

**COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN**

NC State Advisory Panel

2011-2012 ANNUAL REPORT

Nicole Jimerson, Chairperson

Staff support provided by the
**North Carolina Department of Public Instruction
Exceptional Children Division**

Mary N. Watson, Director

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COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION EXCEPTIONAL CHILDREN DIVISION

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The Council on Educational Services for Exceptional Children (CESEC) is established in accordance with Section 300.167-300.169 of the federal regulations, Section 1412(a)(21) of the Individuals with Disabilities Education Act (IDEA 2004) and Section 115C-121.1 of the North Carolina General Statutes as the State Advisory Panel to the State Board of Education. The purpose of the Council is to:

- Advise the Board of unmet needs within the State in the education of children with disabilities;
- Comment publicly on rules and regulations proposed by the Board regarding the education of children with disabilities;
- Assist the Board in developing evaluations and reporting on data to the United States Secretary of Education as required by IDEA;
- Advise the Board in developing corrective action plans to address findings identified in federal monitoring reports required by IDEA;
- Assist the Board in developing and implementing policies related to the coordination of services for students with disabilities; and
- Carry out any other responsibilities as designated by federal law or the State Board of Education.

MEMBERSHIP

The Council currently has a membership of twenty-four (24) individuals. Two members are appointees of the Governor. Two members are appointees of the President Pro Tempore of the Senate and another two of the Speaker of the House. The fourteen (14) appointees of the State Board of Education represent: individuals with disabilities; parents of children with disabilities; teachers; institutions of higher education that prepare special education and related services personnel; state and local education officials, including officials who carry out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act; administrators of programs for children with disabilities; representatives of private schools and public charter schools; a representative of a vocational, community or business organization; and a general education administrator concerned with the provision of transition services to children with disabilities. Four (4) State agency members represent the Departments of Public Instruction, Health and Human Services, Juvenile Justice and Delinquency Prevention, and Correction. Twelve (12) of the twenty-four (24) members are parents of children with disabilities, and one (1) member is an individual with a disability. Recommendations for vacancies and term expirations have been submitted.

The term of appointment for members appointed by the State Board of Education is four years. All other terms are two years. A complete list of the members and their terms of office as of the beginning of the 2011-2012 school year can be found at the end of this report.

The Council meets four times a year. During the 2011-2012 year, meetings were held on September 14, 2011; December 14, 2011; March 7, 2012; and June 13, 2012.

20011-2012: Year-in-Review

7/1/10-6/30/11 End of Year Reports for Dispute Resolution (9/11)

The Council members reviewed the previous year's data for dispute resolution and submissions for the Annual Progress Report (APR).

A. Mediation Program

The total number of mediations requested was 64 and the total number of mediations held was 33. Reporting to the Office of Special Education Programs (OSEP) requires a breakdown of mediations related to a due process hearing and those not. Those numbers are as follows:

- Mediations related to a due process hearing- 11 held (5 reached agreement- 45%; 6 did not reach agreement).
- Mediations not related to a due process hearing – 22 held (13 reached agreement- 59%; 9 did not reach agreement).

55% of total mediations held reached agreement in 2010-11 [success rate for previous years was: 2009-10 =72%; 2008-09 =83 %; 2007-08 = 68%; 2006-07= 83%; 2005-06 = 73%; and 2004-05 = 84%].

B. IEP Facilitation Program

The total number of requests was 110 and the total facilitated IEP team meetings held was 68. Of those, 74% reached full consensus, and 20% reached partial consensus. Participant feedback data remains extremely positive.

C. Complaint Investigations

A total of 75 letters of complaint were received, of which 44 resulted in a completed investigation and a report issued. Of the 44 completed complaint investigations, 28 resulted in findings of noncompliance and required corrective action; 38 reports were completed within the 60-day timeline; 2 were completed within an extended timeline; and 2 reports were outside the requisite timeline (95% reporting rate for Indicator 16).

D. Due Process Hearings

A total of 72 Petitions for Due Process Hearings filed with the following breakdowns:

- Hearings fully adjudicated - 5
- Mediated agreements reached - 6
- Resolution Sessions held within 15-day requirement - 39
 - Resolution agreements reached - 21

Membership Orientation (9/11)

Jeanna Mullins, Technical Assistance Service Coordinator, with the Mid-South Regional Resource Center, provided a member orientation outlining the role and responsibilities of the Council as mandated by federal regulations, i.e. to provide policy and procedural guidance relative to special education and related services for children with disabilities. Ms. Mullins also discussed the pending OSEP visit and the survey questions that the Council would be asked to answer as part of the OSEP visit.

State Performance Plan (SPP)/Annual Performance Report (APR) (12/11)

Nancy Johnson, State Performance Plan Consultant for the EC Division, provided an overview of the current data on the Indicators and reviewed the proposed revisions to the SPP/APR. The Council met in subgroups to address: Improvement activities for Indicators 1, 2, 3 and 5; Indicator 7 Targets (Preschool Outcomes); response rate for Indicator 8 (Parent Involvement); and proposed changes to Indicator 15 (General Supervision monitoring system). The input from the Council will be incorporated into the February 1, 2012 APP/APR submission.

Parent Forum at EC Conference (12/11)

Mary LaCorte, Assistant Director of Exceptional Children's Assistance Center (ECAC), reported the results of the Parent Forum at the November EC Conference. Mary provided a summary of the participant comments.

Statewide Data on Homeless Children (3/12)

Karen Madrone, Assistant Program Specialist for both the National Center for Homeless Education and the NC Homeless Education Program under the SERVE Center at UNC-Greensboro, presented on the current status of homeless children in NC. NC has currently identified 21,300, but the numbers are believed to be higher. Ms. Madrone reviewed the criteria for homeless status and the local educational agency's obligations to the homeless student.

ACT Assessment Update (3/12)

Tammy Howard, Director of Accountability Services Division, described the ACT Assessment as a curriculum and standards-based educational and career planning tool that assesses a student's academic readiness for college. It is administered to all 11th grade students except students who participate in the NCEXTEND1. The current school year is the pilot year. ACT will become part of the NC school accountability program in the 2012-2013 school year.

DPI-DHHS Memorandum of Agreement (3/12)

The Interim Secretary of DHHS has submitted a letter of concerns to Superintendent June Atkinson about the signed MOA between two state agencies pertaining to the provision of FAPE to students in private residential treatment facilities. Currently, approximately 700 NC students are in PRTFs both in and out of state.

Elementary Secondary Education Act Waiver (6/12)

Lou Fabrizio, Director of Data, Research and Policy, reported that the US Department of Education approved NC flexibility waiver request pertaining to parts of the No Child Left Behind requirements. The waiver will remain in effect for the 2012-2013 and 2013-2014 school years. The state will now report for each school the number of Annual Measurable Objectives (AMOs) and the number of those targets met (including percentages of targets met).

Conflict of Interest Policy (6/12)

Katie Cornetto, State Board of Education Attorney, reviewed the SBE policy regarding Standards of Conduct and Conflicts of Interest that apply to all State Board advisory panels, boards, committees and councils.

Psychiatric Residential Treatment Facility & Changes to Policies Update (6/12)

The Council will issue a letter of recommendation to the SBE informing it of the status of the cancelled MOA by DHHS and the need to ensure that all NC students are afforded a basic education and students with disabilities receive a FAPE.

The proposed changes to the *Policies Governing Services for Children with Disabilities* were provided to the Council and Ira Wolfe summarized the changes.