

**COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN**

NC State Advisory Panel

2012-2013 ANNUAL REPORT

Nicole Jimerson, Chairperson (September & December)
Jill Scercy, Chairperson (March & June)

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

Mary N. Watson, Director
Sherry H. Thomas, Interim Director (March)
William J. Hussey, Director (June)

20012 – 2013 ANNUAL REPORT

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

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;
- Advise 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-five (25) individuals. Two members are appointees of the Governor. Two members are appointees of the President Pro Tempore of the Senate and another two are appointees 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. 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 2012-2013 school year can be found at the end of this report.

The Council meets four times a year. During the 2012-2013 year, meetings were held on September 12, 2012; December 12, 2012; March 20, 2013; and June 12, 2013.

20012-2013: Year-in-Review

7/1/11-6/30/12 End of Year Reports for Dispute Resolution (9/12)

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 59 and the total number of mediations held during the reporting period was 37. Reporting to the Office of Special Education Programs (OSEP) requires a breakdown of mediations related to a due process hearing and those not. Those numbers are as follows:

- Mediations related to a due process hearing- 15 held (12 reached agreement- 80%; 3 did not reach agreement). Declined-1; Withdrawn-3.
- Mediations not related to a due process hearing – 22 held (16 reached agreement- 73%; 6 did not reach agreement). Declined-10; Withdrawn-4; Held beyond the reporting period-4 (all reached agreement).

76% of total mediations held during the reporting period reached agreement in 2011-12 [success rate for previous years was: 2010-11= 55%; 2009-10 =72%; 2008-09 =83 %; 2007-08 = 68%; 2006-07= 83%; 2005-06 = 73%; and 2004-05 = 84%].

B. IEP Facilitation Program

The total number of requests was 99 and the total facilitated IEP team meetings held was 68. Of those held, 49 (73%) reached full consensus, and 14 (20%) reached partial consensus. Participant feedback data remains extremely positive.

C. Complaint Investigations

A total of 79 letters of complaint were received, of which 55 resulted in a completed investigation and a report issued. Of the 55 completed complaint investigations, 42 resulted in findings of noncompliance and required corrective action; 51 reports were completed within the 60-day timeline; 2 were completed within an extended timeline; and 1 report was outside the requisite timeline (98% reporting rate for Indicator 16).

D. Due Process Hearings

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

- Hearings fully adjudicated - 4
- Mediated agreements reached - 10
- Resolution Sessions held within 15-day requirement - 33
 - Resolution agreements reached - 13

Letter of Notification to the SBE regarding students with disabilities placed by noneducational state agencies in private psychiatric residential treatment facilities (PRTF) (9/12)

In August 2012, the Council issued a letter of notification to the SBE informing it of the status of the cancelled MOA by DHHS and the need to ensure that all NC students are afforded a basic education and students with disabilities receive a FAPE.

Team Initiated Problem-Solving (TIPS): How to Use Data to Make Decisions (9/12)

Heather Reynolds, PBIS Coordinator, presented the steps of the TIPS model (identify the problem; develop a hypothesis; discuss and select solutions; develop and implement an action plan; and evaluate and revise the action plan). The benefits include the following: effective problem-solving by using data to drive decisions; aids in a standardized process, strengthens stakeholder participation; ensures implementation with fidelity; and utilizes continuous assessment and evaluation. The TIPS model has been incorporated into the PBIS curriculum.

State Performance Plan/Annual Performance Report (12/12)

Nancy Johnson, SPP/APR Consultant, reviewed the 2011-2012 data on the Indicators for the next OSEP submission and provided the Council with a summary of the data. Regarding the pre-school Indicators, the Council approved a recommended target for Indicator 6a of 51.5% and a recommended target for Indicator 6b of 20.5%. The Council also suggested adding professional development/technical assistance to LEAs on how to combine funding to preschool programs

Proposed Changes to the NC Policies (12/12)

Bill Hussey, President of NC Council of Administrators of Special Education (CASE), shared CASE's position paper regarding class size. EC Division staff members reviewed the substantive changes proposed to the NC *Policies*.

Election of new Chair and Co-Chair (12/12)

Jill Scercy was elected Chairperson and Melanie Hester was elected Co-Chairperson.

Review of Bylaws (3/13)

The Council worked in four small groups to review the duties of the group vis-à-vis the federal regulations and bylaws. The purpose is to develop committees that will further the work of the Council.

Review of Bylaws (6/13)

Four committees were formulated with the following titles and duties.

1. Executive – Set meeting agendas; organize orientation for new members; and carry out any other responsibility as designated by federal law or the State Education Agency (SEA).
2. Unmet Needs – Determine topics for Council action relative to unmet needs of students with disabilities.
3. Policies and Procedures – Comment publicly on rules or regulations proposed by the SEA regarding the education of students with disabilities; and advise the SEA in developing and implementing policies relating to the coordination of services for students with disabilities.
4. Reporting and Data – Advise the SEA in developing evaluations and reporting on data to the Office of Special Education Programs; and advise the SEA in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA.

Charter School Law (6/13)

Laura Crumpler, Assistant Attorney General, reviewed the state statute pertaining to charter schools and their obligations to students with disabilities. As charter schools receive federal funds, they must comply with federal law, including IDEA.

State Monitoring Mechanisms (6/13)

Upon request from the Council Chair, Ira Wolfe, Section Chief for Policy Monitoring & Audit, reviewed the NC Continuous Improvement Focused Monitoring System. The six types of monitoring activities conducted by the EC Division are the following: Continuous Improvement Performance Plan (CIPP); Program Compliance On-site Review; Targeted On-site Visit; Focused Monitoring; LEA Program Assessment; and a Data Base Review of Indicators 4B, 9, 10, 11 and 12.