Q & A
EC Directors' Webinar
April 4, 2014

Guardian Ad Litem

1. How much access to records and confidential information, if any, does a court appointed guardian ad litem have? Must we have a release of information signed by the legal guardian prior to sharing any information or having any discussion?
   In North Carolina, volunteers serve in the role of Guardian Ad Litem, but the statute requires that whenever a non-attorney volunteer is appointed, an attorney be appointed as well. The basic duties of the Guardian Ad Litem [volunteer] encompass the continued involvement with the child from the time the petition is filed through return of the child's custody to the parents or through termination of parental rights and adoption, or "until formally relieved of the responsibility by the judge." NCGS 7A-586.6 [Now 7B-601]

   When working with a Guardian Ad Litem, it is appropriate to request the court order that appointed him/her. This document should provide guidance regarding the scope of the guardian's duties. Within the court order, note carefully whether the parent's rights have been terminated and who has been given the authority to make educational decisions for the child. Careful consideration should also be given to the *Policies* and the definition of "parent". If questions are still present regarding release of confidential information and the guardian's participation in an IEP team meeting, share the court order with your district's attorney for additional guidance.

Read to Achieve

2. If 3rd grade students are in day treatment programs or even hospitalized over the summer months during reading camp sessions, what do we do concerning their attendance at summer reading camp? What about classroom accommodations during summer reading camp?
   Specialized instruction (special education) is not required at summer reading camp, so EC is not responsible for coordinating or providing services. The good cause exemptions allow for some alternative delivery of reading instruction to meet the legislative requirements. It is the responsibility of the parent to document services other than summer reading camp provided by the LEA which may meet the requirement for their child. Classroom accommodations should be followed, according to the current IEP during the time of summer reading camp.

3. If a student qualifies for Extended School Year (ESY) and does not pass the EOG, do we send the student to summer camp or ESY?
   Summer reading camp and ESY services are two separate entities. Students who meet criteria for ESY should receive those services separate and apart from summer reading camp. As well, those students with an IEP and need summer reading camp should attend. These two --- services cannot replace or be delivered in exchange for each other.

4. Will there be any alternate or modified version of the Read to Achieve assessment for students with disabilities?

No. An alternate assessment for Read to Achieve would be invalid and nullify the norming set on the assessment.

5. How do the Read to Achieve legislation and testing requirements align with federal law regarding students with disabilities?

Our state accountability model must be followed for all students, including those identified as a student with a disability (SWD). Read to Achieve legislation requirements do not exclude SWD on the standard course of study, except for those students assessed using the NCEXTEND1 and NCEXTEND2 alternate assessments, as stated in the good cause exemptions for summer reading camp requirements.

6. Will students with disabilities, for whom the administration of the portfolio is not appropriate and who are likely to fail the EOG and subsequent test after the summer camp, be retained despite their disability?

Please review the attached memorandum regarding Read to Achieve requirements, which include clarified applications of good cause exemptions to students assessed using the NCEXTEND1 and NCEXTEND2 alternate assessments.

7. What actions do you anticipate that a district must take in order to provide FAPE during the summer camp? How is the district to provide for related services including transportation with the limited funding provided?

Please refer to the memorandum referenced above, and attached to this Q & A. Please remember, Read to Achieve is a legislative mandate, funded through general education funds. LEAs will make decisions on how to use the allotted funds for summer reading camp.

Occupational Course of Study

8.Has there been an official memorandum sent out about not having Occupational Course of Study (OCS) in the title of OCS courses?

This was discussed in previous webinars and at the Town Hall meeting with Bill Hussey in November; however, nothing has been disseminated officially. We believe something should come out from the course code committee soon.

9. Who initiates a change to remove Occupational Course of Study (OCS) from the course title?

There are district level courses and State courses. DPI only generates course titles for State courses and is responsible for removing EC language from those course titles. The Districts should not be using the title of OCS or EC in course titles after this year.

10. Is the additional requirement under consideration for OCS hours an academic requirement or a career (work) hour requirement?

There are currently no additional requirement considerations for either academic or work hour requirements. However, a work group is being formed to look at several aspects of our OCS program, which will include curriculum and work hour requirements.

11. What is the purpose of the OCS diploma with endorsement?

We do not have an endorsement or an OCS diploma. It is a regular diploma and the course of study is under OCS.

12. How does Virtual Public School (VPS) work with Occupational Course of Study (OCS)?

They are blended courses so they have an OCS teacher and they also have a VPS teacher. Some of the information is virtual and some of the work is within the classroom. It is up to the teachers (both VPS and OCS/classroom teacher) in how they collaborate and teach the standards to address the student's needs. Please contact Sherry Bell (sherry.bell@ncpublicschools.gov) for further information or clarification.

13. Who picks up the cost for Virtual Public School (VPS), General education or EC?

The school districts have to pay for the courses and there is a cost per student. Who pays for the VPS courses will be determined within each District. Funding could be either from textbook funds, other funds, EC funds, or a combination.

Compensatory Services

14. Can you please clarify regulations regarding compensatory services that must be provided when schools fail to meet the 90 day timeline? Do the services have to be provided outside of school hours (before, after, summer, etc.)?

Yes, the services are to be provided outside of school hours. The LEA is responsible for any transportation associated with the compensatory services. Please refer to the attached Questions and Answers Document issued on February 28, 2013.

Funding

15. Where are we with sequestration?

Early discussions from OSEP indicate our funding level will not be further reduced. We anticipate an increase in funding from our 2013-14 level and should have an estimate of our State grant total by the March Directors' Institute.

16. Do we need to submit mid-year budget reports for the PRC 118 AU problem-solving team funds?

There was an error in the memorandum regarding the new expenditure report that was sent out in January. The initial AU memorandum indicated a mid-year expenditure report, but this was missed in the January memo. You should have received clarification from your Consultant for AU, clarifying this issue.

Evaluations

17. When a formal written request for an EC evaluation is received from a parent, what is the school's legal obligation to this request? What if the student is passing all subjects and making growth on MAP?

When a formal written referral is received from the parent, the school has the obligation of responding to the parent's referral by scheduling an IEP Team meeting to review the referral and make a decision as to whether the child will be evaluated. If the child will be evaluated, parental consent is obtained and prior written notice, with all required components, is provided to the parent. Required interventions will run concurrently with the evaluation. If the decision is that the child will not be evaluated, prior written notice is provided to the parent. The parent has the right to file a Due Process petition related to this decision. Regardless to whether the child is passing all classes and is progressing from grade to grade, the school must respond to the parent's written referral. It must be noted that the parent's letter or the parent's submission of the Referral Form (DEC 1) starts the ninety-day timeline.

Responsiveness to Instruction (RtI)

18. What about the RtI mandate? How firm is it? What is the timeline? How firm is the timeline?

There is currently no RtI mandate. We are beginning to study the impact of eliminating the discrepancy model for SLD eligibility. There will be opportunities for input from Directors, teachers, parents, and other stakeholders in the upcoming months. The current timeline is to begin the move away from the discrepancy model in the next 1.5 years.

19. Can there be a requirement to consider discrepancy as well as RtI data for eligibility?

Stakeholder groups are being formed to study the impact of SLD eligibility options and help inform decisions around maintaining the discrepancy model vs. moving solely to a problem-solving model.

20. What if a parent disagrees with the RtI decision and wants their child considered for eligibility based on the discrepancy model?

Additional assessments can always be considered as additional data when using a problem-solving model for eligibility determination. However, schools cannot alternate between methods of eligibility determination (discrepancy vs problem-solving).

CECAS

21. What is the rationale behind removing the "Special Education" option?

The change was made to ensure compliance with State and Federal regulations which require that the IEP contain a statement of the special education and related services, and supplementary aids and services provided to the child; and the frequency, location and duration of those services. See IDEA regulations at CFR 300.320(a)(4)and (7), and NC *Policies*

at NC 1503-4.1. Regardless of how an IEP team documents the services that a student receives, these requirements must be included in the documentation. If using CECAS, Section V A, is where the services are documented. Currently, the heading of the section is *Type of Program.* This will be changed to *Special Education Services. T*he Drop-Down box has the specific skills or domains in which the student receives services, e.g. Reading, Math, Socialization Skills, etc. The list provided is not an exhaustive list. The term *Other* is included to address other skills and domains, for which the student may need specially designed instruction, that are not in the Drop-Down.. For *Other*, the team must indicate the specific skill or domain.

If using the EC Division paper form, Page 5 of 10, Section V.A has the heading of *Special Education*. In this Section, the team must document the specific special education (skill or domain) that the student receives and the frequency, location, and duration of the services. Examples of the special education are Reading, Math, Social Skills, Adapted Physical Education, etc. These are the same skills as indicated in the CECAS drop-down box.

There is no plan to reinstate the option of *Special Education* as a statement of the special education/specially designed instruction that a student receives. The monitoring protocol has been revised to include this requirement as a part of the record review in the Program Compliance Reviews. IEPs developed after December 21, 2013, must include the specific special education that a student receives; and those IEPs that do not will be cited in monitoring visits and in complaint investigations.

One of the purposes of the IEP is to serve as a communication tool. In addition to the legal requirements that the IEP include a statement of the special education that a child receives; and the frequency, location, and duration of the services, It is important that those involved with the child (service providers, parents and staff in another LEA to which the child may transfer) have clear information as to the services that the child is to receive.

22. When will NCEXTEND2 drop off CECAS as an option? For example, the day after the testing window closes or prior to the new school year?

The option for NCEXTEND2 will not be available in CECAS after June 30, 2014.

23. Will a memorandum be issued to LEAs regarding the removal of "Special Education" as an option for consideration?

A memorandum will be issued and will include the information that is provided in this Q&A, in the CECAS webinars and on the website and at the March 2013 Institute.

24. How do we document the service delivery of SWD who are receiving instruction in a separate continuum where curricula are integrated?

The IEP Team should identify and document the integrated services that are to be provided to the student. This section of the IEP provides the documentation of specially designed

instruction. If using CECAS, select *Other* and write in the services that have been determined necessary for the student to receive FAPE.

PEPs & IEPs

25. IEP Team of an SI child determines that an EC resource teacher needed to provide reading instruction to a particular student. Should interventions have been considered and implemented through a PEP process prior to the IEP Team making this decision?

As an overview, remember that the personal education plan (PEP) is to address issues when a student is identified to be at risk of academic failure without having to wait for the results of end-of-grade assessments. This includes all students, including those with disabilities. However, if the risk is due to the student's disability and the adverse effect of such, it should be addressed in the IEP.

We are working on points of discussion surrounding PEPs and will address them more fully at the Directors' Institute in March.

PowerSchool & Discipline

26. Can suspensions be entered in ½ day increments? We have been told this is not an option and is a huge concern when looking at disproportionality with regard to suspensions if ½ day or smaller amounts of time cannot be entered.

After consulting with Ken Gattis, suspensions should be entered as a whole day.

27. There are concerns about the reliability of discipline data entered into PowerSchool. Can DPI provide guidance?

DPI is consulting with PowerSchool so they can assist with a response and provide clarity on reliability.

28. Are you allowed to attend the State Improvement Project (SIP) conference if you are not in the SIP project?

Individuals who are not in the SIP project may register and attend the Spring Network meeting.

Committee/Pilot Projects

29. Could LEAs be alerted when pilot groups or options for committees come up so that everyone has an opportunity to participate if they so desire?

We are working hard to communicate effectively and provide opportunities for all districts across the state to participate in work groups, stakeholder groups and in an advisory capacity as needed.