

**COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN**

North Carolina's Advisory Panel

2006-2007 ANNUAL REPORT

Lee Crisp, 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 Advisory Council 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 or 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-three (23) 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 thirteen (13) 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; and a representative of a vocational, community or business organization concerned with the provision of transition services to children with disabilities. Four (4) ex officio members represent the Departments of Public Instruction, Health and Human Services, Juvenile Justice and Delinquency Prevention, and Correction. Twelve (12) of the twenty-three 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 for four years. All other appointments are for two years. A complete list of the members and their terms of office as of the beginning of the 2006-2007 school year can be found at the end of this report.

The Council met four times during the 2006-2007 year: September 13, 2006, December 13, 2006, March 21, 2007, and June 20, 2007.

2006-2007: Year-in-Review

End of Year Reports for Dispute Resolution (7/1/05-6/30/06)

A. Mediation Program

The total number of mediations requested was 116 and the total number of those held was 62. Reporting to OSEP requires a break down of mediations related to a due process hearing and those without a hearing. Those numbers reflect the following:

- Mediations related to due process hearing- 1 held (7 reached agreement; 4 did not reach agreement).
- Mediations not related to a due process hearing – 51 held (37 reached agreement; 14 did not reach agreement).

This represents a success rate of 71% of mediations held reached agreement.

The 2004-05 success rate was 84%.

B. IEP Facilitation Program

The total number of requests was 125 and the total facilitated IEP team meetings held was 100. Of those, 97% reached full or partial consensus. Participant feedback data was extremely positive.

C. Complaint Investigations

A total of 63 letter of complaint were received, of which 45 resulted in a completed investigation. Of the 45 completed complaint investigations, 35 resulted in findings of noncompliance and required corrective action. The remaining 10 cases resulted in no findings of noncompliance.

There were 46 fewer formal complaints this year compared to the 2004-05 school year and this is attributed to the success of the Facilitation Program.

Seven (7) complaints were issued beyond the 60 calendar day requirement.

D. Due Process Hearings

A total of 56 Petitions for Due Process Hearings were filed with the following breakdowns:

- 42 cases were withdrawn and closed without a hearing due to the following:
 - 24 resolution sessions were held resulting in agreements
 - 16 mediation sessions were held resulting in agreements
- 4 decisions were rendered after a hearing with two of those decisions appealed to the state review officer (Tier 2), and one of those appealed to Federal District Court.
- 7 cases were dismissed.
- 3 cases remain open at the end of the year.

Disproportionality

The Council received and reviewed updated information on the monitoring priority of Disproportionality, i.e. Indicators 9 and 10 on the State Performance Plan. Dr. Teresa Dais (Evaluation and Research Consultant in EC Division) presented to the Council the

state data indicating disproportionate representation of racial and ethnic groups in special education and relations services resulting from inappropriate identification and over identification of racial and ethnic groups in specific disability categories, i.e. the over identification of black males in the categories of Educable Mentally Disabled and Behavior and Emotional Disabled.

NIMAC and Services for Students with Visually Impairments

The National Instructional Materials Access Center (NIMAC) was established through federal regulation and is housed at the American Printing House for the Blind. All publishers send files of their materials to NIMAC for conversion into Braille or print for persons with vision disabilities. Tom Winton, Section Chief of Instructional Support and Related Services, presented on this, as well as, the National Instructional Materials Accessibility Standard (NIMAS) which establishes national standards for the conversion of the publishers' files into Braille. Both state and local education agencies need to adopt NIMAS standards as part of the respective federal and state grant application process.

State Performance Plan (SPP) and Annual Progress Report (APR)

The 20 Indicators for the SPP were reviewed with the Council. As a stakeholder, input was solicited from the Council regarding setting the State targets. The SPP is analogous to a 6-year IEP for the state and the APR is our annual review of progress made toward our targets. NC needs substantial improvement in graduation rates and needs to decrease the over-representation of African-Americans in the eligibility categories of Behavior-Emotional Disability and Educable Mentally Disability.

Core Course of Study and Graduation

Rebecca Garland, Executive Director to the State Board of Education, presented to the Council the SBE's 21st Century strategic plan. The guiding mission is for every public school student to graduate from high school, globally competitive for work and postsecondary education and prepared for life in the 21st Century. Currently NC's graduation rate for all students is 68.1%; graduation rate for students with disabilities is 49.9%.

In May of 2005, the SBE committed to a more rigorous curriculum. The Future-Ready Core represents the minimum course requirements that the State mandates for graduation (4 Math, 4 English, 3 Social Studies, 3 Science, 1 Health and PE, and 6 electives).

State Policies, Guiding Practice and Forms

Staff members from the Policy, Monitoring & Audit Section have been divided into three work groups for the development of the state *Policies Governing Services for Children with Disabilities* (to replace the *Procedures Governing Services and Programs for Children with Disabilities*). The *Policies* will reflect only the law, while the *Guiding Practices* will document best practices. New forms are being developed to reflect changes in the law with the 2004 reauthorization.

The draft *Policies* were posted for public comment and three public hearings were held across the state: Hickory 4/12/07; Winterville 4/17/07 and Raleigh 4/30/07. The *Policies* work group reviewed and replied to each and every comment. Changes were made to the

draft document based on the public comments. The *Policies* will be presented to the State Board of Education in August.

Letters of Recommendation to the State Board of Education

During the 2006-07 year, the Council members selected a number of topics of interest upon which to make recommendations to the SBE. The first two topics selected involved the Positive Behavior Support program and the Response to Intervention program. In September of 2006, a letter of support for the Positive Behavior Support Initiative was sent to the SBE from the Council recommending funding approval for a new position. The SBE approved the position. In February of 2007, a letter of support for the Response to Intervention program went to the SBE recommending state-wide support from regular education (despite it being a special education regulatory requirement).