

**COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN**

NC State Advisory Panel

2013-2014 ANNUAL REPORT

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

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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 2013-2014 school year can be found at the end of this report.

The Council meets four times a year. During the 2013-2014 year, meetings were held on September 11, 2013; December 4, 2013; March 20, 2014; and June 11, 2014.

2013-2014: Year-in-Review

7/1/12-6/30/13 End of Year Reports for Dispute Resolution (9/13)

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 62 and the total number of mediations held during the reporting period was 36. 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- 9 held (8 reached agreement- 89%; 1 did not reach agreement). Declined-1; Withdrawn-3.
- Mediations not related to a due process hearing – 27 held (23 reached agreement- 85%; 4 did not reach agreement). Declined-9; Withdrawn-9; Held beyond the reporting period-3 (all reached agreement).

86% of total mediations held during the reporting period reached agreement in 2012-13.

B. IEP Facilitation Program

The total number of requests was 136 and the total facilitated IEP team meetings held was 88. Of those held, 75 reached full consensus, and 11 reached partial consensus. Participant feedback data remains extremely positive.

C. Complaint Investigations

A total of 85 letters of complaint were received, of which 45 resulted in a completed investigation and a report issued. Of the 45 completed complaint investigations, 30 resulted in findings of noncompliance and required corrective action; 43 reports were completed within the 60-day timeline; 1 was 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 47 Petitions for Due Process Hearings filed with the following breakdowns:

- Hearings fully adjudicated - 0
- Withdrawn or dismissed (resolved without a hearing)- 38
- Cases Remaining open- 9

Exceptional Children Division Strategic Plan (9/13)

Mr. Bill Hussey, EC Director, shared the three year strategic plan. It contains four goals with broader Division objectives within each goal. The goals are:

- 1-improve student outcomes through the provision of customized support for LEAs
- 2-improve student outcomes by building LEA capacity to sustain best practice
- 3-increase effectiveness of collaboration through problem solving and decision making with LEAs, including Charter Schools, parents, advocacy groups, Institute of Higher Education (IHEs) and other agencies; and

4-improve student outcomes through implementation of effective general supervision system.

Office of Special Education Programs changes its focus (9/13)

For 2014-15 there will be a big change in data collection processes. OSEP has now changed its focus to student outcomes instead of the historical compliance viewpoint. The Division has already started discussions with CECAS as well as other vendors regarding reporting requirement changes. These data collection changes will reach all the way down to the classroom level. This is a huge, complex project. The Division wants this project to be adjusted as simply and effortless as possible for LEAs and teachers.

Agency Updates (9/13)

SLD – right now there are two systems of identification in the state. One is the 15 point discrepancy; second is RtI. This leads to complications. The Division is looking at bringing committees together to determine a single way of identifying students hopefully moving toward the RtI process. It will probably take a full two years to decide what change to make.

OCS – a curriculum developed years ago for ID mild/moderate students to make them career and/or job ready. The accountability standards students had to adjust to inside the curriculum meant these students took the same exam with modifications. This requires extensive work on EC staff at all levels. Virtual Public Schools has almost become a necessity to allow for the co-teaching practice. The Division will figure out a way to look at OCS to focus on career readiness (not college readiness), make the curriculum more functional for the students and not lose the rigor but change the structure.

Charter Schools – the EC Division needs a whole reconsideration of the processes needed to support and monitor Charter Schools. Charter Schools will continue to increase. DPI needs to have a way to communicate to LEAs and Charter Schools at the same time even though Charter Schools' functions and needs are very different. All EC students require services. The Division will keep the Council updated.

CECAS – data collection process. PowerSchool is a much richer and powerful system. The authoritative EC source will still be CECAS. Merging the data flow between CECAS and PowerSchool is the first hurdle. Sept. 30 was given as the deadline for completing the merge. However, both entities have not done everything technically required to synch the data completely and the reporting component will still be pending after Sept. 30.

PRTFs – legislation did not pass – DHHS responsible for licensure and contract monitoring; DPI responsible for FAPE; and PRTF responsible for delivering the educational component. DPI is moving forward with meeting w/PRTF Directors to assist with child find, provide technical assistance with IEP training, and assist PRTFs in finding support/related services. DHHS/DPI will discuss putting back in the structure to allow schools to participate in children's placement into PRTFs.

Read to Achieve – new legislation with tremendous impact on students with disability. If student does not pass test at end of third grade or participate in summer camp; student is retained in third

grade. If student participates in summer camp, student will be moved into combo third/ fourth grade class with second chance to pass test at the end of first semester; if student does not pass test, student could follow a progression into being retained in fourth grade as well.

Residential Schools – Division is initiating work with the residential schools to assist with moving them toward the same accountability model as LEAs. The Division starts with each school’s Comprehensive Needs Assessment report. The EC Division has a report due to the legislature in January regarding the residential schools.

State Performance Plan/Annual Performance Report (12/13)

In preparation for the February 2014 submission of the SPP to the US Dept. of Education, Nancy Johnson, SPP Consultant, reviewed the SPP data to date and gave a brief overview of the newly proposed SPP/APR that will be submitted February 2015. The Council also provided input on Indicator 13 and feedback on the newly proposed SPP/APR.

Proposed changes for the February 2015 SPP include the SPP/APR being combined into one document, Indicators 1-14 requirements will remain the same, Indicators 18-19 remain but will become Indicators 15 and 16, Indicators 15 and 20 will be eliminated as separate Indicators and Indicator 17 – State Systems Improvement Plan (SSIP) is a newly proposed Indicator.

Indicator 17 – State Systems Improvement Plan (SSIP) – is a comprehensive, multi-year State Systemic Improvement Plan, focused on improving results for students with disabilities across key measures, performance on assessment, graduation with a regular diploma and post-school outcomes. This Indicator must also address how the State will use its general supervision systems to improve implementation of the requirements of Part B of IDEA.

The US Dept. of Education has this Indicator setup in three phases.

Phase I – included in the February 2015 submission

- a. Data Analysis (detailed analysis of data and infrastructure);
- b. Identification of the Focus for Improvement;
- c. Infrastructure to Support Improvement and Build Capacity; and
- d. Theory of Action (general improvement strategies, outcomes to be met to achieve the state-identified measurable improvement in results for students with disabilities, includes changes to State System, LEAs and school and provider practices that must occur to achieve desired results).

Phase II – in addition to Phase I, also includes the following in the February 2016 SPP submission:

- e. Infrastructure Development;
- f. Support for local education agency (LEA) implementation of evidence-based practices; and
- g. Evaluation Plan.

Phase III – in addition to Phase I and Phase II, includes the following in the February 2017 and thereafter submission:

- h. Results of ongoing evaluation and revisions to the SPP.

Agency Updates (3/14)

Bill Hussey, Director of the Exceptional Children Division, updated the Council on the following:

An IEP Review Committee comprised of a variety of stakeholders, including Council and parent representation, will meet on March 27. The purpose is to take an overall look at the IEP in order to meet federal compliance laws, simplify the IEP for comprehension for lay persons, as well as professionals, and the mechanics (paperwork) of the IEP. DEC 5 Prior Written Notice is a key issue to review. Because of compliance issues and striving to do everything right, people may be missing the real purpose of individual education plans for each child to be successful. This meeting will also generate conversation on how to truly differentiate instruction within the IEP and translating IEP components into the regular education classroom. Training on how to teach the defined differentiated instruction will be a final product of this committee.

The first annual Stakeholder Summit will be April 10 in Greensboro. The Summit will consist of stakeholders from across the state and various other elements of special education. The purpose is to develop a stakeholder vision and mission statement and develop formal and informal communication plan to discuss, resolve and attempt to prevent major problems before they occur. In between the annual Summit, there will be ongoing smaller group meetings feeding into the annual Summit.

Specific Learning Disability (SLD) – the definition will change to reflect the moving away from the 15-point discrepancy. Subcommittees are starting now and hopefully there will be public comment on the changes in January with stakeholder groups providing feedback. The change is targeted to go to the SBE in May for discussion and June for action. Responsiveness to Instruction (RtI) / Multi-tiered System of Support (MTSS) will have an impact. The changes will center on a five-year plan for K-8. High school roll-out will occur afterward.

Occupational Course of Study (OCS) – The OCS work group is reviewing how to help LEAs identify who should participate with the elimination of Extend2 that is part of NC's accountability waiver to the US Dept. of Education. Students in OCS will take regular End of Course assessments with same standards for Math 1, English 1, and English 2. Accommodations will still occur for students to access the curriculum. Mid next year is target for completion.

Read to Achieve – is not technically a special education issue but ends up encompassing special education students. Currently the stance is EC students (except Extend1 students) must participate the same as the general population. EC students must be included in the accountability model and expectations.

Directors Advisory Committee wants to include as many special education students as possible in all assessment and activities without being retained. There is no social-emotional assessment. There is also the larger philosophical question of retention in general.

Each District is creating alternate assessment to determine student proficiency. The measure of accountability changed from a 4 to 5 level system. In a 5 level system, 11% of students that were previously a 2 will now become a 3. This equates to 39% of students not passing.

Summer Reading Camp costs do include students with disabilities. Summer Reading Camp teachers are highly qualified. Each District will determine the hiring/selection process. Most Districts would probably select teachers that have performed well in moving their students forward.

Summer Reading Camp is not Extended School Year (ESY). LEAs also make their own decision regarding providing summer school – which is totally different than Summer Reading Camp and Extended School Year.

It is requested that EC students have access to all parts of the program-Summer Reading Camp, transitional classes, etc. but not be retained. Qualifications of teachers and class size: HQ teachers, each district determines hiring/selection process; most districts would probably select teachers that have performed well in moving students forward.

EC Scholarships - children identified as EC in an LEA who are in a private school setting are now requesting re-evaluations. LEAs are required to do re-evaluations. There are funds to support the work of the school psychologist. The process to get the money from the Dept. of Revenue to DPI to the LEA is uncertain at this time.

Proposed Changes to the NC Policies (3/14)

There are three proposed changes to *Policies*: amending the definition of Autism; changing the language related to the requirements for obtaining parents' consent to access their public insurance; and removing language related to the requirements of the modified achievement standard.

The Council discussed the proposed changes to provide a collective comment relative to amending the definition of Autism that there is still a need for examples of the diagnoses (*Policies/Guiding Practices*) to assist practitioners in the field and to consider expanding "Autism" to "Autism Spectrum Disorder" as the disability category to encompass all areas.

The Council also commented that a change in the language related to the requirements for obtaining parents' consent to access their public insurance include a statement that a Medicaid cap on the number of sessions does not preclude the IDEA requirement for FAPE.

Committee Work (3/14)

Council members signed up to attend monthly SBE meetings with the exception of October, November and December. Committees also collaborated to develop a State Board Presentation. A letter of invitation to SBE that describes the Council purpose and function will be sent in preparation for the June 2014 meeting. Public Comment on *Policies* – was summarized from Council and submitted to Ira Wolfe.

Agency Updates (6/14)

Exceptional Children Division Director Bill Hussey provided the Council updates on the following:

PRTF – DPI is working with the legislature to pass a bill that funds teacher positions within PRTFs. The funding basically equates to one teacher per eight children. The PRTF would be responsible for FAPE and federal/state accountability. The EC Division would be responsible for monitoring. DHHS would be responsible for licensing PRTFs. Stakeholder language was included in the legislation.

Read to Achieve – Legislation signed by Governor yesterday. Bill has not seen the final signed law. Summer camps are optional. Good cause exemptions have expanded to include a two-year delay in educational performance and intensive reading intervention. The two-year delay includes math, reading and/or social and emotional development. There will be a memo forthcoming to provide guidance with assessment tool examples - math/reading assessments are fairly basic; social-emotionally assessments are more formal assessments.

Funding - LEAs should receive an increase next year due to 17 million more in federal allocation. The EC Division only retains 1.7% for administration. The remainder is allocated to LEAs.

IEP Review Committee - Subcommittee Workgroup – the subcommittee is looking at the legalities of IEP federal requirements. The committee is working to simplify the IEP forms and the paperwork process as a whole. The committee is considering combining DEC 1, 2, 6, and 7. The subcommittee will review what is required of the SEA to maintain compliance. It has been suggested that a narrative page be created for the present level of performance that reflects the whole child. The IEP needs to be a functional document for each child with EC personnel working with data teams as well as general education personnel.

Statewide EC Data System – EC Division is moving forward with the RFP on a statewide EC data system. Hopefully, there will be a decision by December with LEAs transferring over to the new system by next December 2015. The IEP changes will be included in the new system.

Specific Learning Disability Eligibility – a workgroup is developing a white paper. Decision analysis will be used to determine the path of the SLD position paper. Public

comment should be around Feb. 2015 with hopes of a final going to SBE in May/June with a five-year transition implementation plan with benchmarks. The white paper will be shared with Council for input prior to public comment.

Residential Schools – The EC Division has been assisting each school in creating their strategic plan. Governor Morehead School has completed their plan and Eastern NC School for the Deaf is finalizing theirs. Residential schools are investigating other funding opportunities because they are acquiring more children with multiple disabilities.

EC Division – The EC Division is considering a new section for Charter Schools/PRTFs. The present level of staff cannot adequately support Charter Schools/PRTFs at the level needed. By September, there will be 190+ Charter Schools. The EC Division and Office of Charter Schools are working collaboratively to address the increase and future support. EC Division will soon have Special Programs & Data as a separate section. Interviews for Section Chief positions (Policy, Monitoring & Audit; Special Programs & Data; and Sensory Support and Assistive Technology) should be completed soon.