

COUNCIL ON EDUCATIONAL SERVICES  
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina  
September 14, 2016  
9:37 a.m.

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**TRANSCRIPT OF QUARTERLY MEETING**

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The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 14th day of September, 2016, in the State Board of Education Board Room, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:37 a.m.

APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN  
BOARD MEMBERS PRESENT:

Leanna George, Chairperson  
Vicki Simmons, Vice Chairperson  
Cynthia Daniels-Hall  
Eleana Roberts  
Jennine Vlasaty  
Jennifer DeGen  
Gina Smith  
Dale Carpenter  
Mary LaCorte  
Tim Montgomery  
Meredith Brooks (For Chad Barefoot)  
Teresa Mebane  
Laura Hall  
Rickey Smith  
Cynthia Trickel

STAFF:

William J. Hussey  
Carol Ann Hudgens  
Heather Ouzts  
Tish Bynum

COURT REPORTER:

Page Champion Roberts, CVR-CM

Reporter's Note: Any quoted material is reproduced as  
read or quoted by the speaker.

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1 Thereupon, the following proceeding was held:

2 THE CHAIRPERSON: As you know, I'm  
3 Leanna George. I was elected last meeting as the  
4 Chair. We've got the agenda here if you want to  
5 pull out the pink sheet in your paper - or in your  
6 pamphlet. There will be a slight change to the  
7 agenda. The agency update will come after lunch,  
8 and we'll just move everything up by a few minutes  
9 before then. And also, we will need to be out of  
10 this room for a few minutes at lunchtime for the  
11 State Board of Education to hold a quick meeting  
12 because they called a meeting.

13 I'll go ahead and introduce myself.  
14 I'm Leanna George. I'm a parent of two children  
15 with special needs from Johnston County.

16 MS. SIMMONS: My name is Vicki  
17 Simmons. I'm an Adapted PE teacher with Guilford  
18 County Schools.

19 CHAIRPERSON: Go ahead and introduce  
20 yourself.

21 MS. DEGEN: I'm Jennifer DeGen. I am  
22 a facilitator at a high school in Charlotte, North  
23 Carolina.

24 MS. VLASATY: Jennine Vlasaty, a  
25 parent of two children, my youngest of which has

1 Down syndrome and multiple health issues.

2 MR. HUSSEY: I guess that's me.

3 Well, you first.

4 MS. BYNUM: I'm Tish Bynum. I am the  
5 administrative support for this council as well as  
6 to the EC Division and the division director.

7 MR. HUSSEY: I'm Bill Hussey. I'm  
8 division director.

9 MS. OUZTS: I'm Heather Ouzts. I'm  
10 the parent liaison with the division.

11 MS. DANIELS-HALL: Cynthia  
12 Daniels-Hall. I'm a parent in Wake County.

13 MS. HALL: Laura Hall. I'm a parent  
14 in Iredell County.

15 MR. SMITH: Rick Smith. I'm the  
16 Director of Education Services for the North  
17 Carolina Department of Public Safety.

18 MR. MONTGOMERY: Tim Montgomery, and  
19 I'm head of The Piedmont School in High Point.

20 MS. BROOKS: I'm Meredith Brooks, and  
21 I'm here on behalf of Senator Chad Barefoot.

22 MR. CARPENTER: I'm Dale Carpenter.  
23 I'm the university representative. I'm the Dean  
24 of the College of Education and Allied Professions  
25 at Western Carolina University.

1 MS. TRICKEL: I'm Cynthia Trickel.  
2 I'm director of EC programs for Juvenile Justice  
3 for (inaudible).

4 CHAIRPERSON: Would you introduce  
5 yourself, Mary?

6 MS. LACORTE: Oh. Good morning. I'm  
7 Mary LaCorte. I represent Parent Training  
8 Information Centers, and that is at ECAC, the  
9 Exceptional Children's Assistance Center, in  
10 Davidson.

11 CHAIRPERSON: And would you like to  
12 introduce yourself, Teresa?

13 MS. MEBANE: Yeah. I'm Teresa  
14 Mebane. I am the parent of three kids on the  
15 autism spectrum, and I work for the Autism Society  
16 of North Carolina and Family Support Network, and  
17 I am from the Wilmington area.

18 CHAIRPERSON: Thank you very much.  
19 I'd like to remind everyone that these mikes are  
20 live, so this meeting is being streamed, I think,  
21 over the internet and recorded for posterity. So  
22 just keep that in mind.

23 I'd like to move on to looking over  
24 the minutes of our last meeting on June 8th. It's  
25 the light buff-colored paper in your folder.

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**(Members reviewed minutes.)**

CHAIRPERSON: Are there any concerns about changes for the minutes as you-all have read them so far?

**(No audible response.)**

CHAIRPERSON: Do we have a move to approve the minutes as written?

MR. CARPENTER: (Inaudible.)

CHAIRPERSON: All right. Motion---

THE COURT REPORTER: I need to know who---

MR. CARPENTER: Dale Carpenter, move approval.

THE COURT REPORTER: Thank you.

CHAIRPERSON: Second?

MS. HALL: Second.

CHAIRPERSON: All in favor?

**(Multiple members responded aye.)**

CHAIRPERSON: Okay. All right. I think Carol Ann had a presentation or--- We're going to move on to the presentation.

MS. HUDGENS: All right. New and Improved for 2016 and '17. I want to give you some updates particularly from my section, which is the policy monitoring and audit section for the

1 Exceptional Children Division. Okay. The New  
2 Parent Handbook, you have a complementary copy in  
3 your folder. The key revisions I actually heard a  
4 little bit earlier with some of the new members,  
5 but for everyone present now, the key revisions  
6 were simply to make sure that the language in the  
7 document was family-friendly. We did some  
8 reorganization with the content. 2008 was the  
9 last time that we had looked at it, so we felt  
10 like it was an appropriate time to revisit the  
11 content to make sure that it was accurately  
12 reflecting an explanation that parents could  
13 understand.

14 We also adopted the language from the  
15 OSEP. OSEP is the Office of Special Ed Programs.  
16 We adopted some of their model forms with how the  
17 parent rights are explained in the second half of  
18 the book, and then we added acronyms, definitions,  
19 and information. Again, speaking about that  
20 alphabet soup, we included that at the back of the  
21 document to make sure that parents had an  
22 understanding of what we often get into with  
23 jargon in our professional world.

24 With the transition from the old  
25 handbook to the new, this is a reminder for many

1 of you that have been here. We are asking that  
2 LEAs use up the copies that they have on-hand, and  
3 essentially, the reason for that is that the  
4 substance of the parent rights have not changed.  
5 There has not been a reauthorization since 2004,  
6 so the rights are still intact for parents. We  
7 have asked that LEAs be a good steward of their  
8 resources and use up the previous edition of the  
9 parent handbook. This does not cause or create a  
10 procedural violation in any way because the rights  
11 have not changed. And so that may be a question  
12 that you might receive questions about when  
13 parents are starting to acclimate to the new - the  
14 new look of the new handbook, and so it would be  
15 helpful for you to share that their rights have  
16 not changed and reassure them that their rights  
17 are still intact.

18 Our print shop here at DPI has the  
19 new version, so as LEAs begin requesting reprints,  
20 they will only be able to reprint the new and  
21 updated version, and so there will be a gradual  
22 phasing in of the new document. We hope that will  
23 be accomplished by December, but realistically  
24 speaking, using up inventory might take this full  
25 school year for some LEAs who have planned ahead

1 to give extra copies. The Spanish version is  
2 available on-site and it can be printed out.  
3 All - all the documents are on-site in its PDF  
4 form, so it can be printed out at any time for  
5 LEAs to reference. Both of the versions are  
6 compliant. We shared that a little bit earlier.  
7 The parents' rights have not changed. The updates  
8 were in a parent-friendly language, and it is on  
9 our website now.

10 Any questions or concerns about the  
11 parent rights handbook?

12 **(No audible response.)**

13 MS. HUDGENS: Okay. Thank you.  
14 Heather, you've had quite a team behind you to  
15 work on the revisions. We had a lot of  
16 representation across the state and across a  
17 variety of different roles to contribute to this  
18 work. So we are glad to see the new freshened-up  
19 look of this document, so thank you for being  
20 supportive of our changes along the way.

21 The next item we have and that I  
22 wanted to share with you is the special education  
23 surrogate parents' training materials. This  
24 item--- And I don't remember if we put it in your  
25 packet or not; however, the PDF version of this

1 document is on the website live. But essentially,  
2 we have gotten many, many questions from the field  
3 relative to when it is appropriate to appoint a  
4 surrogate parent, and of course, as we know, the  
5 basic threshold is whether or not the parental  
6 rights have been terminated. And so there are a  
7 lot of variations, given various circumstances  
8 that kids face throughout their educational life,  
9 and sometimes surrogates have to be appointed in  
10 those instances in which we need someone to  
11 advocate for that child through processes such as  
12 exceptional children's issues and matters.

13 And so what this document does is to  
14 provide, of course, the appropriate times when  
15 that surrogate parent can be appointed because we  
16 don't want to have someone substitute the parent  
17 because their rights are very important to  
18 maintain and have intact. So we don't want  
19 anything to happen to that parent's right and  
20 opportunity to fully participate in their child's  
21 education, but realizing, again, that there are  
22 circumstances which require us to make a decision  
23 on behalf of the child, which is to appoint an  
24 educational surrogate.

25 So as a result, we developed these

1 training materials and we provided the first  
2 training this summer in the Summer Institute that  
3 was held in Greensboro in July. We included the  
4 information that is required for training the  
5 educational surrogate. We want the person who is  
6 selected as the volunteer to know the importance  
7 of that role, to be educated on the parental  
8 rights, that they are essentially looking out for  
9 the students' rights as well. And so this is a  
10 very important process that we want to make sure  
11 that the volunteer who is going to serve as a  
12 surrogate parent fully understands and can  
13 participate fully in that child's individualized  
14 education program through the meetings, through  
15 the decisions that have to be made on behalf of  
16 that child.

17 We have sample forms in that document  
18 for making sure that parents are appointed  
19 correctly, the training to verify it has been  
20 done, and maintaining a list of volunteers so that  
21 we never have a situation in which a child doesn't  
22 have the opportunity to be represented by someone  
23 with - with - addressing very unique things. The  
24 materials are on the website. The next thing that  
25 will be posted to the website is the training that

1 was actually completed in Greensboro. It will  
2 have a PowerPoint presentation and a voice-over by  
3 Heather. You'll get to hear her wonderful voice.

4 MS. OUZTS: I'm sorry.

5 MS. HUDGENS: Yeah. And then it'll  
6 have a script accompanying that PowerPoint so that  
7 anyone that needs accommodations can read through  
8 the content that's being delivered orally. So  
9 that will be on the website in the next couple of  
10 weeks so that anyone that needs a refresher or  
11 anyone that needs to have a better understanding  
12 about the process can use that at any time.  
13 Questions?

14 **(No audible response.)**

15 MS. HUDGENS: Okay. So as promised,  
16 with the new - within the new member orientation,  
17 here is an opportunity for one of your duties to  
18 be exerted, if you will. The policy proposal that  
19 I hinted at earlier today is regarding the CIPP,  
20 and the CIPP was the Continuous Improvement  
21 Performance Plan. That was an annual plan that  
22 LEAs had to submit to us at DPI to indicate that  
23 they have reviewed their data regarding the  
24 outcomes of children with disabilities, and if  
25 there were any areas that needed attention, the

1 LEA had developed a plan to address those areas.

2           So the proposal going forward is  
3 really, essentially, that we've renamed this  
4 process, and this is the LEA Self-Assessment that  
5 you've heard us talk about so much. So it's in  
6 your packet on the right side of your folder in  
7 this wonderful beigey-brown tea color. You'll  
8 have an example of the proposal, and it looks like  
9 a lot, but it's actually three iterations of the  
10 very same thing, and the reason why is that when  
11 you move this to the board, they want to see what  
12 the existing policy looks like. Then the next is  
13 the iteration of the policy with the  
14 strike-throughs and underlining of new material.  
15 And then the third iteration on the back is a  
16 clean copy of the proposed policy changes without  
17 any markups. Okay?

18           So for purposes of today, I would  
19 recommend let's look just briefly at the one that  
20 is pretty clean, and, again, this is what we would  
21 consider a technical correction, not necessarily a  
22 policy practice or core kind of policy change.  
23 It's really trying to make sure that the language  
24 parallels the actual activity that we're doing  
25 now. And so you'll see that everywhere that CIPP

1 was referenced, we have now updated that with the  
2 LEA Self-Assessment language. There still is the  
3 annual reporting requirement. There are still  
4 definitely the need for us to help LEAs in their  
5 ongoing improvement, and certainly one of the  
6 things that we're looking at in paragraph (c)  
7 toward the bottom of the page, the required  
8 components, we are still just simply outlining  
9 those core elements that are found within the LEA  
10 Self-Assessment, and there will be a bulleted list  
11 of what the requirements of that report will  
12 include. Okay?

13 And so as with all fun policy  
14 changes, you have to find every single place in  
15 the policy books that CIPP is referenced, and it  
16 comes up in many unusual places, which is why you  
17 have the different citations listed here to be  
18 sure that we have reflected the language  
19 consistently throughout. Okay? Any questions?  
20 Concerns?

21 MS. LACORTE: Just had a quick  
22 question.

23 MS. HUDGENS: Sure.

24 MS. LACORTE: Do I have to say my  
25 name?

1 CHAIRPERSON: That would be helpful  
2 for the transcription.

3 MS. LACORTE: This is - this is Mary  
4 LaCorte. Just a quick question. Back to the  
5 bulleted list, that will eventually get fleshed  
6 out or will that just stay as the phrase "bulleted  
7 list"? I know you mentioned it by---

8 MS. HUDGENS: Yes. The work is  
9 actually already completed about what that is, but  
10 there are so many wonderful things to include  
11 here, we're wanting to make sure we get it down to  
12 precise language. We already know what the body  
13 of work includes. You-all had heard us talk about  
14 the core elements 1 through 6 ranging from policy  
15 and monitoring, of course, to IEP implementation.  
16 So there was just some internal discussion within  
17 the division about do we list the core elements or  
18 do we include the fact that we want an  
19 implementation plan, a data review, et cetera. So  
20 that's kind of where the crossroads is right now  
21 and nothing that hasn't already been shared and  
22 publicly chewed on multiple times. We're just  
23 deciding if we want the formula for the product or  
24 if we want to just list the core elements. My  
25 guess would be we're leaning toward the product

1 because we want that information to be in there,  
2 which is the implementation plan and the data  
3 analysis that was conducted. Okay?

4 MS. LACORTE: Thank you very much.

5 MS. HUDGENS: Uh-huh. Uh-huh.

6 MS. ROBERTS: I have a real quick  
7 question.

8 MS. HUDGENS: Sure.

9 MS. ROBERTS: And it may not be  
10 appropriate here, but - it's Elena Roberts - is  
11 the data collection audited? Like, how do you  
12 know that the data that they're giving you is  
13 reliable or accurate and not---?

14 MS. HUDGENS: It's a - it's a  
15 combination of things. There is the data that we  
16 provide the State, which the LEAs have to report  
17 to us, which is clean, appropriate data that we  
18 have to report then federally. So there is that  
19 piece of data, but we also wanted to allow the  
20 flexibility of the LEA to collect data that might  
21 be unique to district assessments, formative  
22 assessments that the district might have adopted  
23 locally, but it's not necessarily required by the  
24 State, and so we encourage multiple data sets and  
25 not just one piece of information, but certainly

1 the state data, which is the LEA data, is  
2 verified, assured through our normal processes  
3 when reporting data.

4 MR. HUSSEY: And each of those plans were  
5 reviewed by three different people, and so we - we  
6 basically went through and took a look at all that  
7 data and all the things that were there to make  
8 sure, you know, that we saw it from different  
9 angles and different phases. So somebody could  
10 stick something in there, but it would be hard to  
11 get by three different people that, you know,  
12 pretty much knew what was going on, so---

13 MS. HUDGENS: Thank you. And  
14 certainly, with all of our practices in special  
15 ed, we like to make good decisions based on  
16 multiple sources of data, so we kind of encourage  
17 that too with self-assessment, and it's the  
18 alignment of those data points that help guide  
19 what needs to happen moving forward. Some of that  
20 may be prescribed by us at the state level and  
21 some of that might certainly be initiatives that  
22 are perceived as an area of focus at the LEA.  
23 Okay?

24 Any other questions? Any concerns  
25 about the proposed policy?

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(No audible response.)

MS. HUDGENS: I hope that the explanation about it being a technical correction helped alleviate any concern that it was something substantive that was new. Okay?

All right. MTSS, or a multi-tiered system of support. So, again, as you could imagine, there are lots of questions about what the multi-tiered system of support means in the world of special education, how does that impact our responsibilities to evaluate and move forward, and there were nuances that we were receiving questions about that in the problem-solving process at the local level, first and foremost, EC directors wanted to make sure that they were in compliance with the requirements of the policies and the regulations about when to conduct an evaluation and certainly balancing that with the good problem-solving and supports that are offered through a multi-tiered system of support.

So collaboratively, between general education and special education, we developed a guidance document just to remind people, if you will - and I'm being a little tongue-in-cheek here - that the policies have not changed. We

1 still have to follow the rules, but certainly  
2 through MTSS there's another opportunity for  
3 gathering multiple sources of data that's really  
4 important in problem-solving decisions for kids.  
5 However, we don't want anything to become a  
6 barrier to our responsibility for evaluating  
7 students, and so that's what this document is  
8 designed for, is to help people in the field  
9 remember our policies and our requirements and how  
10 that is complementary to the work through the  
11 multi-tiered system of support.

12           And so the key concepts are what  
13 happens--- If we look in your green document  
14 here, first of all our key concepts is talking  
15 about MTSS looking at a framework to improve  
16 school improvement. It's not a process that  
17 automatically results in a referral to special  
18 education. And the reason why we wanted to make  
19 this comment is simply because there were some  
20 misunderstandings in the field that you could not  
21 move forward with special ed processes unless you  
22 engaged in this mysterious thing called MTSS, and  
23 so we didn't want this to become a barrier to what  
24 our responsibilities are. It's certainly an  
25 important piece that is part of the total school

1 environment and certainly something that our  
2 children should have, the opportunity to access  
3 the interventions through those teams because they  
4 are general ed students first. And so looking  
5 through the next thing is what I just shared.

6 I'm sorry. Yes?

7 MS. ROBERTS: Are you also to make  
8 clear that the - a number of districts, it seems  
9 to me, indicated to parents that they have no  
10 option but to go through the MTSS as opposed to  
11 going forward with the evaluation, and then if  
12 they fail to do that, that it'll adversely impact  
13 whether or not the child qualifies.

14 MS. HUDGENS: And so one of the ways  
15 that we've provided some guidance around that is  
16 that anytime if a parent requests an evaluation or  
17 someone suspects a disability, we have some  
18 obligations that kick in right then to look at  
19 that child as potentially a student with a  
20 disability. And so what we recommend is that the  
21 MTSS, in the process of problem solving, should  
22 run concurrently with the evaluation process and  
23 that at the end of the evaluation process or the  
24 ninety days, those two sets of data points should  
25 intersect for the IEP to - to determine if they

1 have enough information to determine whether or  
2 not a child is a child with a disability and in  
3 need of special education or not at that time.

4 MS. ROBERTS: And it's clear that  
5 there's no adverse impact on the evaluation,  
6 though, if the parent doesn't participate with  
7 this MTSS?

8 MS. HUDGENS: What we indicate is  
9 that the information generated from an MTSS or  
10 problem-solving process is one source of data that  
11 has to be considered with all the other pieces of  
12 data, the formal evaluations that parent consent  
13 is requested for and any other pieces of  
14 information, but it is not alone the determinate  
15 factor.

16 MS. ROBERTS: And nor is a required  
17 component of the normal idea of process because  
18 that's where we're seeming to have a difficulty  
19 that I'm noticing from school districts because  
20 that they think the MTSS is required as part of  
21 the evaluation.

22 MR. HUSSEY: MTSS is a framework.

23 MS. ROBERTS: I understand that.

24 MR. HUSSEY: So - so within that---

25 MS. ROBERTS: I'm not sure your

1 school districts do.

2 MR. HUSSEY: Well, so within the  
3 context of that, there is a problem-solving model  
4 that will work kids through the tiered system, and  
5 so that is a part of what the - that's part of the  
6 evaluation that will actually take place with that  
7 child. It's not the only data, but it's part of  
8 the data that will be collected. So that there is  
9 no - at this point in districts where they have  
10 not yet come into MTSS - and actually we don't  
11 have anybody who's implemented fully at this  
12 point - there is going to be some folks that are  
13 still doing psychologicals because they've not  
14 moved forward to take care of that, but by 2020  
15 psychologicals as a tool to measure for LD and LD  
16 only will not be a part of the continuum.

17 So right now there's a mixed bag,  
18 that you've got some people who are being  
19 evaluated with a psychological and others who are  
20 not who are in an MTSS program, not yet moving  
21 forward to the new policy but still in the process  
22 of the old policy because they were doing it. So  
23 there is confusion out there as far as multiple  
24 sets of opportunities that can be there, but - so  
25 I'm not sure - I'm trying to make sure that

1 you're - you're - that we're clear with what we're  
2 saying because that process and the  
3 problem-solving model that is contained within  
4 that framework is - will be, by 2020, the method  
5 by which we do evaluations for SLD. It's not  
6 going to be the only data we use, but it is part  
7 of that process.

8 MS. ROBERTS: Okay.

9 MS. HUDGENS: I think your concern is  
10 a good one, which is some of the reason why we  
11 provided this information for helping to clarify  
12 and insure that we don't have barriers to timely  
13 evaluations for students. And so if you continue  
14 to look at the green document, we kind of address  
15 that at some significant process pieces within  
16 what we do for special education. One, if there  
17 is a suspicion of a disability, we certainly have  
18 quite a few requirements that we have to consider  
19 and processes that we have to engage in when  
20 someone raises the concern that they suspect a  
21 disability.

22 The second piece is if a child is already  
23 eligible for special education, and the example  
24 I'd like to offer is, say, for example, a student  
25 is identified as specific learning disability but

1 the area of their IEP that they're being served on  
2 currently is reading, and at some point the IEP  
3 team or the teachers of the child become concerned  
4 about math. Well, in a - in an MTSS framework  
5 where improvement is continuous, you should arrive  
6 at that concern the same time that the IEP team  
7 does, and the data gathered through MTSS prompts  
8 the review and revise the IEP, not that - we  
9 cannot review and revise the IEP until we go  
10 through MTSS to determine that math is necessary.

11 So if we believe - and the process  
12 for MTSS and the intent of MTSS is a continuous  
13 process, not a stop-and-start, because we don't  
14 want to have you must do this before this  
15 particularly when it comes to special ed  
16 processes. So if children need additional  
17 services on their IEP, by the process of having a  
18 schoolwide intervention process, by the time that  
19 concern becomes evident, it should be because  
20 there's data to support that, and then that data  
21 then is taken to the IEP team to review and revise  
22 the IEP to determine whether math requires  
23 specially designed instruction and should be added  
24 to the child's IEP. Okay?

25 MS. MEBANE: So---

1 MR. HUSSEY: I apologize. I have to  
2 run to another meeting real quick. I will be back  
3 in a minute - or not a minute - a while.

4 MS. HUDGENS: Okay.

5 **(Mr. Hussey left the hearing.)**

6 MS. MEBANE: So if I child has - say  
7 the child is identified as other health impaired  
8 and they have mainly had reading goals, speech,  
9 language, that kind of thing, and then they start  
10 struggling in math.

11 MS. HUDGENS: Uh-huh.

12 MS. MEBANE: And everybody is  
13 concerned about it, but the team is saying, "Well,  
14 we're getting ready to move her to Level 3 in  
15 MTSS." Could it not---? I mean that was at the  
16 annual review. Could it not be considered to be  
17 put on the IEP because it was really obvious that  
18 the child was falling further and further behind  
19 in math?

20 MS. HUDGENS: Yes, it should be  
21 considered. Again, I want to reiterate the  
22 concept that MTSS should be an ongoing process of  
23 working through children. Back in the day when I  
24 was in the classroom, it was called the monitoring  
25 and adjusting of instruction when kids weren't

1 doing well. And so when you've monitored and  
2 adjusted to the point that you can't monitor and  
3 adjust it any longer, then you have to consider  
4 other options. And for students who are already  
5 eligible for services, that's when you consider  
6 whether or not the IEP needs to be revised to  
7 include that area now that is struggling for that  
8 student.

9 And so I think one of the concerns  
10 that I may have understood through your question  
11 is if a team says, "Well, we've gone to Tier  
12 Number 3. We can't allow that to come to the IEP  
13 because we haven't worked through all the tiers,"  
14 then my response would be you have to consider the  
15 data that you have at any point for that child,  
16 and anytime there is a concern raised or that  
17 child's progress has changed, we have a  
18 requirement as an IEP team to review and revise  
19 what change has occurred and what our appropriate  
20 response would be to that change. That could mean  
21 that the child is responding to those  
22 interventions and is not needing specially  
23 designed instruction, but it also could mean that  
24 the progress and the expected growth for that  
25 student is not going to be such that they are able

1 to make progress with those interventions alone,  
2 and then special ed for that area might be  
3 considered.

4 MS. MEBANE: So they do not have to  
5 wait until the child fails in Level 3?

6 MS. HUDGENS: No. Our position would  
7 be at any time, at any point that there is data to  
8 suggest that the child's progress has changed and  
9 might be in need of special education, we need to  
10 have an appropriate response to that, which is at  
11 least have an IEP meeting to discuss what our  
12 options are for that student.

13 MS. MEBANE: Okay. Thank you.

14 MS. HUDGENS: Yeah.

15 MS. ROBERTS: So - I'm sorry - just  
16 to piggyback here, one of the things that I'm also  
17 hearing, you know, from the parent side of things  
18 is that we have a similar situation where there is  
19 a suggestion that until these things are completed  
20 or until these other interventions - you know,  
21 particularly you run into it when it's - you know,  
22 when it's SLD or something like that, and the  
23 districts seemed to take a position such that -  
24 well, there seems to be confusion with the  
25 districts that they somehow can't provide those

1 services if they're not identified by certain  
2 categories, and that seems to be a recurring  
3 issue.

4 So one of the things I'm hearing a  
5 lot from parents is that districts are saying that  
6 they can't provide those services because they -  
7 oh, they qualify in SLD and they can't - for  
8 reading, so they can't provide any specially  
9 designed instruction for math. And there seems to  
10 be a lot of confusion about the requirement to  
11 address all the needs of the child.

12 MS. HUDGENS: Yes. So in North  
13 Carolina specific learning disability is not  
14 broken into SLD math, SLD written language, or SLD  
15 reading. It is SLD. And once you are eligible for  
16 special education, that IEP team determines what  
17 the unique needs are of that student almost  
18 regardless of their eligibility category.

19 MS. ROBERTS: No, I understand that.

20 MS. HUDGENS: Yeah.

21 MS. ROBERTS: What I'm pointing to is  
22 that the field doesn't seem to be always getting  
23 that.

24 MS. HUDGENS: Yeah.

25 MS. ROBERTS: We've run into a number

1 of issues with - with schools not getting that.  
2 They're supposed to address all the needs of the  
3 child as far as special instruction goes and not  
4 per category.

5 MS. HUDGENS: Yeah, I agree with you.  
6 It's something that we continually have to work  
7 on, and anytime there is a new process thrown in  
8 the mix or a new name of a process, it presents us  
9 a new opportunity to recalibrate, understanding  
10 once again because when the - when there's  
11 somebody new interjected into the equation,  
12 sometimes people forget the policy hasn't changed.  
13 And so I think your point is a good one, and it's  
14 always an opportunity that we have to continually  
15 work on.

16 Mary?

17 MS. LACORTE: Carol Ann, this is -  
18 this is Mary, obviously. One of the things we  
19 hear a lot is a concern from families who are  
20 saying, very much like my colleagues down the line  
21 here, about the length of time, that there is  
22 still this misunderstanding or misnomer that the  
23 length of time - and the length of time typically  
24 in the past from referral to assessment and to  
25 eligibility and that sort of thing was kind of a

1 tight timeline. Part of MTSS, the old RtI,  
2 everything else, is there's not a lot of - there's  
3 not as much structure around those timelines. And  
4 so I think there is misunderstandings and I think  
5 there's the opportunity for things to get missed  
6 because not - you know, not every IEP teams gets  
7 all the training that they need nor does every  
8 parent get all the information that they need then  
9 to be able to have a rich and robust discussion.  
10 So I'm not sure what else can be done to help make  
11 sure everyone is educated about the process and  
12 how those - what those timelines feel like and  
13 that sort of thing, but I think it is a legitimate  
14 concern.

15 MS. HUDGENS: Yeah. And one of the  
16 things, just a little backstory that might be some  
17 bonus material that you aren't necessarily looking  
18 for, in talking about MTSS and talking about how  
19 long should interventions be provided for a  
20 student, there were two very distinct camps of  
21 thought. One is that it should be a prescribed  
22 period of time, and another camp said it shouldn't  
23 be prescribed because at any time the child is not  
24 responding, something should be done; you  
25 shouldn't wait for so long. And that kind of goes

1 to the point that you made a little bit earlier,  
2 is that we moved away from prescribing how long  
3 the interventions would take because we were  
4 worried that that would once again become another  
5 barrier to timely evaluation particularly if folks  
6 are seeing these processes as being linear and not  
7 being commingled and happening concurrently.

8 So our concern would be, you've got  
9 to spend six weeks at Tier 1, you've got to spend  
10 six weeks at Tier 2, and then potentially losing a  
11 school year because there was really a suspected  
12 disability along the way but I felt like I had to  
13 follow this prescribed method.

14 MS. LACORTE: Right. And we agree on  
15 the prescribed method. I just think that it's,  
16 like, the biggest challenge for most - most IEP  
17 teams for FAPE. You know, most people won't argue  
18 at freebies, most people won't argue at public  
19 meetings in education. It's always the  
20 appropriate. I think the same option -  
21 opportunity for misunderstanding happens with  
22 timely - in timeliness.

23 MS. HUDGENS: Yes.

24 MS. LACORTE: And so it's that sort  
25 of thing. And some children kind of react or

1 respond more quickly, and some educators are being  
2 able to move things. So I think that that  
3 timeliness - so I think it's an opportunity for  
4 the discussion not to stop only with a piece of  
5 paper, but other---

6 MS. HUDGENS: Sure.

7 MS. LACORTE: ---opportunities that we  
8 continue with.

9 MS. HUDGENS: And - and definitely,  
10 certainly embedded through our training that we're  
11 doing statewide for specially designed instruction  
12 and progress monitoring. We talk a lot about  
13 that. Also, too, coming up, IEP process and forms  
14 training coming in the spring, so I am really  
15 looking forward to that because we need a  
16 recalibration about process, and this provides us  
17 a good opportunity to do that. It also helps us  
18 get to the teacher level when addressing processes  
19 like MTSS and that things don't become a barrier  
20 when you suspect a disability. We have some real  
21 actions that we have to take upon - upon that  
22 issue. Yes, ma'am?

23 MS. ROBERTS: The other thing that  
24 I'm just concerned in terms of--- I don't know if  
25 it's emphasized in MTSS. I'm sure, you know, you

1 try to do it in training, but one of the other  
2 things that - from parents' side, again, that  
3 we're running into a lot is, if they get good  
4 grades, they don't need anything. The districts  
5 continue to emphasize grades in the eligibility  
6 determination and they continue to bring them up,  
7 but in the context of whether - you know, the IEP  
8 and what needs to be done, continue to have issues  
9 with this over and over again where grades, you  
10 know, while not necessarily irrelevant, aren't  
11 necessarily a good picture of how that child is  
12 responding, particularly given - you know,  
13 depending on the extent of the accommodations, the  
14 extent of the support, and running a lot of issues  
15 with that.

16 MS. HUDGENS: Yeah.

17 MS. ROBERTS: So I don't know if  
18 that's something else that can be talked about  
19 within the MTSS framework.

20 MS. HUDGENS: It certainly is an  
21 opportunity, but more importantly to me, it comes  
22 up in eligibility, it comes into present level of  
23 performance, it comes into the development of  
24 goals and objectives and accommodations because,  
25 again, when you're talking about eligibility for

1 special ed, you're supposed to look at multiple  
2 sources of data, and that is reiterated regardless  
3 of the disability category that you're looking at.  
4 And so it is an opportunity for teams to really  
5 consider because - and this is a personal opinion  
6 here, but grades might be the least indicative---

7 MS. ROBERTS: It's---

8 MS. HUDGENS: ---for a student.

9 MS. ROBERTS: It's particularly  
10 problematic with your twice-exceptional students  
11 in getting services. Appropriate services for the  
12 twice-exceptional students is almost impossible.

13 MS. HUDGENS: Sure, I would agree  
14 with you. We have lots of opportunities on a  
15 daily basis to recalibrate understanding of our  
16 processes, and I think your concerns are valid,  
17 and grades is something that we have to  
18 continually remind folks about. It certainly can  
19 be a piece of the puzzle, but it has to be among  
20 other pieces that is fully considered by the team.

21 MS. ROBERTS: And then my other - my  
22 only other concern - I'm sorry - is, one of the  
23 things that we're sort of running into is the  
24 editing out of the change as far as the regulation  
25 goes for the SLD determination is coming, and I

1 understand that they have until 2020 to comply.

2 MS. HUDGENS: Yes.

3 MS. ROBERTS: But there's an absolute  
4 refusal to consider it because - until they have  
5 to, is pretty much what I'm hearing. They're not  
6 going to implement until absolutely required, and  
7 I understand that that's their option until 2020,  
8 but it's a little concerning as an attitude  
9 overall.

10 MS. HUDGENS: Sure. And what I would  
11 offer just kind of as something to consider along  
12 with that idea is that there is quite a bit  
13 require - there are quite a bit of requirements to  
14 insuring that these processes are established with  
15 fidelity, and that is not only within MTSS in one  
16 school, but it's across every school in your  
17 district, across whether it's elementary, middle,  
18 or high school, do you have any kind of  
19 alternative programs. So to a degree I can  
20 understand perhaps a reluctance to move over to  
21 that new policy because of the need to insure that  
22 the level of expertise and training has occurred  
23 so that everyone is on - and using the same  
24 language. It's becoming operationalized in the  
25 LEA. It's part of the culture of the LEA, and we

1 have multiple sources of folks that have to be  
2 trained mostly on the general ed side. And so  
3 there is - there is some understanding, at least  
4 from my perspective, about why they may not be  
5 moving to a policy yet, which is why we asked for  
6 a date in the future, because we need to make sure  
7 that what the LEAs are doing at the local level  
8 are meeting requirements and that they have  
9 operationalized that to a - to a point they can be  
10 assured that they are compliant with their  
11 understanding of the expectations.

12 MS. ROBERTS: Thank you.

13 MS. HUDGENS: I think there was a  
14 question.

15 MS. DEGEN: Well, I just had a  
16 concern. I mean I understand where you're coming  
17 from. I'm a high school facilitator, so it is  
18 difficult when you're moving into all these  
19 interventions and - you know, and it's difficult  
20 because we're on a standard course of study. Our  
21 kids have to pass the North Carolina finals. They  
22 have to pass the end-of-course test. You're  
23 talking about their nonpromotion is based on these  
24 tests, so in order to do interventions, you know,  
25 we definitely modify curriculum and things like

1 that, but it's more difficult. That's one of the  
2 reasons why at least at my school and a lot of  
3 high schools I work with are sticking with the -  
4 you know, we're not moving yet towards the 2020  
5 and we're keeping that psychological score just as  
6 a basis for us. But, you know, there - it would  
7 be nice to have some training at least for us to  
8 see - because right now it's interventions for  
9 and, you know, all these who are mainly elementary  
10 and middle. There's not a lot for high school.  
11 No matter what conference you go to, there's  
12 nothing to explain to us, so we are sticking with  
13 these scores, you know, and the number, which it  
14 doesn't necessarily define that child, but it's a  
15 guideline because we don't have the leeway if  
16 they're on a standard course of study or future  
17 core ready, you know. So that's, you know, maybe  
18 something you'd think about, are some more  
19 training at the high school level.

20 MS. HUDGENS: Sure. Sure. And  
21 that's always a concern. I came from the high  
22 school world myself as an administrator, and so  
23 juggling all the high-stakes issues that occur at  
24 high school is always a challenge. I do know that  
25 from the MTSS rollout, again, which is a

1 general ed function, LEAs have been taken through  
2 the process of implementation with cohorts, and of  
3 course, back to Elena's point earlier, that cohort  
4 has to start certainly at the LEA level, and then  
5 it has to move down to district leadership within  
6 the schools. And looking at all those different  
7 variables, looking at what that means at a high  
8 school level is all part of those intervention  
9 plans and those implementation plans. And, again,  
10 our reasoning for allowing some time to go to full  
11 implementation is so that those things can occur  
12 because there are different strokes for different  
13 folks, and it has to be - everything we do in  
14 special ed has unique out-of-the-box opportunities  
15 for problem solving. And so I think your concern  
16 is well met.

17 Okay. This side is all right. Are  
18 you-all hanging in there? I try not - I try to  
19 balance back and forth, make sure everybody's  
20 okay. Any other questions or concerns about the  
21 content for this document and some of the work  
22 behind it?

23 All right. You guys didn't know it  
24 was going to be the Carol Ann Show today. All  
25 right. I'm going to kind of motor on so I can

1 keep to the intent of the agenda today. And so  
2 I'm going to direct your attention to the yellow  
3 document in your packet, which is a nice segue  
4 from our previous topic about when LEAs are  
5 choosing to adopt the new policy. And so just  
6 real short and sweet, because LEAs do have the  
7 right to adopt the policy ahead of the 2020  
8 requirement, we need to certainly know who those  
9 LEAs are. And we have the second page, which is  
10 the back of the first page, that lists all the  
11 assurances of when I'm going to adopt this policy  
12 ahead of the 2020 timeline, and our assurances,  
13 understandings, and agreement as certainly  
14 understanding that RtI is integrated within a  
15 multi-tiered system of support. The data gathered  
16 from this process is only one component. It can't  
17 be used to deny or delay an evaluation. It just  
18 tells us that we have accepted a new policy. We  
19 cross our hearts. We know what it is. We promise  
20 to follow it. And so the definitions you'll see  
21 here and the policy citations, those are the  
22 proposed and accepted changes to the SLD policy  
23 that occurred in February of this year, and that  
24 is posted on the website under the addendum to the  
25 policies. And the numbers aren't all configured

1 there because we anticipate there will probably be  
2 some changes between now and 2020, so those  
3 numbers might shift a little bit, but it gives you  
4 a general idea of where those policy citations  
5 will be located in the policy manual.

6 And so we're asking that the  
7 exceptional children's director or coordinator and  
8 the superintendent or lead administrator for every  
9 LEA or charter school signs this document if  
10 they're going to go ahead on into the new  
11 policies. And then if you'll look at page 2, if  
12 they are choosing to implement the new policy,  
13 school by school, then it has to be listed here,  
14 or if they're doing it wholesale for their entire  
15 LEA, there's an option to check here. Now this is  
16 kind of directly related to the work that the  
17 council did and providing feedback about this  
18 policy because if you recall, one of the questions  
19 that we continually responded to from you-all was  
20 how do we know which policy the LEA is operating  
21 on. And so this is a direct result of that  
22 conversation and what was adapted in the policy,  
23 and this is the official mechanism to help us  
24 maintain a database of those LEAs who have adopted  
25 it prior to the 2020 date. Okay?

1 Questions? Concerns?

2 MS. LACORTE: Carol Ann?

3 MS. HUDGENS: Yes. I'm sorry.

4 MS. LACORTE: When - will this be  
5 made available as it reveals itself? I mean,  
6 between now and 2020 will families and others be  
7 able to go online and see who is and who is not?

8 MS. HUDGENS: I think that's an  
9 excellent recommendation. Of course, anything we  
10 keep is going to be public record. Because we  
11 haven't had any LEAs submit an intent to implement  
12 yet, we haven't had anything to post, so we  
13 haven't had that conversation yet about posting a  
14 roster on the website. But I'll certainly take  
15 that back for consideration because it's not going  
16 to be a mystery, and if someone asks, we will  
17 provide that information. I just don't know if we  
18 had gotten as far as - you know, we were just  
19 going to post a running list, but that is  
20 certainly something I can take back.

21 MS. LACORTE: Thank you.

22 MS. HUDGENS: The other important  
23 piece to this is, if someone raises a complaint  
24 through the state complaint process relative to  
25 the identifications of a student with specific

1 learning disability, it's going to be really  
2 important for us to know which policy they are  
3 operating under.

4 MS. LACORTE: Absolutely.

5 MS. HUDGENS: So that's another piece  
6 to this puzzle that's important for my area and my  
7 sections work.

8 Okay. Lavender again. And, Leanna,  
9 if you think I'm taking too long, you can  
10 certainly rearrange my time if you would like  
11 because I know I'm approaching my limit here.

12 CHAIRPERSON: If you need to take a  
13 break, you know, we could possibly do that.

14 MS. HUDGENS: I'm okay, but I don't  
15 want to make up my blessings, and I was given a  
16 certain amount of time on the agenda, and I'm  
17 happy to talk as long as you guys are feeling that  
18 the content is appropriate for you and you want to  
19 move forward in that way with your agenda.

20 MS. VLASATY: Carol Ann, Jennine  
21 Vlasaty.

22 MS. HUDGENS: Uh-huh.

23 MS. VLASATY: Before we move on, I  
24 just had a quick question. On this sheet,  
25 shouldn't it be worded that the LEAs will no

1 longer only use the discrepancy method?

2 MS. HUDGENS: Where in particular are  
3 you looking?

4 MS. VLASATY: Well, in the second  
5 paragraph, like, third line, "This document  
6 notifies the NCDPI that LEAs will no longer use  
7 the discrepancy method." Shouldn't it be will no  
8 longer only use the discrepancy method?

9 MS. HUDGENS: Actually, the policy  
10 recommendation was that the discrepancy method is  
11 not used anymore---

12 MS. VLASATY: Completely. Okay.

13 MS. HUDGENS: ---period.

14 MS. VLASATY: All right.

15 MS. HUDGENS: For SLD.

16 MS. VLASATY: Right. Right. Right.

17 Okay.

18 MS. HUDGENS: Okay. So that's why  
19 the language is that directed here.

20 MS. VLASATY: Okay.

21 MS. HUDGENS: Good question. All  
22 right. Change in process, class size and caseload  
23 waivers. Lots of fun in my section. Of course,  
24 class size and case load is a state policy. It is  
25 not a federal regulation. It is a state policy

1 that we have to adhere to, and the state policy  
2 says that if you exceed the requirements for that  
3 particular class, that you have to submit a class  
4 size waiver. And my office has the opportunity to  
5 review and determine whether those waiver requests  
6 will be approved or denied. And I believe I  
7 shared with you guys over the course of last year  
8 that some of the things we were looking at is our  
9 timely responses to those class size waivers,  
10 having some defined recording time so that we can  
11 manage those requests in a timely fashion and turn  
12 them right back to the LEAs. And so in the purple  
13 packet, or the lavender packet, you have the memo  
14 that was sent out statewide to describe the change  
15 in process, and really what we were trying to do  
16 is to provide a problem-solving document that if  
17 the administrator, whoever the decision makers  
18 were, were utilizing this document to make a  
19 decision about a class, it would be fairly evident  
20 that, based on the unique needs of that class,  
21 something needed to be done particularly if the  
22 class was not in compliance with the class size  
23 waiver - or pardon me - the class size policy.

24 And so we really wanted to focus in  
25 on the student and the student's unique needs and

1 to emphasize that the level of need. If it rises,  
2 you don't need to be asking for a waiver. You  
3 need to be readjusting your classes. And so  
4 sometimes those decisions aren't all obvious to  
5 some of our administrators, and so we really  
6 wanted to spend some time on what factors should  
7 prompt you to do something differently with your  
8 classes.

9 And so if you look at page 3, this  
10 little spreadsheet, this is the class size waiver  
11 form, and what it does is it asks you to report on  
12 the class period for which you are exceeding the  
13 policy and are requesting a waiver. And so, of  
14 course, we want to know the most important things  
15 is the level of services and supports and is that  
16 considered general, sustained, targeted, and  
17 intensive, and those terms parallel to the class  
18 size policy about the makeup of teachers,  
19 assistants, et cetera, in the policy. Also, if  
20 you're looking at one class period, per your  
21 instruction, are you trying to deliver instruction  
22 on the standard course of study at the same time  
23 you're trying to deliver occupational course of  
24 study at the same time you're trying to deliver  
25 extensions? And, again, if we're talking about

1 one class period in time, that's pretty - pretty  
2 extensive instructional requirements.

3 But then as you continue to approach  
4 through the document, if you have multiple  
5 disability categories and then you look over here  
6 and you have multiple grade levels that you're  
7 trying to balance against multiple instructional  
8 levels and then going over to unique needs, where  
9 there are physical, behavioral, or other type  
10 needs that have specific plans for, I'm hoping  
11 it's painting the picture quite obviously that you  
12 probably need more hands in that classroom and you  
13 shouldn't be asking for a waiver. You should be  
14 asking for perhaps another paraprofessional,  
15 another classroom. Maybe you need to leverage the  
16 resources in your class, in your building a little  
17 bit differently. Maybe one class that is fine  
18 could have some children shifted between the two  
19 that both are in compliance because you changed  
20 one or two little variables that still maintains  
21 compliance and is still in the best interests of  
22 the student that you're serving.

23 So the other thing that you'll notice  
24 is that the request for approval where we have the  
25 principal or supervisor, the director, and the

1 superintendent sign, previously this signature  
2 requirement was a cover letter for a stack perhaps  
3 of class size waivers, and it was very intentional  
4 to put this on a one-by-one situation because we  
5 want you to know the number, the volume, and the  
6 complexity of the waivers that you're asking for,  
7 again, trying to encourage some problem solving at  
8 the local level. And most people will make really  
9 good decisions if they have the right information  
10 to consider, and so we're hoping that this  
11 provides the right information to consider so that  
12 these problems can be solved locally rather than  
13 asking us for something that we're probably not  
14 going to approve. Okay?

15 Questions about this? Okay.

16 MS. ROBERTS: This is Elena. Is  
17 there a way to check - since it's per period, is  
18 there a way---? I mean it sounds like they  
19 usually submit them altogether, but are you guys  
20 tracking if it's, like, the same instructor over,  
21 like---

22 MS. HUDGENS: Yes.

23 MS. ROBERTS: ---all periods, that  
24 kind of thing, you know?

25 MS. HUDGENS: Yes. When an LEA has

1 to submit this, there is a cover sheet that they  
2 have to supply with all of the individual waivers,  
3 and so it's pretty easy to see if there are  
4 schools with particular patterns, if there are  
5 grade structures with particular patterns, if  
6 there are students with the same unique needs that  
7 are continually being stretched beyond what the  
8 class size requires, yes, and that was by design,  
9 and that's why we kind of repurposed this tool so  
10 that we could track those pieces of data. Okay?

11 MS. MEBANE: So---

12 MS. HUDGENS: Yes?

13 MS. MEBANE: This is Teresa.

14 MS. HUDGENS: Uh-huh.

15 MS. MEBANE: Who is filling this out?

16 MS. HUDGENS: So this is completed  
17 by - I think it can be very different based on  
18 each LEA. It depends on if the EC director wants  
19 that to be completed by a program specialist or if  
20 the principal completes that. It could be  
21 completed by a variety of individuals, but the  
22 signature pieces are the people that have to agree  
23 that the waiver is necessary and that the waiver  
24 should be submitted.

25 MS. MEBANE: Yeah. I guess I'm

1 concerned that, you know, if the person who is  
2 requesting the waiver is filling this form out,  
3 that it may not always be really clear. They may  
4 not - I think if you have a teacher fill it out,  
5 you would get honest information, but perhaps---

6 MS. HUDGENS: Sure. And I think  
7 that's a possibility in LEA. The teachers may be  
8 asked to complete it. But we don't specify who  
9 the completer has to be, but I will tell you that  
10 when we receive them, the monitoring consultant  
11 for each region is reviewing them, and if  
12 something doesn't quite look exactly right, we do  
13 go back and verify information when we have to  
14 respond do it, particularly since we're deciding  
15 whether to approve it or deny it.

16 There is often opportunities for  
17 clarifying that information, and certainly I would  
18 point you to definitely the concern that the  
19 information may not be representative of what's  
20 happening. I certainly understand that. But  
21 anything with class size and caseload, even though  
22 it's a state policy, it's still a policy that can  
23 be raised as an issue in a state complaint that  
24 can be investigated. Okay?

25 MS. MEBANE: Okay.

1 MS. HUDGENS: Yes, ma'am?

2 MS. LACORTE: I have nothing but a  
3 comment. I'm not in a - in a LEA or a classroom,  
4 but this seems like a terrific tool for planning  
5 purposes---

6 MS. MEBANE: Yes, it is.

7 MS. LACORTE: ---in thinking about  
8 it, like a nice way of laying out so people around  
9 the team who are staffing the classrooms and  
10 things like that will be able to go, "Oh." It  
11 kind of encapsulates it. I'm wondering, though,  
12 the area that I didn't see under "Unique Needs,"  
13 it's probably captured under "Levels of Supports  
14 and Services," and that would be the intensity of  
15 the communication needs of the students in the  
16 classroom.

17 MS. HUDGENS: Yes. And I guess the  
18 way I thought of approaching that was the  
19 assistive technology needs, whether it was low  
20 tech or high tech, if you've got voice output  
21 devices or you've got students who are not verbal.  
22 But I think I understand where you're going here  
23 about if kids have no communication, that can -  
24 that can exacerbate their particular circumstances  
25 because someone is going to either have to be a

1 communication partner or there's some kind of  
2 specially designed instruction relative to that  
3 that's occurring.

4 MS. LACORTE: So that might be  
5 captured as well under (inaudible)?

6 MS. HUDGENS: It could. It could. I  
7 think I may not have done a very good job of  
8 describing it, but what I'm hoping for is as  
9 you're progressing through each of these elements,  
10 the intersection of those complex needs, even  
11 though they may not capture every single one, if  
12 I'm filling out this entire form from left to  
13 right, I'm thinking that I might need to be doing  
14 something instead of filling out this form, you  
15 know. That's my hope there. And, again, I don't  
16 think anyone sets out not to make good decisions,  
17 but we have to consider did we provide them the  
18 right information to make good decisions, and I'm  
19 hoping that even administrators who may not be  
20 special education administrators could look at  
21 these items and intuitively realize that this  
22 might not be the best combination of needs in this  
23 classroom.

24 MS. LACORTE: I can see the value of  
25 using this tool even if you're not really

1 considering a waiver. It's just like a tool to be  
2 able to kind of look at your classes.

3 MS. DEGEN: One of the things when we  
4 submit ours, it's different than this, but one of  
5 the difficult parts is, like, if, you know, we'll  
6 have maybe one extra student, an OCS student, say,  
7 and I only have one class that - you know, for  
8 English, so there might be fifteen students versus  
9 fourteen when I'm an assistant in there, but a lot  
10 of times we don't get the waiver returned to us  
11 from DPI until after the semester. So we've now  
12 gone the entire semester and then I don't know how  
13 that opens us up as far as if we were then denied,  
14 how do we---?

15 MS. HUDGENS: Right. And it's  
16 because of that very reason that if you'll go back  
17 to the front, that we have two reporting periods  
18 there, one for one semester and one for the  
19 second.

20 MS. DEGEN: Right.

21 MS. HUDGENS: So that we can address  
22 high school issues of whether, you know, they're  
23 appropriately staffed or not and so that we can  
24 give that feedback.

25 The other thing that isn't obvious

1 through this memo is that one of the benefits of  
2 having the scheduled submission days is to allow  
3 us the opportunity for - during our division week,  
4 which by design is after the submission dates when  
5 we have our entire staff in the building, that  
6 I've scheduled a workday for both our - for all of  
7 our occupational therapists, our SLPs, our  
8 physical therapists, and all the monitors  
9 together, and we will be reviewing all the waivers  
10 that were submitted statewide, one, to calibrate  
11 our responses, and, two, to do our part that day  
12 and then be able to process it and get it out  
13 within a reasonable amount of business days back  
14 to the LEAs so that they can have their technical  
15 assistants follow up as required.

16 Questions? Is that side of the room  
17 still doing okay?

18 **(Multiple affirmative responses.)**

19 MS. SIMMONS: Carol Ann?

20 MS. HUDGENS: Yes, ma'am.

21 MS. SIMMONS: On the front page, I  
22 just want to highlight to everybody that I think -  
23 since this is really important - it's the - it's  
24 the third paragraph. It says, "Approval for class  
25 size/caseload waivers will be considered based on

1 the highest level of services and supports  
2 (general, sustained, targeted, intensive) present  
3 in the class profile, the unique needs and  
4 staffing profile." That - I've never seen that in  
5 writing before up until our stakeholders meeting.  
6 This is - this is really crucial. It's based on  
7 the highest level, which would be intensive. So  
8 another suggestion would be to make sure to  
9 include those pages so that the definitions of  
10 these will be available for other people making  
11 decisions.

12 MS. HUDGENS: Yeah. And, Vicki,  
13 that's one thing that my monitors said too. They  
14 were like, "Why didn't you recopy the policy  
15 chart?" And I have to be honest - and this is a  
16 little tongue-in-cheek, a little humor that you  
17 get the benefit of - but I want people to open  
18 their policy book. Okay? And I just - I say that  
19 with all sincerity. It's that a lot of challenges  
20 that we see in our neck of the woods is because  
21 someone hasn't opened the policy book. So as many  
22 opportunities as I can direct people to look at  
23 that document, I feel a little bit better about  
24 compliance because some of the questions I get,  
25 I'm like, "Have mercy." And so your point is well

1 made, and we did consider that as part of the  
2 pieces of information that we're sending out, but  
3 I will tell you I want people to look at the book.

4 MS. SIMMONS: Okay. Well, how  
5 about - do two things, then. Put a link in the -  
6 in the letter---

7 MS. HUDGENS: Yes.

8 MS. SIMMONS: ---both a click-on and  
9 then "Address page 149, 150, and page 151"---

10 MS. HUDGENS: Yes.

11 MS. SIMMONS: ---so they can easily  
12 find it.

13 MS. HUDGENS: I think that's a great  
14 suggestion, and I appreciate that.

15 MS. SIMMONS: But I also would  
16 recommend that to save time for the administration  
17 filling out forms that we do include just those  
18 few pages in there.

19 MS. HUDGENS: Sure. Sure. So this  
20 was a major change in process for us as a state,  
21 and I'm waiting to see how the first reporting  
22 period will go, which is tomorrow. And our first  
23 workday will be next Wednesday, so anything that  
24 we've gotten for this first reporting period,  
25 we're going to be responding to next Wednesday and

1 hopefully have a quick turnaround back to the  
2 LEAs.

3           The other thing I wanted to draw your  
4 attention to, while we're talking about the  
5 reporting periods, we tried to get our reporting  
6 periods as early as possible so that we could our  
7 responses back early as possible. And for some  
8 folks we always hear about the first twenty days  
9 of school things not being settled. You know, we  
10 might have to open new classes that we weren't  
11 anticipating, and so we had to account for that in  
12 our reporting time, and the way we accounted for  
13 that is simply by hypothesizing that perhaps LEAs  
14 with smaller headcounts might have that  
15 information stabilized a little sooner because  
16 they might have fewer EC classrooms. And so we  
17 moved up the - what we call the smaller LEAs to an  
18 earlier reporting period so that we can attend to  
19 them and get those right back out. That allows  
20 the larger LEAs to have that time that needs to  
21 settle for the unexpected kids that sort of - that  
22 arrive at different places and leveraging  
23 resources, and that is a chess game sometimes that  
24 happens to make sure everything is covered  
25 appropriately. So that's why the second reporting

1 date is there at the chart at the bottom for  
2 October 24th - 21st - I'm sorry - to give us - to  
3 give them an opportunity, and naturally we are  
4 expecting potentially more because the bigger you  
5 are, sometimes the more opportunities you have.  
6 And so that, workwise for us, gives us an  
7 opportunity to be timely in those submissions, and  
8 then everyone has that second reporting  
9 opportunity in the - in the second semester.  
10 Mostly we're thinking about high schools, but  
11 things do change at the Christmas parade. The  
12 apple cart does sometimes get shifted around a  
13 little bit.

14 But a bigger part of the policy too  
15 is that anytime a class exceeds the requirements,  
16 there is the reporting requirement. Okay? So I  
17 don't want people to think, oh, if we magically  
18 have the stars aligned three times a year, I don't  
19 have to submit a waiver. That's not accurate.  
20 This is an attempt to help us manage the bulk of  
21 things knowing that any given time those variables  
22 may change. Okay.

23 The last thing that I did not preview  
24 with you is the related services caseload, and it  
25 has a similar concept. It's the very last page of

1 your purple document. And our related service  
2 providers, they have a workload calculation that  
3 they work on with the LEAs to determine the right  
4 proportion of time and allocation of staff based  
5 on the level of services that are in the IEP. So  
6 these factors are unique to those specialty areas  
7 to provide them data to consider. Especially if  
8 you're a supervisor at the local level, you  
9 probably have a familiar working knowledge of the  
10 workload requirement, and so those supervisors of  
11 OTPT, speech, et cetera, at the local level are  
12 getting some information about how caseloads might  
13 be balanced or in balance locally before they have  
14 to submit a waiver. And so this is kind of the  
15 same concept, but the factors are unique to those  
16 specialty areas. Okay?

17 MS. SIMMONS: Carol Ann, at what  
18 point will the teacher know that a form like  
19 this - a waiver has been submitted or the related  
20 service provider?

21 MS. HUDGENS: That is going to be a  
22 local decision about how they communicate to the  
23 teachers about the whole process, and I know that  
24 that has been a concern that you've had about  
25 whether or not a waiver has been applied for in a

1 classroom, and certainly any teacher that believes  
2 their circumstances exceed what is required needs  
3 to raise that concern through the appropriate  
4 channels within their local level, whether it's  
5 through a program specialist, a lead supervisor,  
6 or if you're smaller, directly to the EC director  
7 in conjunction with the principal. We don't want  
8 to overlook any of the problem-solving  
9 opportunities that teachers have, but teachers  
10 should feel comfortable advocating for the unique  
11 needs in their classrooms as well.

12 MS. SIMMONS: Thanks.

13 MS. HUDGENS: But the feedback link  
14 will be a local decision.

15 All right. Happy days. Last thing  
16 for me right now - okay - the pink sheet, family  
17 engagement and family involvement. We thought you  
18 guys would particularly be interested in this  
19 because at the LEA self-assessment, one of those  
20 four elements is looking at communication and  
21 collaboration, and this is a big piece where we  
22 encourage LEAs and actually require them to have  
23 some mechanisms in place for that collaboration  
24 not only with their parent groups, but other  
25 community resources within the LEA. And so we

1 believe that if we're expecting you to do  
2 something, we should provide some supports around  
3 that. So this memo is an invitation of sorts, if  
4 you will. Now that we have wonderful Heather  
5 here, we do want to continue our work with  
6 establishing the parent network and looking at  
7 supporting LEAs who want to move in the direction  
8 of having a parent liaison or a parent PTA or a  
9 parent advisory group, that we provide them some  
10 sort and things to consider when organizing those  
11 opportunities, supporting them, maintaining them,  
12 and then ideally what would be wonderful and our  
13 overall goal is - is that we would like to be able  
14 to push out information in parent-friendly  
15 language to that network so that when calls come  
16 in, we provide information to help explain things  
17 like the SLD policy or a MTSS, and so that message  
18 is consistent relative to the questions that are  
19 raised and the concerns that parents might have,  
20 and whether they feel comfortable or not asking  
21 those questions at the school level, they have a  
22 contact person with which they can discuss those  
23 concerns.

24 So this was an invitation to  
25 participate in a very short survey. Essentially

1 the goal of this survey is, if you don't have one  
2 of those parent vehicles, are you interested in  
3 establishing it and, if so, would you want to be  
4 part of a cohort. And I believe Heather is going  
5 to talk about the results of that survey in just a  
6 little bit further on in the agenda. We're kind  
7 of excited about the response, and so we were  
8 happy that people do see that as a need and as a  
9 priority through their LEA self-assessment. And,  
10 again, if our role is supportive in nature, we  
11 need to provide the opportunities to support that  
12 work and move forward in a cohesive manner.

13 Okay. I'm going to catch my breath  
14 unless there are questions. Thank you all for  
15 listening to me run through the new and improved.  
16 I will have to say when I was sharing all of this  
17 information, I've had the opportunity to share it  
18 with different groups, and with one group I shared  
19 it as the good, the bad, and the ugly, and I let  
20 them decided which they thought was, you know,  
21 appropriate for each part of the process because,  
22 you know, in policy monitoring and audit sometimes  
23 we don't have a whole lot of friends, so you've  
24 got to have humor and a big smile. So - but I do  
25 hope that through my work with the council and our

1 opportunity to dialogue together and consider each  
2 others' perspectives moving forward that, yes, I  
3 take the compliance very seriously and it is  
4 something that is my responsibility to move  
5 forward with, but I also want to help you. If  
6 I've got to call you out of compliance, it doesn't  
7 do any good unless I do something to help you.  
8 And so I would ask you to hold me accountable to  
9 that every time we come together in our  
10 conversations because it's very easy to tell you  
11 what you did wrong, but the real work comes in to  
12 helping you get it right, and I want to be a  
13 accountable to that. So thank you for listening  
14 to this and the thoughtful feedback and comments  
15 that you had to offer.

16 CHAIRPERSON: Thank you, Carol Ann.  
17 That was excellent.

18 MS. HUDGENS: Thank you.

19 MS. OUZTS: Leanna, would you like to  
20 take a break or would you like to continue?

21 CHAIRPERSON: Would you like to take  
22 a break? Anyone?

23 **(Ms. Daniels-Hall raised her hand.)**

24 CHAIRPERSON: Okay. Let's take a  
25 break, then, five minutes. Okay? Will that be

1 good?

2 (A recess was taken from 10:49 a.m.  
3 to 11:00 a.m.)

4 MS. OUZTS: Okay. So just - and just  
5 as a reminder, as we stop for lunch or breaks, if  
6 you haven't signed in, in the back, if you'll just  
7 make sure you sign in. It's in this little alcove  
8 area here. I just noticed because I had to go  
9 sign in.

10 So Leanna had asked if today I would  
11 give just a little update on some of the calls and  
12 contacts, did I have any information about my  
13 first year as the state parent liaison, so what  
14 types of calls I was getting or issues I was  
15 hearing about, and so I'm going to give you a  
16 small picture of what - what my experience has  
17 been.

18 I do want to go back. The survey  
19 that Carol Ann referenced on family engagement, it  
20 closed on Friday, and so I can tell you that we  
21 had good response. We have, I would say, about  
22 sixty-nine responses that are interested in more  
23 information regarding parent liaisons or parent  
24 advisory boards or councils. We have at least  
25 thirty-four who would like to be involved. At

1 least at this stage they feel they would like to  
2 be involved in one or the other or both and be  
3 considered for that first cohort to go through.  
4 So just to give you an idea of the interest, I  
5 think LEAs really are looking for ways to engage  
6 with their parents, and so ECAC and I are going to  
7 have a - have an institute this fall for those  
8 that are interested in learning. A lot of them  
9 just need more information about those tools and  
10 think about how they can be used before deciding,  
11 so we're going to give them an opportunity to do  
12 that in the fall, and then hopefully we'll move on  
13 with our cohort there from that point and work to  
14 provide them support in that.

15 MS. HALL: Do you have a date for the  
16 institute in the fall?

17 MS. OUZTS: It's the date the  
18 institutes - that the institutes - of the EC  
19 conference. The institute date is November 8th,  
20 and the general conference is 9th and 10th, right?

21 MS. HALL: Uh-huh.

22 MS. OUZTS: So there will be, I  
23 think, so good participation in that if the survey  
24 holds true. Okay? Yes?

25 MS. DANIELS-HALL: Could you tell us

1 how many of those might have been charter schools  
2 as well as just the regular LD?

3 MS. OUZTS: I don't have that broken  
4 down today, but I can tell you that we have  
5 interest from both.

6 MS. DANIELS-HALL: And was it more  
7 interest in the parent liaison or more interest in  
8 the advisory council?

9 MS. OUZTS: It was actually kind of  
10 very close, I thought, in the amount. I think - I  
11 wish I had it in front of me to tell you, but I  
12 just pulled that data this morning and didn't  
13 finish pulling all that together before this  
14 meeting. But it - I think there's a fair amount  
15 in both. I would say there is probably more  
16 interest in parent advisory councils because that  
17 is a good place to start for a lot of LEAs or they  
18 may need more information about what a parent  
19 liaison's role would really look like before  
20 deciding.

21 So - but I do think there is good -  
22 good interest in both, and they definitely want  
23 more training regarding family engagement and  
24 tools, how to assess their level of engagement.  
25 They want ways to plan for their improvement in

1 that area, and of course the core element 6 in the  
2 LEA self-assessment really directed their focus on  
3 that, and I think this is all good work that's  
4 building up on each other, so--- But I look  
5 forward to sharing more information with you in  
6 December if we have an update on the actual  
7 confirmed participation at that point. Okay?  
8 So---

9 MS. SIMMONS: Heather?

10 MS. OUZTS: Yes.

11 MS. SIMMONS: The institute in  
12 November at the EC conference in Greensboro is a  
13 great idea. Have you-all got a price for that yet  
14 for the parents to pay to go to the institute?

15 MS. OUZTS: This - the institute is  
16 directed toward LEAs who are interested in those  
17 schools.

18 MS. SIMMONS: So it's not for  
19 parents?

20 MS. OUZTS: It's not really - the  
21 audience would not - target audience wouldn't be  
22 parents. It's more about how the LEA can use  
23 those - use a parent liaison or a parent advisory  
24 council in there. So it really is geared toward  
25 EC directors, program specialists, or parent

1 liaisons, if they have one, so that they can  
2 develop those tools.

3 MS. SIMMONS: Are there sessions  
4 during the conference for parents?

5 MS. OUZTS: There is always a strand  
6 in the conference. As far as cost for parents---

7 MS. BYNUM: It would be the same for  
8 any - for a parent or anyone that's registering  
9 for the conference. There's no price difference.  
10 The only price break is for full-time students.

11 MS. SIMMONS: Okay. Thanks.

12 MS. OUZTS: Okay.

13 MS. VLASATY: Tish, didn't last  
14 year - weren't council members able to attend?

15 MS. SIMMONS: That's a good question.

16 MS. BYNUM: Yes. We've already had  
17 that mentioned. I was going to do that in  
18 announcements, but I'll do it now. As a member of  
19 the Council on Educational Services for  
20 Exceptional Children, all council members are  
21 eligible for free general conference registration.  
22 So what members can do is go online, register.  
23 Under the LEA pull-down menu, if you will select  
24 "Other" and put in "Council on Exceptional  
25 Children," and then once you receive your email

1 submission that your registration is received, if  
2 you could just forward that to me. I actually go  
3 in the background in the system, mark you zero as  
4 paid, and then you're kind of in there and we're  
5 business as usual. And then at conference time  
6 you would just show up at registration just like  
7 any other register participant. And we also have  
8 special ribbons for your name badge that says that  
9 you are a council member.

10 MS. DANIELS-HALL: Excuse me, Tish.  
11 What if you've already registered and used your  
12 Wake County - you didn't do the other?

13 MS. BYNUM: If you want to, you can  
14 just forward it to me because administratively on  
15 the back end, I can change all that.

16 MS. DANIELS-HALL: Okay. Thank you.

17 MS. OUZTS: Okay. All right. So  
18 data, do I have any data. As some of you know, I  
19 started last September. Today the things that I  
20 will share will mainly be anecdotal data that I  
21 collected on my own. This is from my contact log  
22 of phone calls, emails, whatnot. The data is  
23 limited for many reasons. First of all, I'm human  
24 and I'm sure there's calls or emails that I forgot  
25 to put into my log. I'm going to be honest with

1 you. Days are very, very busy, but I try to be  
2 very diligent in that. It does only include  
3 contacts with me, and what I want to make you  
4 aware of, any - anyone in the division may receive  
5 a phone call from a parent. Oftentimes parents  
6 look up certain areas and call a consultant on  
7 reading, or whatever. If we get a general parent  
8 call to the main line, it's always directed to  
9 either one of the DRCs or myself. We rotate on a  
10 schedule. So even though all consultants may take  
11 phone calls, the majority do come through the DRCs  
12 and parent liaisons. Just on the days that I did  
13 it, there's three other DRCs at the moment.  
14 Usually it's four. I had around three hundred and  
15 fifty contacts in my log. Now remember that's  
16 just one day a week or two days a week here and  
17 there. So there's many parent contacts that are  
18 not captured in this data, if that makes sense.  
19 So just be aware.

20 So if you look at just my contacts,  
21 the majority, of course, were parent contacts. I  
22 did have contacts from LEAs at times mainly in  
23 response to a parent call. There could be  
24 questions about certain parents or questions about  
25 a policy regarding parents or a complaint or any

1 of those things. The other could be a call for a  
2 community partner. It could be an outside agency  
3 that called to ask a policy question and I was  
4 on-call that day for phones. Okay. So there is a  
5 little bit of diversity in the types of contacts I  
6 might get.

7 I'm sorry this is hard to see. When  
8 you're looking at issues and areas of concern, so  
9 you will notice that there is several categories  
10 that I use in my log, but it's really - I'm going  
11 to be honest with you - it's really hard to put a  
12 phone - phone conversation into a category because  
13 oftentimes the issues are overlapping or it  
14 doesn't fit exactly into this one or that one.  
15 This is the general list that I use. IEP  
16 implementation or IEP questions and EC services in  
17 general are combined, and that is the bulk of  
18 over - I think I said 39 percent of the calls were  
19 regarding either IEPs and EC services in general.

20 The other category is the second, and  
21 the explanation there could be that we get a lot  
22 of calls that are outside of these EC categories,  
23 in other words, retention, things that are not -  
24 they could be related to how the child is doing  
25 and their IEP, but the call itself could be mainly

1 focused on a decision by an administrator that a  
2 child was going to not be retained or going to be  
3 retained. That's just one example. So there are  
4 things on school assignment. Sometimes parents  
5 call for just information about resources. So  
6 there are a lot of calls that fall into those -  
7 into that other category.

8 We have - when we're looking at IEP  
9 category, I would say the biggest complaint - I  
10 would think Mary could maybe speak to if this is  
11 common in their experience as well at ECAC - a big  
12 complaint from parents might be that they are okay  
13 with the IEP itself that was created but they're  
14 upset it's not being implemented in the classroom  
15 or throughout the day in every setting. Any of  
16 you that are working in the schools would probably  
17 say that's a common thread there. They also could  
18 be calls that are related to 504's or other areas  
19 that may - topics that may be related to general  
20 ed, and so those things fall into that other  
21 category. So I kind of skipped around there  
22 looking at my notes.

23 But are there any questions regarding  
24 the areas or---?

25 MS. SIMMONS: Heather?

1 MS. OUZTS: Yes.

2 MS. SIMMONS: Of course, when parents  
3 call you and they say they're okay with the IEP  
4 but not with - not with the implementation, what  
5 do you tell them?

6 MS. OUZTS: Well, we try to - I try  
7 to ask questions surrounding what's going on with  
8 their child, is their child not making progress,  
9 do they know for sure - you know, how do they know  
10 it's not being implemented, asking all the  
11 questions that you guys would ask. We do provide  
12 resources if they - first thing we always say,  
13 "Have you spoken with the teacher?" "Have you  
14 spoken to the principal?" If they've done those  
15 things and they feel like it's still not been  
16 addressed, we always say they may want to contact  
17 the EC director, or I always offer contacting the  
18 EC director for them if they would like me to. We  
19 want to make sure that both sides are aware of the  
20 concern, right? And so we want to make sure it's  
21 addressed.

22 If they've gone past that point and  
23 are considering complaining or if they want to  
24 know about their options for dispute resolution,  
25 we always share those resources and links and

1 information as well, and it really depends on the  
2 phone call, what they're looking for.

3 Is there any other questions? Laura?

4 MS. HALL: Do you have data with - in  
5 regard to disputes resolution as far as being  
6 broken down like this, what is the complaint?

7 MS. OUZTS: Some of that data is  
8 going to be reviewed with you in just a minute,  
9 the end of your reports for dispute resolution. I  
10 know that '14-15 they broke it down by issue, and  
11 I'm not sure that they've had the time yet to  
12 break down the '15-16 data that way, but they  
13 usually do do that.

14 The other way that I did break it  
15 down just for your - for your information, areas  
16 of disability. I did combine some of our  
17 low-incidence population. That is - if you  
18 combine them, that is the largest number of phone  
19 calls that I received, were from that area of  
20 disability - or those areas of disability. And I  
21 apologize for my voice. My allergies are kicking  
22 in, so I'm cracking up over here. But I would say  
23 deaf - blindness and hearing impairment are the  
24 two that we have the most from, but we did have a  
25 few, and when you're talking about areas of

1 disability, I do want to note that sometimes I may  
2 not have written down the area of disability  
3 because we got involved in the phone, and it was  
4 more about something in general, that it really  
5 didn't necessarily matter which area they were in.  
6 So this is not perfect data. Sometimes the  
7 parents have questions that are very related, I  
8 mean, very much related to the area of disability,  
9 but not always.

10 The trends here, to me, are not a  
11 surprise. Low incidence, as I said, was well  
12 represented due to combining those. In my  
13 experience - and I am a parent of a low - a child  
14 in a low-incidence area, and most parent groups  
15 that I went to was four groups. There was a lot  
16 of parents like me at those groups. They tend to  
17 be involved parents. Because of the unique and  
18 sometimes significant impact of the disability  
19 area on their child's life, they become very well  
20 educated and have more questions and things.  
21 That's just my personal experience.

22 But the second area is autism.  
23 It's - if you look at just single areas, it's by  
24 far the area we receive - I receive the most calls  
25 from. There - I can share that the questions

1 regarding autism span a huge continuum. Just like  
2 the continuum, it could be anything from  
3 implementing assistive technology and things of  
4 that nature, communication issues in the classroom  
5 to twice-exceptional students who - questions  
6 about their course of study in classes and things  
7 of that nature. So it could be a huge range of  
8 questions that we received. We do often receive  
9 questions about - regarding behavior,  
10 accommodations, placement, eligibility, those  
11 types of things related to autism, as I said,  
12 probably no surprise to all of you.

13           You'll notice that there's a nineteen  
14 percent - percentage for SLD. I don't find that  
15 surprising. The majority of the students are SLD,  
16 so we're going to - if I did note that they were,  
17 it may not even be related to the fact that  
18 they're SLD, but the call came from the parent of  
19 a child with a specific learning disability. And  
20 several - something that could be true about any  
21 of these to remember, too, the same parent could  
22 have called multiple times within the year. I  
23 don't have that broken out for you today, but - I  
24 didn't go to that extent because the numbers are  
25 small and it wouldn't necessarily give you a

1 greater picture, but we do have some parents that  
2 call multiple times, and they could all be - that  
3 could raise the number as well.

4 The thirteen percent for OHI, most of  
5 those were related to students with ADHD and  
6 implementation of behavior plans in the IEP, and  
7 so those were the general questions for that.

8 Yes, ma'am?

9 MS. LACORTE: This is Mary. Just a  
10 quick question with regard to your protocol on  
11 incoming calls. Whether it's at some point how  
12 they get kind of rotated to you or through -  
13 through, you know, a receptionist type - but I  
14 don't think that's how it happens - but do you ask  
15 or do you have a sense of how families got to you,  
16 like, where they're getting, you know---?

17 MS. OUZTS: Sent?

18 MS. LACORTE: Yeah. That would be  
19 kind of interesting data, I think.

20 MS. OUZTS: Sometimes they tell me -  
21 like they may say, "I've spoken with ECAC. They  
22 gave me your number." Some - oftentimes I don't  
23 know that.

24 MS. HUDGENS: Yeah, I just have to  
25 insert some levity here. If they call the main

1 line for DPI and say the word "special," I mean  
2 that's how - I'm trying - I mean I---

3 MS. OUZTS: That's my other category.

4 MS. HUDGENS: Yeah. I mean it's -  
5 it's not a really scientific way here, but if it  
6 sounds like something that would be in our area of  
7 expertise, anybody who receives that call here,  
8 it's like EC will talk to them, and so they'll  
9 send those right to them. And actually, I think  
10 that's actually true. Everybody else seems to  
11 have a mechanism to manage their phones, and we're  
12 the ones that still do the live people kind of  
13 deal. So we get a lot of folks.

14 MS. LACORTE: I just thought it could  
15 be interesting at some point since the  
16 administration - all of you in the division are  
17 very, very focused on families and educators  
18 working closely together. I just thought it might  
19 be interesting data to know how they're finding -  
20 you know, are they just Googling, are they finding  
21 out or, you know, maybe - are teachers telling  
22 them or the EC director or somebody is telling  
23 them. It would just be kind of interesting data  
24 as you go on to continue to make things  
25 family-friendly and promote the collaboration and

1 with family engagement opportunities, kind of how  
2 that information---

3 MS. HUDGENS: Yeah. Occasionally,  
4 I'll get a message left for me that says, "I went  
5 on the staff directory for your web page, and it  
6 looked like you could help me."

7 **(Multiple members spoke at once.)**

8 MS. OUZTS: And I would say probably  
9 the majority of my calls, if I had to guess just  
10 from the way it sounds when they're talking to me,  
11 is they just - they call the main line. There are  
12 some that have had either an advocate or someone  
13 suggests they need to call, especially if they're  
14 considering complaints or things like that. They  
15 may call to ask questions about that process,  
16 so---

17 Okay. I don't - I don't think I have  
18 anything else in particular to share. Is there  
19 any questions regarding that - with that? Okay.

20 MS. LACORTE: Rate your first year.

21 MS. OUZTS: I sort of--- Yeah.

22 **(Multiple members spoke at once.)**

23 MS. HUDGENS: Be careful.

24 MS. OUZTS: I am smiling today. No,  
25 it has been really great. I know that there could

1 be some of you that are not quite sure what I've  
2 been doing, and, you know, I work in a lot of  
3 different pockets within the division, get to work  
4 with a lot of the sections, and it's been  
5 wonderful, and I've learned a ton, and I'm really  
6 excited about the direction we're going and the  
7 support within the division is sincere and  
8 whole-hearted. I mean everyone's really  
9 considering families, I think, in their  
10 conversations, and I'm thrilled about that, so---

11 MS. LACORTE: As a parent of a now  
12 very grown up young lady and director of the  
13 statewide PTI, I just am interested. I think it's  
14 a huge commitment on the division's part to - to  
15 establish this position, so I just commend you all  
16 for that and continue to.

17 MS. OUZTS: I agree.

18 MS. HUDGENS: We're very happy to  
19 have her, and it has been a nice opportunity to  
20 have that perspective at the table, and this past  
21 year Heather has been - she's very modest, but she  
22 has been a voice at various stakeholder groups,  
23 with the mental health stakeholder (inaudible). I  
24 could just go on and on and on. And she has made  
25 tremendous contributions to each of those

1 activities, and so much so that we've kind of  
2 pulled her back in to really focus on building the  
3 network. But last year we needed to provide her  
4 an opportunity to have exposure with the LEAs, so  
5 she did a lot of participating in events that were  
6 happening at the local level, stakeholder groups  
7 and so forth so that we could introduce her and  
8 she could begin learning more about the  
9 stakeholders across the state. So I think that's  
10 been a good investment of time. We've learned a  
11 lot of - made a lot of nice new relationships and  
12 gathered a lot of different perspectives and  
13 started that important networking process to help  
14 the overall parent network move forward.

15 MS. LACORTE: I think it's a model  
16 for other states, actually.

17 MS. OUZTS: So something that we did  
18 decide to share with you in your nice, healthy  
19 packet today is a copy of the state report for  
20 Indicator 8. Indicator 8, of course, is where  
21 LEAs are required to report the percent of parents  
22 with a child receiving special education services,  
23 to report that schools facilitated parent  
24 involvement as a means of improving services and  
25 results for children with disabilities. That's

1 the official statement for Indicator 8. That's  
2 the parent survey. Just to let you know, I'm not  
3 going to go into a lot of detail with this. I  
4 think it may be interesting to you to look at.  
5 There are twenty-five questions that are included  
6 on the survey. It goes out to a sampling of LEAs  
7 each year. There's forty LEAs that it went out to  
8 in '15-16, both traditional and charters. There's  
9 a lot of data and information about data in this  
10 report. The more interesting parts to you would  
11 maybe be looking at the appendix A at the back  
12 where it gives you a report of the response  
13 frequencies by each question for the - for the  
14 total group, for both K-12 and preschool.

15 MS. LACORTE: Which page, Heather?  
16 I'm sorry.

17 MS. OUZTS: Appendix A. I believe  
18 that's---

19 MS. HUDGENS: It's on page 39.

20 MS. OUZTS: Thank you. I'd have to  
21 look to see the page number. And it goes by each  
22 question, question by question what the responses  
23 were. If you notice by the questions, the  
24 majority - if you include from agree to strong -  
25 very strongly agree, which is more of a positive

1 response, the majority of the responses fell into  
2 that. However, just - just realize that we  
3 historically have a very low response rate to this  
4 parent survey the way it's done, and so it's  
5 mailed out to all - like, if your LEA is chosen,  
6 it's mailed out to every student with a disability  
7 and your LEA, and you're dependant upon that  
8 parent to fill it out and send it back.

9 MS. ROBERTS: I'll tell you, that's  
10 what had an increase, that response rate going  
11 online---

12 MS. OUZTS: Yeah.

13 MS. ROBERTS: ---you know, not -  
14 instead of doing a sampling, promoting a link  
15 that's available.

16 MS. OUZTS: Right. Well, there are  
17 discussions about that at this moment even, but  
18 we're looking at the other options.

19 MS. HUDGENS: Yeah. I mean there are  
20 so many different variables to consider, you know.  
21 Technology might be a barrier for some, so would  
22 you do it right after an IEP meeting? But  
23 sometimes IEP meetings can be very long. Again,  
24 people will just need a break from the intensity  
25 of that, so there's discussion about whether that

1 would be an appropriate time, different -  
2 different ways to look at how LEAs use surveys  
3 currently. LEAs often have system improvement  
4 surveys that they look at. They might have  
5 questions in common with what we're looking for.  
6 The challenge would be to look at all the  
7 different mechanisms that LEAs use and if they are  
8 consistent across the state, and then are the  
9 items necessary - or the items that are surveyed,  
10 are they going to be in common with what we need  
11 to look at to report to the Feds.

12           And so that work is being done to try  
13 to increase the parent level of participation.  
14 We're working with ECAC to look at some different  
15 things that we can leverage together, are there  
16 points in time that are better than others, is  
17 there a delivery mechanism that is better than  
18 others, is calling and doing a phone interview  
19 better, just a lot of things to consider. And so  
20 we kind of perpetuated the same way that we've  
21 done it because we don't want to mess up gathering  
22 our data set until we're ready to make that change  
23 because it's a federal reporting requirement, so  
24 we have to leave some things consistent while  
25 we're working underground and then submit a new

1 plan to be improved for that collection of data.

2 MS. OUZTS: And - and we're also  
3 talking with LEAs too because we want it to be  
4 useful or them, right? We want it to be not just  
5 data collection for us to report back and get a  
6 picture of how parents feel, but we want it to  
7 also be useful to the LEAs, and so we have had  
8 discussions with them as well about what would  
9 work for you. Some already do their own surveys,  
10 as she said, and are having good success with  
11 those. So those are all things that we're talking  
12 with several - several different groups about,  
13 about how to improve that. Yes?

14 MS. LACORTE: I was just going to  
15 say, to put some things in perspective too, when  
16 NCAASE, the National Center on Special Education  
17 Accountability and Monitoring, created the survey  
18 instruments, there were two states could pick  
19 from. One is a hundred-question document and one  
20 is the twenty-five-question document, and there  
21 were some states that were doing the  
22 hundred-question. Can you imagine trying to  
23 analyze - not just analyze, but to collect that -  
24 or as a parent receiving that, where there are a  
25 hundred questions? Amazing. But the twenty-five

1 questions that North Carolina is using are the  
2 same twenty-five questions most of the other  
3 states are using because there's a huge expense  
4 involved in implementing the survey with fidelity  
5 if you go off the - use any kind of other  
6 questions. So a lot of effort and expense has to  
7 happen. So these are - these are being able to be  
8 normed from state to state to state, which was  
9 part of the importance of that.

10 MS. OUZTS: Right. And there are  
11 variations, and some of the states are starting to  
12 look at different ways---

13 MS. LACORTE: Yes.

14 MS. OUZTS: ---to do it. So we're  
15 investigating all those things right now. Okay?

16 So that is the end of what I had to  
17 share with you today. Are there any questions?

18 **(No audible response.)**

19 MS. OUZTS: No? Okay. Thank you.

20 CHAIRPERSON: Do we know where we are  
21 in having lunch ready? I know we need to give  
22 this room up in a few minutes.

23 MS. BYNUM: They are scheduled to  
24 deliver at eleven-thirty, but we don't have a  
25 phone lobby receptionist. Oh, he's giving me the

1 signal somebody is coming, so I think we might be  
2 ready.

3 MS. HUDGENS: But we have to be out  
4 of here at eleven forty-five. We have to promptly  
5 end at eleven forty-five, but we can eat our lunch  
6 in the lounge area right next door. I'm sorry.  
7 Leanna?

8 CHAIRPERSON: So do we have to pick  
9 our stuff up? I don't---

10 MS. OUZTS: I don't know that we have  
11 to move it, but I think we should tidy it to the  
12 corner. I don't know that we can leave our things  
13 all spread out because the board will be coming in  
14 to do their calling. They'll need to be miked and  
15 everything too. Do you want me to go ahead and  
16 give a heads-up, or do you want to give everybody  
17 a chance to come and get theirselves organized  
18 before you move?

19 CHAIRPERSON: I think probably should  
20 get it organized before we - because we're, like -  
21 it's, like, ten minutes till - yeah, a quarter of,  
22 so---

23 MS. HUDGENS: Yeah, that's perfectly  
24 fine. Okay. So, yeah, if we can just tidy up our  
25 things and maybe stack them kind of to the side

1 with a name tag. I don't know that we have to  
2 just move completely out, but clear them a space.  
3 They're aware that we're sharing space today.

4 (A lunch recess was taken from 11:33  
5 a.m. to 12:24 p.m.)

6 (Mr. Hussey returned to the hearing.)

7 MS. HUDGENS: As you can tell, I'm  
8 not Melvin Diggs. Melvin works in our section as  
9 a dispute resolution consultant, and there was  
10 something else on his to-do list today, so I am  
11 offering the information on his behalf and the  
12 behalf of our section.

13 And so if you look in your folder,  
14 you're going to have two sets of information that  
15 almost looks identical except for the year on it.  
16 So I'm going to give you a minute to sort those  
17 two piles because I actually want to walk through  
18 the documents at the same time. The easiest way  
19 to divide them is by the color pie chart on the  
20 front, and so you have one stack, and the new  
21 stack starts when you have another pie graph. And  
22 it's our dispute resolution information for '14-15  
23 and '15-16.

24 Okay. So I'm going to go off-track  
25 with the slide show, is what Heather is telling

1 me, and just use the documents. So if you'll  
2 refer to the documents, I'm going to walk you  
3 through it that way. Since I'm pinch-hitting for  
4 Melvin, that gives me player's choice, so I'm  
5 going to use the actual documents.

6 All right. The cover sheet that has  
7 the pie chart on them is going to be the special  
8 ed state complaint information. One is from  
9 '14-15, and the other one is from '15-16. If you  
10 notice, I'll draw your attention to how many  
11 complaints we received. In '14-15 that was a  
12 hundred and four, and in '15-16 that was a  
13 hundred. So we investigated sixty-seven in '14-15  
14 and fifty-three in '15-16, and then if you look  
15 further down at the actual pie chart, our findings  
16 indicate that in '14-15 ninety-six percent of the  
17 complaints actually did have compliance  
18 violations. And so for '15-16 eighty-one percent  
19 of those investigated had compliance issues. I'll  
20 give you a minute to kind of digest that.

21 One thing that Heather shared with  
22 you - and I'm turning the page now - is that our  
23 '14-15 data is segregated a little bit to put more  
24 detail relative to the issues that were  
25 investigated and the types of disabilities

1 represented by those complaints. And the large  
2 areas for '14-15 were in autism, other health and  
3 impairment, and "not reported" certainly could be  
4 a variety of things. It might be that the child  
5 has not been identified as a student with a  
6 disability yet and they have been in the initial  
7 process and filed a complaint relative to that,  
8 or it could have been a 504 student who the parent  
9 raised the concern that maybe they should have  
10 been found eligible or at least considered under  
11 IDEA. So usually that "not reporting" catches  
12 those areas of where the disability was either not  
13 disclosed, not determined yet, or the child wasn't  
14 eligible for services. Okay?

15 Moving on to the third page of the  
16 '14-15 document, here are the issues and whether  
17 they were determined compliant or not compliant.  
18 Implementation of the IEP was a big issue last  
19 year. Fortunately, more than not it was - those  
20 issues were compliant but not by much. And then  
21 parent participation was a big area last year -  
22 pardon me - '14-15, and you can kind of see how  
23 the breakdown goes further than that. The reason  
24 why we don't have it for you for '15-16 is that  
25 because with a sixty-day timeline, theoretically

1 somebody files on June 29th. That timeline takes  
2 us into the next fiscal year, and additionally, we  
3 have to take all the issues - we don't raise the  
4 issues of a state complaint in a uniform manner  
5 because it's always unique to that particular  
6 case. So then at the end of the year, we have to  
7 group them by common factors to get the spread in  
8 the chart here that you see, and that takes a  
9 little bit of time based on the issues that were  
10 raised. Sometimes there was IEP implementation  
11 for speech therapy. Sometimes it was IEP  
12 implementation for occupational therapy. So we've  
13 got to take all those separate issues that we  
14 investigated and run those numbers together to  
15 make you a chart. So that wasn't available for  
16 today for the '15-16 report.

17 I'm going to move on to the  
18 mediation. Slight difference in mediation  
19 requests. They were up a little bit just by four  
20 for '15-16. Unfortunately, those mediations that  
21 resulted in an agreement decreased from '14-15 to  
22 '15-16. That's true for the mediations related to  
23 due process hearings and mediations not related to  
24 due process. So overall down a little bit, six  
25 percent of agreement reached by mediation.

1                   One thing I think is interesting as  
2 you look across these documents is that state  
3 complaints, there were a lot filed - or many  
4 filed, but when you look at mediation,  
5 facilitation, and due process, there were some  
6 increases in numbers as we go through and compare  
7 them. Mary, I think you had a question?

8                   MS. LACORTE: I do, just a brief  
9 question. Since this total mediation requests on  
10 either one of the years reflect the total - well,  
11 I guess it should because it's uses the term  
12 "request." So in the '14-15 year it shows ninety  
13 requests, seventy held. That's because either the  
14 parents or the LEA determined they did not want to  
15 participate at that level. Well, actually, that  
16 was - yeah, because they're not related to a due  
17 process requirement. So the purely - those  
18 mediations, that's just because one of the parties  
19 did not want to participate?

20                   MS. HUDGENS: That's correct.

21                   MS. LACORTE: Okay.

22                   MS. HUDGENS: And there could be  
23 other factors that come in. They may have  
24 resolved their agreement through - disagreement  
25 through an IEP team.

1 MS. LACORTE: Okay. Uh-huh.

2 MS. HUDGENS: I mean there could have  
3 been another mechanism used. It just wasn't  
4 mediation.

5 All right. Can I move on to  
6 facilitation, the next document? So we were down  
7 a little bit in terms of the number of facilitated  
8 IEP meetings held. However, we increased the  
9 level of consensus reached. Even though there  
10 were fewer meetings held, they had a higher rate  
11 of ending in consensus between the '14-15 and the  
12 '15-16 year. Our most frequent requester is  
13 parents. And, Mary, I see you have a question.

14 MS. LACORTE: It's just - do you have  
15 any sense of why the reduction in number of  
16 meetings held? Like, did the processes change at  
17 all that might have impacted---?

18 MS. HUDGENS: We - we clarified the  
19 process to just make sure the confidentiality was  
20 assured. We streamlined some of our - our forms  
21 and such. But overall, to me, those were little  
22 technical changes, not an overall change in  
23 process so to speak. I will tell you that my  
24 hypothesis about this goes along with what we've  
25 shared in multiple formats this year, is that our

1 parents are going straight to due process and  
2 we're not seeing state complaints being used  
3 necessarily, the request for mediation not  
4 necessarily being used to resolve differences, and  
5 facilitation not necessarily being used. And I  
6 think when we look on the next page, we're going  
7 to see the increases in petitions.

8 MS. LACORTE: That's a little  
9 discouraging, actually.

10 UNIDENTIFIED FEMALE SPEAKER: It is.

11 MS. HUDGENS: It is.

12 MS. LACORTE: But I know sometimes -  
13 and for anybody who works with families, sometimes  
14 they call with - and you're helping a family, and  
15 you realize this might be a place that they might  
16 want to consider - learn about it and then  
17 determine whether or not they want to ask for it.  
18 Sometimes it's the lateness in the game, like the  
19 meeting is coming, the promise of - you know,  
20 there's not very much time. So I wasn't sure if  
21 anything had changed in either the availability of  
22 facilitators or the time with which it's easily -  
23 you know, easily scheduled to get a facilitator to  
24 a meeting or something like that.

25 MS. HUDGENS: I think those are

1 always competing priorities that we have to juggle  
2 with the process. Sometimes it does involve  
3 rescheduling an IEP meeting, and we're happy to  
4 appropriate folks there. So at any given time  
5 those can be factors that enter in, but I don't  
6 know that it's a root cause for the decline.

7 MS. LACORTE: Thank you.

8 MS. HUDGENS: One hypothesis that was  
9 offered by another stakeholder group was that when  
10 there are disagreements at the IEP team meeting,  
11 when the LEA provides the parent of their  
12 procedural safeguards, which they're required to  
13 do when there's a disagreement, some of the  
14 language has been that if you disagree with our  
15 decision here, you have the right to file due  
16 process. So there is a hypothesis that the LEAs  
17 are not as comfortable describing the options for  
18 dispute resolution, and there's always that factor  
19 to consider that parents may not realize that they  
20 have multiple options.

21 MS. LACORTE: And the due process is  
22 a process. It's not just a request for a hearing.

23 MS. HUDGENS: Right.

24 MS. LACORTE: (Inaudible.)

25 MS. HUDGENS: So that was one

1 hypothesis that was offered from - from, actually,  
2 parent attorneys.

3 MS. LACORTE: (Inaudible.)

4 MS. HUDGENS: So we have some work to  
5 do in that area about messaging dispute  
6 resolution. But if you recall, one of the things  
7 that we added to our program compliance review,  
8 our monitoring function, was the technical  
9 assistance opportunity to provide information  
10 about local dispute resolution, and it was for  
11 some of these purposes because we're seeing some  
12 disequilibrium around the filing of petitions and  
13 using some of the informal mechanisms. And our  
14 data for facilitation, if we can get people to  
15 engage in it, is really good for coming to a good  
16 outcome, and so we - we want to help continually  
17 doing that because that expedites a resolution for  
18 families. And certainly, there are legitimate  
19 cases in which, you know, despite best efforts on  
20 all parties, a solution cannot be reached except  
21 through a more formal means, and that's - that's  
22 just a reality to how our disagreements might  
23 work.

24 So I'll go on to the due process  
25 report. We had fifty-one in '14 and '15, but we

1 had eighty-one last year. And to me, that's a  
2 lot. And what's concerning about that is the  
3 length of time that the - that the process  
4 inherently has for a timely resolution for the  
5 student in come cases. And while they are  
6 certainly required to have a timely outcome and a  
7 decision made, all the legal stuff that happens  
8 with continuances or extra information that is  
9 filed or extra requests that are made is part of  
10 that legal process that unfortunately adds some  
11 time to the clock for a resolution.

12 So with a data comparison, looking  
13 across, fifty-four were withdrawn or dismissed,  
14 which were resolved without actually having to go  
15 to a hearing. Twenty-six cases remained open. In  
16 other words, their timeline is still in process  
17 for their dispute - for their due process, rather.  
18 Expedited hearings, if you remember, that comes  
19 particularly in cases of discipline, and so there  
20 were four expedited hearings this year versus the  
21 two previously, and so it's a fifty/fifty split  
22 about with drawing or being dismissed. And then  
23 resolution, at least with an increase in due  
24 process petitions, we had an increase in the  
25 resolution meetings where people were at least

1 trying to come together and talk through things.  
2 About half of those were successful in the end  
3 coming to a resolution, and then seven mediations  
4 were conducted this past year relative to those,  
5 and three independent agreements negotiated  
6 between the parents and the attorneys for each  
7 party, not necessarily something through our  
8 dispute resolution mechanism, but independent of  
9 us.

10 Okay. One thing that is impacting  
11 our data is that we have some legal representation  
12 in this state where - and it's a parent attorney  
13 who is not necessarily interested in the dispute  
14 resolution mechanisms, and I'm trying to say this  
15 as nicely as I can, not, you know, certainly to be  
16 offensive to anyone. It's just unfortunate that  
17 our observation of their method of handling and  
18 supporting parents is to jump straight to due  
19 process and that in resolution in mediation, their  
20 goal is to get attorneys' fees. And so we have -  
21 we're kind of concerned about the motivation  
22 through which that entity is operating and whether  
23 or not that's truly at the best interest of the  
24 family involved. And anytime we see that there  
25 has been a missed opportunity, if you will, for

1 dispute resolution, whatever - whatever level of  
2 formality it takes, we just have some concerns  
3 about what that means for families, and we  
4 understand that families have to make the  
5 decisions that they do based on the best  
6 information they have at that time, and we  
7 certainly respect all of that, and I hope our  
8 hypothesis about this pattern of behavior is not  
9 true. We're just hearing reports of that being a  
10 motivating factor, and I think it's unfortunate,  
11 if true, that parents may not have had all the  
12 options they could have - could have explored.  
13 And we do see a rise in our data based on that  
14 entity and their frequency of filing due process  
15 petitions.

16 MS. MEBANE: I think it's important  
17 to have people out there that can explain the  
18 benefit of these alternate dispute resolution  
19 process, some of them, because, I mean, who  
20 wouldn't choose to go that route instead of due  
21 process if they truly understood?

22 MS. HUDGENS: Sure. And actually,  
23 that was one of the concerns. We have an annual  
24 meeting with Disability Rights where they share  
25 with us their reflection of the year previously

1 and the concerns that they have, and they were  
2 actually one of the entities that also shared the  
3 hypothesis about what information is given at the  
4 local level when a disagreement arises and the  
5 procedural safeguards have to be presented, and  
6 they report a high incidence of their parents  
7 indicating that when they're given their  
8 procedural safeguards, they're told the only thing  
9 you can do about it is follow due process. And---

10 MS. LACORTE: Undefined.

11 MS. HUDGENS: I'm sorry?

12 MR. HUSSEY: Undefined.

13 MS. LACORTE: Undefined.

14 MS. HUDGENS: Yes. And with the  
15 forms being accessible online, parents are going  
16 to say, "Well, okay. If this is my only option to  
17 resolve this," it's not very hard to file the  
18 initial paperwork to get the process started.

19 MS. LACORTE: That's a tough row to  
20 hoe---

21 MS. HUDGENS: Yeah.

22 MS. LACORTE: ---for a parent.

23 MS. HUDGENS: It is extremely tough.  
24 But the other thought with Disability Rights is -  
25 well, not only with that piece, but they shared

1 the concern too that the parents that they have  
2 calling their offices, when they try to triage and  
3 ask similarly to what we do to find out who  
4 they've called, who they've spoken with, they're  
5 finding the same gaping holes in the communication  
6 plan, that they may not have spoken to anybody at  
7 the local level or exactly the opposite, everyone  
8 they spoke to didn't really attend to their level  
9 of concern as it was expressed. And so they are  
10 frustrated. I mean it's a little of both. Either  
11 you've talked to everybody and no one seems to  
12 have a concern that you do or you've talked to no  
13 one and you try to be patient through the  
14 processes afforded to you and you're just at your  
15 wit's end about how to proceed.

16 MS. MEBANE: In any of these cases,  
17 do the schools attempt to say, "Let's - let's go  
18 to mediation," "Let's bring in a facilitator"?

19 MS. HUDGENS: Yes. Yeah. We really  
20 try to coach that certainly on the LEA side, but  
21 with the facilitation in particular and certainly  
22 with any other process, there is that mutually  
23 agreeable part, and sometimes when you have  
24 exhausted your patience, you're not willing to go  
25 another route except one that you feel will get an

1 immediate result.

2 MR. HUSSEY: And from your region,  
3 there's actually a consortium that's being - that  
4 has been built. She lives down that way.

5 MS. HUDGENS: Yeah. So one of the  
6 things that we are really excited about is that we  
7 do have such a good result from our facilitative  
8 IEP program that we have had five LEAs that have  
9 asked to co-op, and not to supersede or take away  
10 from the State because the State mechanism is  
11 still there, but there all in different sizes, so  
12 they may not have--- For example, in the IEP  
13 meeting that went poorly, the EC director might  
14 have already been there, so there's no other  
15 impartial person to help interject some new  
16 thought process and creativity in problem solving,  
17 so then the schools feel like they can resolve the  
18 issue, but they need to have an impartial person  
19 because of course, when things don't go well,  
20 everybody was at the - at the - was at the meeting  
21 that was associated with the things that didn't  
22 work. And so what they've tried to do to leverage  
23 resources so that they can still get timely  
24 results at a local level is, we pardoned with them  
25 to bring in our trainers for facilitative IEP

1 meetings, and those five LEAs trained facilitators  
2 locally. And so their idea is to co-op across LEA  
3 lines to give an impartial person an opportunity  
4 to help at the lower level to expedite resolution.  
5 And then still, certainly, of course, all of our  
6 mechanisms are still in - in play if it doesn't  
7 work.

8                   So we are very excited that some LEAs  
9 are looking at that co-op opportunity so that  
10 their - anything we can do to help expedite our  
11 resolution because there's a kid sitting in the  
12 middle of all the adult issues.

13                   MS. GINA SMITH: Carol Ann, this is  
14 Gina - Gina Smith. I just want to thank you  
15 because being one of the larger LEAs that taps  
16 into your resources every day, we've had - I feel  
17 like that we've had great success with  
18 facilitation and the mediation process, and when  
19 we do have to go - when we do have to take  
20 complaints or beyond, the feedback that you all  
21 give us is really helpful, and it helps because  
22 sometimes the EC directors are caught in the  
23 middle as well, and so it helps to have some  
24 impartial folks to help our schools. But there  
25 seems - and so you-all have done an amazing job of

1 capturing a good process and putting it in place  
2 and helping us understand when we're - certainly  
3 we don't ever intend to - we don't set out to be  
4 not compliant.

5 MS. HUDGENS: Sure.

6 MS. GINA SMITH: But sometimes  
7 we're - sometimes we're not and we don't catch it.  
8 So it's a great learning opportunity, and our goal  
9 is always to take what we learn in one and apply  
10 it for the next. But you've done a really nice  
11 job, and I appreciate the support of the division.

12 MS. HUDGENS: Well, thank you. I  
13 really appreciate that feedback because, you know,  
14 as I shared with you guys earlier, we're always  
15 trying to examine what we're doing, you know, and  
16 trying to improve that because if we're asking our  
17 LEAs to consider what they're doing on a daily  
18 basis, reflect on that, and make a plan, then we  
19 need to be doing the same, which is part of the  
20 motivation for the changes that I shared with you  
21 earlier today. Just, you know, my goal is always  
22 to leave it a little better than I found it and  
23 offer that same opportunity, then, with the people  
24 that come behind me. It's always a work in  
25 progress. So thank you. I appreciate your

1 comment.

2 Any other questions or concerns about  
3 the data that I shared with you? Yes, Mary?

4 MS. LACORTE: It was just one, and it  
5 was related to an increase in due process  
6 petitions by a certain solicitor. Is there  
7 anything about those different ones that have been  
8 brought that are common like the same couple of  
9 counties or anything - anything that would make us  
10 thing that there's - the motivation is something  
11 other than financial, like maybe making a point or  
12 something? I don't know.

13 MS. HUDGENS: I - I'm - I appreciate  
14 that perhaps different perspective. Right now it  
15 seems equal opportunity across the state. There  
16 doesn't seem to be a focus group, if you will,  
17 that might be a group of unheard, you know,  
18 parents that may not have a voice. I don't  
19 necessarily see a pattern to that yet, but that's  
20 certainly something that we could be cognizant of  
21 moving later. And in total fairness, I don't  
22 necessarily believe that the solicitor is moving  
23 forward with ill intentions. It's just the  
24 outcomes that we are seeing concern us that it's  
25 not as student-centered as it could be.

1 MS. LACORTE: Thank you.

2 MR. HUSSEY: Just to - not to give  
3 exact numbers of LEAs, but we've - I mean in a  
4 place where you would have a large number - and  
5 it's not just one but in multiple spots - the  
6 majority of that large number is a single entity.  
7 And so - so when you start - you start looking at  
8 that - and, again, I'm - I'm with Carol Ann that I  
9 don't think this is ill intent. I really don't.  
10 It's a - it's a way of practice, but it - what it  
11 really does is just disallow parents their full  
12 due process, that they go - they go to one piece  
13 of it. And so then there's - you know, so there's  
14 nothing anyone can do other than to move forward  
15 with it, but it - but it has had an impact on - I  
16 mean seriously, these numbers are impacted  
17 tremendously by that one situation.

18 MS. MEBANE: And my concern with  
19 situations like that are the relationships that it  
20 destroys in the process because the parents  
21 aren't, you know, willing meet the school halfway  
22 and utilize some of these things. And that's how  
23 I think people see it. It's almost like you're  
24 being attacked, not being given an opportunity.

25 MS. HUDGENS: And one thing I would

1 just leave you guys with for thinking about how  
2 you support parents who may call you and ask for  
3 information is that anytime that a parent is  
4 involved in facilitation, mediation, due process,  
5 they should not be sequestered away from the  
6 discussions relative to the decisions happening to  
7 their child. They should not, even with  
8 representation, be sequestered to the side to not  
9 hear what their representation is requesting on  
10 their behalf because there has been some  
11 disequilibrium about what resolution was reached  
12 and why the parent requested. Okay. And so  
13 parents, again, by respecting the information they  
14 are given at the time, the parties are sometimes  
15 sequestered so that each side can talk with the  
16 mediator, but you should not be further  
17 sequestered from your own representation. And if  
18 you guys could please, when asked or have the  
19 opportunity to share that, the parent is the  
20 client acting on behalf of a child here and they  
21 are a decision maker in this process, and they  
22 should not be excluded to any - from any kind of  
23 discussion relative to resolving issues about  
24 their child. Okay?

25 And that's something that we're

1 getting some reports of from our mediators, is  
2 that there are some strategies out there where the  
3 attorneys just want to - the parent attorney is  
4 just wanting to negotiate on behalf of the parent  
5 when the parent might not necessarily be present.  
6 And that's all parent choice. I would just be  
7 concerned that the parent is the one advocating  
8 for their child and they had a specific concern  
9 with which - in which they entered this process,  
10 and their voice does not need to be taken out of  
11 the picture when coming to a solution. Okay?

12 Yes, sir?

13 MR. SMITH: Not to overextend this  
14 dialog, but I guess the question I have is, is  
15 there a difference in outcomes, you know,  
16 mediation versus the due process as far as what  
17 happens to the child?

18 MS. HUDGENS: Well, in timeliness,  
19 typically a mediation can take care of something  
20 so you don't have to go to hearing. So in  
21 timeliness, if the mediation is successful, that  
22 child gets a remedy sooner. With a due process  
23 petition, given the time that may occur, you get a  
24 little bit of distance from what went wrong and  
25 then you finally receive the remedy for it. So

1 that's probably one of the bigger things that I  
2 would offer there. And due process is hard on all  
3 the parties. There are relationships and trust  
4 issues that may never get to be repaired, and  
5 that's - that just makes it hard.

6 MR. HUSSEY: I tell the story that  
7 once I was up on the stand being - as part of a  
8 case, and my house was broken into and robbed, and  
9 the judge came and told me and said I needed to go  
10 home, and my response was, I would have - I  
11 enjoy - I actually didn't enjoy being robbed, but  
12 I was - that actually was nice to get me off that  
13 stand. I mean it - it gets - it is a difficult  
14 situation, and people - I mean it's - it's like  
15 court, and so people are very focused and can  
16 drive points home that are, you know, that are -  
17 it seems personal even though it usually isn't.  
18 But I mean it - it's a nasty situation to be in,  
19 or it can be. And so, you know, you really - what  
20 they were saying about relationships, it has  
21 significant opportunity to destroy relationships,  
22 not because the parent wanted it, but once you get  
23 to that place, it is a court of law and you are  
24 moving back and forth with those things, and I  
25 mean it's - nasty is the only word I can think of.

1 I mean it just---

2 MS. HUDGENS: Well, and the trust  
3 issues unfortunately colors every action that  
4 either party takes moving forward, and it becomes  
5 its own barrier to working on future things. But  
6 not to take away, the process is they are for a  
7 real reason, and sometimes you do have to go that  
8 route. It's just unfortunate that for parents  
9 that are given that as their first and only  
10 option, and that's the kind of message I'm wanting  
11 to get across today, is that we are trying to up  
12 our messaging opportunities so that parents don't  
13 feel like it's their one and only resort. So---

14 All right. Thank you.

15 CHAIRPERSON: Thank you.

16 MR. HUSSEY: I'm way out of schedule  
17 on the agenda here. I apologize. I had to talk  
18 at another meeting earlier this morning. I'm  
19 just - I didn't see it on the agenda, so I'm just  
20 going to talk about something. Since this  
21 conversation kind of went the way it did, Heather  
22 is going to be moving through this year working  
23 with different groups. There's a survey out---

24 MS. OUZTS: Yeah, we did talk about  
25 it.

1 MR. HUSSEY: Oh, you did talk about  
2 it?

3 MS. OUZTS: Yes.

4 MR. HUSSEY: Okay. So I'm just going  
5 to emphasize that getting more families, more  
6 parents at the local level involved in  
7 organizational structures that help them  
8 understand the law, help them understand the  
9 conditions of the IEP, the processes around the  
10 IEP, and having that network of people in an LEA  
11 who can talk to one another and find resources for  
12 parents, the better off we're going to be. You  
13 know, I - I mean I was lucky enough to have hired  
14 Heather in Alamance before I brought her up here,  
15 and what she did for me is helping to set up  
16 organizational structures and, you know, create an  
17 environment where parents were willing to talk  
18 about things, would come out and talk about  
19 things, and to sit with us and come to my office  
20 to talk, come do those things. It was essential  
21 in building that relationship. And we were  
22 laughing. I mean at the end, the parent who came  
23 to our last - each year to our - what we call an  
24 EC Chair Meeting, where all of our chairs for each  
25 of our schools would come together and we would

1 talk about things and they would take it back to  
2 the building, and they - you know, our parent  
3 group came together with them and brought in food  
4 and actually fed them and brought desserts and  
5 things and just - I mean that was, you know, just  
6 being able to create an environment where that  
7 kind of back and forth going on between parents  
8 and teachers was essential to beginning to build  
9 trust. That's the biggest thing there. So it's  
10 significant. I'm glad you did talk about it. I  
11 just didn't see it, so I'm glad you-all talked  
12 about that earlier.

13 Okay. I'm here for the updates. I'm  
14 really going to kind of go back through everything  
15 that we talked about because there are a couple of  
16 things that are in there that were able to squash  
17 and make better. Other things, we've just got -  
18 they're still going.

19 So ECaTS, our data system, up until  
20 last Friday I thought we were sailing smoothly and  
21 getting ready to sign and go. We had a little bit  
22 of a hiccup. I think we straightened that out.  
23 I'm going to be leaving in a few minutes to go  
24 down and talk to our vendor one more time, and I  
25 think we'll have little or no difficulty getting

1 through this little hiccup, and we should be  
2 there.

3           Once we're there, it goes to DIT, our  
4 State IT department, and it, you know, should take  
5 us a couple of weeks there. We've already greased  
6 the wheels. We've already gone through all of the  
7 things. So hopefully, by - you know, I was hoping  
8 for case conference, so we have our vendor there  
9 to talk to all our directors. Doesn't look like  
10 that's going to happen, but it's going to happen  
11 real soon, probably within the next three weeks.  
12 So it's over - the negotiation is over. Like I  
13 said, you know, there are some in pieces to what  
14 we have to do for contracts at the state level.  
15 It is the epitome of the not-so-good situation in  
16 our state government, and it just takes so long to  
17 get everything through. But we're just about  
18 there.

19           School Mental Health Initiative,  
20 that's where I went to talk today, to the  
21 Governor's Task Force on Safer Schools, just to  
22 talk about where we are in that. And, again, the  
23 School Mental Health Initiative is not a school -  
24 it's not a DPI-driven thing. This is a community  
25 coalition. We've got multiple sets of people on

1 there from all kinds of displays and parents,  
2 individual parents, parent groups, parent lawyers,  
3 school lawyers, the whole gamut, everybody from  
4 DHHS all the way through all of their divisions  
5 and departments, working with DMA, working with  
6 CHIPS, the Health Insurance Program for Children.  
7 Just - it goes on and on and on, university  
8 professors, private providers, the whole nine  
9 yards.

10 I've told you all about the surveys  
11 and all the rest of that. We've actually  
12 developed a white paper that we brought to the  
13 last meeting. They gave us license to edit. It  
14 was - when you put college professors, a lot of  
15 people interested in research, and other folks  
16 together around a subject like that, you know, we  
17 got a paper that was really too big. And so we're  
18 chopping and chopping and moving it into something  
19 that's readable, something that we can use. We  
20 will also - and the shortened version of that and  
21 then the set of recommendations that come with it.

22 We hope - we had hoped to be before  
23 the school board in September, but because we had  
24 so much work still left on the paper, we were not  
25 there, and we hope to go before the school board

1 in November - a school board. A school board  
2 member was in the meeting today, earlier meeting,  
3 and he didn't blink when I said that. So, you  
4 know, we're - I will - I will actually open that  
5 up, but I'm turning it over to the coalition so  
6 it's not looked at as something that's coming from  
7 DPI. But we do want to - we do - we'll have at  
8 that point salient points we want to look at in  
9 the policy and also what we will be piecing  
10 together out of the subgroups that we've been  
11 looking at.

12                   Legislation: So in the legislation  
13 we will - probably the biggest thing for the  
14 legislation is basically we're going to be  
15 focusing on how to create a portal, a separate  
16 portal to access mental health services, and that  
17 portal would be within the school district itself  
18 at each school building. And so, again, it's not  
19 something that every school is going to have to  
20 do, but the availability of that process is going  
21 to be there. We're coupling that with the change  
22 in Medicaid, which is also - we talked about last  
23 time - we - as of Friday - actually, Monday  
24 morning early I had sent in more data, but as of  
25 Friday we had sent all the data to DMA, Division

1 of Medical Assistance, which is our state Medicaid  
2 arm, and they're doing a study of expansion of  
3 services. And so I don't want to--- How much do  
4 I need to reiterate about this as far as the  
5 background? Are you guys pretty - remember pretty  
6 much what we're doing?

7 **(Members indicate affirmatively.)**

8 MR. HUSSEY: Okay. Well, let me just  
9 kind of go through the services that we're  
10 probably going to add, then - we're looking to  
11 add. For special education only we're looking at  
12 adding transportation, and we would add  
13 transportation on - it's odd how you have to do  
14 transportation. Basically, we would do  
15 transportation only on the day and bill for it  
16 only on the day in which a child is receiving a  
17 related service through the IEP on that day, and  
18 there is a rate that's basically a round-trip rate  
19 that we would set. So obviously, the complication  
20 there is trying to figure out how we're going to  
21 know that the child was on the bus on the day that  
22 he had a related service so that you can bill for  
23 transportation. There are lots of things - lots  
24 of schools already have little tags and things  
25 that they have. You know, we're looking at ways

1 technologywise that we can do things that are  
2 simple. They can just walk on the bus and flip  
3 their tag, and we know they're on the bus. We can  
4 go back and take a look at that. It wouldn't  
5 necessarily just be special ed kids. All kids.  
6 But there are just various things we're looking at  
7 right now thinking through about how we can record  
8 that. People on the bus don't have to know what  
9 any of that's about, so we're not giving away  
10 their special ed stuff. But, you know, that's  
11 just - that's one of the things we're doing.

12 For special ed and for regular ed  
13 kids, we're also looking at personal care  
14 assistance, being able to do support and personal  
15 care assistance. And right now in the study we're  
16 looking at potentially four hours a day of  
17 services that could be provided for personal care  
18 assistance. And when I say that's not just  
19 special ed, if you remember, there's a memo that  
20 came from the federal Medicaid office called Free  
21 Care. That was the memo, the name of it, which  
22 there's nothing free about Free Care. But what  
23 it - what it basically was talking about was that  
24 prior to the point that that letter came down,  
25 anything that we did in the school that we billed

1 that we did for free, we could not bill from  
2 Medicaid. So if we did vision screenings, not  
3 mass screenings but vision screenings for  
4 particular kids that are Medicaid-enrolled, where  
5 in another setting we could have billed for - they  
6 could be billed for that, we could not bill  
7 because we - because we are public school and it  
8 was free.

9           So that Free Care letter basically  
10 just clarified that we can now do that. We can  
11 bill for Medicaid-enrolled care. So it's not that  
12 they're eligible, but that they are actually  
13 enrolled in Medicaid. So that's the difference in  
14 there in the language. So - so because of that,  
15 if we have children with autism or we have  
16 children with other medical conditions and we need  
17 to have somebody with that child and he's not a  
18 special ed child, then we can actually support  
19 that child with that personal care system the same  
20 way that we would in special ed. So we're trying  
21 to broaden this beyond special ed, not to just  
22 allow special ed folks only to bill Medicaid.

23           We're also looking at what we could do in  
24 the way of assessment and also then prevention and  
25 primary intervention with our social workers, our

1 counselors, and our school psychologists so that  
2 we - and now you have to be licensed. You can't  
3 just be a counselor because if you're not licensed  
4 to provide a service, meaning that - and I think  
5 it's an L - a Licensed Counseling Professional, so  
6 LCP - then you could bill. And we - we don't  
7 have - I don't know the number, so I'm not even  
8 going to guess. We have them. We don't have them  
9 in an overabundance, but they are out there in  
10 numbers. Licensed Clinical Social Worker, we also  
11 have a good number of those in the schools. They  
12 can also bill. And our school psychologists would  
13 be able to assess and also provide intervention.

14 We're looking at school nursing in a  
15 way that we've not been able to do before, which  
16 would help us with diabetes plans, asthma plans,  
17 those screening tools, times for vision and  
18 hearing screenings beyond those mass screenings,  
19 where we have a licensed person doing that. So  
20 we're looking to expand that as well. We - again,  
21 that doesn't have to be on an IEP. That can be  
22 with someone with an individual health plan, an  
23 IHP, and lots of kids we have out there now have  
24 those health plans, and we'd be able to, again,  
25 render services there.

1 We're still working on the rates as  
2 well as the expansion of services. We had long  
3 conversations. A lot of you may have not - well,  
4 I don't know how many of you know this, but the  
5 rates are so low for nurses that it's very hard  
6 for us to basically hire a nurse because we can't  
7 afford to pay a nurse with the money that we bring  
8 in. And so, you know, some systems go ahead and  
9 do that because of the specific needs that they  
10 have, and they just put it in their regular  
11 budget. We only, I think, have five districts  
12 across the state who are billing for nursing right  
13 now. What we were told when we asked about that  
14 was that we're in line with other states relative  
15 to the Medicaid dollars for nursing. What we said  
16 back in return - and they agreed to look at that -  
17 is that we're not in line with other nurses doing  
18 similar duties in North Carolina. So the nursing  
19 payment inside the state relative to similar  
20 duties is very different. And so we said we're  
21 really not concerned about what Virginia is doing  
22 in schools or in South Carolina. We know what  
23 similar nursing skills and what those duties are  
24 for nurses, and can we compare ourselves apples to  
25 apples versus going to look at what's happening

1 outside of the state. So they're looking at that  
2 as well.

3 So they will have this recorded, done  
4 by November. I think the word is on the street  
5 that they are to help us. They - you know, they  
6 have been incredibly polite and incredibly helpful  
7 and working hard to try to help us through this.  
8 The positive piece for North Carolina in this -  
9 and I've said this to you before, but I go back  
10 and make sure that you hear this because this is  
11 the important part, that there's no new state  
12 dollars required. Now people may need to hire  
13 somebody at a local level to help doing something,  
14 but relative to match, which is what DMA is scared  
15 of, were not going to require a match because we  
16 already have. So in special ed - Sam always uses  
17 this example, always - Sam Dempsey from  
18 Winston-Salem/Forsyth - when your bill is for  
19 \$2.5 million dollars a year, keep the service  
20 dollars right now. He's got twenty-five million  
21 in special ed state dollars. He will never, ever,  
22 ever get close to that, and those dollars are  
23 directly paying for the people, but you can't have  
24 people billing Medicaid, paid for under federal  
25 money. So it's state dollars to state dollars, so

1 we're actually having those dollars out there  
2 specific to those individual kids and those  
3 service delivery people and therefore as a direct  
4 match.

5 We can also do that for regular ed  
6 through the PRCs that are related, and those are  
7 reporting codes. That's what that - those letters  
8 stand for, reporting codes that fund our at-risk  
9 dollars, moneys that - for school psychologists  
10 and counselors. All those dollars were out there  
11 at a level that we'll never get close on that side  
12 either. So we've got those moneys out there.

13 So we're excited about the potential.  
14 It fits right into the whole mental health  
15 initiative piece and that we'd be able to expand.  
16 I got asked a question when we talked about case  
17 management because we did ask for case management,  
18 and so we're looking at whether or not we can get  
19 case management in here. And, you know, so one of  
20 the people at the meeting today: "So you're going  
21 to pay for new case managers"? I said, "No."  
22 You know, they said you'd have to reallocate money  
23 initially to - or reallocate roles initially for  
24 school social workers or counselors, whoever would  
25 be case managing. Then as you were billing

1 through that individuals the moneys that you draw  
2 down, you'll be able to expand positions beyond  
3 that. And I gave them an example of when - what -  
4 when I was in Alamance, we had a preschool  
5 program, and we had an Alamance Alliance, which  
6 was a federal grant that we were working with. We  
7 were working with zero-to-eight-year-olds. And  
8 when we'd bring the three-year-olds in to school,  
9 our social worker was basically case manager,  
10 doing basic assessment, basic screening of  
11 situations and then working with those families  
12 and that child to connect that child to agencies  
13 in the community to get them into mental health  
14 services. Had we been able to bill - and we  
15 looked at that - we would have been able to hire  
16 at least one more person based on the billing that  
17 she could have done, that would have expanded that  
18 and potentially we could have gone to as many as  
19 two additional ones that we could have gotten out  
20 of that billing process to be able to expand our  
21 services. And that's what we're looking at, is  
22 the ability to take those dollars and try to bill  
23 services. People get scared about that in  
24 Medicaid, but we ran a day treatment program too  
25 where we billed through Medicaid and came back and

1 took that money back in. We - we put money in for  
2 a year and a half to be able to do what we needed  
3 to do, and from that point forward they paid for  
4 themselves. And as long as our census was up,  
5 which we knew we had problems because we had - we  
6 only had twenty-two kids in the program and we had  
7 never had a shortage of twenty-two children who  
8 needed mental health services.

9 So we were always there, and we could  
10 bill those things and have that happen, and it can  
11 be self-sustaining at a point once you reach that  
12 point. But you have to pay attention because you  
13 can get yourself out there and in trouble too.  
14 But if you manage your dollars and you think about  
15 what you're doing, it's a workable deal.

16 For charter schools, were are looking  
17 to see if we can't get charter schools to be  
18 considered because for special education charter  
19 schools are LEAs, and we think that we can - we  
20 can - we may not be able to bill for the regular  
21 education kids, but we should be able to bill for  
22 OTPT speech and language in charter schools. And  
23 so we're hoping that's going to be true and we're  
24 moving those things forward.

25 House Bill 657, if you remember I

1 said that's one we didn't want to have because it  
2 was going to basically knock our OCS population  
3 around based on what they were going to have to do  
4 with math. That one got squashed, so we're lucky  
5 that did not get out of the senate. And so when I  
6 talked to you last, it was scary because we were -  
7 actually, it did get out of the senate. It just  
8 didn't - when it got back over, it got dropped, so  
9 we were happy about that.

10 MTSS, I won't go much further. Carol  
11 Ann already talked a lot about that whole part of  
12 the process. Just know that we're now starting  
13 with cohorts 3 and 4 this year, so at this  
14 juncture there are only four LEAs who are not  
15 participating, so we've got a hundred and eleven  
16 out of a hundred and fifteen. Two of those are  
17 feeling pretty comfortable that they already have  
18 MTSS working in their districts. The other two,  
19 we're really not sure, and so we're going to start  
20 talking to them, all four of them, to try to  
21 figure out what it is we can do to help them move  
22 forward. But - and we've got - I want to say  
23 seventy charters. I want to say seventy. Yeah,  
24 seventy charters already engaged. We're a hundred  
25 and twenty short on the charter side, so we're

1 looking at a fifth cohort, and we're going to try  
2 to wrap that up and look at some other ways to get  
3 them all trained. But we are moving through and  
4 things are working, you know. And, guys,  
5 remember, this is - no one mandated this. We did  
6 pass the SLD piece, but no one mandated that  
7 people take on MTSS, and without a mandate, we've  
8 got all but four districts, traditional districts  
9 in the state now on board - on board with us,  
10 which is significant.

11 ESSA - ESSA - whatever you want to  
12 call it, we will have a - I've already put in our  
13 sections piece. We - we're moving that forward.  
14 We should have a draft copy by November, the  
15 department's position on the various aspects of  
16 ESSA. Yeah. So maybe when we meet in December,  
17 I'll have something to share with you at that  
18 point and we'll move forward there.

19 Funding, you guys know we've been  
20 meeting on funding. We now have a contract with a  
21 provider, The Friday Institute here in Raleigh, to  
22 wrap up what we've done in our research at this  
23 point and to do further research to get us in the  
24 position to have an argument to present to the  
25 legislature in the long session on why we need to

1 increase our funding. And just, again, a quick  
2 note for some of you who may be new and don't  
3 remember this, our funding formula has basically  
4 been the same dollar amount since 1993, so we're  
5 really looking at just a little bit of money  
6 change between then and now, and we're pretty much  
7 averaging about \$3,900 per child. There's been a  
8 little bit of inflation since that point, so our  
9 ability to buy with what we have has been  
10 drastically decreased. It looks like we've got a  
11 whole lot more money in special ed these days, but  
12 really, that's because we went from five hundred  
13 thousand kids to two hundred and two thousand in  
14 our last head count. So all we're doing is  
15 putting more dollars behind more children, but  
16 it's the same amount of dollars. It's no  
17 different. And, you know, I think I said to you  
18 guys earlier and if I didn't, the average cost of  
19 our more severe kids is anywhere from eighteen to  
20 twenty thousand, and we did that - we had small  
21 districts, middle sized districts, and little  
22 districts. It didn't make any difference what  
23 size you were. That was the cost for our most  
24 significant children, and it's in that average  
25 range from about eighteen to twenty thousand

1 dollars.

2           So we've really got to - you know,  
3 again, just like with school mental health, I  
4 don't necessarily think we'll get something that  
5 goes across the - we will give a shot across the  
6 bow, let them know we're there. I don't think  
7 we'll necessarily get this passed this first time  
8 out, but we need to make sure that people know  
9 where we are and what the problems are and start  
10 to talk about it out loud. We will do something  
11 in the way of contracting with The Friday  
12 Institute where we'll not only just provide facts  
13 and figures, but we'll also have - hopefully,  
14 we're going to have real children. We're also  
15 going to have case studies and other things there,  
16 videos, to try to demonstrate what it is we do day  
17 in and day out in special ed. There's really not  
18 a real awareness over there, and I will tell you  
19 there is a small but still real population of  
20 people in the legislature who don't necessarily  
21 think special ed - that we - that our children  
22 should be in school. And so, I mean, it's hard to  
23 believe with where we are now, as many years as  
24 we've been into special ed, that that still  
25 exists, but it does. So we need to do a full-body

1 exposure there when we're moving forward with all  
2 the evidence as we can bring to the table to let  
3 them see what it is we do day in and day out and  
4 the outcomes that come from that.

5 The LEA self-assessment, I know you  
6 talked a little bit about it earlier relative to  
7 certain things. Just to let you know, that right  
8 now, starting yesterday--- I guess it was Monday.  
9 When was our first regional meeting? Monday?

10 MS. HUDGENS: Yesterday.

11 MR. HUSSEY: Yesterday. Starting  
12 yesterday. I couldn't remember when they started,  
13 but starting yesterday we're having all of our  
14 regional meetings across the state. We're meeting  
15 with every LEA. We got, again, down to three, and  
16 I'm going out to meet with those three districts.  
17 We have every LEA and every charter school except  
18 for three put in their LEA self-assessment, which  
19 was significant. And we - we, including Sherry  
20 and myself, the assistant director and director,  
21 didn't get out. We all had our eleven LEAs to  
22 review just like everybody else did. We reviewed  
23 all of those. We came back and in August we sat  
24 in our division meeting, determined the  
25 priorities that they put in their piece, the LEA

1 self-assessment, and we also looked at those  
2 common pieces that - that are out there for  
3 everybody, such as progress monitoring. Some  
4 elements of the IEP - we ended up with, I think,  
5 five that we're looking at that are kind of  
6 generic that we're going to figure out how they  
7 integrate into other things that we're doing as  
8 well as doing some of these things, problem  
9 solving, how to really plan for implementation.  
10 Some of these things we can do inside our region  
11 meeting. Some things we can do at conferences.  
12 But - so we're creating a plan now with each LEA.  
13 We're reviewing a plan with them and  
14 clarification, getting feedback.

15           Yesterday went well. I hope today  
16 goes as well. And we're giving them opportunities  
17 for them to give us feedback, and we give them  
18 feedback, and we clarify where we're going with  
19 the plans. All of our PD is going to be built  
20 around the priorities in those LEA self-  
21 assessments and what we see in those core pieces,  
22 those five core pieces, that we make sure that we  
23 get all, you know, of that training done. If  
24 things come up out there, though - and we've  
25 figured for contingencies because we know we're

1 going to have that. People said, "This is our  
2 priority. This is what we need to be working on,"  
3 and then suddenly, you know, they get another  
4 piece of data that says, "Whoops, I need to be  
5 working on this." We've got a process by which  
6 that comes in and we go out and do it. What we're  
7 trying to do is keep from this kind of popping out  
8 and doing something because somebody says they  
9 want it, and then we've got no capacity to follow  
10 up and provide coaching and support because if we  
11 get ourselves spread too thin - because right now  
12 we have two hundred and eighty-five. That's with  
13 eleven new charter schools. But two hundred and  
14 eighty-five LEAs that we're servicing with the  
15 same staff we had for a hundred and fifteen. So  
16 there's no way we can get out and do all that  
17 every time someone says we need something done.  
18 So we're - it doesn't mean when they come back  
19 with that second piece, we won't do it, but we  
20 need to think about it in concert with the plan  
21 they've already put out there, what they've  
22 already said are their priorities and does it -  
23 does it fit in one of those core - the five core  
24 things we're looking at, and can we get it done at  
25 a particular point in time.

1 Movement as part of instruction is  
2 one of those things I did. It came up. For our  
3 low-incidence populations, that's a huge piece  
4 about what we need to be looking at, how movement  
5 works in the context of providing instruction. So  
6 that's an important piece, but how are we going to  
7 deliver it? When are we going to deliver it? We  
8 will deliver it, but when and how, we'll have to  
9 work with that LEA and plan it out. So even  
10 though we're saying everything is built into the  
11 initial LEA self-assessment, we will - we have  
12 ways that we can pick up other things. As long as  
13 the data says it's important and it's significant  
14 for you and your district, then we'll provide it.

15 Future recruitment. I have a meeting  
16 with teacher teachers. I just saw that on my  
17 calendar. Yeah. So right now---

18 MS. BYNUM: It's a call.

19 MR. HUSSEY: It's a telephone call,  
20 right?

21 MS. BYNUM: (Inaudible.)

22 MR. HUSSEY: Yeah. So we're working  
23 with teacher teachers. And I'll come back to the  
24 revolving piece, but we're working with an  
25 organization that's been with us for a while.

1 We've reconfigured the contract, and specifically  
2 what we're trying to do - and I may have talked to  
3 you about this before, but where we're going is a  
4 match situation, and so we're going to try to get  
5 them to work with us relative to teaching,  
6 universities where we're putting student teachers  
7 into schools, and we're going to try to create  
8 some criteria kind of - I mean it is kind of like  
9 Match.com, I mean, seriously, in that we set up  
10 variables on both sides and see if we can match  
11 teachers to certain schools based on the criteria  
12 and then try to see what it does as we move  
13 through the student teaching piece to teaching and  
14 whether or not what we learn in the student  
15 teaching relative to that match and how it will  
16 work to try to figure out how to use that same  
17 rubric as we move out into regular schools because  
18 the problem with us now is that not only are we  
19 short teachers, but we can't keep them. We get  
20 them out there, and there's just this disconnect  
21 with those teachers in those buildings, and we  
22 lose them. Either we lose them to regular ed or  
23 we lose them period. And so not only are we down  
24 thirty percent across the state in teachers, in  
25 special ed particularly, you know, we have areas

1 that we don't have teachers - VI, HI, you know,  
2 low-incidence populations, people who have  
3 actually worked through the adaptive curriculum  
4 content and can go in and do what needs to be  
5 done. So when we get those people, we need to  
6 have something in place that we can keep them.

7 And so we're working with these guys  
8 to see if there's something that we can do  
9 starting with universities, and right now  
10 Appalachian has shown an interest, so looking at  
11 where their interns are and what they're doing  
12 with their student teachers and see if we can do  
13 some matching around that.

14 You know, interestingly, in an  
15 election year we suddenly got a raise. I forgot  
16 that's on there. Oh, well. My politics show  
17 through. But anyway, that has happened, and so I  
18 was talking to someone earlier. You know, it's  
19 going to take us a little while. We've got a  
20 pretty bad reputation in this state for a couple  
21 of years now of not paying for master's, not  
22 paying much money, you know, capping at  
23 twenty-five years. All the things we know to be  
24 the reality to being a teacher these days has gone  
25 outside the state, and we just - we're not getting

1 people interested in coming in, and they can make  
2 more in every surrounding state around us. And so  
3 that's the difficulty. You know, hopefully the  
4 raises will help us. It will take us a little bit  
5 of time to kind of do away with what's happened in  
6 the past, and hopefully, again, like I said, if we  
7 can start to figure out ways to keep teachers once  
8 we get them hired, we'll - we'll be better off.

9 Carol Ann, anything I forgot?

10 MS. HUDGENS: (Inaudible.)

11 MR. HUSSEY: I think that's it, sort  
12 of what I had. Certainly I'm open for questions.  
13 I never fear them.

14 MS. SIMMONS: I just want to mention  
15 that not all teachers got raises.

16 MR. HUSSEY: That's correct.

17 MS. SIMMONS: A lot of the better  
18 teachers did not receive any more---

19 MR. HUSSEY: Right.

20 MS. SIMMONS: ---any extra money. So  
21 when you hear on TV about raises, some teachers  
22 got raises, a lot of teachers got raises, but some  
23 did not.

24 MR. HUSSEY: Right.

25 MS. SIMMONS: And I hope that we will

1 have an interest in keeping our better teachers  
2 and then we won't have to replace on the other end  
3 with recruiting.

4 MR. HUSSEY: Well, you know, again,  
5 I've already kind of stated all the variables that  
6 play into that. It's going to be hard for veteran  
7 teachers to hang, and it's - it's also going to be  
8 very hard for smaller districts who can't match  
9 larger districts' supplements to keep people  
10 because, you know, it makes a significant  
11 difference.

12 I will tell you actually what we're  
13 running into right here, just to give you-all - I  
14 mean we have trouble if you're - because the  
15 State - you know, even if you're a teacher but you  
16 work up here, you're a state employee, so we - we  
17 get - you know, I think a flat 1.5 was my first  
18 raise in seven years. So when you work up here,  
19 if we are hiring people from middle-size districts  
20 up with their supplements, we can't match it. You  
21 know, so we can't - and you work with the State,  
22 so you have a similar problem. I mean you - you  
23 know, we're stuck up here in that we can't hire  
24 people. I mean it's a loss for them to come here  
25 from a district. So it's not just affecting them

1 in the schools. It's impacting at the state level  
2 too just where things are right now, just looking  
3 at market price, market value of individuals, and  
4 it's a difficult situation, so---

5 MS. HUDGENS: (Inaudible.)

6 MR. HUSSEY: Yeah, there is a prime  
7 example.

8 MS. SIMMONS: Oh, I couldn't hear.

9 MR. HUSSEY: Dispute resolution,  
10 we're on the third interview. We've offered it  
11 three times, and we haven't been able to get  
12 anything. And so, you know, the other side of  
13 that issue is then we then hire someone that we  
14 can hire who has less experience, and so we then  
15 have to spend money to train that individual. We  
16 get them up to snuff, train them, and then it's a  
17 dead-end street up here relative to salary. So if  
18 you want to make more money, you go back to a  
19 larger district and then you make more money. I  
20 mean it's - you know, it's - that's - and a person  
21 should do that to take care of themselves and  
22 their family. So I mean it's a - it's an odd set  
23 of circumstances right now relative to employment  
24 all the way around, and these are real issues,  
25 just so you-all know, that they're - I mean

1 they're really happening.

2 So we offered that one three times  
3 and we couldn't - couldn't match the salary, and  
4 very qualified people who would have walked in  
5 here and just picked up the paper and gone. And,  
6 you know, but that's the last of the woe-is-me.  
7 But you just - I mean you do need to just  
8 understand that the circumstances out there is  
9 real.

10 Any other questions?

11 **(No audible response.)**

12 MR. HUSSEY: Okay. Thank you. I may  
13 have to go to ECATS at two, so if you see me get  
14 up and walk out of here, that's where I've gone.

15 MS. HALL: Ready for me?

16 MS. SIMMONS: I believe so.

17 MS. HALL: Okay. All right. In your  
18 packets you should have a copy of the public  
19 comment policy. This was after our last meeting  
20 and the suggested edits from the group were given.  
21 Those were done, and then it was submitted to  
22 Katie Cornetto, and she has come back with a few  
23 suggestions that - to the policy that I'm just  
24 going to go over. And we just received these  
25 yesterday, so I apologize if you don't have them

1 in front of you.

2 But number one - and this goes under  
3 general guidelines for public input - the first  
4 bullet point, "Public comment may be made verbally  
5 in person or in written form including email to  
6 CESEC. Priority will be given to in-person  
7 comments. Written comments will be read by the  
8 Chair in the order that they are received. All  
9 written comments will be documented."

10 Then the second one - and this has to  
11 really do with both the first and second  
12 comments, the second bullet point, "Public comment  
13 is limited to no more than five minutes per person  
14 in the first thirty minutes of the afternoon  
15 session. Sign-in must occur by twelve-thirty  
16 p.m." Katie suggested the possibility of us  
17 having being able to call in with comments.  
18 Leanna communicated with her that we have a method  
19 for written comments, and she suggested that we  
20 insure that that option was fairly laid out in  
21 policy.

22 So I need some feedback right now as  
23 to if there are any suggested edits for making  
24 this first bullet point more clearly stated. We  
25 do have an email address with this that will go

1 live when we get this approved.

2 MS. LACORTE: So, Laura, just so I  
3 understand, you're looking for some tightening up  
4 of the first bullet?

5 MS. HALL: If there's any need. And  
6 Leanna and I both felt like it was pretty clear,  
7 but if there are any suggestions for tightening it  
8 up.

9 MS. LACORTE: And Katie suggested  
10 that we consider that people could call in to make  
11 their comment?

12 MS. HALL: Yeah, but that a written -  
13 the option of a - of written - being able to do so  
14 in the written form was sufficient. So it's not  
15 something that we have to do.

16 MS. LACORTE: Just from my  
17 perspective, if we have the option of - and maybe  
18 it would take a little bit more coordination, but  
19 if we have the option - or if a family member or  
20 any individual - any individual - has the option  
21 instead of driving from Murphy or somewhere to  
22 come and could make that comment in a prearranged  
23 person calling the instructor on the telephone  
24 connection or something, I kind of like that idea  
25 because that broadens the opportunity for input.

1 MS. HALL: So that would - if we were  
2 to decide that that's how we wanted to do this,  
3 then what would be required would be her next  
4 point, and that is that you are allowed to sign in  
5 electronically instead of people signing up at the  
6 meeting. A lot of people could sign in by a set  
7 date kind of prior to the meeting. During this  
8 possibly have the ability for the person to  
9 disclose their name, county, and what they're  
10 speaking about. When the set number is hit, still  
11 add additional to the last list in case of  
12 no-shows, but as a courtesy send an email letting  
13 them know they have a slot or are on the waiting  
14 list. People who are local could still come and  
15 possibly speak if there is a no-show or if our  
16 timing would permit it.

17 So this kind of opens up our  
18 possibility. You have somebody drive in, which we  
19 have stated in the policy in-person comments  
20 receive priority, that we readjust the other - we  
21 have kind of got what we had said is the higher -  
22 higher priority. So on these first two, we can  
23 keep it as is or we can go down this other  
24 direction of having electronic sign-in and  
25 speaking remotely.

1 MS. LACORTE: It would make it more  
2 complex for sure.

3 CHAIRPERSON: I mean my concern about  
4 speaking - about telephoning in is just logistics.  
5 Again, we told this person to call in at this  
6 particular time, but we're in a really good  
7 conversation about whatever, and, you know, how do  
8 we work all that out logistically---

9 MS. HALL: Right.

10 CHAIRPERSON: ---to get the - for the  
11 business we have to get through here as a council  
12 but also still give them their due.

13 MS. HALL: So my suggestion is - I  
14 mean, this - this doesn't have to be a - you know,  
15 an end to adapt - I mean this could be adapted  
16 over time as capability becomes possible if  
17 someone down the road wants to do this. But I  
18 think the important timing - being timely in  
19 developing this and getting this out is - I would  
20 suggest that we keep this as is as we've hashed  
21 out already, and then that can be something  
22 looking - going forward that the Unmet Needs  
23 Committee can adjust over time as they see how  
24 well it works. Neither of those are legal  
25 necessities for the policy. They're just

1 suggestions. So does anybody---?

2 MS. LACORTE: Did she - did she have  
3 any other?

4 MS. HALL: She does. She does. The  
5 only other two - and these are a little bit more  
6 needed for the document - is that to clearly state  
7 that the public comment is not a forum for vendors  
8 for market goods or services, and so this would be  
9 on the back page under "Making public comment in  
10 person and submitting written public comment,"  
11 where it speaks to "Comments should be factual,  
12 objective, and related to the mission of CESEC,"  
13 would require an additional clearly stated that  
14 public - what she says here, "Public comment is  
15 not a forum for vendors to market goods or  
16 services. It is for individuals to share concerns  
17 and successes that could help shape future  
18 directions of the council." So I think we could  
19 edit it with exactly what her words---

20 CHAIRPERSON: Those are my words,  
21 actually.

22 MS. HALL: Oh, those are your words.  
23 Okay. All right.

24 CHAIRPERSON: Sort of a summary of  
25 what the conversation with her at the meeting was,

1 so---

2 MS. HALL: Okay. Okay.

3 CHAIRPERSON: Now I'm not the  
4 attorney.

5 MS. HALL: Okay. All right. So - so  
6 we just need to make some type of edit that -  
7 where it - that we make clear that it is - public  
8 comment is not a forum for vendors to market goods  
9 or services, but for individuals to - I think your  
10 words are good.

11 Then the fourth one, this - we have  
12 stated here that "Members of CESEC shall not  
13 interrupt the speaker during the allotted few  
14 minutes of - five minutes of time." We - we need  
15 to have something that says - that addresses that  
16 the Chair can interrupt if the person basically is  
17 not adhering to public comment policy. So that  
18 would need to be added on that bullet point for  
19 the - just for making public comment in person.  
20 So I don't know - is it possible that with those  
21 edits that we can vote on this document with those  
22 changes?

23 CHAIRPERSON: I would say yes.

24 MS. HALL: Okay. So with the two -  
25 with the clarification that the public comment is

1 not a forum for vendors and that the Chair has the  
2 power to interrupt if the person is not following  
3 CESEC public comment policy.

4 MS. HUDGENS: Can I just add one  
5 statement for consideration?

6 CHAIRPERSON: Go ahead.

7 MS. HUDGENS: And it doesn't derail  
8 the opportunity to vote and decide. It's just  
9 kind of a semantics piece. With the word  
10 "policy," that implies that we have to maybe take  
11 it further than it needs to be.

12 MS. HALL: Okay. Okay.

13 MS. HUDGENS: It's really a procedure  
14 that lives within your bylaws.

15 MS. HALL: Okay.

16 MS. HUDGENS: And so that kind of  
17 helps this process live and breathe and be  
18 adjusted more readily at the council's discretion.  
19 And so that might be an important piece of  
20 flexibility for you in how we call this, this  
21 process, because then we don't have to get into a  
22 formal thing if we have the first opportunity to  
23 implement it and it doesn't go as well as hoped  
24 and learn something that we might want to adjust,  
25 and this council can adjust that as a practice or

1 a procedure without getting tied up in extensive  
2 processes.

3 MS HALL: So is your - your  
4 suggestion that under public comment policy we  
5 would say public comment procedure?

6 MS. HUDGENS: Yeah, or procedures for  
7 public comment.

8 MS. HALL: Okay.

9 MS. HUDGENS: And it lives within  
10 your bylaws.

11 MS. HALL: Okay.

12 MS. HUDGENS: So it doesn't have to  
13 be - be adopted in some formal fashion outside of  
14 what this - this committee or this council votes  
15 as appropriate.

16 MS. HALL: Okay. So whenever in this  
17 document "public comment policy" is stated, that  
18 will be changed to "procedures for public  
19 Comments." Is that acceptable as part of---? All  
20 right. Then, Leanna, I guess it's up to you to  
21 ask for a vote on this - these procedures for  
22 public comment.

23 MR. HUSSEY: And just one comment.  
24 Katie will need to see them again one more time.

25 MS. HALL: Oh, she does. So we

1 cannot---

2 MR. HUSSEY: But - no, no, no. I  
3 think you go ahead and vote just---

4 MS. HALL: Okay.

5 MR. HUSSEY: And I - she's given you  
6 that okay to move forward. She's given you the  
7 suggestion that you do that. She - just knowing  
8 her as our attorney, she will want to see what  
9 you-all decide on. Just hopefully it won't cause  
10 another change in there, but if it does, it'll -  
11 but just - I just wanted you to know that.

12 MS. HALL: And if it does, we can do  
13 a phone call vote---

14 MR. HUSSEY: Yeah. Right.

15 MS. HALL: ---if it does.

16 MR. HUSSEY: Right.

17 CHAIRPERSON: Pending - vote pending  
18 Katie's okay to fix it (inaudible)?

19 MR. HUSSEY: Yeah. Yeah.

20 MS. LACORTE: I'm just going to add  
21 one more too, and maybe as we go back at a  
22 different time to consider the thought of calling  
23 in a comment or something, I think that - as this  
24 gets rolled out, that whoever is fielding the  
25 email, or whatever, should be prepared with a

1 response because I think people will ask about,  
2 "Can I - can I call in or do I have to be there in  
3 person?" so - or whatever, because they can  
4 certainly do it in writing either way.

5 MS. HALL: So right now what's going  
6 to happen when they make their - make - when they  
7 make a written comment via email or letter, it  
8 will - well, via email it will go to Leanna and  
9 myself.

10 MS. LACORTE: Of course. Right.

11 MS. HALL: And then - and then it'll  
12 come down to Unmet Needs Committee, and we have  
13 goals for our (inaudible). So all right. So---

14 CHAIRPERSON: All right. We have to  
15 take a vote on this. I move.

16 MS. HUDGENS: Are you needed for the  
17 vote?

18 MS. HALL: Are you needed for the  
19 vote?

20 MS. HUDGENS: I think they have a  
21 quorum.

22 MS. OUZTS: Oh, yes. Do we have a  
23 quorum of the voting members?

24 MS. HUDGENS: You would abstain  
25 anyway.

1 MR. HUSSEY: I would abstain from  
2 this.

3 MS. LACORTE: Okay. Well, I'll  
4 second that motion.

5 THE COURT REPORTER: Who made the  
6 motion? Oh, you made the motion. And who  
7 seconded it?

8 MS. LACORTE: Mary.

9 THE COURT REPORTER: Mary. Okay.  
10 Thank you.

11 CHAIRPERSON: All in favor for the  
12 changes, pending Katie's approval, say aye.

13 **(Multiple members responded aye.)**

14 CHAIRPERSON: All opposed?

15 **(No response.)**

16 CHAIRPERSON: I'd say that the ayes  
17 have it.

18 MS. OUZTS: Also, Katie did make -  
19 and we didn't put this in the email, Leanna - I  
20 just want to remind you she made one suggestion  
21 for the bylaws.

22 CHAIRPERSON: Yes.

23 MS. OUZTS: So you may want to do  
24 that as well.

25 CHAIRPERSON: The one - the one

1 suggestion she had for the bylaws was to remove  
2 references to a task force because I think we are  
3 not planning on doing that, but also to add in a  
4 catchall statement for ad hoc committees as  
5 basically the Chair can form an additional  
6 committee to handle certain things. I think that  
7 would be go to go with the bylaws as well and also  
8 being that these are just procedural changes and  
9 not, like, policy changes or what we can do  
10 through IDEA, what it says needed to be approved  
11 by the board at this time. So---

12 MS. HUDGENS: And I think you guys  
13 can vote on accepting those changes if you're  
14 comfortable with making that motion.

15 CHAIRPERSON: So is everyone  
16 comfortable with making those changes to the  
17 bylaws?

18 **(Multiple affirmative responses.)**

19 CHAIRPERSON: All right. I move that  
20 we - or move that we vote.

21 MS. HALL: I second.

22 CHAIRPERSON: Okay. All in favor say  
23 aye.

24 **(Multiple members responded aye.)**

25 CHAIRPERSON: Opposed?

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(No response.)

CHAIRPERSON: So passed. All right.

I believe we're moving on to---

MS. OUZTS: Just for housekeeping,  
will somebody be sending the revised---

MS. HALL: Yes, I will.

MS. OUZTS: ---to Tish please so we  
can make sure we have the right thing in your  
packet?

MS. HUDGENS: And - and please do the  
same with the bylaws. I think it's just the word  
"task force." If that's not what you're going  
for, then that needs to be - have a strike-through  
throughout the document, and then that ad hoc  
piece just comes under the committee. And we want  
to make sure that we reflect it the way the  
council wants it to be read.

CHAIRPERSON: We'll move to---

MS. HUDGENS: Ms. Simmons, come on  
down.

MS. SIMMONS: Do you have my  
PowerPoint?

MS. HUDGENS: I have it.

MS. SIMMONS: Thank you, too, Heather  
and Carol Ann for making the PowerPoint. This is

1 a review for almost everybody on how this  
2 committee works and how things work, and I think  
3 (inaudible)---

4 THE COURT REPORTER: You're going to  
5 have to speak louder. I'm sorry.

6 UNIDENTIFIED FEMALE SPEAKER: Do you  
7 want to come down to the mike?

8 MS. HUDGENS: Come on down. It's the  
9 Price is Right.

10 CHAIRPERSON: The mike is your  
11 friend.

12 MS. SIMMONS: I'll remember that.

13 THE COURT REPORTER: Sorry about  
14 that.

15 MS. SIMMONS: This is just the - I've  
16 got eight slides about the committee work, and the  
17 purpose is as a diverse representation of  
18 stakeholders. And you remember we read this  
19 earlier today. The CESEC informs and advises the  
20 State Board of Education on policies and matters  
21 relating to improving the educational outcomes of  
22 students with disabilities in North Carolina. The  
23 purpose: Established as an advisory council to  
24 the State Board of Education. Membership - we saw  
25 this earlier - minimum of twenty-four. We have

1 twenty-five right now, twenty appointed and five  
2 ex officio. I guess everybody in the room almost  
3 was either chosen by the Governor, the President  
4 Pro Tem of the Senate, the Speaker of the House,  
5 and the State Board of Education.

6 Appointees represent individuals with  
7 disabilities from the ranks of parents, teachers,  
8 higher ed, public and private schools, business,  
9 vocational community, and charter schools, and the  
10 majority of representatives shall be persons with  
11 disabilities or parents of children with  
12 disabilities.

13 Duties: We advise the State Board of  
14 Education with respect to unmet needs - Laura -  
15 within the state and the education of children  
16 with disabilities. So that's one committee.  
17 Comment publicly on rules and policies proposed by  
18 the State Board of Education regarding the  
19 education of children with disabilities, assist  
20 the State Board of Education in developing  
21 evaluations and reporting on data to the Secretary  
22 of Education, advise the State Board of Education  
23 in developing corrective action plans to address  
24 findings identified in federal monitoring reports,  
25 advise the State Board of Education in developing

1 and implementing policies relating to the  
2 coordination of services for children with  
3 disabilities, and carrying out other  
4 responsibilities as designated by federal law or  
5 the State Board of Education.

6 So you can see how the committees  
7 came up. It's just - we pulled that terminology.  
8 Terms of service: State Board appointees serve  
9 for four years, all others two years. Council  
10 members serve no more than two consecutive  
11 four-year terms. Members serve without pay but do  
12 receive travel allowances.

13 Okay. Unmet Needs: Determines  
14 topics for council action relative to unmet needs  
15 of students with disabilities. You can see how  
16 important that is. Positive Procedure Committee:  
17 Comment publicly on rules or regulations proposed  
18 by the State Education - State Education  
19 Association, State Board of Education regarding  
20 the education of students with disabilities.  
21 Advise the SEA/SBE in developing and implementing  
22 policies relating to the coordination of services  
23 for students with disabilities.

24 Reports and Data Committee: Advise  
25 the SEA/SBE in developing evaluations and

1 reporting data to OSEP. Advise SEA in developing  
2 corrective action plans to address findings in  
3 federal monitoring reports.

4 And Executive Committee: Set  
5 meetings agenda, organize orientation for new  
6 members, carry out any other responsibilities as  
7 designated by federal law for the SEA/SBE.

8 And I like the quote you chose,  
9 Heather. Former Secretary Arnie Duncan, March  
10 2014, "We are all responsible for making all  
11 schools great so that all children can succeed."  
12 Every committee is important. Every committee is  
13 of great value to our task to improve outcomes for  
14 children with disabilities, and Leanna is going to  
15 divide up committees and get all of this working  
16 here.

17 That was supposed to be half an hour.  
18 So I'm just going to--- Thank you.

19 CHAIRPERSON: Thank you, Vicki. I  
20 think we're about ready to break into our  
21 committees. There is one thing that's in your  
22 packets. Thank you, Tish, for printing these out  
23 this morning. This is a draft. I just do not  
24 know how to put "Draft" in a watermark on my  
25 computer yet. I'm learning. This is the first

1 time I've had to do one of these, so bear with me.  
2 If you-all will take a few minutes to look over  
3 this and let me know of any changes or additions  
4 that needs to be made. It's the annual plan. I  
5 appreciate that, and I'll work on that so that  
6 hopefully we'll have it all ready to go by  
7 December. That is (inaudible). But this is for  
8 the 2015-2016 year, last year.

9 All right. So if we're ready to  
10 break into our groups, that'll be great.

11 MS. OUZTS: Leanna?

12 CHAIRPERSON: Yes.

13 MS. OUZTS: Can we just make sure we  
14 get an up-to-date list of who is serving on which  
15 committee today so if - when you separate, let's  
16 just make sure your chairs know who is on their  
17 committee. We want to update our committee list.

18 CHAIRPERSON: All right. That sounds  
19 great.

20 MS. OUZTS: And if you don't have  
21 one---

22 CHAIRPERSON: If anyone needs to take  
23 a break before we start, go right ahead. So a  
24 five-minute break?

25 MS. OUZTS: Five minute break?

1 CHAIRPERSON: Yes, five-minute break.  
2 Come back to committees.

3 (A brief recess was taken and members  
4 broke into committees from 1:54 p.m. to  
5 2:50 p.m.)

6 MS. BYNUM: Were the committees going  
7 to report out? I'm asking that question for the  
8 benefit of the court reporter.

9 MS. DEGEN: The recording isn't on,  
10 so we're not going to. No, we will not be  
11 reporting back anything today.

12 MS. BYNUM: The only announcements  
13 that I made myself a note about was the EC  
14 conference, so I've already covered that. And  
15 also, too, we have a new little travel form, so if  
16 anyone needs one that hasn't already got one, if  
17 you-all could just see me on what we're going to  
18 do about that. Other than that, I don't think  
19 that - I don't have any.

20 CHAIRPERSON: Do I have a motion to  
21 adjourn the meeting?

22 MS. HALL: Motion.

23 MS. HALL-DANIELS: I'll second.

24 CHAIRPERSON: All in favor?

25 (Multiple members responded aye.)

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CHAIRPERSON: So moved. Thank you,  
everybody.

(The quarterly meeting adjourned at  
2:51 p.m.)

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CERTIFICATE OF REPORTER

I, PAGE CHAMPION ROBERTS, CVR-CM.  
Certified Verbatim Reporter and Notary Public,  
duly appointed and qualified in and for the State  
of North Carolina at large, do hereby certify:

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me and the foregoing pages, numbered 4 through  
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That I am neither related to nor  
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by the parties hereto, nor interested directly or  
indirectly in the matter in controversy, and am  
not financially or otherwise interested in the  
outcome of the action.

Certified this 4th day of November,  
2016.

/s/ Page Champion Roberts

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