

**COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN**

NC State Advisory Panel

2009-2010 ANNUAL REPORT

Sonja Brown, 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 2009-2010 school year can be found at the end of this report.

The Council meets four times a year. During the 2009-2010 year, meetings were held on September 16, 2009; December 16, 2009; March 17, 2010; and June 16, 2010.

2009-2010: Year-in-Review

7/1/08-6/30/09 End of Year Reports for Dispute Resolution

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 57 and the total number of mediations held was 35. 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- 11 held (6 reached agreement; 5 did not reach agreement).
- Mediations not related to a due process hearing – 24 held (23 reached agreement; 1 did not reach agreement).

This represents a success rate of 83% of total mediations held reached agreement.

The success rate for previous years is as follows: 2007-08 = 68%; 2006-07= 83%; 2005-06 = 73%; and 2004-05 = 84%.

B. IEP Facilitation Program

The total number of requests was 155 and the total facilitated IEP team meetings held was 94. Of those, 70% reached full consensus, 21% reached partial consensus, and 9% did not reach consensus. Participant feedback data remains extremely positive.

C. Complaint Investigations

A total of 97 letters of complaint were received, of which 74 resulted in a completed investigation. Of the 74 completed complaint investigations, 51 resulted in findings of noncompliance and required corrective action; 67 reports were completed within the 60-day timeline and 7 were completed within an extension to the timeline (100% compliance).

D. Due Process Hearings

A total of 60 Petitions for Due Process Hearings were filed with the following breakdowns:

- Hearings conducted - 2
- Mediated agreements reached - 6
- Resolution Sessions held - 43
 - Resolution agreements reached - 31

Indicator 7- Setting Targets for SPP 9/09

Vivian James, DPI Preschool Consultant, reviewed the early childhood outcome measures for Indicator 7. The purpose is to determine the percent of preschool children with IEPs who demonstrate improved: a) positive social-emotional skills (social relationships); b) acquisition and use of knowledge and skills (language, communication

and early literacy); and c) use of appropriate behaviors to meet their needs. The Council is the stakeholder group for the SPP and assisted in setting the targets for early childhood outcomes.

Amendments to Policies 9/09

The *Policies Governing Services for Students with Disabilities* were amended to include changes to the federal regulations (e.g. revocation of parental consent) and clarifications to existing sections. The legislature's changes to the state statute regarding discipline reflected in House Bill 12 was reviewed, i.e. determining a basis of knowledge with clear and convincing evidence.

Graduation Exit Standards for SWD 9/09

Fred Lee, DPI Consultant, presented the requirements of Future Ready Core Course of Study for 9th graders entering the 2009-10 school year. To graduate with a diploma, students must take four English credits, 4 Math credits, 3 Social Studies credits, 3 Science credits, etc.

Letters of Support Sent to the State Board of Education

On July 24, 2009, the Council issued a letter of recommendation regarding the changes to the Occupational Course of Study, including specific recommendations. (*See attached*)

State Performance Plan (SPP) 12/09

Nancy Johnson, DPI Consultant, reviewed all 20 Indicators with the Council and received input on setting targets for several Indicators.

Vision for New Assessments 3/10

Ms. Tammy Howard, Section Chief of Test Development from Accountability Services, reviewed the current status of accountability and assessments for students with disabilities at the state level. The Accountability Division is working with Curriculum Services to align NC's assessments and content standards with a mandate to reduce the number of assessments. The NC Accountability and Curriculum Reform Effort (ACRE) has minimized the emphasis on summative assessments and shifted the focus to formative and benchmark assessments. ACRE is an initiative that is part of the Race to the Top (RttT) grant. The feasibility of administering the Extend1 assessment (for 1% of SWD) one-on-one is being explored. NC is one of four states administering an alternative assessment (Extend2) and it is not required by the US DOE. Online assessments are being discussed currently.

NC Virtual Public Schools 3/10

Dr. Tracy Weeks, Chief Academic Officer for NC Virtual Public Schools (NCVPS) presented on the ability of NCVPS to meet the needs of SWD by individualizing and customizing the materials and methodologies for the students. The credit recovery programs allow students to self pace and are intended for students to retake a previously failed course. Modular credit recovery enables the student to retake the content online for a failed unit while continuing to participate in a live class (enabling the student to pass the course). NCVPS collaborates with content experts and OCS and EC personnel to

work on course design, teaching strategies and funding aspects for each course. For example if an OCS teacher is not highly qualified in the area of math, the OCS teacher can work face-to-face with a student enrolled in an online math class.

Early College High Schools 6/10

Fay Agar, Director of the Early College High School Initiative described the initiative as being developed for first generation college-bound, under-represented and economically disadvantaged youth. The focus of the Early College is to accelerate student learning, collapsing six years of learning into four or five years with students graduating from high school with a HS diploma and an associate degree from college. NC has 70 early colleges, nearly one third of all early colleges in the nation. Data from 2009-2010 shows 70 early colleges serving approximately 10,000 students and a dropout rate of 0.7% compared to the state average of a 4.97% dropout rate.

Transition Services 6/10

Bobbie Grammer, Monitoring Consultant at DPI presented on the IDEA directive to prepare SWD for further education, employment and independent living. The most successful transition initiatives start early in the student's school career, and elements of successful transition include: career awareness, community experiences, inclusion in general education, interagency collaboration, career technical education classes, paid employment/work experience, parent involvement, and teaching self advocacy/self determination skills.

Memorandum

To: State Board of Education
From: Council on Educational Services for Exceptional Children
Date: July 24, 2009
RE: Letter of Support regarding changes to the Occupational Course of Study

The Council on Educational Services for Exceptional Children is aware of the federal mandate for all students to have challenging content standards in academic subjects and that the same academic standards apply to all schools and students throughout the state. The Council is also aware that the NC Occupational Course of Study was not deemed rigorous enough by the USDOE.

The Council endorses a course of study and an assessment system for students with disabilities that maintains rigor while reflecting their unique abilities and achievements. We acknowledge that this may be counter to the aforementioned federal mandate.

We are hopeful that the State Board of Education considers the ramifications and unintended consequences of these changes so that accountability is to the students as much as to the governing regulations. Adding an abstract subject, such as Algebra, to the OCS curriculum will likely lead to failure, as the students for whom the curriculum was originally designed are typically concrete learners, and cognitively struggle with abstract concepts. By elevating the standards of the OCS curriculum, a likely result will be an increase in the drop out rate and a decrease in the graduation rate, both of which are monitored through the NC State Performance Plan and Annual Performance Report.

The Council encourages the State Board of Education to provide guidance to the local education agencies (LEA) regarding the allocation of resources for necessary staff development to ensure that educators can teach the course content at a level to be meaningful to this unique student population. In order to ensure equal access to the new content, LEAs need to change instruction to meet the needs of the students with disabilities. Additionally, they will need supplemental aids and supports, materials, and technology to concretize the material.

Thank you for your dedication to the education of all students in the NC Public Schools.