and Next School)

| |
|--|
| Navigation: Navigation: Start Page > System Administrator > End-of-Year Process - (a.k.a. Promote Students) (Run on LEA Level) |
|--|

Note:

DPI has turned off the Perform EOY and Promote Student option on the End-of-Year Process screen until the process is ready to be executed. DPI will turn the option back on and inform those LEA/Charters who wish to execute the process once the option is available for use.

| |
|--|
| DANGER! Do not withdraw and transition students completing the current year prior to EOY. Students completing the current year within your LEA must go through the EOY process. |
|--|

Performing the End of Year Process

Once all validation error messages have been corrected, your data is ready for the EOY process to be executed.

CAUTION: If district data fails validation and is not promptly addressed by local personnel, then DPI's HBSC team will take the following actions:

Failure to assign Next School/Next Grade: All students will be assigned to a holding school (296 DPI FTE School). All students will be promoted to the next grade level (Current Grade +1), except Seniors who will remain at their current grade level. Districts will need to transfer students and move them to the correct school after EOY completes.

Failure to assign Term setup for Next School Year: All schools will be set to the default of July 1 – June 30. Districts will need to correct term setup after EOY completes.

Running the End of Year Process

The End of Year process can be run by users with LEA level access.

Navigation: Start Page > System > End-of-year process

1. If you haven't already, read all messages and instructions on the screen.
2. Use the following table to update the Student Type Exit and Entry Codes.

Note: Exit Comments are at the discretion of the LEA.

| Student Type | Exit Code for Current Enrollment | Entry Code for New Enrollment |
|-----------------------------|----------------------------------|---------------------------------|
| Graduating | W6 (W6 High School Graduate) | N/A |
| Promoted to next school | PRN (Promoted New School) | E1 (E1 Init enroll - this year) |
| Promoted within same school | PR (PR Promoted) | E1 (E1 Init enroll - this year) |
| Retained | RACD (Retention-Local Stds-Acad) | E1 (E1 Init enroll - this year) |
| Demoted | DEM (Demotion) | E1 (E1 Init enroll - this year) |

Important: When retaining students, select the default retention (RACD) code. Keep a list of students whose retention record will need to be updated to the appropriate retention code after EOY.

3. Click **Perform EOY and Promote Students** from the last drop-down on the page.
4. Click Perform End-of-Year Processing.

Note: Checking the Replace Existing Values will update all student records.

After starting the End of Year Process, PowerSchool will provide you with feedback on its progress. Leave your browser on this page while the End of Year Process is running. See samples of progress indicators below.

Note: The EOY process displays several messages as shown in the following screen shot.

Progress and Completion Message



The End of Year Process is complete once you see the “End of Year Process Complete” message as seen above. You may not see this message if you allow the browser window to timeout. Check back periodically, or use the Server Log as shown below to monitor the progress of the End of Year Process.

Important: If you accidentally close your browser during the End of Year Process, or if your browser window “times out,” you can monitor the End of Year Process progress on the PowerSchool server by viewing the server log.

Navigation: Start Page > System > System Logs > System Log > View Current System Log File

Appendix A: Post EOY Validation Check List

Use the following checklist to verify data is available and accurate. Choose an elementary, middle and high school within the district. Document the LEA/School number and Name in the table below.

DANGER! Before beginning data validation, verify you are in the correct term (17-18). As you navigate around during data validation, check the Term often.

| LEA _____ | Elementary | Middle | High School | Charter |
|--|------------|--------|-------------|---------|
| Verify Years and Terms. Start Page > School Setup > Years & Terms | | | | |
| Verify Staff. Start Page > Staff > Staff Directory | | | | |
| Verify marks have been written to a student's historical marks for previous school year. Start Page > Student Selection > Historical Grades | | | | |
| Verify a student has an exit comment, i.e., promotion /retention/graduation for the previous school year. Start Page > Student Selection > Transfer Info | | | | |
| Verify a student has a new enrollment line, including an entry comment promotion /retention/graduation for the current school year. Start Page > Student Selection > Transfer Info | | | | |
| Verify students have a schedule for the current school year (if PowerSchool Scheduler was used prior to EOY). Start Page > Student Selection > List View | | | | |
| Verify Reports are available: <ul style="list-style-type: none"> - ReportWorks - NCDPI Reports - sqlReports 4 - Dashboard tab <i>**Some data may not be available to run reports until the school year starts.</i> | | | | |

Appendix B: Pre-EOY Checklist

Print this page as a high-level checklist of recommended and required tasks to be completed prior to EOY. The steps described should be completed in the order listed. Detailed information regarding schools with school numbers under 300, Program schools and FTE schools are provided in the body of the **End-of-Year (EOY) User Guide**, located at <http://www.nc-sis.org/EOY.html>.

| Prep-Work before Last day of School (Begin Now, Phase 1) | |
|--|---|
| <input type="checkbox"/> | Create Years and Terms (Required) At all active schools, LEA (District) schools and Program Schools |
| <input type="checkbox"/> | Assign Next School Indicators (Required) At all active schools, LEA (District) schools and Program Schools |
| <input type="checkbox"/> | Assign Next Year Grade Values (Required) At all active schools, LEA (District) schools and Program Schools (all active students must be assigned next year grade) |
| <input type="checkbox"/> | Configure Default Grade Level for FTEs –School Level(Required) All active schools, LEA (District) schools and Program Schools |
| <input type="checkbox"/> | Validate School Enrollments Dates- School Level (Required) At all active schools, LEA (District) schools and Program Schools |
| <input type="checkbox"/> | Validate Section Enrollments –School Level (Required) At all active schools, LEA (District) schools and Program |
| <input type="checkbox"/> | Mock EOY Process (Required) LEA Level This provides a very important overview of the validations' errors at all of your schools. It is recommended that this process is run often due to the dynamic environment within schools. <u>No validations errors may exist prior to 6/30 at 5 p.m.</u> Validation errors will completely halt the EOY process. |
| <input type="checkbox"/> | Data Validation Testing (Required) LEA and School Level This should be a continuous process at all schools due to the importance of all data being accurate through the EOY process. Having your data correct now will save you endless hours in the next school year if left incorrect. |

| After End of Your School Year (Begin after the last day of school, Phase 2) | |
|---|---|
| <input type="checkbox"/> | Data Validation Testing (Required) School Level Only This should be a continuous process at all schools due to the importance of all data being accurate through the EOY process. Having your data correct now will save you endless hours in the next school year if left incorrect. |

Appendix D: Transition Scenarios

Review this section for common transition scenarios. This 3-page section has been segmented into three tables:

- Traditional School
- Charter and/or Special Circumstances
- CECAS, Students not in LEA membership, but receive EC services

Traditional School

| Situation | Example | Current Grade | Next Grade | Next School | Notes |
|---|--|---------------|------------|--|---|
| Graduating Student | Highest grade level, graduating out of school | | 99 | Graduated Students School, field 999999 | After EOY, student will be inactive and graduated. See Graduated student activities on EOY Checklist. |
| Student in highest grade level, moving to next school and next grade (promoted) | 8 th grade middle school student promoted to 9 th grade, high school | 8 | 9 | Default high school within the student's current LEA | Student will be pre-registered until the calendar's first day of school. |
| Student in the highest grade level, retained | 8 th grade middle school student retained in 8 th grade | 8 | 8 | Current middle school | Student will be pre-registered until the calendar's first day of school. |
| Promoted student, same school (not graduating) | 3 rd grade student promoted to 4 th grade | 3 | 4 | Current school | Student will be pre-registered until the calendar's first day of school. |
| Retained student, same school | 3 rd grade student retained in 3 rd grade | 3 | 3 | Current school | Student will be pre-registered until the calendar's first day of school. |



Department of Defense Education Activity **REGULATION**

NUMBER 2000.03

DATE MAR - 2 2010

EDUCATION DIRECTORATE

SUBJECT: Student Grade Level Placement

- References:**
- (a) DS Regulation 2000.3, "Student Placement," March 26, 2004 (hereby canceled)
 - (b) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," April 11, 2005
 - (c) DoDEA Regulation 1342.13, "Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas," September 20, 2006, as amended
 - (d) DoD Instruction 1342.26, "Eligibility Requirements for Minor Dependents to Attend Department of Defense Domestic Dependent Elementary and Secondary Schools," March 4, 1997

1. **PURPOSE.** This Regulation reissues Reference (a) to update policy and responsibilities for grade level placement of Department of Defense Dependents Education Activity (DoDEA) students.

2. **APPLICABILITY.** This Regulation applies to the Office of the Director, DoDEA; the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam), (hereafter collectively referred to as "DoDEA Area Directors"); and all DoDEA Area and District Superintendents, School Principals, Teachers, and Support Staff.

3. **DEFINITIONS**

Carnegie Course Unit. The Carnegie Unit (also called a Credit Hour) is strictly a time-based reference for measuring educational attainment used by American universities and colleges. Per its original definition, the Carnegie Unit is 120 hours of class or contact time with an instructor over the course of a year at the secondary (American high school) level.

Individualized Education Plan. A written document defining specially designed instruction for a student with a disability, ages 3 through 21, inclusive.

High School Graduation Plan. A product developed for counselors, students, administrators, teachers, parents, etc., to use to help a student plan for graduation from high school. This plan is developed at the conclusion of the 6th grade year or when a student enters a DoDEA school. Courses listed include core courses and electives. The purpose of the plan is to organize the students' educational coursework in order to facilitate transition for the student and a successful completion of secondary school.

Post-Secondary Plan. The counselor develops this plan with the high school seniors in an effort to help students have a productive first year transition from high school.

Non-Routine Placements. Any placement of a student in a grade level other than regular matriculation from a lower grade to the next higher grade. Examples of non-routine placements include retention in the same grade, program modification, double promotion or early graduation.

4. POLICY. It is DoDEA policy that:

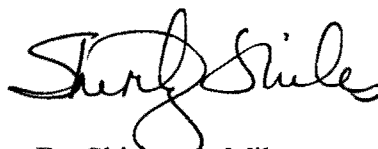
a. Each student will be provided an appropriate program of studies designed to foster academic and personal success.

b. Appropriate grade level placement of students will be considered on an individual basis. Decisions will reflect the best interests of the student.

c. When applicable, the provisions of DoD Instruction 1342.12 (Reference (b)), DoDEA Regulation 1342.13 (Reference (c)), and DoD Instruction 1342.26 (Reference (d)), will apply for the grade level placement of students with disabilities.

5. RESPONSIBILITIES. See Enclosure 1.

6. EFFECTIVE DATE. This Regulation is effective immediately.



Dr. Shirley A. Miles
Director

Enclosures

1. Responsibilities
2. Grade Level or Class Placement

ENCLOSURE 1

RESPONSIBILITIES

1. DODEA SCHOOL PRINCIPALS. The DoDEA School Principals, under the authority, direction, and control of the DoDEA District Superintendents shall:

(a) Explain the intent and procedures of this Regulation to the school staff and community at the beginning of each school year.

(b) Form a grade level placement committee to make recommendations for students referred for non-routine placements.

(c) Review all committee recommendations and be the final approving/disapproving agent for all cases.

(d) Provide written notification to the parents and students of any plan to recommend a non-routine placement.

(e) Provide the district superintendent with a list of non-routine placement actions (i.e., retention, program modification, double promotion, or early graduation) of all students whose placements were affected by this Regulation. The list shall include the names and actions of all students who have had grade level placement modifications and shall be submitted at the close of each marking period.

(f) Maintain copies of the minutes of the grade level placement committee for each student whose grade level placement was affected by this Regulation, which shall include follow-up actions conducted by the committee to ensure that the placement is appropriate.

(g) Review the student's progress after a minimum of three grading periods and determine if the student is progressing successfully or, if not, convene the grade level placement committee to determine further intervention. Annotate all recommendations and determinations in committee minutes.

(h) Ensure that all students have a High School Graduation Plan (i.e., 4-Year Plan, 6-Year Plan based on student's entrance date into a DoDEA school).

(i) Ensure that all seniors have a Post-Secondary Plan.

2. GRADE LEVEL PLACEMENT COMMITTEE. The grade level placement committee shall:

(a) Collect all data available to provide a clear understanding of the referred student's educational development. These data may include, but are not limited to, educational and cognitive testing, functional behavioral analysis, portfolios, and progress reports.

- (b) Consult with the student and the student's sponsor.
- (c) Consult with other support personnel (e.g., special subject teachers, counselors, psychologists, social workers) regarding the referred student.
- (d) Develop a record of action taken to date to assist the referred student.
- (e) Review each student's case with the referring person a minimum of one time during each grading period.
- (f) Recommend to the school principal, in writing, an appropriate plan of action designed to meet the overall needs of the student.

ENCLOSURE 2

GRADE LEVEL OR CLASS PLACEMENT

1. ROUTINE GRADE OR CLASS PLACEMENT

a. Kindergarten and grade 1 placements are determined by minimum age requirements as stated in this Regulation.

(1) An otherwise DoDEA eligible student as stated in References (c) and (d) who will reach his or her 5th birthday on or before September 1 of the school year will be eligible to be enrolled in kindergarten.

(2) An otherwise DoDEA eligible student as stated in References (c) and (d) who will reach his or her 6th birthday on or before September 1 of the school year is eligible to enroll in grade 1.

(3) Kindergarten is not a prerequisite to grade 1 entry.

b. Placement in grades 2 through 8 is predicated upon the successful completion of the preceding year.

c. Students entering a DoDEA elementary, middle, or junior high school (through grade 8) from a non-American or host nation school will be placed in the grade level corresponding to their ages assuming yearly progression from grades 1 through grade 8.

2. OTHER THAN ROUTINE GRADE OR CLASS PLACEMENT

a. At each school, the principal will establish a school grade level placement committee to recommend grade level placement of students being considered for other than routine grade level or class placement. The committee will normally be composed of school staff members directly concerned with the placement of each individual student. Sponsors and students will be represented, as appropriate. This committee will make recommendations to the principal on placements which require retention, double promotion, and any "other than routine grade or class placement" or any plan of action which is designed to promote student success. This committee is not the Case Study Committee (CSC) established for the education of students with disabilities but often works with the CSC in determining proper grade level placement for students with disabilities.

b. Recommendations to consider a student's grade level placement or course adjustment may be made to the principal, or designee, by the classroom teacher, counselor, or other concerned person including the student and the sponsor.

c. In addition to designing a plan of action to promote student success, the committee recommendations to the principal should consider the student's emotional state. The recommendation should encourage the development and maintenance of a positive self-image. The recommendation will be given to the principal in writing. The principal will provide written notification to the student and sponsor in sufficient time to permit them to react to the plan for suggested placement and to understand the conditions of the placement.

d. The progress of each student who has been placed as a result of this committee's recommendation shall be reviewed a minimum of one time during each grading period.

3. SECONDARY SCHOOL CLASS OR GRADE-LEVEL STATUS (9, 10, 11, AND 12) WILL BE DETERMINED BY THE NUMBER OF CARNEGIE COURSE UNITS EARNED BY THE STUDENT. All DoDEA students including students with disabilities, English Language Learners (ELL), and students with accommodation plans, should be afforded the opportunity to participate in the standard DoDEA secondary curriculum. Grade-level status (9, 10, 11, and 12) will be determined by the number of course credit units earned by the student, as follows:

(a) Freshman Class (Grade 9). Student must have successfully completed grade 8 and/or have been previously enrolled in grade 9 and earned less than 6 units. If a student has earned more than 6 units of credit the decision to place the student in the appropriate grade level will be made by the principal and the school's grade level placement committee. For students with disabilities, course substitutions from the DoDEA authorized course substitution list may be approved by the principal based upon the identified individual student's needs. Course substitutions must be listed in the CSC minutes with justification for each substitution.

(b) Sophomore Class (Grade 10). Student must have successfully completed grade 9 and earned at least 6 units of credit. If a student has earned 12 or more units of credit the decision to place the student in the appropriate grade level will be made by the principal and the school's Grade Level Placement Committee. For students with disabilities, course substitutions from the DoDEA authorized course substitution list may be approved by the principal based upon the identified individual student's needs. Course substitutions must be listed in the CSC minutes with justification for each substitution.

(c) Junior Class (Grade 11). The student must have successfully completed grade 10 and earned a minimum of 12 credits. If a student has earned 19 or more units of credit the decision to place the student in the appropriate grade level will be made by the principal and the school's grade level placement committee. The criterion that the student must be able to meet all graduation requirements with normal scheduling for his or her junior and senior year is mandatory. The students and parents should be aware that the junior year is the usual year for academic scholarship competition qualification through the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). Students completing high school in 3 years or less must be in the last or next-to-last year of high school when they take the test. For students with disabilities, course substitutions from the DoDEA authorized course substitution list may be approved by the principal based upon the identified individual student's needs. Course substitutions must be listed in the CSC minutes with justification for each substitution.

(d) Senior Class (Grade 12). Student must have successfully completed at least 19 units of credit. However, in rare circumstances exceptions to the unit requirement may be made by the principal and district superintendent ONLY IF through no fault of the student it is not possible for the student to meet all graduation requirements by the conclusion of the senior school year. The principal, in coordination with the district superintendent, will make graduation waiver decisions and provide DoDEA HQ with the DoDEA Waiver Request form and supporting data. The DoDEA HQ Office of Pupil Personnel Services (PPS) coordinator will review all approved waivers and will be available to assist in the decision making process if requested. For students with disabilities, course substitutions from the DoDEA authorized course substitution list may be approved by the principal based upon the identified individual student's needs. Course substitutions must be listed in the Case Study Committee (CSC) minutes with justification for each substitution. A graduation waiver request is not required if the course substitutions are documented in the case study minutes. Substitute courses must be listed on the student's High School Graduation Plan.

(1) Seniors will attend school on a full-time, school-day basis. Students who have met the requirements for graduation shall enroll in elective courses that will provide additional rigor and experience to their secondary education plans and improve their preparation for post-secondary education.

(2) The principal may approve exceptions on the basis of family, personal, and/or financial obligations. The Individualized Educational Program (IEP) of a student with a disability governs the length of his or her school day.

FLORIDA DEPARTMENT OF EDUCATION
DOE INFORMATION DATABASE REQUIREMENTS VOLUME I:
AUTOMATED STUDENT INFORMATION SYSTEM
AUTOMATED STUDENT DATA ELEMENTS

Year: 2018-19

Data Element Number: **126425**

Data Element Name: **Grade Promotion Status**

Grade promotion status is defined as the change in grade assignment at the end of a regular school year or summer session. For example, if a PK-12 student meets all criteria for advancement to the next highest grade in his or her current school at the end of the regular 180 day school year or the summer session, that student is considered to have been promoted. Conversely, any PK-12 student who has not met all criteria for advancement to the next highest grade should be considered as retained. Codes and definitions follow:

| Code | Definition/Example |
|------|--|
| A | Promoted to a higher grade without meeting levels of performance for pupil progression based on meeting criteria for a good cause exemption or because of a prior retention in third grade. |
| D | Student with disabilities opted to remain in school, or a non-disabled student opted to remain in school for one additional year. * |
| N | Not enrolled in a KG-12 program in the district at the end of the school year. ** |
| P | Academically promoted to a higher grade, graduated, completed, or reported with withdrawal code WPO. |
| R | Retained in same grade at the end of the school year. |
| Z | Promotion status not applicable. Use this code for PK unless the PK student is promoted to kindergarten; for students in continuous progress schools who have not been promoted; for students enrolled part-time in District 71, and for students in grades 30 and 31. |

COMMENT:

Definitions are abbreviated on the permanent record. See Automated Student Permanent Record document.

* Use for additional years beyond graduation and completion year. The Individuals with Disabilities Education Act (IDEA) requires that districts must provide a free and appropriate education (FAPE) to all students who have not reached age 22 and who have not earned a regular high school diploma (34 CFR 300.101), or students who deferred receipt of the standard diploma per s. 1003.4282(10)(c), F.S. This requirement applies even if the student has received a special diploma, a certificate of completion, or a special certificate of completion. Additionally, districts may choose to continue to offer FAPE through the school year in which student turns 22. Section 1003.4282(6)(c), F.S. allows students who are entitled to a certificate of completion to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction to remedy his or her identified deficiencies.

** Any student withdrawing prior to the end of the school year and receiving a diploma, certificate, or WPO withdrawal code should be coded P rather than N.

Length: 1
Data Type: Alphabetic
Year Implemented: 9394
State Standard: No
Use Types:
State Reporting: Yes

Data Element Number: **126425**

Data Element Name: **Grade Promotion Status**

Local Accountability: Yes

FASTER: Yes

Migrant Tracking: No

Required Grades: PK-12

Programs Required:

All Programs

Formats Required:

Student End of Year Status DB9 17x

Surveys Required:

Survey 5 Yes

Appendixes:

None

Description of Changes:

| | | |
|-----------|-------|---------------------------------|
| 3/28/2016 | Codes | Clarified definition of code A. |
| 7/1/2015 | Notes | Updated language to note (*). |



Raleigh Road Elementary School

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Fax: (910) 822-5663
www.ccs.k12.nc.us/rres



Elizabeth Blue
Principal

Jane Barnes
Assistant Principal

May 30, 2025

To Whom it May Concern,

My name is Elizabeth Blue, and, since 2022, I have been the principal at Raleigh Road Elementary School, in Cumberland County, NC, after having been assistant principal at Howard Hall Elementary School for five years. I began teaching in 2009, earned my master's degree in school administration in 2015, and have been a Cumberland County Schools "premier professional" for 15 years.

In my career as an educator and school administrator, and, in particular, in my role as principal where I work closely with my school's Data Manager, I have developed a thorough understanding of end-of-year (EOY) processes and the effect of promotion and retention decisions on student enrollment status. I can say, without hesitation, that, as of EOY, students who are promoted are no longer in the grade they just completed. Rather, they are considered to be in the grade they will enter on the first instructional day of the next academic year, which is identified on their final EOY report card as the "Grade Placement" for the upcoming school year. I also believe, based on my 15-year tenure in the education sector, that my position is consistent with the prevailing opinion in the industry.

Thus, to the extent that a student's "current" grade level status needs to be defined during the summer, the Grade Placement listed on his or her EOY report card reflects the current educational placement, except that, any student who was retained at EOY but attends summer school resulting in a promotion will be deemed to be in the next grade at the time of such summer promotion. Otherwise, the Grade Placement appearing on the EOY report card is the decisive source of student enrollment status as of EOY and through summer break. The school's data manager begins entering this data in the North Carolina Student Information System (NCSIS) through the Infinite Campus platform (which recently replaced the legacy system PowerSchool), prior to the last day of school and typically completes the EOY process on the local end within a couple weeks thereafter. However, the North Carolina Department of Public Instruction switches the active year to the new year on June 30th, so the best source for verification of local end enrollment status before then (during the summer) is the Grade Placement label on the EOY report card.

A description of what happens at Raleigh Road Elementary following the last instructional day of school might also be helpful. It is particularly significant that my school serves students in kindergarten and first grade, and feeds into the second through fifth grade

school, Long Hill Elementary. As of EOY (May 23, 2025, was the last day of school this year), our first graders who were promoted were considered second graders for both in practice and for administrative purposes. We cheered for them and congratulated them on being second graders now. Administratively, immediately following the last instructional day of school, I prepare to transfer their files to the school where they will attend second grade, and typically have all student services records sent to Long Hill within a week following the last day of school, with all cumulative folders following the next week. Similarly, as of EOY, our kindergarten graduates are considered first graders. In fact, on June 3, 2025, my first grade teachers were preparing their rosters for the upcoming school year. My data manager will have all EOY processes completed for our school in NCSIS within the first two weeks of the students' summer break, and, within that time, she will roll enrollments forward and end all enrollments for the past academic year with an end date of the last instructional day of the calendar. As of early June, our students' local end enrollment statuses are updated, and their names will appear on the next academic year's roster.

A final note – if there is a question about whether to define rising second graders as first graders or second graders during the summer, I believe a second-grade classification makes far more sense. We promote first graders to second grade based on their having achieved the requisite maturity and academic progress by the end of first grade. They are just as ready to start second grade on June 1st as they will be on August 25th. In fact, they may be even less ready as the summer goes on as a result of what we call the “summer slide,” i.e., the principle that academic and social can skills decline during summer break given students' decreased access to structured learning environments, academic content, and social interactions when school is out of session.

Please do not hesitate to contact me with any questions or to further discuss any of the above.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth J. Blue". The signature is written in a cursive, flowing style.

Elizabeth Blue