

**COUNCIL ON EDUCATIONAL SERVICES  
FOR EXCEPTIONAL CHILDREN**

**NC State Advisory Panel**

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**2008-2009 ANNUAL REPORT**

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**Dr. Jane Young, Chairperson (retired February 2009)  
Sonja Brown, Chairperson**

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

**Mary N. Watson, Director**

## **2008 – 2009 ANNUAL REPORT**

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

**Dr. Jane Young, Chairperson (retired February 2009)  
Sonja Brown, Chairperson**

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 2008-2009 school year can be found at the end of this report.

The Council meets four times a year. During the 2008-2009 year, meetings were scheduled for September 24, 2008; December 10, 2008; March 19, 2009; and June 25, 2009. Due to the state travel restrictions, the March 19<sup>th</sup> meeting was cancelled and business was conducted electronically. The June meeting was moved to a new fiscal year due to budgetary constraints and held on July 15, 2009.

## 2008-2009: Year-in-Review

### End of Year Reports for Dispute Resolution (7/1/07-6/30/08)

The Council members reviewed the previous year's data for dispute resolution.

#### **A. Mediation Program**

The total number of mediations requested was 105 and the total number of mediations held was 59. Reporting to the Office of Special Education Programs (OSEP) requires a breakdown of mediations related to a due process hearing and those without a hearing. Those numbers are as follows:

- Mediations related to a due process hearing- 15 held (7 reached agreement; 8 did not reach agreement).
- Mediations not related to a due process hearing – 44 held (33 reached agreement; 11 did not reach agreement).

This represents a success rate of 68% of total mediations held reached agreement.

The 2006-07 success rate was 83%; 2005-06 success rate was 73%; and the 2004-05 success rate was 84%.

#### **B. IEP Facilitation Program**

The total number of requests was 207 and the total facilitated IEP team meetings held was 139. Of those, 71% reached full consensus, 27% reached partial consensus, and 2% did not reach consensus. Participant feedback data remains extremely positive.

#### **C. Complaint Investigations**

A total of 115 letters of complaint were received, of which 85 resulted in a completed investigation. Of the 85 completed complaint investigations, 60 resulted in findings of noncompliance and required corrective action. The remaining 25 cases resulted in no findings of noncompliance.

Eighty (80) complaint reports were issued within the 60 calendar day requirement.

One (1) complaint report was issued within an extended timeline.

Four (4) complaint reports were issued beyond the timeline.

#### **D. Due Process Hearings**

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

- Hearings conducted - 7
- Mediated agreements reached - 6
- Resolution Sessions held - 35
  - Resolution agreements reached - 15
  - Independent agreements reached - 7

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

Nancy Johnson reviewed with the Council the 20 Indicators in the SPP and the data presented in the APR for the 2006-07 reporting period. The Council reviewed and provided feedback regarding the targets and measures for Indicator 5, FAPE in the LRE. The Office of Special Education Programs (OSEP) is concerned about the reliability of data collection. The Council reviewed the checklist used to assist with monitoring the effectiveness of improvement activities.

The Council reviewed the APR submitted on February 2, 2009, and the Office of Special Education Programs (OSEP) in which NC was advised of its “Meets Requirements” status.

### **Subcommittee Reports**

**Meetings:** For a period of time, the Council decided to change the times (11:30 -3:30) and day of the week (Thursday) for subsequent meetings to accommodate several members’ abilities to attend the quarterly meetings. As the intended result was not realized, the Council has returned to the traditional day and time, i.e. Wednesday from 9:30-1:30. Due to the Governor’s travel ban, the March meeting was not held. Rather business was conducted via emails. Again, due to budgetary restrictions, the June meeting was held in a new fiscal year (July 15, 2009).

**Bylaws:** The Council approved the revised Bylaws that reflect current regulatory citations and requirements; allowing for two terms of office for the Chairperson and Vice-Chairperson; and the addition of a general education administrator position to the Council. Chairperson Jane Young retired early in the year just prior to her term ending and Vice-Chairperson Sonja Brown assumed the responsibilities in the interim. Sonja Brown was elected as Chairperson and Nicole Jimerson was elected as Vice-Chairperson.

### **Accountability and Curriculum Reform Effort (ACRE)**

Mike Martin, Consultant with Policy and Strategic Planning, gave the Council an overview of ACRE. New Essential Standards are in draft form for English 10, Math K-12, Science K-12, Information and Technology Skills K-12, and the Occupational Course of Study. Reform includes a comprehensive, balance assessment system, including summative assessment at the state level; benchmark assessment at the school and district level; and formative assessment at the classroom level.

### **Letters of Support Sent to the State Board of Education**

The Council issued letters of support for endorsing the recommendations in the “Study of Educational Services and Outcomes for High School Students with Disabilities;” and expressing concerns regarding the changes to the Occupational Course of Study, along with making specific recommendations. (*See attached*)