

Q & A  
EC Directors' Webinar  
October 7, 2014

- 1. The EC website has information that is confusing regarding the Head Count Transfer System. Could someone please explain the new process regarding transfer of files?**

*The information about the new Children with Disabilities Head Count Transfer System, that has replaced the old EC transfer form, has been updated on the EC website, at the Allotments and Allocations link under the Finance and Grants link; however, the heading to enter the Allotments and Allocations link still refers to the old EC transfer form. That heading is currently in the process of being updated to:*

***State and Federal Funding Head Count Transfer System for Children with Disabilities***

*LEAs and Charter Schools should use this Head Count Transfer System to report all children with disabilities transferred to their schools within the first sixty instructional days of the school year*

***Regarding the new Children with Disabilities Head Count Transfer System:***

*The Allotments Section will no longer accept EC Transfer forms since the system that replaces the form is available. The URL for the system is <https://schools.nc.gov/childcounttransfer>. The person listed as the CECAS contact must request permission to perform transfers and when the request is approved, will be given access to perform transfers. The deadline for submission of transfers is extended to October 10, 2014 for transfers that occurred on or before September 30, 2014. The system and instructions can also be accessed on the Allotment's Website at <http://www.ncpublicschools.org/fbs/allotments/forms/>. If an LEA sent in the old EC transfer form, the LEA will still need to enter it into the new Head count Transfer System. This does not include forms sent in initially by Charter Schools in their first year of operation. For questions, please contact Susan Charlton at 919.807.3750.*

- 2. Will there be any growth configurations next spring for students who previously took the NCEXTEND2 and are now going to be taking the EOG with accommodations, or in the rarer case, taking the NCEXTEND1 assessments?**

*There is no plan for a growth configuration comparison*

- 3. Can an EC teacher whose areas of certification is Cross-categorical with specialization in the MR, BED and SLD areas be highly qualified to teach a self-contained cross categorical class for grades 4-8 whose students previously took the NCEXTEND2 assessments and will now either take the EOG with accommodations or the NCEXTEND1 assessment?**

*A cross categorical license crosswalks to the EC General Curriculum license. Any teacher who is the teacher of record for a middle school content area is required to have the content area*

certification. The need for license in the content area does not apply to teachers of Extend 1 students.

- 4. Do IEPs at the high school level need to reflect accommodations specifically for CTE exams and for final exams at the high school level? Or can regular classroom accommodations be used for these tests?**

*The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments consistent with section 612(a)(16) of the IDEA. The IEP team must consider each assessment and appropriate accommodations that would not invalidate the results of the assessment. There is a specific place on the IEP testing page where teachers are to reflect needed accommodations for CTE exams. Teacher may use classroom accommodations listed on the IEP for the NC Final Exams. Testing accommodations should be routinely used in the classroom for instruction, and assessment.*

- 5. Some 8th grade students take NCDPI-generated CTE exams at the end of the year. The exam scores are not included in any type of growth composite for the school, but will be used to help calculate Standard six for CTE teachers. Do we need to list the accommodations for these tests on the IEP under the testing section or would the regular classroom accommodations be adequate in order for accommodations to be provided on the CTE final tests?**

*Accommodations for CTE exams should be reflected on the testing page on the IEP. Some LEAs use both the Middle and High School testing accommodations pages.*

- 6. Are we going to receive a new Indicator 14 spreadsheet? If not, what should we use to submit the data? And to whom do we submit the data? Are there any instructions available to guide us in submitting this data?**

*UNC-Charlotte has the contract for collecting Indicator 14 data. They sent out the spreadsheet/instructions. There were some issues with/didn't have some of the emails they needed to follow-up with a few folks. Nancy Johnson is working with the graduate assistant at UNC-Charlotte in order to provide additional updates.*

- 7. Should service plans for parentally placed private school children run for a full calendar year like an IEP?**

*Yes. The services plan must, to the extent appropriate—*

- (i) Meet the requirement of an IEP, with the respect to the services provided; and*
- (ii) Be developed, reviewed and revised consistent with NC 1503-4.2 through NC 1503-5.1 [NC 1501-6.9(b)(2)]*

*Therefore, services plan must mirror the cycle of annual IEPs in the district (school-year or 365 day).*

*If LEAs utilize a 365 day IEP, it is understood that the services are to be provided during the school year unless ESY is determined by the IEP Team. The same would be true for a services plan.*

- 8. If CECAS is the authoritative source for testing students with disabilities, then do IEPs need to reflect all the classroom modifications for LEP students who have to take the ACCESS?**

*All students that have testing accommodations in their IEPs should report them through CECAS.*

- 9. What course codes should be used for self-contained students on the Extended Content Standards, taking the NCEXTEND 1?**

*Self-contained and individual course codes are no longer available. There is a series of K-8 content course codes to be used for students being instructed on the Extended Content Standards, with the 5th digit character being an "A." Self-Contained is not a class and there are no standards or objectives associated with that title. Student schedules should reflect the courses (ELA, Math, Science, Social Studies, and electives) that they are taking. Please refer to the memo dated August 12, 2014, for additional guidance and share with your guidance counselors and data managers.*

- 10. Would districts have to pay for the service per all children enrolled in the NCVPS? Could NCVPS use EC teachers to be HQ EC for inclusion to assist with teacher shortage and on site manpower for this vision?**

*Currently, there is a charge for all students participating in VPS. Please contact us directly to discuss your question.*

- 11. Can other students with disabilities not in OCS be placed in NCVPS course currently for OCS students for instruction under a resource setting?**

*No, only students with disabilities, for whom OCS has been deemed appropriate, should be enrolled in the OCS-VPS courses. While the standards are the same as those in the same courses for non-OCS students, the pacing and instructional strategies for the OCS -VPS is different. Many times the OCS-VPS courses are taught over an entire school year, and not by semester.*

- 12. Clarification is necessary regarding who should be evaluating OTs and PTs. The guides indicate a licensed therapist must do this, however, in past state held meetings, there was a directive that "anyone" could do the observations, but if the therapist is having difficulties, pulling a licensed therapist would be necessary. On that same note... Are program specialists/managers (not licensed administrators) allowed to review PDPs with SLPs, OTs, and PTs? Can PDPs for related services personnel be reviewed by someone other than the evaluator?**

*Licensed Therapist needs to do the observation if the action being observed is therapeutic activity (e.g., evaluation, treatment session, case conference). If the observation is not specifically about a therapy activity (e.g., presentation at a faculty meeting, work on committee) then the evaluating administrator (without a therapy license) could do it.*

*PART 2: Review of PDP is the evaluator's role. One person should be the evaluator/PDP reviewer. The user's guide names, among others, EC Director or his/her designee as the evaluator.*

- 13. Read to Achieve: It seems that from regular ed we are hearing that students in the transition classrooms must be provided 90 minutes of uninterrupted reading instruction from a highly qualified teacher of reading. How does this impact students with IEPs? Often times, students are pulled out for reading in a resource setting for part of their reading instruction.**

*A memorandum was sent from the EC Division on October 4, 2014 which clarifies the 90 minutes of uninterrupted reading instruction for students with disabilities.*

- 14. Is DPI going to offer any training this year on the Psychologist, OT, PT and SLP evaluation tool for administrators and/or therapist?**

If there is a need, this can be arranged on a Regional basis.

- 15. Are there minimum criteria or established guidelines in print for use of service dogs in schools?**

*A March 3, 2011, memo from the EC Division stated, "Title II of the ADA and its associated regulations require government entities, including public schools, to make reasonable modifications to programs and services in order to allow access for persons with disabilities. Service animals are recognized as reasonable modifications or accommodations under Title II of the ADA." Attached to that memo were copies of the ADA regulation and NC General Statute regarding service animals. This information along with information from Disability Rights North Carolina will be provided to you after the webinar.*

- 16. Which EC forms MUST be translated into written Spanish?**

*There have been recent OCR findings relative to meaningful parent participation in IEP Team meetings. As a result, the agency is currently reviewing its policies across all divisions. With these factors in mind, an oral translation no longer appears to be sufficient notification. In order to ensure meaningful parent participation and to be certain parents are appropriately notified of any action involving their student, LEAs are advised to provide a written prior written notice in the parent's native language.*

**17. Would you clarify how we are to define information on the class size/caseload form regarding level of service? The form includes a drop down feature for “level of service”, but how do teachers distinguish between using GS, TS, SS, IN and the OCS and FRCS? Do we use FRCS for High School only if they don't have EC Classes or for any student in the FRCS?**

*In reviewing the policies around class size and caseloads, Middle and High School caseloads include the requirement that “middle and high school general and targeted skills are not to exceed 50 students”. Therefore, emphasis should be placed primarily around whether the student is considered general skills, targeted skills, sustained support or intensive needs.*

**18. Does HB-317 and annual data collection of language for literacy apply to students with an IEP under Deafness or Hard of Hearing eligibility only or does it apply to any student (with any eligibility) that we identify that has a hearing loss and complete a Communication Plan Worksheet (CPW) for?**

*The law reads: “The SBE shall do at least all of the following to improve outcomes for North Carolina students who are deaf or hard of hearing”. At this time NC DPI’s interpretation of this means any student that has been found eligible to receive special education (in any disability category) and has a known hearing loss must have a CPW completed by the IEP Team.*

**19. If a student has already shown proficiency in language and vocabulary skills (normal SS on assessments and no needs identified during the IEP process) but still requires an IEP for other areas of need, how should we move forward to progress monitor the language for literacy skills?**

*The law says, “develop procedures and protocols to measure, at least annually or more frequently if specified in the child’s IEP, the acquisition of language skills necessary for literacy using linguistically and culturally appropriate assessment tools. The results of these assessments shall be used to determine whether further support and services, if any, are needed for a child.” We recommend collecting the data until an IEP is no longer in place.*

**20. There seems to be no guidelines in the HB-317 as to the specific data that needs to be collected. Are the LEAs to decide what data will be appropriate?**

*The law says to use assessments that are linguistically and culturally appropriate. However, as professionals, we know that particular assessments have been recommended such as the EVT, PPVT, OWLS, CELF, etc...A September 6, 2013, memo on Long-Range Language Development Planning gives additional examples of formal and informal assessment measures that can be used for formal and informal annual progress monitoring. While language necessary for literacy has not been defined, this should include receptive and expressive language and vocabulary*

*measures – formal and informal. If language and vocabulary are not on par, then literacy skills will be lacking.*

**21. We are having lots of issues with middle school and high school EC students who are convicted sex offenders (some who have offended at school) and who have other felony convictions. We are struggling with appropriate services, supervision, and placements. Principals are serious about maintaining a safe campus. Can we get some suggestions and some clarity on what our legal obligations are?**

*As long as students are eligible for attending school and qualify for SPED, the LEA has an obligation to provide FAPE. The LEA could consider its continuum of alternative placements in order to provide the services required by the IEP.*

**22. Read to Achieve: It seems that from regular ed we are hearing that students in the transition classrooms must be provided 90 minutes of uninterrupted reading instruction from a highly qualified teacher of reading. How does this impact students with IEPs?**

*A memorandum was sent from the EC Division on October 3, 2014 which clarifies the 90 minutes of uninterrupted reading instruction for students with disabilities.*

**23. In serving EC PK students, when a parent withdraws the student from PK, what are our service obligations? Should we be offering home or other services? Should we seek written refusal of EC services?**

*When a parent elects to withdraw a student from PK, the LEA should consider offering an IEP Team meeting to discuss the student's unique needs. Preschool services are not mandatory which leaves the option of itinerant services. If the parent rejects the LEA's offer of FAPE (preschool or itinerant services), they have essentially revoked their consent for the student to be served. A prior written notice should be developed outlining options considered and clearly stating that the parent's refusal for services equates to the revocation of consent for services. The responsibility of the LEA to provide services has now ended.*

*Key points to remember:*

- *If the student returns to the LEA and parent seeks services, the initial process begins again.*
- *Preschoolers cannot be homeschooled; therefore the proportionate share requirement for a services plan does not apply.*

- *The DEC5 documents the parent’s revocation of services. This is slightly different than the parent initiating the revocation in writing. The DEC5 and the parent’s signature meets the “in writing” requirement for revocation.*

**24. In serving older students, when a student stops attending school and all attempts at re-entry have failed, what are our EC service obligations? Should we be proposing home or other services?**

*When working with students and attendance issues, it is very important to observe the attendance and truancy requirements of the district. Concurrently, if the student is meeting the requirements of being an enrolled student, the LEA should hold an IEP Team meeting to discuss the change in the student’s progress. The IEP Team should then determine what services are appropriate for the student (behavior plan, modified day, homebound services, etc.)*

*LEAs should also carefully document all attempts at re-entry.*

**25. We need some more information and training in the fine line between EC eligibility and 504 eligibility - especially when there are multiple outside mental health or medical diagnoses. We have had multiple legal challenges in this area.**

*One area of vulnerability is Child Find and the LEAs obligation to evaluate a student when a disability is suspected. LEAs should consider carefully the point at which an accommodation plan (504) reaches the level of specially designed instruction (IEP). When in doubt whether or not the student is in need of special education, the LEA should carefully consider whether or not an initial evaluation is warranted. Through the initial process, the IEP Team will be collecting evidence and responding to three very critical questions:*

Based on information from a variety of sources that have been documented and carefully considered, the IEP Team has determined:

- |                                     |                                    |   |
|-------------------------------------|------------------------------------|---|
| <input type="checkbox"/> <b>yes</b> | <input type="checkbox"/> <b>no</b> | The student meets criteria for one or more of the fourteen disabling conditions consistent with the definitions described in <i>NC Policy 1500-2 (must attach individual eligibility worksheets);</i> |
| <input type="checkbox"/> <b>yes</b> | <input type="checkbox"/> <b>no</b> | The disability has an adverse effect on educational performance; and  |
| <input type="checkbox"/> <b>yes</b> | <input type="checkbox"/> <b>no</b> | The disability requires specially designed instruction.   |

*Going forward with an initial evaluation ensures that concerns about the student’s unique needs are carefully considered when determining the appropriate plan or program used to provide services.*

**26. Are 504 and ESL modifications supposed to go on IEP for students that are eligible for IDEA (for example, speech-language Impaired**

*If a student is eligible for services through an IEP, then all accommodations should be recorded on the IEP.*

**27. Just to clarify...NC Final exams/accommodations must be on the state testing page now, not provided through classroom accommodations or benchmark accommodations. Is that correct?**

*All NC Final exams are listed in CECAS on the state testing page.*

**28. Where can I find the memo dated 8/12/14 in reference to course codes?**

*The memo was sent to all EC Directors. We have attached the memo to this Q & A.*

**29. Are teachers only permitted to serve students list on the crosswalk aligned with their certification in a class? A student with any other eligibility in the class would not be served?**

*One student in the class has to have an EC eligibility area to match the licensure of the teacher.*

**30. Do observations need to be included on a DEC2 if completed after the Dec 2 is signed and will be included on the Summary of Evaluations?**

*If observations are going to be included in the Summary of Evaluations and collected for the purposes of an initial or a reevaluation, then consent must be obtained prior to conducting the observation.*

**31. Which EC forms MUST be translated into written Spanish. I have notes from an old meeting that said the Invitation and the DEC6 must be translated in writing into Spanish and it would be best practice for the DEC 5 to be put in written Spanish. However, in my notes it says that as long as the DEC 5 is translated orally, we do not have to translate into written Spanish. Is this still the thinking at DPI?**

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