

COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina
June 14, 2017
9:41 a.m.

TRANSCRIPT OF QUARTERLY MEETING

The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 14th day of June, 2017, in the State Board of Education Boardroom, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:41 a.m.

APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Leanna George, Chairperson
Walt Caison (for Vogler)
Diane Coffey
Cynthia Daniels-Hall
Jennifer DeGen (via telephone)
Jennifer Grady
Katie Holler
Christy Hutchinson
Adam Johnson
Mary LaCorte (via telephone)
Carla McNeill
Teresa Mebane
Lisa Phillips
Vicki Simmons
Kelli Terrell (for Smith)
Jennine Vlasaty

STAFF:

Tish Bynum
Nancy Johnson
Heather Ouzts
Sherry Thomas

VISITORS:

Laura Bartholomew
Jacqui Hawkins (via telephone)
Mark Johnson, State Superintendent

COURT REPORTER:

Rebecca P. Scott

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1 Thereupon, the following proceeding was held:

2 THE CHAIRPERSON: Thank you all for
3 your participation today and being able to make it
4 out. Welcome to our Council Members as well as
5 the guests in the audience. I do want us to go
6 through and introduce ourselves. We have a few
7 new individuals on the committee, and after the
8 Council has introduced ourselves, if the two
9 guests in the audience want to introduce
10 themselves, they'll be welcomed to.

11 My name is Leanna. I'm the Chair of
12 the Council. I am from Johnston County, North
13 Carolina. I have two wonderful children who have
14 exceptionalities. My daughter lives in a group
15 home and attends high school in Marion, North
16 Carolina, in McDowell County. My son is actually
17 homeschooled, and he's done very well this year.
18 And I'm glad to be here. This is my first year
19 here. And I'll move on to Vicki.

20 MS. SIMMONS: Hi. My name is Vicki
21 Simmons. I'm an adapted PE teacher with Guilford
22 County Schools. I teach about 79 students with
23 significant cognitive disabilities. Most of my
24 kids come in wheelchairs or walkers or feeding
25 tubes or IV poles or trachs. And we do PE just

1 like everybody else does, just a little bit
2 differently. And this is my new friend Adam.

3 MR. JOHNSON: My name is Adam
4 Johnson. I'm with the Department of Juvenile
5 Justice. I just recently started there last week
6 as their Director of Education.

7 MS. TERRELL: I am Kelli Terrell.
8 I'm a Client Specialist. I am with Adult
9 Corrections, and I am here for Rick Smith --
10 Dr. Rick Smith.

11 MR. CAISON: I'm Walt Caison. I'm
12 Section Chief of Community Mental Health at the
13 Division of Mental Health, Developmental
14 Disabilities, and Substance Abuse Services, and
15 I'm filling in for Jason Vogler, who is the
16 Director of the Division.

17 MS. VLASATY: My name is Jennine
18 Vlasaty. I'm here as a parent, and I have two
19 children in Wake County, a 12-year-old daughter
20 who's in middle school and then my ten-year-old
21 son named [name redacted] who has Down syndrome.

22 MS. JOHNSON: Good morning. I'm
23 Nancy Johnson, and I work for the Exceptional
24 Children Division, and I will be presenting later
25 this morning.

1 MS. BYNUM: I'm Tish Bynum. I am the
2 EC Director's administrative assistant and
3 administrative assistant to this council.

4 MS. THOMAS: Good morning. I'm
5 Sherry Thomas. I'm the Assistant Director of the
6 Exceptional Children Division, and I am here on
7 Bill's behalf this morning. So I'm not Bill, but
8 I am. How about that? It's nice to be with you.

9 THE COURT REPORTER: I'm Becky Scott.
10 I'm the court reporter.

11 MS. OUZTS: I'm Heather Ouzts. I'm
12 the Parent Liaison. I work for the Department of
13 Exceptional Children and support the Council.

14 MS. COFFEY: I'm Diane Coffey. I'm a
15 parent. I'm out of Watauga County, and I have two
16 children. One is eight and one is 30 and both
17 have exceptional needs.

18 MS. HUTCHINSON: I'm Christy
19 Hutchinson with the Lincoln Charter School as the
20 EC Director of Lincoln Charter School.

21 MS. DANIELS-HALL: Cynthia Daniels-
22 Hall. I'm a parent out of Wake County. I have
23 children with autism.

24 MS. HOLLER: I'm Katie Holler. I am
25 an Autism Resource Specialist for the Autism

1 Society of North Carolina. I'm also a parent of
2 four daughters with autism.

3 MS. MEBANE: I am Teresa Mebane. I
4 am from New Hanover County, and I am here as a
5 parent of three boys with autism. I also work for
6 the Autism Society of North Carolina with Katie
7 and Family Support Network of Southeastern North
8 Carolina.

9 THE CHAIRPERSON: Would the guests
10 like to introduce themselves or -- it's not
11 required if you don't want to.

12 MS. BARTHOLOMEW: Sure, I will. Hi.
13 My name is Laura Bartholomew. I'm a Client
14 Advocacy Specialist with the North Carolina Client
15 Assistance Program.

16 MR. HALL: I'm Eric Hall and I'm a
17 parent from Wake County.

18 MS. ASMELASH: I'm a reporter.

19 THE CHAIRPERSON: Oh, okay. That's
20 cool.

21 MS. ASMELASH: [Inaudible].

22 THE CHAIRPERSON: Oh, definitely.
23 All right. Welcome again, everybody. It's a
24 pleasure to have you. Yesterday we had our first
25 ever major intensive training class. I thought it

1 went really well. I got a lot of information out
2 of it. Would anyone like to share their
3 experiences with the class and what stood out to
4 you of things you may have learned about what we
5 do here as a Council or things you can take back
6 to your community to improve leadership?

7 MS. HUTCHINSON: Two things I took
8 away that were really critical is remembering that
9 we serve a stakeholder group and certainly not an
10 individual entity and to ensure that we reach out
11 prior to the meetings to make sure we have all the
12 information from our stakeholder group. And the
13 second thing, it was nice to clearly define our
14 exact roles and the eight components of what we're
15 required to do.

16 THE CHAIRPERSON: I fully agree with
17 you. Did someone just sign into the -- I just
18 heard the bleep from the---

19 MS. OUZTS: I'm not showing it yet.
20 I'll flag you as soon as it shows up.

21 MS. VLASATY: I want to piggyback
22 onto what Christy said. This is Jennine Vlasaty.
23 I do like how the components were identified. I
24 think it provides us with a lot of opportunity
25 going forward to kind of reframe how we've done

1 things. It's seems, in some of the past meetings,
2 there's been a lot of updates, but the things
3 aren't pertinent really for the Council to advise
4 on. So I think there are a lot of areas for us to
5 streamline and look at for improving the agendas
6 going forward.

7 THE CHAIRPERSON: Definitely. Toward
8 the end, they were talking about priorities. I
9 definitely want to start thinking about that today
10 so that at our next meeting, we can take a few
11 minutes and maybe list priorities for the Council.
12 But, yeah, I mean I got a lot of information out
13 of that meeting or that training, and I look
14 forward to applying it here.

15 Any other comments and thoughts as we
16 think about the meeting from yesterday?

17 **(No audible response.)**

18 THE CHAIRPERSON: All right, then.
19 Anything you want to implement that we discussed
20 yesterday? I know one thing that came up was the
21 idea of an application process to streamline how a
22 parent can go about becoming part of the Council
23 as a councilperson. Is there anyone that wants to
24 discuss that idea? Do you think it's a good idea?

25 MS. HUTCHINSON: I think it's

1 important to make it a public application process
2 because several parents had said they had attended
3 for a year or two years or a period of time before
4 they had applied to be on the Council. Those are
5 the folks that were aware, but I think that it's
6 important for us to be totally transparent, and if
7 on our website, we could put that application, it
8 makes it available to everybody, not just folks
9 that have the time or the location to be able to
10 come to Raleigh for a meeting.

11 So I just think transparency is
12 really important and equal access to everybody.
13 So if we were able to put that on the website, I
14 think it would take down some barriers for folks.

15 THE CHAIRPERSON: Definitely and
16 maybe streamline the application process with DPI.
17 Let's see. Any other takeaway from yesterday's
18 meeting?

19 MS. LaCORTE: Leanna?

20 THE CHAIRPERSON: Yes.

21 MS. LaCORTE: Leanna? Hello?

22 THE CHAIRPERSON: Mary LaCorte?

23 MS. LaCORTE: Yes.

24 THE CHAIRPERSON: Hey, Mary.

25 MS. LaCORTE: Hey, you-all. Thank

1 you, Tish, for getting me the number. I
2 appreciate it. The only -- and I don't know what
3 I've missed. So you asked for takeaways. I think
4 the takeaway was knowing or hearing that the
5 Council's actually supposed to move towards
6 consensus rather than vote, and that may have been
7 stated already this morning. But that was a
8 takeaway for me. That was, like, oh, because, to
9 my knowledge, it's always been a majority vote.

10 THE CHAIRPERSON: You're right. That
11 was brought up. So it's like an IEP meeting. You
12 come to a consensus and that can be a challenge,
13 but definitely something to remember as we move
14 forward.

15 And welcome, Mary. I'm glad you were
16 able to make it virtually today.

17 MS. LaCORTE: I can't hear you very
18 well. Just to let you know that.

19 MS. SIMMONS: Mary? Mary?

20 MS. LaCORTE: This is Vicki. I'm
21 just making sure. Okay. So I had lots of
22 takeaways, but two of them that were really
23 meaningful were that John added a third
24 possibility to the State School Board mission,
25 college, career, and meaningful life experience,

1 which is much more realistic for the kind of kids
2 I work with who will never go to college and never
3 have a career. So I hope that that is something
4 that we can advise the State School Board about as
5 a third possibility.

6 Lisa Phillips just walked in the
7 room. Mary? Mary?

8 MS. LaCORTE: Uh-huh. Yeah.

9 MS. SIMMONS: Okay. And I think we
10 really ought to take seriously our function to
11 really advise the State School Board about things
12 that we think are important.

13 MS. LaCORTE: True.

14 MS. SIMMONS: Bill is certainly
15 available and certainly willing, but I think they
16 need to see our faces in advising things that we
17 have concerns about.

18 Okay, Mary, so here's Leanna again.

19 MS. LaCORTE: I didn't hear the rest
20 of that, Vicki. You said what?

21 MS. SIMMONS: It's Leanna's turn.

22 MS. LaCORTE: Oh. Sorry.

23 THE CHAIRPERSON: Yeah, she just
24 passed the mike to me. I'm sliding over slightly.
25 Let's see. Any particular hot topics that we

1 think we might want to look into that was
2 mentioned yesterday? The list that he had was
3 obviously keeping the main thing, the main thing,
4 leadership concerns in special ed, vouchers in
5 private school, MTSS and RTI, dyslexia,
6 recruitment, implementation or research and
7 practice with fidelity, IDEA reauthorization,
8 mental health, and disproportionality.

9 I know we're going to talk
10 disproportionality a lot today, but any of those
11 particular areas that anyone on the Council would
12 be particularly interested in looking further into
13 while we have this list in front of us?

14 MS. DANIELS-HALL: MTSS and RTI and
15 dyslexia.

16 THE CHAIRPERSON: Okay.

17 MS. MEBANE: Now what I hear over and
18 over again is that parents don't really understand
19 the MTSS process, and that's---

20 THE CHAIRPERSON: Yeah. I know when
21 we first started talking about it here, I was like
22 what?

23 MS. MEBANE: Yeah.

24 THE CHAIRPERSON: And I can imagine a
25 parent, not being here at these meetings and

1 having it detailedly explained to us, being even
2 more confused about that.

3 MS. HUTCHINSON: I know there's some
4 movement and action about LEAs developing their
5 mental health plan, and we haven't really as an
6 LEA gotten specific details yet about that, and I
7 know that's coming up. But that might be
8 something for this fall once they kind of specify
9 how that's going to look and how those will be
10 submitted or available to the public. That might
11 be nice to have Bill or Sherry give us, like, an
12 update because I know that has been a concerted
13 effort with a lot of stakeholder groups involved.

14 THE CHAIRPERSON: Yes, it has been.

15 MS. HUTCHINSON: I think that's
16 critical. And maybe even tying in -- we have a
17 mental health representative here. Maybe even
18 tying in the information we receive to ensure that
19 they know that that's available at every LEA.

20 THE CHAIRPERSON: Okay. But lots of
21 good things that we'll implement for the Executive
22 Council as well -- or Committee as well. Let's
23 move on. Is there any more discussion? Anyone
24 else have any takeaways from yesterday's training
25 session?

1 MS. VLASATY: Again, this is Jennine
2 Vlasaty. One of my stakeholder groups -- I would
3 say it would probably fall under the Leadership
4 for Special Education, being in Wake County one of
5 the big changes right now affects regional
6 programming, that there's more emphasis on putting
7 children back at their base schools, actually
8 eliminating ID mild classrooms and then looking at
9 blending the AU and ID mild classrooms because
10 they're on the extended content.

11 So, again, having the right focus
12 from a leadership perspective and then having that
13 trickle down to make sure that it gets down to all
14 the educators and teachers, special ed and reg ed,
15 how to implement these with fidelity.

16 THE CHAIRPERSON: Definitely. I
17 think that kind of also piggybacks on the --
18 whether it's talking about the implementation
19 science and research practice to fidelity. We've
20 learned a lot over the last ten, 15, 20 years
21 about what works. Now how can we implement more
22 in the classrooms broadly versus pockets here and
23 there of people -- of individual units that try to
24 do it.

25 Any other takeaways?

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(No audible response.)

THE CHAIRPERSON: All right. We're actually a little bit ahead of schedule. I like to be ahead of schedule. Are we ready for the agency updates?

MS. THOMAS: Sure. So, again, good morning. It is nice to be here with you today, and Bill does send his regards, but he actually is on vacation. So it's kind of nice that he's getting a little rest. I have the updates for you after talking with him, so this has been a collaborative effort.

Legislation is always a big topic for us especially this time of year. So we're now sitting, waiting, and holding our breath about what's going to happen with the budget. We had heard on Monday that there may actually be a budget released by the end of this week. We'll see. Don't know what's going to happen with that. I guess the good thing is that we meet regularly in the agency from all the different divisions with our legislative director, and so it's a way for us to stay on top of legislation that's moving, a way for us to put comments or give feedback or raise concerns. So it feels like

1 we're staying involved instead of finding out at
2 the last minute and it's already happened kind of
3 thing.

4 One bill -- and Bill Hussey may have
5 talked with you about this earlier, but one bill
6 that has been concerning to us is Senate Bill 603,
7 and it is a new bill refreshing the voucher
8 program for students with disabilities attending
9 private schools, and this new bill gives parents
10 basically a debit card to use for services, but
11 without any assurances, without any safeguards.
12 So, as you know, in a private school, there's no
13 requirement to follow IDEA, and they have put a
14 fiscal note of \$20 million for two years each.

15 So when I think about what \$40
16 million could do in our LEAs to support our
17 highest needs kids -- because most of the kids
18 that wind up in private school are not our highest
19 needs kids. It's our kids with minimum
20 disabilities, and that's concerning to us that it
21 doesn't feel like the most appropriate way to
22 support students with disabilities. So just to
23 make you aware of that. It has gone to the Rules
24 and Operations. It did, I believe, cross over,
25 but I've not seen any action from the House on it

1 lately. So it went to Rules and Operations in
2 April, so it may be that it's not moving forward,
3 but it could also come back up and pass quickly
4 after the budget's done.

5 So if that is not on your radar and
6 that is something that you have a passion about, I
7 would encourage you to reach out to you
8 representative to discuss that. It's Senate Bill
9 603. It's just concerning that they're continuing
10 to add more money to go into private schools for
11 students with disabilities without any
12 requirements of IDEA happening in the private
13 schools. That's the key piece for me. It's not
14 about not supporting those students, but they lose
15 all safeguards once they go to a private school.

16 We have talked to you about our
17 Exceptional Children's Accountability Tracking
18 System, or ECATS, for a very long time. We've
19 been in this process for about three years now,
20 maybe three and a half. We are in the final
21 stages of clarifying the requirements and
22 components and making sure that what was in our
23 RFP is clear to the vendor and that we have
24 matching interpretations of that. So we're going
25 through the three different modules to ensure all

1 the pieces and parts. We -- it's massive and it
2 will be a huge lift for the State, but it also
3 will be, I think, a welcomed piece to put into all
4 of our LEAS.

5 As you probably know, the special ed
6 component will be required of all LEAs, so we
7 won't have any third party's supporting
8 information into our current CECAS system, which
9 is what happens now. We'll have one tracking
10 system for special education delivery of services
11 which just cleans and streamlines everything we're
12 doing and eliminates a lot of duplication for
13 LEAs, along with a Medicaid module that we are
14 just providing the platform for. LEAs will be
15 responsible for their billing and their financial
16 recoupment of those services. We're just giving
17 them the template or the platform, and then
18 there's an MTSS module, as you know.

19 With all the moving parts and with
20 all the clarifications and with the massive size
21 of this, we will make a determination probably by
22 early next week if we are definitely rolling out
23 full statewide special education module
24 implementation in January or if that will be in
25 July. Because our real concern is to do this

1 right, to do this well, to have all the bugs
2 worked out, to have all the functionality in
3 place, and we don't want to do it halfway.

4 So we've got some heavy meetings
5 going on. We meet actually almost all day
6 Wednesday and all day Thursday every week going
7 through the different modules and the different
8 pieces and parts. So I'm going to leave you in a
9 few minutes and go join my ECATS meeting, but I
10 did have a break this morning. We did have
11 something cancel. So that's the update on ECATS.

12 Someone mentioned the mental health
13 initiative, and I have that on my update list for
14 you. As you know, the State Board approved the
15 policy on the -- I believe it was the 7th of April
16 of this year. There is also legislation that is
17 moving -- and I believe that's in the house, but
18 it has crossed over -- supporting our policy that
19 was approved by State Board. It's going to make a
20 few changes in our policy if the current
21 legislation, as is, passes.

22 For example, we had put in the policy
23 there would be training every three years. I
24 think this requires every two years, but it
25 doesn't increase the number of hours. So it's

1 going to be manageable. It will be maybe a
2 technical change to our policy if that passes, but
3 we're really excited because we feel like we have
4 the support of the legislature and the fact that
5 we were able to get the policy in through State
6 Board before the legislation started, I think, was
7 good for us. It showed that we were trying to be
8 proactive, and I think it caught their attention
9 and they saw something to be supported.

10 So to get to Christy's question,
11 there will be a huge plan of what that PD is going
12 to look like. I've actually just finished a job
13 description that we're going to request a new
14 position to help support that mental health
15 initiative for LEAs because we recognize that
16 there's got to be support from here -- specific
17 support to that initiative. So that's kind of
18 where we are working on that. So we have a freeze
19 on new positions right now, but we're hoping when
20 the budget clears, we'll be able to move forward
21 with HR initiatives and pieces of work, and that
22 will be one of the first things that will move
23 forward.

24 I think Bill's probably talked to you
25 about the funding study we had ongoing with a

1 stakeholder group, and we've had The Friday
2 Institute at NC State do a study for us comparing
3 other states, looking at other models. We are
4 very close to being set with a tiered level of
5 funding support.

6 So I know we have some new folks, and
7 I don't mean to bore those that have already heard
8 this, but for the new folks, just to kind of get
9 you on the same page, we're looking at a base
10 funding structure and then based on the need of
11 the student and the number of services the student
12 is receiving. The funding would go through a
13 formula, tiered level of support. So our highest
14 needs kids with the most services, the folks that
15 Vicki just mentioned, those kids would get a
16 higher funding level per child.

17 Right now everybody gets a flat
18 funding, so it doesn't matter if you are in a
19 separate setting or a public separate school or
20 you are getting 30 minutes a day in a resource
21 room, you are funded at the same level as a
22 student with a disability. So we're looking to
23 make a tiered level change which will be really
24 good for our LEAs to be able to recoup some of the
25 funds.

1 Because what they have to do is take
2 from that low-need kid to help support the
3 services for that high-need kid, and as I talked
4 about, with more kids moving to charters -- the
5 more kids that move to charters, the more kids
6 that move to private schools that have
7 disabilities, it's leaving our schools with higher
8 needs kids and kids with more services. So we're
9 losing that balance that we have right now.

10 There's also been interest in the
11 House around this. Representative Elmore in
12 particular is very interested in creating a
13 funding structure that's about tiered service, and
14 so that was exciting for us that we had something,
15 first of all, that we had already started that was
16 in line with his thinking. So we've had some
17 meetings with him and those will continue, and I
18 think we're going to have some support. It won't
19 happen in this session, but we'll really start
20 that part after the summer session, when they come
21 back for the fall, really looking at some major
22 changes for, hopefully, funding in the next couple
23 of years.

24 There is in the House budget a move
25 to raise our -- you know, we have a cap for

1 funding at 12 and a half percent. There's a House
2 proposal in their budget to move that to 13
3 percent. The Senate did not have any change in
4 the proposal. So we'll wait and see what happens
5 with that.

6 And then, finally, we've talked to
7 you a lot about our LEA self-assessment, which is
8 our new tool for LEA's to look at where their
9 needs are, their critical needs, to evaluate their
10 data, to pull it all into a platform, to help them
11 identify where they need to target support and any
12 changes within their LEA, with the ultimate goal
13 being increasing graduation rate.

14 And so this is our second year of --
15 we had our first year of full implementation.
16 We've now had submission of updates from all of
17 our -- most of our LEAs -- we've still got a few
18 outstanding -- who have updated their information
19 if they had changes, if their data has shifted, if
20 they prioritized one area but have recognized over
21 the year that maybe it's a second area that really
22 needs to be focused on first. Sometimes you have
23 to dig into that data for a while to figure out
24 what's the primary cause of what's preventing you
25 from having a higher graduation rate and student

1 proficiency.

2 One of the things we're doing this
3 year is creating a catalog of available
4 professional development for LEAs that we already
5 have in place or that we have identified that we
6 need to develop. And so each of our sections in
7 the Division has created their list or their menu
8 of PD that will be available, and we will be
9 finalizing dates at the end of this month when we
10 all come back together for our monthly meeting,
11 and then that will be published online for LEAs to
12 be able to go in and really see this menu or this
13 catalog of not only available PD but PD that we've
14 scheduled, PD that we've arranged at certain
15 times, so they can go in and then target the PD
16 that's needed by their LEA's. And we hope that's
17 going to be helpful to give them an option -- the
18 LEAs an option and a big global look of what's out
19 there so they can plan their PD time.

20 So those are the updates I have for
21 you, and I'll be able to answer or happy to answer
22 any questions that you may have for me on any of
23 those items or anything else.

24 MS. DANIELS-HALL: So on the ECATS,
25 you said it will be required of all LEAs?

1 MS. THOMAS: The special ed module.

2 MS. DANIELS-HALL: The special ed
3 module.

4 MS. THOMAS: It is the---

5 MS. DANIELS-HALL: So will that mean
6 charter schools as well?

7 MS. THOMAS: Yes. Yes. And most of
8 our charter schools are in CECAS already, but it
9 will eliminate -- we have about -- currently, we
10 have about 30 of our 115 traditional LEAs and
11 maybe two or three charter schools that are with a
12 different vendor for their special forms and
13 documentation. They are considered reporting
14 only. They're not daily users of CECAS, which is
15 our current system, and so at Child Count, they
16 have to upload their information. So they're kind
17 of doing extra work.

18 So the Board passed that back last
19 year that this would be a UERL, I think is the
20 acronym, which it's the universe tool that we will
21 use. So we won't be uploading any third-party
22 information. We will have one system.

23 MS. DANIELS-HALL: And, also, will
24 state forms align with ECATS?

25 MS. THOMAS: There will be -- there

1 will be new forms that we have worked on over the
2 last two years and we vetted a couple of times, I
3 think, through this group, and so those forms --
4 that's one of the decisions about whether we roll
5 in January or whether we roll in July, is because
6 we have to have those forms in the system and it
7 has to be clean and complete with all the back
8 working and the functionality and data rules in
9 there to make this work.

10 We're not going to roll out current
11 forms and then change forms, so we're rolling out
12 with new forms. So, yes, ma'am, it will have the
13 new forms, and they will be electronic, not paper.
14 Yes?

15 MS. SIMMONS: Sherry, Senate Bill
16 603, it would help us if we had a template of the
17 very important things that you said instead of us
18 trying to remember or take notes so we can just
19 Dear Senator, Dear House Rep.

20 MS. THOMAS: I'm going to ask if
21 those have been captured since we have a court
22 reporter taking notes. Did you capture the
23 details?

24 MS. SIMMONS: Can you write a
25 template up for us---

1 MS. THOMAS: Sure.

2 MS. SIMMONS: ---and send it to us?

3 MS. THOMAS: I will do that.

4 MS. SIMMONS: So we can be very
5 supportive. Thank you.

6 MS. THOMAS: Sure. Anything else for
7 me?

8 MS. DANIELS-HALL: So you talked
9 about the catalog of professional development.
10 Will that -- that's going to be online. Will that
11 be available for the public or just for the LEAs?

12 MS. THOMAS: It's online. Anything
13 we have on our Web page is for public use. So it
14 will be on our home page. Right now there is a
15 calendar, and in that calendar, you can find
16 scheduled professional development. This catalog
17 will just be a little more extensive, and we hope
18 to really clarify who the target audience is so
19 that people will have a little clearer picture.
20 It gives you a little more information than just a
21 listing and a calendar post.

22 MS. DANIELS-HALL: Thank you.

23 MS. THOMAS: But, yes, it will be
24 there. Good question. All right. Thank you.
25 And, again, I will slip out in a little bit to get

1 to my ECATS---

2 MS. SIMMONS: Sherry, the two other
3 bills you mentioned, the tiered service and the 13
4 percent, could you do templates for us for that so
5 we could be supportive of those?

6 MS. THOMAS: Okay. I'm not sure --
7 if you can give me a little more clarity on that,
8 I'm happy to.

9 MS. SIMMONS: You said Elmore was
10 favorable toward tiered service?

11 MS. THOMAS: Yes. Tiered funding.

12 MS. SIMMONS: Tiered funding. Is it
13 already written out that we can---

14 MS. THOMAS: We don't have
15 anything -- we just started those conversations.

16 MS. SIMMONS: Okay. So leave that
17 one out. What about the---

18 MS. THOMAS: Leave that one out
19 because we're just not quite there yet.

20 MS. SIMMONS: Okay. The 13 percent,
21 is that something we can---

22 MS. THOMAS: Well, I mean it's in the
23 House budget, and that was without any
24 conversations with us. I can tell you that
25 there's some folks in the House that have been

1 supportive of increasing that, and I think that's
2 where that came from. And I don't know who -- who
3 put that in the house budget. Off the top of my
4 head, I'm not sure I can even find that out, but I
5 can tell you that folks that have been favorable
6 with that have been Representative Lambeth from
7 Winston-Salem and then Representative Elmore, who
8 is from Wilkes County.

9 MS. VLASATY: What was the second
10 one?

11 MS. THOMAS: I'm sorry?

12 MS. VLASATY: The second one?

13 MS. THOMAS: Elmore. Representative
14 Elmore from Wilkes. He is actually an art teacher
15 maybe. He's a teacher. So he has a working
16 understanding of our population, which is good.

17 MS. SIMMONS: And Lambeth is
18 Winston-Salem?

19 MS. THOMAS: He's Winston-Salem.
20 Donnie Lambeth.

21 MS. SIMMONS: Okay. So we really
22 should be talking with our two council reps also.

23 THE CHAIRPERSON: Yeah, definitely.

24 MS. THOMAS: I would say so, yes. I
25 think that's kind of the purpose of them being

1 here.

2 MS. SIMMONS: Chad Barefoot and
3 Dennis.

4 MS. THOMAS: And if you haven't
5 looked at the House budget, it's online. If you
6 go to NCLeg and just put in "House budget," it
7 will -- the bill will come up. The Senate budget
8 is probably a bigger concern because it calls for
9 a 25 percent cut to this agency. 25 percent.

10 THE CHAIRPERSON: That's a lot.

11 MS. THOMAS: We've had major cuts for
12 the last five or six years already. We've
13 decreased across the agency -- I can't remember
14 what the percentage is, but it's been a 20 to 30
15 percent cut, I think, in personnel because what
16 has happened is that we -- we've given up
17 positions that are vacant. For us in the
18 Exceptional Children Division in particular, in
19 the last four years, we've given up five and a
20 half positions, and they've all come from our
21 Sensory Support and Assistive Technology because
22 that's where we have most of our state-funded
23 positions.

24 Most of our folks are federally-
25 funded. We don't have a lot of state positions.

1 We have about 15 now, but we've taken those
2 critical area positions supporting students who
3 are death/hard of hearing and students who are
4 visually impaired -- that's a very specialized
5 unique area of special education, and those are
6 the positions we've lost because they've been
7 vacant at the time when we had budget cuts, and so
8 we've really cut that section in half. So we have
9 now two consultants for the visually impaired and
10 three consultants for the hearing impaired. We
11 managed to hang onto those, but that's been tough.
12 So I mean that's a hit for us.

13 I don't know if you know this. We
14 have no operating budget from the State other than
15 the state aid that goes out to the LEAs. So that
16 flows directly from budget to our allocations. We
17 don't touch that at all. We have about 15
18 positions that are State- or partially State-
19 funded, and we have Governor School, and that's
20 the only state support we have in our division.
21 So all of our operational money comes from our
22 federal dollars.

23 MS. GRADY: I assume you're looking
24 at possible federal dollar cuts as well?

25 MS. THOMAS: Possibly. Our

1 projected -- our planning allotment for our IDEA
2 grant this year actually went up about \$2 million,
3 which is nice. We'll always take that. When you
4 start breaking that up to 300 LEAs, that's not a
5 whole lot of money, but it's better than losing \$2
6 million.

7 But we -- I did hear in a meeting in
8 May in DC that there is the potential for up to a
9 ten percent cut next year. So we're planning for
10 that this year as we do our budget because we have
11 to be able to make that up in carryover, which
12 means we have to cut back here in what we're doing
13 so we have more carryover to put out to our LEAs,
14 which is where the primary bulk of our money goes,
15 is to schools.

16 MS. VLASATY: I have a follow-up
17 question on the tiered level support.

18 MS. THOMAS: Tiered level of funding.
19 Let me clarify that.

20 MS. VLASATY: Okay. Thank you.
21 Tiered level of funding. If that occurs, would
22 the funds automatically make it all the way to the
23 school level or just the LEA? I'm just thinking
24 about certain schools that might be impacted that
25 have been used to getting the higher level of

1 funding.

2 MS. THOMAS: So it always goes to the
3 LEA, to answer your question. It always goes to
4 the -- because what happens in the structure of
5 our grants is that the EC director, or the EC
6 coordinator if it's a charter school, they submit
7 their IDEA grant each year with a budget, and in
8 that budget, they talk about how they're using
9 federal dollars to support positions, to support
10 programs.

11 It's always been at the central
12 office level. Then that rolls down into how they
13 support personnel at the school level. So schools
14 do not, except charter schools, but they're an
15 LEA, so they're looking at a whole program-wide.
16 Good question.

17 THE CHAIRPERSON: Would it be
18 possible -- I think this is more toward Tish -- to
19 be able to get, like, a legislative-specific
20 update with the different bills that are being
21 considered with the pros and the cons or just
22 thumbnails for our own use as we try to advocate
23 these things?

24 MS. BYNUM: We can easily send you a
25 weekly legislative update that will list the

1 pending things. Now I don't think it's going to
2 have the pros and cons thing.

3 THE CHAIRPERSON: Yeah.

4 MS. BYNUM: And so unless you're
5 reading them every single time that they come out,
6 it would probably be a little---

7 MS. HUTCHINSON: We get a Listserv.
8 I don't know if it's the EC director or director
9 of the school -- we get a Listserv of the updated
10 legislation. I think it's every Friday afternoon.

11 MS. THOMAS: Yes, it is every Friday
12 afternoon.

13 THE CHAIRPERSON: Yeah. Okay.

14 MS. THOMAS: And it does give you at
15 least information about what the bill is
16 proposing. It can't be biased, pros or cons, but
17 it can give you the information for you to then
18 make your decision.

19 MS. HUTCHINSON: Think on it and read
20 the details of it.

21 THE CHAIRPERSON: Yeah. That might
22 be beneficial.

23 MS. VLASATY: Yeah, I think you can
24 sign up for it because I have it here -- it's on
25 Friday. It's the Weekly Legislative Update, and I

1 believe it's on DPI's---

2 MS. THOMAS: It's on the home page.

3 MS. VLASATY: ---on the home page
4 where -- I mean there's a whole host of things
5 that you can sign up for. But I think it's --
6 like, we have to remember as a council -- isn't
7 that one of the things he covered yesterday? As a
8 council, we're not here to support or advocate for
9 anything, so this would -- like, if we did
10 anything, it would be on an individual basis.
11 We'd be sending it as our own individual opinion
12 and advocating either pro or con for a bill.

13 MS. THOMAS: Anyone can sign up for
14 that. So you don't have to be connected to a
15 school or school system to do that, and I
16 think -- if Tish can forward you the one from last
17 week, I think there's a place on the bottom where
18 you can subscribe. So that will be even easier
19 for you.

20 THE CHAIRPERSON: I think I've seen
21 that before. After a while, I get so many
22 e-mails, it's hard for me to keep up with them
23 all.

24 All right. Any other questions or
25 comments regarding that?

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(No audible response.)

THE CHAIRPERSON: Since we actually have a quorum now, because I don't think we had quite a quorum earlier, let's take a quick look at our minutes from our last meeting.

MS. OUZTS: Leanna, we have Mary LaCorte and Jennifer DeGen on the call-in.

THE CHAIRPERSON: Okay. Have they been able to get a digital copy of the minutes and the information in the packet?

MS. OUZTS: Do they have -- the ones on the phone, do they have the digital copy of the minutes?

MS. LaCORTE: No. This is Mary. I do not. If it's gone out, I haven't seen it. But I'm looking through my spam and my junk filters now just in case.

MS. BYNUM: I'm sending it to you now.

MS. OUZTS: Tish is working on that.

MS. BYNUM: Oh, thank you very much, Tish.

MS. VLASATY: So one thing, while she's doing that, is on the weekly update, there's actually a link that states, "Can you balance the

1 State's budget," and if you click on it, it gives
2 you the option of, like, where you program numbers
3 to see what you can do in the different areas.

4 (Council reviewed the March 2017
5 meeting minutes.)

6 MS. HOLLER: Leanna, I just had a
7 question regarding, like, what we note about the
8 public comments. Do you think it's important --
9 and I'm just putting this out there -- to mention,
10 like, if people come in to make comments or, like,
11 their names or anything like that or---

12 MS. OUZTS: Leanna, can I interject
13 just some information? We had that same question,
14 and we were wondering too about confidentiality
15 and FERPA and all of that, so we did consult Katie
16 and her team. We were told that this would --
17 since we do post the full transcript that this
18 would probably be the best way to do it in the
19 minutes.

20 I don't think there's any problem
21 with saying in person or written, if you want to
22 do that, but we do need to be very careful.
23 Adults who sign up for public comment are doing so
24 of their choice and there's no protection for
25 their name. However, any student identifiable

1 information has to be redacted.

2 So in the transcript, anything
3 like -- let's say they name their -- let's say his
4 name is Mason and he has autism. Like, we have to
5 redact that whole statement "Mason has autism."
6 It can't be about their identity or their personal
7 circumstance or disability area, that type of
8 thing. So is there anything else you want to add
9 to that conversation?

10 MS. BYNUM: Yeah. Also relative to
11 the parents that come to speak for public comment,
12 because our court reporter has experience with
13 this type of thing, we're just going to say, like,
14 Parent 1, Parent 2, because even if the parent
15 comes in, even if you redacted the child's
16 personally identifiable information, it wouldn't
17 take a rocket scientist to figure out who Jane
18 Smith was talking about. So---

19 MS. OUZTS: And they said that was
20 allowable to say Parent 1 or Participant 1 because
21 they may not all be parents.

22 THE CHAIRPERSON: Yeah.

23 MS. HOLLER: The other thought that I
24 had was like in the situation that we discussed
25 with the uncomfortableness of that situation, I

1 guess what I had wondered was is there a way to
2 know that -- for staff to know if that individual
3 signs up again, you know? Do you know what I'm
4 saying? Like, I don't want to be difficult, but I
5 feel like, you know, is it important to note
6 somewhere, in case they come back in or to make --
7 I'm not trying to limit their voice or anything.
8 I just feel like---

9 MS. BYNUM: I mean public comment is
10 public comment. You're going to get A through Z
11 off the sidewalk. I mean that's what public
12 comment is. There's not going to be anything we
13 do to limit those people.

14 MS. HOLLER: No, no. I don't mean
15 that. Just a heads-up, you know what I'm saying,
16 like I don't know---

17 MS. BYNUM: Well, again, we're going
18 to have security present starting today forward.
19 So that's -- I'm thinking that's about all we're
20 going to be able to do.

21 MS. OUZTS: I'm thinking we may
22 remember.

23 THE CHAIRPERSON: You'll start
24 recognizing people out there.

25 MS. BYNUM: I'm sure we'll remember.

1 THE CHAIRPERSON: The commission I
2 serve on in DC, we have this one guy who always
3 wears a yellow shirt and bow tie. He sits in the
4 third seat, on that row, and he's always there.
5 And I think, after a while, if we get regulars
6 like that, we're going to recognize who they are,
7 you know. So I don't see those individuals here
8 today so that's a good thing.

9 MS. HOLLER: No. And I wasn't -- I'm
10 not trying to limited anybody's comment. It just
11 was something I---

12 MS. OUZTS: They're good questions
13 and we had those questions as we were preparing
14 materials for today's meeting, and we had delays
15 on preparing those because we were trying to work
16 out the logistics of all that. So---

17 MS. HOLLER: Thanks.

18 MS. SIMMONS: I have a couple of
19 corrections.

20 THE CHAIRPERSON: Okay. A couple of
21 corrections here.

22 MS. SIMMONS: On page 2, the first
23 topic is ESSA and the second topic is related
24 services. The correction in this paragraph,
25 "Adaptive PE is a direct service," and it's

1 adapted, e-d, instead of i-v-e. Adapted PE.

2 MS. BYNUM: Got it.

3 MS. SIMMONS: Thanks.

4 THE CHAIRPERSON: Is there any other
5 corrections? Do I hear a motion to move to
6 approve the minutes as written or as corrected?

7 MS. HUTCHINSON: I just have a quick
8 question.

9 THE CHAIRPERSON: Yes.

10 MS. HUTCHINSON: On our committees,
11 we had a few folks that were new chairpersons
12 named and a lot of those people -- I didn't know
13 if you wanted to address that or not.

14 THE CHAIRPERSON: I was going to
15 address that today at some point about finding a
16 person for Policies and Procedures now that we've
17 found somebody for Unmet Needs. So that's good.
18 Any other questions or concerns about the minutes?

19 **(No audible response.)**

20 THE CHAIRPERSON: Do I hear a motion
21 to accept the minutes as corrected?

22 MS. LaCORTE: I so move.

23 THE CHAIRPERSON: Okay. Anyone
24 second?

25 MS. MEBANE: I second.

1 THE CHAIRPERSON: Okay. So Mary
2 moved, Teresa seconded. All in favor?

3 (Multiple council members replied
4 aye.)

5 THE CHAIRPERSON: Okay. We're still
6 running about 15 minutes early. All right. Does
7 anyone want to make a comment or any more
8 discussion about the agency updates? Any areas
9 while we have Sharon in the room -- Sherry?

10 MS. HUTCHINSON: There's one little
11 point I just wanted to make. We were talking
12 about the legislative updates and they come out
13 every Friday, but the Council -- North Carolina
14 Council for Exceptional Children also typically
15 comments on those every Friday, and so somebody
16 was looking for, like, pros and cons, but
17 obviously, the legislative updates can't be
18 opinionated, but the North Carolina Council for
19 Exceptional Children can give you, like, how might
20 this affect and what are we doing to solve this.

21 This past Friday they had something
22 about a conference call was already planned with
23 somebody, so you can go on North Carolina Council
24 for Exceptional Children and get that weekly
25 update as well, and it always references whatever

1 legislative updates are going on.

2 THE CHAIRPERSON: Yeah. I mean as
3 far as that particular bill goes, yes, I use the
4 disabilities grant on my son who I homeschool. I
5 will be forthcoming in saying that. What my
6 question would be, would be how much of that
7 funding, you know, could be -- is he using -- is
8 he using more funding than he was in the school
9 system. As a parent, I don't want to take more
10 money than he would be using, but if it's been his
11 best services, then -- you know. And that's my,
12 you know, concern there.

13 Have there been any studies about how
14 much funding these students have that have gone
15 onto the grant are using versus what they used in
16 school system?

17 MS. THOMAS: I don't have that data.
18 The School Authority -- the North Carolina
19 Education School Authority may have that and may
20 be tracking that, but it's my understanding that
21 they're -- I mean everybody gets the same amount
22 and it's given without---

23 THE CHAIRPERSON: We're granted
24 \$8,000. We submit receipts for reimbursement. I
25 think we spent \$2,000, you know, so---

1 MS. THOMAS: I think the
2 recommendation is going to raise that to, like,
3 10,000.

4 THE CHAIRPERSON: Yeah, which is --
5 for a homeschooling family is wow. You know, like
6 I said, we spent maybe 2,000 on it.

7 MS. THOMAS: But there's not a --
8 there's not a requirement in this bill, as we read
9 it, for the funds to be used for special education
10 services. That's the concerning part. That's the
11 piece -- because, you know, it's not about the
12 money as much as it's about kids not getting
13 services -- being identified but then not getting
14 those additional services that they've lost by not
15 being in a public school. So that's the concern.

16 THE CHAIRPERSON: Okay.

17 MS. VLASATY: Christy, what's that
18 council? You said Council for North Carolina---

19 MS. HUTCHINSON: If you just Google
20 NCCEC. It's Council for Exceptional Children, and
21 afterwards I'd be happy to just forward you --
22 because it's got the same link at the bottom that
23 you can subscribe to it. It just gives a little
24 more detailed perspective on how that legislative
25 update might -- might impact students with special

1 needs or programs for students with special needs.

2 MS. HOLLER: I just had a question
3 for Sherry regarding when DPI goes out and looks
4 at various counties and the LEAs or whatever and
5 they asked for parent input, and I'm just
6 wondering is there kind of a policy or the way
7 they're supposed to send those parent input
8 sheets? Because there's a lot of parents that
9 don't even know they even have input, that this
10 process is even happening.

11 MS. THOMAS: You're talking about
12 when we do, like, a full program evaluation?

13 MS. HOLLER: Yeah.

14 MS. HOLLER: If we go in to do a
15 program evaluation for an LEA and that's by
16 invitation or there's been something that's
17 triggered from Monitoring that has required us to
18 then go in and do that because we see a systemic
19 problem, we -- we will send out information to
20 parents. We will ask for a parent list, and we
21 will send information out to parents to get a
22 parent stakeholder group together. That's a part
23 of our process. So we don't leave that up to the
24 LEA. If we're coming into to do a full program
25 review, we would ask for that.

1 MS. HOLLER: So do they do -- because
2 I know that they have to do improvement plans,
3 like -- I don't know if it's every year---

4 MS. THOMAS: Yes. They're doing the
5 LEA self-assessment, yes.

6 MS. HOLLER: Yeah. So as far as,
7 like, notifying the families, those are the
8 surveys that they're sending home?

9 MS. THOMAS: So we have included a
10 list of recommended stakeholders to be a part of
11 that, and parents are certainly one of the
12 stakeholders that recommended, and as we're
13 reviewing those updates, one of the things we're
14 checking is how many LEAs included parents in that
15 stakeholder review. So---

16 MS. HOLLER: I'm only -- I was just
17 thinking about it because, you know, when
18 parents -- unfortunately, the input that they get
19 or ability to give input is very limited. A lot
20 of them don't even know -- some of them don't know
21 about the Department of Public Instruction. Do
22 you know what I'm saying? So they feel like
23 they're basically talking to one group of people,
24 and then if there's any sort of situation or thing
25 that needs to change, it's not like they're given

1 that opportunity to just give input on the program
2 and how effective it is. So I just was wondering.

3 MS. THOMAS: So one of the things we
4 work through this year as part of our State
5 Systemic Improvement Plan -- there's so many
6 acronyms and letters around here -- is trying to
7 increase parent engagement. And so Heather has
8 worked -- she's got a stakeholder group right now
9 working on increasing that parent engagement,
10 increasing parent groups within LEAs to support
11 that.

12 We still do our survey across the
13 state. We're looking at a different way of doing
14 that because we're not getting good response back
15 because we're not getting good addresses. So
16 we're looking at a different way for parents to
17 maybe be doing that where we can collect a little
18 cleaner data and a little more direct information
19 because we spent a whole lot of time sending stuff
20 out to have it returned.

21 MS. HOLLER: And I think that parents
22 manual, like, the update -- it's great because one
23 of the biggest things I feel like for a parent --
24 and I was in this situation once -- was it's like
25 they're not familiar with the rules of the game.

1 Do you know what I'm saying? And so a lot of
2 misunderstandings come up that way and just
3 intensify, and I feel like -- I mean the LEA is
4 already working at educating our kids. It seems
5 like a whole other task to have to educate the
6 parents. However, it's so critical because I
7 think it would cut down on things like mediation
8 and due process because people will understand the
9 process and not feel like---

10 MS. THOMAS: So as part of our SSIP,
11 or our State Systemic Improvement Plan, we are
12 also working with ECAC and our staff -- we have
13 three or four different groups working to put
14 together some training materials and training
15 opportunities around specially designed
16 instruction and the new specific learning
17 disabilities eligibility, MTSS, dyslexia, the
18 whole SSIP process that we're using with our LEA
19 self-assessment, transition -- and I know Mary's
20 on the phone. What did I leave out, Mary? Did I
21 leave out a group?

22 **(No audible response.)**

23 MS. THOMAS: We may have lost her.
24 But our staff is working with ECAC staff and then
25 bringing other stakeholders, other parents in so

1 that we can create this professional development
2 for parents that the LEAs can then deliver or can
3 be delivered either regionally or by LEA.

4 I can't believe I'm going to tell you
5 this, but there's also a portal on our home page
6 for the agency, and it's called "Let's talk." And
7 I say that because I'm the one that answers those
8 for our division 90 percent of the time, and some
9 days, it can be really busy traffic in there. But
10 it is a way for parents to submit questions, to
11 ask questions, to request information. If it's
12 information we can directly provide, we do that.
13 If it's specifically about the operation or the
14 engagement of an LEA, then my procedure is I
15 contact that LEA and I connect that LEA with the
16 parent. So if you're in parent advocacy groups or
17 councils, you know, locally, if you can just share
18 that.

19 It is a communication tool, but it's
20 the whole agency. So it's not just about special
21 ed. If you have questions about accountability,
22 you can choose where that question is targeted,
23 and we get a lot anyway. They've -- anything that
24 says exceptionality or disability, they funnel to
25 us whether it's something we answer or we have to

1 shoot back.

2 But that's okay. We feel like we're
3 at least getting good communication. It's a good
4 communication vehicle, and this is for anybody to
5 use -- parents, outside agencies, folks in the
6 school system as well, advocates. It's open to
7 the public, so it is a public access for
8 questions. That's the piece -- if you don't know
9 about it or folks you're working with---

10 MS. HOLLER: I didn't. That's great.

11 MS. THOMAS: It's over on the
12 left-hand side of that main toolbar when you go to
13 the NCPublicSchools.gov website.

14 MS. HOLLER: Thank you.

15 MS. THOMAS: Sure. Did I answer your
16 question?

17 MS. HOLLER: Yes.

18 MS. THOMAS: Okay.

19 MS. VLASATY: Can we go back to the
20 Senate Bill 603? I just pulled it up.

21 MS. THOMAS: Uh-huh.

22 MS. VLASATY: And I just want to be
23 clear. This Senate Bill is to establish the
24 educational savings account; it is not the
25 disability voucher program that's already in

1 place. This is on top of---

2 MS. THOMAS: It's on top.

3 MS. VLASATY: Okay. So that would be
4 different, Leanna, then, what their parents are
5 already receiving. So this is something new that
6 they propose for parents to get an additional
7 9,000 on top of the 8,000.

8 MS. THOMAS: Yeah. It doesn't say
9 whether the first is going away or if it will be
10 on top, but it's setting up the format with that
11 debit card or---

12 MS. VLASATY: Right now it's a
13 separate act to create this program?

14 MS. THOMAS: Yes.

15 MS. VLASATY: Okay.

16 MS. HUTCHINSON: I guess a follow-up
17 about that, and I know our role is not to be an
18 advocate but our role is to advise, so I think
19 taking the advise part of that, if one of our
20 roles is to advise the State Board or, you know,
21 give suggestions to the legislators that are going
22 to finalize that, I worry that X number of
23 dollars -- it's doesn't matter what it is -- is
24 going to Ms. Jones to support the learning needs
25 of, you know, student Jones and if that child

1 needs speech and that child needs OT and that
2 child needs, you know, adapted PE or that child
3 needs three hours of resource services in math and
4 reading every single day, how do we ensure that
5 they're -- that those are happening and how do
6 we -- and we don't have any assurances and how do
7 we ensure that that child has rights?

8 Because they don't have any rights,
9 so we have no recourse where if they were -- if
10 there was any kind of provisions that they have to
11 have documentation or assurances, and the parent
12 becomes the responsible one to say, you know, I
13 provided this therapy or private therapy, and
14 that's great. Excellent. No problem. But if
15 they were in school, we have obligations and
16 oversight and accountability and rights for that
17 child even if they -- you know, a private setting
18 is the right setting for that child, there's no
19 accountability to ensure that those services
20 happen.

21 And so I've always worried that if
22 tax dollars, be it federal or state, are being
23 used for a child, that there's nothing to say that
24 those are actually getting used to serve that
25 child is concerning to me.

1 MS. SIMMONS: Sherry?

2 MS. THOMAS: Yes. I'm taking my
3 notes of all the jobs you're giving me, Vicki.

4 MS. SIMMONS: A couple of updates.
5 One, would you give us an update on where we are
6 in working towards a meaningful relevant
7 assessment for students with significant cognitive
8 disabilities? I know there have been some
9 meetings.

10 MS. THOMAS: There have been some
11 meetings. So we have -- we took to the Board in
12 June the math revisions for extended content
13 standards that align to the previously Board-
14 approved new math standards. We had already taken
15 the ELA extended content standards as well, and so
16 we are now -- our folks are now working with
17 Accountability to align the standards to an
18 accountability tool.

19 So, as we know it, NCEXTEND1 is going
20 to need to be revised. We have a year before
21 these standards go into place, and so during that
22 year, there will be a new accountability
23 assessment to align with -- or a revised -- they
24 will make sure that the standards are being
25 addressed within the tool because it doesn't align

1 right now.

2 MS. SIMMONS: Who is the contact
3 person for that?

4 MS. THOMAS: Ronda Layman.

5 MS. SIMMONS: Ronda. Okay. Good.
6 Okay. The second question is, has there been any
7 update on adjusting, adapting, modifying the
8 teacher evaluation form for teachers of students
9 with significant cognitive disabilities?

10 MS. THOMAS: That's kind of -- even
11 though we have input, that doesn't live with us.

12 MS. SIMMONS: Okay. Tom Tomlinson?

13 MS. THOMAS: That's Tom Tomlin son.
14 And I honestly don't know what the status of that
15 is right now. I know that has been ongoing and an
16 ongoing conversation. We've had input and we've
17 had feedback we've given for that. So I don't
18 know where that is yet, but that is Tom's
19 wheelhouse.

20 MS. SIMMONS: Every year I get
21 evaluated, and every year these things that they
22 look at for me -- one of them is -- this is under
23 "Teacher's planned instruction appropriate for
24 their students," and I'm evaluated on "Teacher
25 teaches the students the process needed to

1 synthesize knowledge," and that's just one example
2 of -- I mean they just -- they don't -- they're
3 not appropriate for kids with significant
4 cognitive disabilities.

5 So I hate for my evaluation to
6 reflect that I'm not doing what there's an ability
7 to do for our students. So something more
8 appropriate. And it's not just me. I mean there
9 are lots of special ed teachers who think those
10 are not appropriate for their kids.

11 MS. THOMAS: And we've heard that.
12 So what we are -- where we have to sit is that we
13 can provide information, but it's ultimately not
14 coming from us to create that evaluation tool.
15 It's got to be in that bigger scope of
16 professional evaluation.

17 MS. SIMMONS: Under Tom?

18 MS. THOMAS: Yeah, under Tom.

19 MS. SIMMONS: Thank you.

20 MS. THOMAS: Uh-huh.

21 THE CHAIRPERSON: All right. Is
22 there anything else?

23 **(No audible response.)**

24 THE CHAIRPERSON: Okay. It's perfect
25 timing to move into significant -- that stuff.

1 That big long "d" word.

2 MS. THOMAS: The spell check even
3 hates the word "disproportionality."

4 MS. JOHNSON: It sure does, as many
5 times as I try to type it.

6 Good morning.

7 THE CHAIRPERSON: Good morning.

8 MS. JOHNSON: Those of you who are
9 not new, you're used to seeing me when I come and
10 talk about our Annual Performance Report, but I am
11 here about a different topic this morning. I'm
12 Nancy Johnson and I'm a coordinator for the
13 Exceptional Children Division for our Annual
14 Performance Report and State Performance Plan and
15 anything related to data analysis, including
16 significant disproportionality.

17 Here in your handouts or your folder,
18 you should have a copy of my PowerPoint, and then
19 there should also be a one-pager that's two-sided
20 that includes the actual -- yes, that one. It's
21 the actual regulations that we're going to be
22 discussing this morning. The title of these
23 federal regulations is called Equity in IDEA, but
24 it's really about significant disproportionality,
25 and these are the final implementing regulations.

1 A couple of things that I'm going to
2 talk about are listed right here. That first few
3 bullets, I'm going to go through really fast,
4 those slides, just about the new regulations,
5 questions that we still have as a state, a general
6 understanding of the potential effect of these
7 required changes, and then tasks and timeline
8 requirements. The bulk of our time is going to be
9 spent on the last four slides where we're going to
10 be seeking advice for risk ratio threshold, cell
11 size, N size, reasonable progress, and consecutive
12 years, and I will be talking about each of those
13 things individually, so you'll have an
14 understanding of what they are and the
15 requirements.

16 You mentioned your training
17 yesterday. This is -- one of the required things
18 under the Equity in IDEA is that states seek
19 advice from stakeholder groups about changes that
20 we have to make because of these regulations,
21 okay? So that's what we're doing here today, and
22 this seeking advice with you will be ongoing over
23 the next few months as well.

24 And, Vicki, I apologize to you since
25 you've heard this one time already at another

1 stakeholder meeting, but if I make a mistake---

2 MS. SIMMONS: That's okay. That's
3 okay. I learn every time I hear you talk, Nancy.

4 MS. JOHNSON: If I make a mistake,
5 you can correct me.

6 Just a little bit of background so
7 you'll know. These new regulations were published
8 in the Code of Federal Regulations in the Federal
9 Register December 19th, 2016, so this past
10 December. And in your PowerPoint, you have the
11 website if you want to go to the area. Just so
12 you know, if you click on that, you'll get a
13 document that is 89 pages long. The actual
14 regulations are what I provided to you on those
15 two pages. So it took 89 pages of explanation and
16 comment and different things to explain those two
17 pages.

18 In addition, the US Office of Special
19 Ed Programs has provided us with other resources
20 like kind of a model timeline that states should
21 be following to make their changes, a document
22 with more questions that states have had once the
23 regulations came out, and answering those
24 questions. Some of that information, I'll be
25 sharing with you today. So there's a lot more

1 documentation that goes along with these two
2 pages, but the actual regulations are just the two
3 pages.

4 They became effective January 18th,
5 2017, so that's kind of a technical date because
6 states are required to comply July 1st of 2018, to
7 start implementing these regulations in the
8 2018-19 school year. So they are actually -- they
9 recognized -- they had to make them effective, but
10 they recognized that states couldn't just make the
11 changes overnight, that we needed time to get the
12 changes made.

13 And then another piece of that is, up
14 until now, when we've determined significant
15 disproportionality, it's been focused on children
16 or students ages six through 21. They have now
17 included a provision in these regulations that we
18 must look at including in our determinations for
19 placement -- excuse me -- not placement -- for
20 identification and for discipline, those two
21 areas, for children ages three through five, but
22 they've given us even more time to implement that
23 because we have not included three- through
24 five-year-olds before, and we do still have some
25 questions in that area, and I'll go over those in

1 a minute.

2 Okay. This is -- the next two pages
3 of your handout are just some general things that
4 are included in the regulations, so I'll just
5 briefly touch on these. We must begin using risk
6 ratios to determine significant disproportionality
7 in the three areas that we're required to look at.
8 We're required to look at identification of
9 students with disabilities, placement of students
10 with disabilities, and discipline.

11 And when I say that, it sounds like,
12 okay, it's just three areas, but for example, when
13 we look at identification, we have to look at the
14 overall identification of students in special ed,
15 and then we have to look at what OSEP refers to as
16 the six major disability categories. And when I
17 say "major," it means where most of the kids are
18 assigned. So that include autism, specific
19 learning disabilities, other health impaired,
20 speech-language impaired, intellectual disability
21 mild, and serious emotional disability.

22 So every time we look at any
23 category, those are the six categories we look at.
24 All of the others, the numbers of students are
25 small enough that these calculations just wouldn't

1 make sense. So that's an example of that.

2 In discipline -- and in these areas
3 what we're looking at -- when we talk about risk
4 ratios and looking at significant
5 disproportionality, this is all related to race.
6 So we have to look at each of the seven racial
7 categories in each areas that we look at. What
8 the intent originally in the law was for was
9 related to minority students being overidentified
10 either in special education or in a specific
11 disability category, or in the area of discipline,
12 that it's overused or differently used for
13 students with minorities. That was the initial
14 concern and issue with Congress in why these
15 regulations were first put in place. We're seeing
16 some different things happen, which I'll go over
17 in a minute, as it relates to all of this.

18 So for everything we look at --
19 identification, placement, and discipline -- we
20 have to consider each of the seven different race
21 categories. So it's a lot -- in essence, it's a
22 lot of calculations for us for all of these
23 different things and a lot of data that we're
24 analyzing. States must use set reasonable risk
25 ratio thresholds, cell sizes, and "N" sizes, and

1 I'll get into all of those in a minute so you'll
2 know what exactly each of those are.

3 We are allowed to use reasonable
4 progress in showing that districts have lowered
5 their risk ratios. These standards must be based
6 on input from stakeholders or advice from
7 stakeholders including our State Advisory Panel,
8 so that, of course, is why I am here today. We
9 are allowed to use three consecutive years when
10 making determinations, and I'll explain what all
11 that means. Again, I've already mentioned that we
12 have to include three- through five-year-olds for
13 identification and disciplinary removals.

14 This next bullet, I do want to
15 emphasize a little bit because we are going to see
16 some changes as it relates to discipline. States
17 must analyze suspension and expulsion data to make
18 determinations in five areas of discipline. So
19 remember five areas of discipline by seven
20 different racial categories, we have to look at.

21 The five areas of discipline are
22 important because right now what OSEP approved for
23 us back in 2012 -- after we had been audited in
24 November of 2011, we had to make some changes.
25 They approved three areas of discipline for us to

1 look at in North Carolina, and those three areas
2 of discipline are a little bit different than
3 these five new areas. So we're going to see some
4 changes in the disciplinary.

5 So the five areas that we're going to
6 have to look at beginning in the 2018-19 school
7 year are -- and, actually, it's going to -- our
8 data is a year behind, so it's going to be this
9 coming school year's data that we'll be using.
10 Our ten-day -- greater than ten-day out-of-school
11 suspensions, which is a long-term suspension for a
12 student -- we do look at that now -- a greater
13 than ten-day -- did I put out-of-school -- oh, a
14 less than ten-day out-of-school suspension -- any
15 less than ten-day out-of-school suspension which a
16 district is allowed to do, but we have to look at
17 it from a disproportionality perspective.

18 We don't look at that now
19 individually. We look at -- instead of less than
20 ten days individually, we look at those short-term
21 suspensions that accumulate to more than ten days.
22 So we won't be looking at that any longer; we'll
23 be looking at this less than ten-day out-of-school
24 suspension. It requires us to look at greater
25 than ten-day in-school suspensions, which we don't

1 have a lot in our state, but we are required to
2 look at that, and that is one of the things that
3 OSEP had us look at previously. So we currently
4 look at that one.

5 That individual less than ten-day
6 in-school suspension, we do not currently look at
7 and we're going to be required to look at whether
8 districts are doing those in a way that is not
9 causing disproportionate or a significant
10 discrepancy. And then we're going to be required
11 to look at total suspensions and expulsions of
12 students with disabilities for the district, which
13 we do not currently look at. Okay. Yes?

14 MS. HUTCHINSON: Nancy, are you
15 saying that previously we added them all up to
16 equal ten days -- are you saying these are
17 consecutive now?

18 MS. JOHNSON: Consecutive?

19 MS. HUTCHINSON: Of the ten days,
20 because in years past we've always accumulated.

21 MS. JOHNSON: We have looked in the
22 past -- just so you know -- the three areas we've
23 been required to look at are if an individual
24 student got a greater than ten-day consecutive
25 out-of-school data. We already look at that.

1 That's one of the required areas now.

2 We also looked at, as far as
3 out-of-school suspensions, any short-term
4 suspensions for an individual student that
5 accumulated in a school year to greater than ten
6 days. That is not a requirement in the
7 regulations so we won't be looking at that, but
8 in place of that, we will be looking at any
9 individual short-term suspensions that are less
10 than ten days. Districts are allowed to make
11 those determinations, but we will have to look and
12 see and make sure that they're not doing it in a
13 way that shows any type of significant discrepancy
14 by race.

15 Okay. The other area we look at,
16 again, is the greater ten-day in-school
17 suspension, and that is still required, and then
18 looking at -- we have never been required to look
19 at a less than ten-day in-school suspension for
20 disproportionality reasons, but we will be
21 required to do that. And then that total
22 suspension, we've not been required to look at the
23 overall suspensions, again, and we will be
24 required to look at that. Yes, ma'am?

25 MS. HOLLER: I have kind of an

1 interesting question relating to this, and it has
2 to do with when LEAs have, like, programs that
3 kids won't necessarily go to ISS, but they're put
4 in like -- I don't know if they work around the
5 school or they do something. Is that counted kind
6 of as an in-school suspension, like they utilize
7 it as an alternative?

8 MS. JOHNSON: We do have a state
9 law -- and I can't quote the law specifically, but
10 we do have a state law that districts can consider
11 an alternative type education or program for a
12 student, that it has to provide for the student to
13 receive their general education instruction and
14 their special education instruction. So if it is
15 not, they cannot count that in lieu of a
16 suspension. So---

17 MS. HOLLER: Like, because the only
18 reason that they would be going to that program --
19 do you know what I'm saying? -- is because of
20 something that happened?

21 MS. HUTCHINSON: It doesn't matter
22 why they were sent; it matters what they get when
23 they're sent there, if they are given access to
24 general ed curriculum and special ed curriculum,
25 then it counts as a day of school.

1 MS. JOHNSON: While we're talking
2 about suspension here and this is all related to
3 students with disabilities, we have another
4 division in our agency that is the responsible and
5 the authoritative source for our discipline data
6 and for suspension and the state law that governs
7 that.

8 But we do have -- again, like Christy
9 said, if a district suspends a child or is
10 considering suspending a child and chooses an
11 alternative program in lieu of that, through that
12 process, they have to ensure, in order to not
13 count it as a suspension, it has to provide the
14 general education curriculum and the special ed
15 services and all of that that the students are
16 getting.

17 So it could be an alternative
18 program, but if they're not assuring that they're
19 providing that -- and I will tell you we get
20 complaints about some of those things sometimes,
21 and so if our monitors investigate that kind of
22 thing, we might have a finding related to---

23 MS. HOLLER: Because I'm thinking --
24 I had not heard of this program at this one
25 particular school. So I just wondered, you know,

1 can they do that, and then -- I guess probably I
2 should just let the EC director know that they're
3 doing that because it doesn't sound like the
4 county is aware of it.

5 MS. JOHNSON: It could be an
6 alternative program. If they are providing the
7 student with all their general education and
8 special education, that would be -- that would
9 have to be something that they're assuring, and if
10 they're assuring it and our state would go in and
11 find that they're not doing it, then there would
12 be issues related to that.

13 MS. HOLLER: So that wouldn't fall
14 under any of those?

15 MS. JOHNSON: Well, it depends. We
16 do get kids who are receiving alternative services
17 who are also, in our data, counted as suspended,
18 and so they would fall under those because
19 districts should not -- districts do know -- they
20 should know they can't just count an alternative
21 program in lieu of suspension.

22 MS. HOLLER: That's what I'm
23 wondering. If it's happening, which would kind of
24 skew your numbers in some cases, do you know what
25 I mean?

1 MS. JOHNSON: Well, we have a lot of
2 districts that are identified in -- discipline is
3 our biggest area where we identify districts for
4 significant disproportionality, so we at least
5 know that there are districts who are reporting
6 that data.

7 MS. HOLLER: Okay.

8 MS. MEBANE: So, Nancy, are you guys
9 doing anything to address the issue of parents
10 being called to come get their kids and it not be
11 called a suspension even though it really is?

12 MS. JOHNSON: Okay. She's asking me
13 a question, and this is going to get us off topic
14 a minute. I'll briefly answer, and then we've got
15 to move back into our thing. That is an issue
16 that I know that is of concern. That is a
17 particular issue why three- through five-year-olds
18 are now being included in the federal regulations.
19 It's not just an issue here in North Carolina.

20 So that where kids are considered
21 partial day or the parents, like she said, are
22 being called to come and get the child because
23 there's an issue with their behavior, and it's not
24 really being documented as a suspension, if we get
25 a state complaint on that -- and our Complaint

1 Resolution Consultants could address this more --
2 our Dispute Resolution Consultants -- excuse me --
3 could address this more specifically. If we would
4 get a complaint on that kind of thing, they would
5 look into it and determine if there is a violation
6 of federal regulation.

7 But, again, that's one of the big
8 reasons why children ages three through five were
9 included in this, but I also understand that it's
10 school-aged children as well. We do explain to
11 districts what the discipline requirements are,
12 but we also know that there are all kinds of
13 people at the local level in the school system who
14 enter the discipline data, but we do as much as we
15 can to work with school districts to verify that
16 their data is accurate, as best we can.

17 MS. OUZTS: And I would say also it
18 is -- that point is explained in the Parent Rights
19 Handbook as well if they look at that discipline.
20 So that's a key thing that I always remind parents
21 who have that question.

22 MS. JOHNSON: And it's great that
23 parents have that understanding, that they know
24 that that's---

25 Lastly, before I get into some actual

1 more specific information, one of the things that
2 is required if we do determine that a district has
3 significant disproportionality, they are required
4 to spend 15 percent of their IDEA funds for what
5 is called comprehensive -- and CEIS stands for
6 Coordinated Early Intervening Services. So, in
7 other words, if you're identified in the area of
8 identification, we would want you to focus on
9 taking steps in your district to spend those funds
10 to assist with ensuring that you don't continue to
11 have significant disproportionality in the way
12 identification occurs for districts, or if it's
13 discipline, it has to be targeted toward whatever
14 area you're found in.

15 Right now this current year those
16 CEIS funds, regardless of why you are found to
17 have significant disproportionality -- and I'm
18 going to use discipline as an example -- if you're
19 found to have significant disproportionality in
20 the area of discipline, you have to use 15 percent
21 of your IDEA funds to try to target that area of
22 discipline. However, the decision was made based
23 on students with disabilities, the significant
24 disproportionality, but right now you can't spend
25 your that 15 percent of your funds on students

1 with disabilities.

2 So there was kind of a mismatch in
3 the regulations about that requirement because how
4 can you solve that problem if you can't focus
5 those funds on what you just said the area of the
6 problem was. So this legislation does allow for
7 the 15 percent of the funds that have to be set
8 aside for Coordinated Early Intervening Services,
9 if a district is found to have significant
10 disproportionality, that they can also spend it on
11 children ages three through five in addition to
12 the six through 21, because they're adding three
13 through five remember, and they can spend it on
14 students with and without disabilities.

15 So that if the area that you're
16 looking at is really an issue of, like, placement
17 or discipline that really is something of maybe
18 how you structure your placement options or
19 whatever, that you could spend that money on
20 students with disabilities where you couldn't in
21 the past. So that will take effect also in the
22 2018-19 school year.

23 MS. LaCORTE: Nancy?

24 MS. JOHNSON: Yes.

25 MS. LaCORTE: Hi. This is Mary

1 LaCorte. Everything [inaudible] small syllable
2 words. If an LEA is found -- you know, your
3 example was disproportionality and now adding the
4 other kids, but is it must they spend that money
5 or can they spend that money? Do they still
6 choose how much of that 15 percent to use, or are
7 they obligated to spend the whole 15 percent to
8 address that need?

9 MS. JOHNSON: As of right now and
10 with the new regulations, if they are found to
11 have significant disproportionality, they must
12 spend 15 percent of the money on students -- on
13 CEIS. Right now we have a voluntary provision,
14 and that's still allowed in the new regulations,
15 that if a district wants to work on something,
16 even if they're not found to have significant
17 disproportionality, they could spend up to 15
18 percent of their funding. So they would have a
19 choice as to how much or whether or not they would
20 want to, although the voluntary funds cannot be
21 spent on students with disabilities, even in the
22 new regulations. So only the "must" if they're
23 found to have significant disproportionality.
24 That's a good question, Mary. Thank you.

25 MS. LaCORTE: Thank you.

1 MS. JOHNSON: Lastly, the one thing I
2 want to say about the new regulations, the
3 Comprehensive Coordinated Early Intervening
4 Services, the new bullet that is in here is that
5 first bullet, that districts must -- if a district
6 is found to have significant disproportionality,
7 when they submit their CEIS plan to states -- and
8 in our state, we do it through our annual
9 application for federal funding -- the VI-B
10 project that we refer to -- they must identify and
11 address the factors contributing to the
12 significant disproportionality. That has not been
13 required in the past, and that is very important
14 that the districts drill into their data and at
15 least have some kind of a hypothesis about what's
16 causing the significant disproportionality so that
17 they can target their funds to address those
18 issues.

19 One of the things related to that --
20 and I wanted to mention what we're starting to see
21 now. There are different factors that might be
22 the districts are -- while they have policies on
23 paper in place, that when they actually implement
24 the policies for cultural reasons or for whatever
25 reasons, they might not apply them the same across

1 the board or something. They might have to look
2 into how they're applying their procedures. It
3 might be that it's in a geographic area in their
4 district, and so they might have to look at what's
5 going on in the schools.

6 But another thing in the comments
7 that they talked about that the overidentification
8 might be a result of underidentification, and I
9 want to give you an example of where that's
10 possibly happening now. In our -- this last
11 go-round when we issued our significant
12 disproportionality list and our warning lists, for
13 the first time, we had LEAs, particularly charters
14 in some instances but some traditional LEAs for
15 certain things, that we identified them on a
16 warning list -- they're not on the significant
17 disproportionality list yet, but are on a warning
18 list for a possibility -- was toward the white
19 race, that some charter schools have more white
20 students that have been identified in special ed
21 overall.

22 We are now seeing -- and this is
23 happening across the nation. I've talked to other
24 states where it started happening earlier than it
25 happened in North Carolina, but in the area of

1 autism, we have some districts now who have
2 disproportionate representation of white students
3 in the area of autism. So that's something we
4 have to look at. We have a couple of places where
5 they have more students placed on -- homebound is
6 included as a separate environment -- where they
7 have more students who are white placed on
8 homebound for various reasons. Again, if you
9 recall, originally, all this legislation was about
10 the overidentification of students -- minority
11 students.

12 So OSEP has included in its comments
13 that one of the contributing factors could be
14 underidentification of students. For example, a
15 district who has overidentification of white
16 students who are autistic, they might want to look
17 at are we underidentifying minority students and
18 possibly identifying them as another disability
19 category and not as a child with autism. And I
20 see some head-shaking, but that's an example of a
21 contributing factor that a district is really
22 going to have to look closely at.

23 Mary, did you have a comment?

24 MS. LaCORTE: Oh, no, I'm just
25 agreeing. It's a good thing looking closer.

1 MS. JOHNSON: Okay. All right. So
2 we can move along so I can get to the meat of what
3 we need to do. Just a couple of questions that we
4 have that remain are really in the area -- OSEP
5 has done a good job of providing us the
6 requirements, questions, and answers. One of the
7 areas that we have that remain is that for
8 students -- because we have to use a risk ratio,
9 and just as simply as I can tell you, what a risk
10 ratio does is look at how many more times likely a
11 given race of kids is to end up in a given
12 category or in special education or to be
13 disciplined.

14 So, for example, if we were looking
15 at Hispanic students, are they three times more
16 likely -- our risk ratio, right now, level is 3.0,
17 our threshold -- are they three times more likely
18 than other students to be identified in special
19 education. So that's what a risk ratio does. By
20 including -- but when you do a risk ratio
21 calculation, it takes into consideration -- it
22 uses the number of students by racial category
23 that you have identified for that disability
24 category, and then it compares it in a formula
25 manner with your district's overall racial

1 population for that district, and it's a
2 comparison to see if your racial makeup in that
3 special education -- overall special education or
4 special education category or discipline is
5 comparable to what your enrollment population is.

6 So we still have a question as it
7 relates to preschool children, three- through
8 five-years-olds, because most of our districts do
9 not or some of our districts do not have a general
10 ed total enrollment for three- through five-year-
11 olds to compare their special education population
12 to or it's not consistent across the state. So we
13 don't have -- we can calculate the risk ratios for
14 charter schools, for traditional districts for
15 ages six through 21, but for the preschool
16 population, we don't have a general population to
17 calculate it to.

18 So what OSEP is saying is you can use
19 a number of different ways. You might compare it
20 to an overall state population, but we don't have
21 a consistent overall state population that we
22 would feel comfortable comparing it to. What some
23 states are looking at right now is comparing it to
24 a census for their state for children ages three
25 through five. I'm not sure that that's how we'll

1 go, but I do want to let you know that we've got
2 our preschool folks looking at this and looking at
3 what other states are considering because that's
4 the area where we still have a question about how
5 we're going to calculate risk ratios for our
6 population of three- through
7 five-year-olds, but we do have -- and that's,
8 again, one of the reasons they're giving us more
9 time. That, we don't have to implement for
10 preschool until the year of 2020. Yes, ma'am?

11 MS. HOLLER: What about those, like,
12 state More for Four programs? Do you know what
13 I'm saying?

14 MS. JOHNSON: Yes. Yes.

15 MS. HOLLER: Could you use that
16 population even though it's considered---

17 MS. JOHNSON: Possibly. Those are
18 some things they're looking at, but not everybody
19 has that and it's not consistent. So it's not
20 like a school district has a full population of
21 students and then we're comparing your special ed
22 population and its racial makeup to your
23 district's population and racial makeup, and it's
24 just not clean with preschool right now. So we
25 don't have enough of a general ed population, if

1 you will.

2 MS. HUTCHINSON: Are there any states
3 that have used the three-through-five population
4 and compared it to, like, say, their six-through-
5 21 population of the schools they're going to roll
6 into? Because you would think that that is -- do
7 you know what I'm saying?

8 MS. JOHNSON: Yes, I hear what you're
9 saying. No, I don't know of any states that have
10 done that, but---

11 MS. HUTCHINSON: That would make
12 sense. It's reflects the demographics and the
13 breakdown of that area. Typically, a student in
14 the three-through-five population is going to roll
15 into that LEA as part of that LEA, so it should
16 reflect the same needs of the area.

17 MS. JOHNSON: Possibly. That would
18 be something, though, that once we make our
19 decisions and finalize how we're going to do
20 things, we would have to get something like that
21 approved by the US Office of Special Ed Programs,
22 and that is not something they mentioned as a
23 possibility. They mentioned those other two
24 possibilities, but not that.

25 MS. HUTCHINSON: It's just that our

1 state is so diverse in different areas, that I
2 don't know that a state population is going to
3 help you.

4 MS. JOHNSON: Our state population,
5 but the census population may -- the census
6 population for the LEA may be a possibility is
7 what they've talked about.

8 MS. VLASATY: Nancy, I have a
9 clarifying question. When you listed the six
10 groups---

11 MS. JOHNSON: Yes.

12 MS. VLASATY: I haven't obviously
13 read the register, but you specifically said the
14 ID mild, and this just says intellectual
15 disabilities in the register.

16 MS. JOHNSON: Yes.

17 MS. VLASATY: How is the cut made
18 between mild and mod, then, for North Carolina?

19 MS. JOHNSON: That is based on our
20 numbers that are reported by the districts
21 between -- our districts report kids based on
22 intellectual disability mild, intellectual
23 disability moderate, and intellectual disability
24 severe and profound, I believe is the terminology,
25 and it's the intellectual disabilities mild that

1 the population covers.

2 That ours equates to what the
3 regulations -- in addition to these regulations,
4 OSEP sends us pages of directions about how we
5 complete tables that we have to submit to them,
6 and in those directions, our ID mild population
7 equates to what it is that they're requiring us to
8 look at. And that is where -- for intellectual
9 disabilities, the majority of our students who are
10 defined as intellectual -- to have intellectual
11 disabilities, the majority of students are in the
12 ID mild population.

13 MS. VLASATY: Got you. Thank you.

14 MS. JOHNSON: Just a couple of
15 things, just some potential effects, and I'll talk
16 about these as I get into each of these. We
17 believe we are going to see a probable increase in
18 the number of LEAs with disproportionate
19 representation in identification, and I'll explain
20 to you why when we get to the next slide. But we
21 also believe we're going to see a probable
22 increase in the number of LEAs with a significant
23 discrepancy in discipline, and maybe I'll just go
24 back now and explain these two.

25 As we started looking at our

1 numbers -- and it's taken us a little bit of time
2 because Muhammad Mannan, who's in our data
3 section, runs a lot of these formulas and numbers
4 for us, and then I review it all and then we
5 discuss and go back, and I've had to keep asking
6 him to run different scenarios and run different
7 numbers at the same time while we were doing all
8 of our data analysis for rolling out our
9 significant disproportionality determinations for
10 the year. So it's been a lot of extra work to try
11 to keep those two things separate with new
12 regulation.

13 But based on what we know from our
14 previous things, for identification, we already
15 use a risk ratio. We already pretty much meet the
16 requirements of the law, not that we can't change
17 them with input from our stakeholders group,
18 because we may make some changes, but even if we
19 continued with our regulations just as they are in
20 identification, because of the change of the
21 denominator requirement -- and I'll get into that,
22 but there is a change in the denominator
23 requirement. When I briefly did a cursory review
24 of all of our districts, it would add the
25 possibility of 80 districts having some type of

1 disproportionate representation.

2 And Christy's eyes went up, but
3 you've got to remember we have close to 300
4 districts. It's not just traditional districts.
5 It's our charter schools as well.

6 MS. HUTCHINSON: That's still a
7 gigantic number.

8 MS. JOHNSON: And with discipline,
9 we're not even sure yet how many districts are
10 going to be added, but I will tell you discipline
11 is the area where we have identified the most
12 districts. We had 16 districts on the list this
13 year with significant disproportionality in the
14 area of discipline, but we know that number will
15 increase because we're going to be looking at
16 different areas that we have not looked at in the
17 past.

18 And, particularly, two areas where
19 districts are allowed to suspend kids for
20 short-term suspensions, and I'm sure that
21 districts probably are not looking at those
22 short-term suspensions that are less than ten days
23 for a oh, what's the racial makeup of that child
24 and let's look at this and how this is comparing
25 and those kinds of---

1 MS. HUTCHINSON: And there's been no
2 training to train building-level administration
3 about that yet, so the numbers are a year in
4 arrears, it almost feels like.

5 MS. JOHNSON: Yes. Okay. So we know
6 we're going to see some increase in numbers, but
7 we just don't know how many yet.

8 Okay. So the next four slides, where
9 we're going to spend the rest of our time, are
10 going to kind of explain to you what we do
11 currently and then what options we have for making
12 changes. Now we are required in the future to use
13 a risk ratio threshold for all three areas:
14 identification, placement, and discipline. Right
15 now -- and you may want to make notes on these
16 slides. Right now we use a risk ratio threshold
17 for identification and for placement. We use --
18 for discipline, we use a twice state average rate.
19 So we are going to have to -- and that's
20 something -- I should have included an extra
21 bullet on this because that's another option. For
22 discipline, we're going to have to identify a risk
23 ratio threshold.

24 So currently for placement and for
25 identification, the risk ratio is 3.0 or greater.

1 What that risk ratio means is that -- and I used
2 the example of a Hispanic student before. If a
3 district has Hispanic students who are identified
4 at 3.0 or greater, that means they are three times
5 more likely than students of any other race to be
6 identified for special education. That's what a
7 risk ratio is telling you. It's how many more
8 times likely is this racial group of students
9 likely to be that, or for discipline, when we go
10 to a risk ratio, how many more times likely is a
11 student who is African-American more likely to be
12 disciplined in the manner -- the type of
13 discipline that we're looking at.

14 So for identification and placement,
15 we have three options. We can either maintain the
16 3.0 risk ratio we're currently using. We could
17 increase, for example, to a -- I put as an example
18 4.0, but it could increase to 3.5, 4.0. I will
19 give you some things we'll have to consider here
20 in a minute before we go too high. We could
21 decrease to a 2.5 risk ratio. Just so you know,
22 when it relates to identification, which was our
23 first area where we had a lot of districts -- many
24 years ago when we started this, we had 78 of our
25 115 LEAs that were identified as having

1 significant disproportionality that had a risk
2 ratio 3.0 or greater in some area of
3 identification whether it was a category of
4 disability, and the most areas that it was, was
5 either overall special ed -- we didn't have a lot
6 there, but we had a few there at the time -- but
7 mostly in ID mild and serious emotional disability
8 and it was mostly for African-American students.
9 We had 78 districts. In fact, North Carolina was
10 one of the states that they talked about
11 nationally because of the issue.

12 So our districts have done a good job
13 of getting their risk ratios down either below 3.0
14 or showing that they're moving toward that target
15 and making progress. So if we would consider
16 increasing, we need to keep in mind that -- excuse
17 me -- if we would consider decreasing the risk
18 ratio, we need to keep in mind that as we decrease
19 that risk ratio, we're going to identify more
20 districts than we already do, and right now we
21 have a handful of districts that are identified.
22 But we have -- I mentioned that we have a lot on
23 the warning list this year for the first time
24 because of the white population. A number of
25 charters schools have been added to the warning

1 list for the first time and some individual
2 traditional LEAs, okay, based on a 3.0 risk ratio.

3 We can increase our risk ratio if we
4 want. I used 4.0 as an example because that is
5 what some other states are doing. I will tell you
6 once we go beyond that, we're getting out of the
7 realm of anything that OSEP would approve or
8 anything that's appropriate. OSEP does -- and
9 you'll see later when I talk about reasonable
10 process, we use a risk ratio of 5.0 as the
11 threshold for reasonable progress where a
12 district's been on the list and we move down, but
13 I'll talk about that a little bit more.

14 The same for this risk ratio
15 definition, if we get beyond -- much beyond 4.0,
16 OSEP is going to say, "Um. Why are you going so
17 high? You're not going to identify anybody as
18 having that." So those are some things to keep in
19 mind when you start thinking about feedback that
20 you want to give to us about whether we maintain
21 our risk ratio, increase it, or decrease it.

22 And the third -- lastly, and I don't
23 have this bullet, I wish I did, but please write
24 this down. We have to come up with a risk ratio
25 for discipline because this risk ratio right now

1 only applies to identification and placement. Now
2 considering that for discipline, we can use the
3 same risk ratio across the board for all three
4 areas which sometimes makes sense because
5 explaining all of this all of the time to the
6 districts is very confusing and then explaining to
7 the general public gets confusing because it is so
8 technical. So if we have different risk ratios,
9 then we'll have to explain why we have a different
10 risk ratio each time we explain it, but that's
11 okay. We can do that.

12 Several people at one of our
13 stakeholder meetings indicated to us that we might
14 want to consider a risk ratio a little bit higher
15 for discipline, like a 3.5 risk ratio, just
16 because it's new, the way we're doing it, it's
17 going to be so different and we have so many
18 different areas to look at, that we might want to
19 consider a little bit higher than we normally
20 would, but then they also cautioned us that we
21 don't want to look like we're trying to keep
22 people off the list if they have an issue.

23 So we do need to think about again
24 what a risk ratio means. We're saying, even at
25 3.0, that students of a specific race are three

1 times more likely or greater than students of all
2 other racial categories to be disciplined. So
3 just consider that as we come back and talk about
4 these things. Again, with risk ratio, one of the
5 decisions that we're seeking your advice on is if
6 we're going to maintain a risk ratio, increase it,
7 decrease it, or for discipline, which risk ratio
8 we'll be choosing, in essence.

9 MS. GRADY: And how frequently do you
10 evaluate the thresholds?

11 MS. JOHNSON: We have to, sometime
12 this fall, have between -- the timeline they gave
13 us is sometime between October and December, we're
14 going to have to have our regulations finalized.
15 We have to submit them to the US Office of Special
16 Ed Programs for them to approve them, if you will,
17 but they haven't told us yet when we're going to
18 have to report to them for the approval, but
19 they've give us a timeline that sometime this
20 fall, we're going to be making these final
21 decisions.

22 So right now what we're doing is
23 seeking -- well, we're seeking advice all the
24 time, but we're sharing with our stakeholders what
25 this information is, and then, as we run more

1 calculations, we're going to be sending them out
2 to you so that you'll know what you're looking at
3 and what you're thinking about. We're going to
4 run -- eventually run numbers so we can see, okay,
5 discipline with our new numbers, what would it
6 look like if it was a 2.5 risk ratio, what would
7 it look like -- how many districts would it be if
8 it were 3.0, how many districts would be if it
9 were 4.0 kind of thing.

10 MS. GRADY: I was wondering how
11 frequently it's evaluated -- the changing of the
12 threshold? Like, if you set it now, is there a
13 length of time -- like, is it every three years?

14 MS. JOHNSON: No, there is not.
15 There's no requirement in the federal regulations.
16 We would -- we could do that anytime, I guess. We
17 probably would not until we get some trend data to
18 see how that looks, but once we would want to
19 change, we would have to submit it to the federal
20 government. And I will tell you we haven't -- we
21 chose the 3.0 risk ratio. We were already using
22 it. OSEP approved it back in 2012, and we haven't
23 changed it since then.

24 Are there any question as it relates
25 to the risk ratio threshold and what you'll be

1 thinking about as we send you more information or
2 what your thinking is now just from what you've
3 heard?

4 MS. MEBANE: So what do you do in the
5 case where you have a district that is just
6 racially disproportionate anyway?

7 MS. JOHNSON: Where the district is
8 racially disproportionate?

9 MS. HUTCHINSON: Disproportionality
10 would be compared to the overall district's racial
11 breakdown.

12 MS. MEBANE: Oh, okay.

13 MS. JOHNSON: Again, when we
14 calculate risk ratios, it's comparing your
15 disability population by your racial makeup to the
16 district's overall population of racial makeup.
17 So if a district has more white students, then you
18 would assume that there would be more white
19 students proportionately identified in special ed.
20 So it is a comparison -- a formula that compares
21 that.

22 MS. DANIELS-HALL: So, Nancy, 2011 --
23 North Carolina decided in 2012 to set their risk
24 ratio at 3.0?

25 MS. JOHNSON: Yes. And that was the

1 risk ratio we were already using, but we set it at
2 that, yes.

3 MS. DANIELS-HALL: So what was the
4 work behind setting that ratio at 3.0?

5 MS. JOHNSON: Originally, when we set
6 it at 3.0 and we considered setting it lower is
7 when, at the time initially, we identified 78 of
8 115 traditional districts using the 3.0 risk
9 ratio. And the US Office of Special Ed Programs
10 said to us, "If you go any lower, you're not going
11 to have the capacity to assist these districts,"
12 and so they helped us cut it off of 3.0.

13 But I will tell you, just so you
14 know, that there are states -- there are a couple
15 of states who use a 2.0 risk ratio, but their
16 racial makeup is quite different than North
17 Carolina's. A lot of states are at 3.0 or 4.0.
18 So we're kind in the ballpark of where most states
19 are, not that we have to do what other states are
20 doing, but that's kind of generally -- somewhere
21 between 2.5 and 4.0 is generally accepted as a
22 choice of a risk ratio. And I know that if we
23 selected any of those from 2.5 to 4.0, as long as
24 we can justify why we are adjusting them, that
25 OSEP would accept those as being reasonable.

1 THE CHAIRPERSON: My thought on the
2 possibilities of decreasing would be the idea of
3 possibly improving identification so that children
4 are receiving the services they need and being
5 properly identified versus being labeled SED but
6 really having intellectual disability and specific
7 learning disability, which happened to a friend of
8 mine's child. You know, so that's why I'm
9 thinking maybe decreasing it to kind of make
10 proper identification more of a priority.

11 MS. JOHNSON: I will share with
12 you -- and that's a good thought and that would be
13 awesome if that's how this worked. Because this
14 is all based on numbers only -- how can I share
15 this? I only know this from hearing anecdotal
16 information and kind of watching and our
17 assumption as we watch things happen before. We
18 have identified some districts as having -- they
19 don't have a risk ratio issue or significant
20 disproportionality in their overall special ed
21 population, but they have had it in -- let's say
22 they've identified too many African-Americans
23 students who are serious emotionally disabled, and
24 they may be, those kids might be, but their
25 numbers kicked them over.

1 When we look at this, we only can
2 look at numbers. It's solely based on data.
3 That's how OSEP -- how the regulations are
4 written. So we can't consider anything else.
5 What we have seen happen is, all of a sudden, in
6 some of those districts, the population shift
7 starts happening, and we start seeing more kids
8 identified as other health impaired.

9 MS. HUTCHINSON: Or not identified.

10 MS. JOHNSON: Or not identified
11 possibly. What's happened is, we suspect that
12 some of the shifts may happen just to get the
13 numbers right and rather than actually dealing
14 with what the underlying issues are. That's why
15 one of the things we're hoping will help with that
16 is requiring districts to identify the factors
17 that are involved in the significant
18 disproportionality if they have to spend 15
19 percent of their funding.

20 So while I would like to believe that
21 will help get the numbers better, that's not
22 always, in my experience, the case, that sometimes
23 it's just a shifting to make it okay so that
24 they're not identified.

25 MS. HOLLER: I have a question. If

1 you have, like, a child that has two areas of
2 eligibility, you know, like a primary and a
3 secondary -- this is going to sound weird -- do
4 they get counted twice? Do you see what I'm
5 saying?

6 MS. JOHNSON: No, not for this. It's
7 only based on the primary identification.

8 MS. HOLLER: But even in your numbers
9 as a whole?

10 MS. HUTCHINSON: Dual area diagnosis,
11 not just -- not just primary and secondary but
12 dual area is a whole separate category all on its
13 own.

14 MS. HOLLER: Okay.

15 MS. JOHNSON: But for counting
16 purposes, when we submit data to the federal
17 government, kids are only -- for funding
18 purposes -- are only counted in their primary
19 category, whatever the district identifies them
20 as.

21 Any other thoughts about risk ratio
22 before we go on? I want to go through each of
23 these so you will have an understanding of what it
24 is you're going to be considering over the next
25 few month and how you as a Council want to give us

1 feedback, those kinds of things, how we're going
2 to decide how we're to do this work over the next
3 few months. Any other thoughts?

4 **(No audible response.)**

5 MS. JOHNSON: So the next one, cell
6 size. When we do these risk ratio calculations,
7 there is a numerator and there is a denominator.
8 The numerator is referred to as cell size. The
9 numerator and the cell size mean that's the
10 population of kids we're actually looking at that
11 are affected by this situation. So, in other
12 words, in discipline, if we're looking at
13 African-American students who were disciplined for
14 short-term suspensions, we would look to see if
15 there are at least ten students who are
16 African-American who have received short-term
17 suspensions who are disabled, who have a
18 disability. So that's your numerator, the top
19 number, cell size.

20 We currently don't use a cell size
21 for placement and identification, but we will be
22 required to in the future, and we do use a cell
23 size for discipline. And our cell size for
24 discipline that we currently use is ten. Now the
25 choices I've given you for the cell sizes are ten,

1 less than ten, or greater than ten. Those are our
2 options, but if you note, there's a little note up
3 there that says, "If we choose greater than ten,
4 it is going to require a lengthy --" it doesn't
5 say lengthy, but I know it's lengthy -- "lengthy
6 explanation to OSEP and approval by them."

7 OSEP has to improve our overall
8 regulations anyway, but I'm saying that because,
9 in their comments, they said ten was considered a
10 reasonable cell size. And the reason there is a
11 cell size is because we have small districts that
12 if we didn't have a cell size that might have five
13 students, and it could push them way over a risk
14 ratio calculation, but that doesn't make sense
15 because their population is so small. In fact, we
16 have districts, when I look at the numbers, one
17 kid identified in a racial population could put
18 them over the 3.0, and we certainly wouldn't want
19 to do that because if a child has a disability and
20 needs these services, we need to be able to
21 provide that for them, and it would keep people
22 from identifying kids.

23 So our cell size basically is the
24 first two choices. We'll either be able to use
25 the cell size of ten, which OSEP has said is

1 reasonable, or we will need to use less than ten
2 as a cell size, and ten is something we're already
3 using for discipline. Again, we don't use it for
4 placement or identification, but we will have to
5 in the future.

6 Just for another thing -- and this is
7 a little different, but just for masking purposes,
8 in our state to publicly report data, our state's
9 masking rule is less than ten students. Anything
10 less than ten, we don't publicly report. We
11 report with an asterisk. So if we choose
12 something less than ten, we will also have to
13 publish some of those things as we'll publish the
14 risk ratio, but then have to put asterisks in so
15 that you can't actually see the data. So that's
16 another just consideration when we're thinking
17 about cell size.

18 Now I know I'm giving you these
19 things individually, but in a minute -- and I can
20 do this, if you want, go ahead and explain the "N"
21 size, which is the denominator that goes along
22 with this ratio, if that would help you so you see
23 both. Maybe we should do that, okay, and then I
24 can come back to that one. I'm trying to watch my
25 time.

1 The "N" size is the denominator.
2 Right now we use an "N" size for all three areas,
3 and we use the "N" size of 30 which always went
4 along with -- we picked 30 at the time because
5 that was the subgroup we used at the state level
6 for other things like assessment and different
7 things like that, and that was something we had
8 approved through our waiver process with the
9 Elementary Education -- and Secondary -- Act, not
10 just for students with disabilities. So we had
11 chosen 30 and OSEP approved 30 for us back in
12 2012.

13 You'll notice we've chosen a lot of
14 things similar to what -- some of the regulations
15 that came out. Our team leader from OSEP at the
16 time in 2012 was also one of the staffers who
17 helped write these regulations, so we were, I
18 think, already doing some of the things that came
19 out in the regulations, as you can see. But,
20 anyway, we have a choice for the denominator
21 whether we remain an "N" size of 30 or we do
22 something less than 30 or greater than 30.

23 If we use greater than 30, again,
24 it's going to require us to explain to OSEP why
25 and have good justification for that. Less than

1 30 means -- if, for example, we would choose an
2 "N" size of 25, that we would look at districts
3 and do the risk ratio calculation. In essence,
4 what OSEP is saying is if you don't have the
5 number 30 in your population that you're looking
6 at, then you don't have to do these risk ratio
7 calculations for them because it's too small a
8 number to get a good calculation.

9 So what that means -- and then I'll
10 answer your question -- what that "N" size means
11 is for placement and discipline, if we are looking
12 at African-American students as the racial
13 population for placement and discipline, does that
14 LEA have 30 or more African-American students who
15 are identified as students with disabilities? If
16 not, if they have less than 30 students who are
17 African-American identified as students with
18 disabilities, we wouldn't calculate for that
19 racial population for that district.

20 On the other hand, for
21 identification, the "N" size applies to your
22 overall population, and currently -- when I
23 mentioned earlier that we were going to see
24 numbers increase in identification, it's because
25 before OSEP approved us to apply that "N" size for

1 identification to our students with disabilities
2 population. In the future, we're going to have to
3 apply it to the overall district population.

4 So many of our districts that didn't
5 have an "N" size of 30 of students with
6 disabilities -- let's say they didn't have 30
7 Hispanic students with disabilities as part of
8 their population. We wouldn't have done the
9 calculation, but now we have to apply that "N"
10 size to the overall population, and they may have
11 more than 30 students in their overall population
12 who are Hispanic, so we would apply it. But then
13 we also didn't have the cell size to help adjust
14 for some of that, so the cell size will help as
15 well.

16 So, again, our questions here, are we
17 going to maintain what we already have, which is
18 again what OSEP said in its comments is reasonable
19 for an "N" size, and that's why I say, if we
20 choose greater than 30, we're going to have to go
21 through a lengthy explanation because they've
22 already said to us what that reasonable cutoff is
23 for that. So in looking at these, the cell size,
24 we're looking at cell of ten or less and an "N"
25 size of 30 or less.

1 And so with that, I would like first
2 to ask, do you have any questions about what a
3 cell size is, what an "N" size is, and then what
4 your thoughts are about this?

5 MS. HUTCHINSON: Isn't our "N" size
6 for Testing and Accountability and State Report
7 Card 30 as well?

8 MS. JOHNSON: 30, yes.

9 MS. HUTCHINSON: That's what I was
10 thinking. [Inaudible].

11 MS. JOHNSON: And that's where we
12 originally chose 30 was because Testing and
13 Accountability were already using that. Districts
14 were used to that "N" size. That's an "N" size
15 that even OSEP has agreed with. It makes sense
16 that you have enough of a population that this
17 calculation works or makes sense.

18 MS. HUTCHINSON: So with our State
19 Report Card, where we report out students with
20 disabilities, there would be some consistent
21 numbers in areas of deficits and areas of strength
22 if we kept those numbers the same---

23 MS. JOHNSON: Yes, there would be.

24 MS. HUTCHINSON: ---for the public --
25 like, for the public perception of it.

1 MS. JOHNSON: For the public.

2 MS. HUTCHINSON: I think if it's not
3 transparent and it appears on the State Report
4 Card one way and it appears in our data
5 differently, I don't know that that always looks
6 really transparent.

7 MS. JOHNSON: Well, and again, if we
8 go with less than a cell size of ten, we will have
9 to mask some of that data when we report because
10 our state -- we do have to follow our state
11 reporting requirements for reporting data, and we
12 have to mask anything that's less than ten
13 students for the cell size. So you've got your
14 "N" size and cell size.

15 MS. BYNUM: Nancy? Nancy? I'm
16 sorry.

17 MS. JOHNSON: Yes.

18 MS. BYNUM: Can I interrupt you for
19 just one second?

20 MS. JOHNSON: Yes, sure.

21 MS. BYNUM: We would like to have our
22 State Superintendent, since he's been able to come
23 up---

24 MR. JOHNSON: I did not want to
25 interrupt at all. This is very important. Thank

1 you. I'm going to speak from here because there's
2 a lot going on with microphones and phones and---
3 I missed you-all last time. I just wanted to come
4 up and say thank you for the service you're doing
5 for the state. I'm Mark Johnson. I'm the new
6 State Superintendent.

7 I am extremely passionate about
8 education, and I actually -- I taught at West
9 Charlotte High School. It was a very difficult
10 place to teach, but I taught students who weren't
11 dealing with the issues that you're talking about
12 today. Yes, in my class, I had IEPs, but you
13 know, when I moved on to be on the school board in
14 Winston-Salem/Forsyth County is where I really
15 started to understand just the sheer amount of
16 struggles and challenges that a lot of our EC
17 students have faced, but also the fact that
18 through traditional public schools, we still can
19 provide for them the opportunity for them to be
20 successful post-high school.

21 And I'm extremely grateful for the
22 work that you are doing here, and just wanted to
23 come up and say that. And I'm not going to
24 interrupt any more of this. This is -- this is
25 really important work, and I just want each and

1 every one of you to know how grateful we are that
2 you take time out of your schedule to come here to
3 dive into these topics, and I also want you to
4 know that we listen.

5 I mean we are listening in my office
6 and the State Board. We listen to what the staff
7 here report back to us, and I also don't want you
8 to ever hesitate to e-mail us if something happens
9 out in the field or if you have other concerns and
10 e-mail me too. As I like to joke with staff here
11 in the building, my new hobby on the weekends is
12 checking e-mails because I do -- I can't get to
13 every e-mail, but I really do try to respond when
14 people have concerns or have issues.

15 Again, I won't take up any more time.
16 I just wanted to say thank you. Really you are
17 providing a very valuable service to the state, to
18 the students, and especially for, you know,
19 parents of the students. It's really tough to
20 navigate through these issues, and it is great
21 that we have you-all here to help us as we do it
22 here too. So thank you-all very much for being
23 here and the work that you do. Thanks. Thank you
24 for letting me interrupt.

25 MS. JOHNSON: Okay. So any thoughts

1 or questions about cell size -- back to the
2 important data numbers -- cell size and "N" size?

3 MS. GRADY: Do you know what other
4 states are doing?

5 MS. JOHNSON: I've listened to some
6 states. There are a couple of states that I think
7 are going with less numbers. California was
8 looking at less numbers, which is really
9 surprising because they are really going to have a
10 lot of LEAs on their list that they've not had in
11 the past, but -- and I say they're going to that.
12 People are -- they're running numbers and seeing
13 what it looks like, in essence, is what all states
14 are doing. States haven't finalized their
15 regulations and we don't have to till by the end
16 of this year. I know some states are probably
17 going to recommend that they go with the
18 reasonable -- what OSEP has said is reasonable, a
19 cell size of ten and cell size of 30 -- or an "N"
20 size of 30.

21 And, again, as we start looking at
22 our numbers more, we can provide you and show you
23 how many LEAs would be one, let's say, if we went
24 with an "N" size of less than 30, like an "N" size
25 of 25. I will share with you, once you get below

1 25, even below 30 but below 25, you're getting
2 into such small numbers that it's not always a
3 good calculation that you can feel comfortable
4 that the calculation is appropriate.

5 So that's why I think OSEP said 30
6 was reasonable, but we can provide you information
7 over the next couple months of what it would look
8 like or examples at least of what it would look
9 like. We might not be able to run every scenario,
10 but what it would look like if we used an "N" size
11 of 25, just to see what the difference would be.

12 MS. LaCORTE: I think that would be
13 very helpful to see that.

14 MS. JOHNSON: Okay. Thank you, Mary.

15 THE CHAIRPERSON: Because I was
16 wondering how this would look with some of your
17 smaller charter schools that are just starting out
18 and slowly growing, but at one year, year two,
19 year three, they tend to be very small groups, and
20 you know---

21 MS. JOHNSON: I will share with you,
22 because you mentioned charter schools, we asked as
23 states, when we were first discussing all these
24 things in national meetings when we would be with
25 OSEP, about making some provisions as it related

1 specifically to charter schools and other -- where
2 there are districts who have group homes and some
3 different things, and they did not provide for
4 that in these regulations.

5 But the reason we asked for it in
6 states is because oftentimes the district doesn't
7 have any choice about those kids who have been
8 identified. For example, a charter school -- and
9 I keep looking to Christy because I know she's at
10 a charter school. Charter schools often get kids
11 who are already identified. They didn't have
12 anything to do with the identification of those
13 kids, and so to then say that they are
14 disproportionate -- have significant
15 disproportionality as it relates to the kids who
16 are in their charter school, when all those kids
17 came from various districts to their school, is
18 kind of a misnomer because then they've got to
19 figure out what they can do to solve the
20 overidentification problem, if you will.

21 MS. HUTCHINSON: We have no control
22 over that.

23 MS. JOHNSON: And they have no
24 control over that. It's the same in situations
25 where certain things cluster like where we have

1 groups of hospitals that provide certain services
2 to kids that they can't get in other places, and
3 so kids with -- parents of students with
4 significant health needs might flock to that area
5 or where group homes are built or some type of
6 facility is and those kids are identified through
7 other processes, and then the district has those
8 kids as part of their numbers.

9 But, again, that was not allowed for,
10 but they said things like, "Well, we allowed for
11 the "N" size. We allowed for the cell size.
12 We're going to allow --" and there are some other
13 things that we're going to go over here in a
14 minute that they allow for to help you with those
15 issues, but it doesn't solve everything.

16 MS. HUTCHINSON: You have to look at
17 charter schools that have different missions or
18 visions, and some of those folks, their specific
19 purpose could potentially be in an incarcerated
20 situation. That's their mission. That's their
21 entire population. Those kinds of very detailed
22 mission charter schools or at-risk population --
23 there's a number that are specifically at-risk
24 population -- their breakdown is going to look a
25 little different, and it's such small numbers.

1 When you're talking about an "N" size and you're
2 comparing it, Nancy, to the whole district
3 population.

4 MS. JOHNSON: I can't hear you.

5 MS. HUTCHINSON: When you compare the
6 "N" size to the district population, there's a
7 number of charter schools that are under 120
8 students. So I think it's something to keep in
9 mind.

10 MS. JOHNSON: That microphone is not,
11 for some reason, picking up your voice. I don't
12 know if this one is working. Maybe that will
13 help.

14 So Christy was talking about the
15 different missions for different charter schools
16 and sometimes their mission then targets a certain
17 population, and that could affect all of this, and
18 that is true and that is, again, one of the
19 reasons why states were asking for those kinds of
20 provisions, but that was not provided for.

21 So that's something to think about
22 also when we're thinking about the cell size and
23 the "N" size, and again, we do have a couple of
24 charter schools now that are larger than some of
25 our smallest school districts, but we've got some

1 very small school districts also that the small
2 numbers do impact them.

3 Just so I make sure I get through the
4 rest of these things, we have an opportunity to
5 use reasonable progress, and I'm going to --
6 before I do reasonable progress, I'm going to flip
7 to consecutive years because first you have to
8 have consecutive years before you can look at
9 reasonable progress. I should have done those
10 slides differently.

11 One of the things that OSEP has said
12 is that we can use consecutive years. Our first
13 step is looking at the current year's worth of
14 data and deciding if a district has
15 disproportionate representation or a significant
16 discrepancy in discipline, okay, but then they
17 said to determine that a district has significant
18 disproportionality in that area, you can look at
19 the current year and two previous years. So you
20 do your calculations on the current year and then
21 the same calculations on the two previous years,
22 and then if the district still has the
23 disproportionate representation or the significant
24 discrepancy for three consecutive years, you would
25 identify them as having significant

1 disproportionality, in essence.

2 We currently use the current year and
3 two previous years. OSEP approved that for us
4 back in November 2012, and lo and behold, it is in
5 the regulations that way. We can use that. So we
6 have a choice of do we keep that or do we do a
7 current year and one previous year or do we look
8 at the current year only. Well, I will tell you
9 right now, if we look at the current year only,
10 we're going to have a -- a huge increase -- I
11 don't even know what the increase would be, but a
12 huge increase in this because oftentimes we'll
13 have a district come on the first year, and when
14 they realize it, it takes about two years because
15 we're a year in the arrears by the time we get
16 this data out, the way it comes in and how we have
17 to do it, that it takes them about two years to
18 put things in place and start seeing an impact of
19 changing that data.

20 So that's why we've always gone with
21 the current year and two previous years' worth of
22 data to give districts a chance to show
23 improvement and move off of the list, and we have
24 had a number of districts who have started out on
25 the list -- on the warning list and moved off

1 because of the things they have put in place. It
2 is a way of -- kind of an incentive to give them
3 an opportunity, and OSEP does allow for that. But
4 that's one decision we'll have to make.

5 One other thing that we do, though,
6 once a district has been on three consecutive
7 years, we also look at reasonable progress.
8 During that -- if they are identified as having
9 significant disproportionality because they've had
10 it for three consecutive years, they've been at a
11 risk ratio of 3.0 or greater for Hispanic students
12 as other health impaired, as an example, for three
13 consecutive years, then we would look at have they
14 made reasonable progress during those three years
15 to come off the list. In other words -- because
16 we've had some districts -- particularly if you
17 have small populations, some districts, their risk
18 ratio might be 10.3. That's really pretty high,
19 but a one- or two-student shift the next year
20 drops them down below a 5.0 risk ratio. So you
21 can see how much in smaller districts one or two
22 students can shift this.

23 So what OSEP said to us before, when
24 we were doing reasonable progress -- we were
25 looking at reasonable progress, was the district

1 making progress, and if they made any progress, we
2 said it was reasonable progress. They told us we
3 had to put another threshold on our risk ratio,
4 and they accepted -- I had mentioned earlier they
5 accepted the 5.0 risk ratio for that reasonable
6 progress.

7 So right now what we look at is if a
8 district has had significant disproportionality
9 that they've gotten down below the 5.0 risk ratio
10 and they're continuing to work on that progress,
11 that they have made reasonable progress. So
12 they're left on the warning list so that we are
13 reminding them you still need to continue to work
14 on this, but they're not identified as having
15 significant disproportionality.

16 So our options related to reasonable
17 progress -- and, again, we have to have this
18 approved as everything else by OSEP -- we can
19 maintain the current method of making progress and
20 using that 5.0 as the threshold, or we can
21 determine a new method that is -- and I put in
22 there that is statistically appropriate because
23 Muhammad Mannan and Matt Hopkins, who is our
24 school psychologist on staff, are looking at
25 different methods that we could use that would be

1 so statistically appropriate.

2 Like, if you are at a certain
3 threshold but you move a certain percentage of
4 that threshold, what would be considered a
5 reasonable kind of thing to show progress, what is
6 the actual progress being shown. So they're
7 coming up with some scenarios that we're going to
8 share with you for that second bullet that might
9 make more sense than just a 5.0 risk ratio.

10 Or we could choose not to use
11 reasonable progress at all, but what I will share
12 with you is, if we don't use reasonable progress
13 at all, that idea of charter schools where they
14 don't have -- like, these kids have been
15 identified and they come to the charter school for
16 that mission or places where there are group homes
17 and those kids are in that school district and we
18 don't have a way for districts to show some
19 kind of -- something they're doing to show
20 reasonable progress, it could create more problems
21 for them.

22 Because this calculation is solely
23 based on data, we can't -- you know, we have
24 districts say all the time, "Why can't you
25 consider my transient population? It moves in and

1 out with the crops being done," and this or that.
2 We are not allowed to consider any of that. We
3 can only base it on data. So the only other
4 option we have to help districts is with
5 reasonable progress, so I would at least like to
6 suggest or have you think about that last one as
7 being a last resort, not using reasonable
8 progress, but think about when we present some
9 other things that would be statistically
10 appropriate to show progress, that we think about
11 one of the two bullets.

12 MS. HUTCHINSON: We also have schools
13 in the Department of Juvenile Justice. I mean
14 that's a different population, but it's still the
15 same kind of the population you get is the
16 population you get.

17 MS. JOHNSON: You get. And we do --
18 you're mentioning -- Christy is mentioning the
19 Department of Juvenile Justice. We do have to do
20 these calculations for our State-operated programs
21 also. It is not just for our traditional and
22 public schools. We do them for everybody. So
23 those calculations are taken into consideration.
24 So as you're thinking about reasonable progress --
25 as you're think about consecutive years, I also

1 want you to think about reasonable progress.

2 With that, I'm getting close to the
3 end of my time, but I would like to go back and
4 see if you have any thoughts or other questions
5 about consecutive years or reasonable progress and
6 whether or not those are things you would like us
7 to consider continuing or if you would like to
8 withhold any thoughts until we get you more
9 information about what it might look like for some
10 scenarios with some of those things, or if you
11 just have any questions about any of those four
12 areas and what they mean, cell size, "N" size,
13 consecutive years, and reasonable progress and the
14 risk ratio threshold. I almost forgot that one.

15 **(No audible response.)**

16 MS. JOHNSON: I'm not hearing
17 anything. I see people looking and thinking. I
18 know you're thinking. I know this is a lot of
19 information, but we're going to have time over the
20 next few months to kind of work on this. What I
21 would like to just kind of ask now also is how --
22 and this is something, I guess, the Council will
23 decide -- how they want to go about doing this
24 work, whether or not as we go about this moving
25 forward, if you just want us, as we get the

1 scenarios, to send them to everybody to take a
2 look at, and if you want to give me feedback
3 directly through e-mail or if you want to do it
4 through a small committee that's looking at it and
5 presents to the Council and then you get back to
6 me, however you-all decide, but that is something
7 as a Council that I do think you'll have to take
8 up as how you want us to proceed to give you
9 information and for you to get feedback to us
10 about this process and about each one of those
11 areas specifically.

12 MS. GRADY: When you say "scenarios,"
13 you mean the scenarios with the data?

14 MS. JOHNSON: Yes. When I say
15 "scenario," scenario with the data, what it would
16 look like if we used an "N" size of 25 or what it
17 would look like if we used a risk ratio of 4.0 or
18 a risk ratio of 2.5, and I won't give scenarios
19 for everything we have to do or you-all would have
20 so much information you wouldn't -- but I will
21 pick a few that will show shifts in the data and
22 what it might look like to give you an idea of
23 what we would be talking about.

24 So just to keep in mind, for
25 identification, for all seven race categories, we

1 run seven different analyses; for placement, for
2 all race categories, we have to run four different
3 analyses -- well, actually more than that. It's
4 four times the six major -- seven race categories
5 times the six disability categories and the
6 overall special ed. So it's, like, 14 or 15
7 different analyses. And then for discipline, it's
8 going to be the five disciplinary areas by the
9 seven race categories.

10 So while we won't give you scenarios
11 in all of those because it's about 35 different
12 analyses that we do, we will give---

13 MS. LaCORTE: Please don't.

14 MS. JOHNSON: Mary said, "Please
15 don't." Thank you, Mary. But we will give you
16 enough examples so that you can -- it will help
17 you make decisions about each of these areas that
18 you need to look at, if this makes sense.

19 MS. DANIELS-HALL: So, Leanna,
20 because this seems to fall under the Reports and
21 Data Committee or Subcommittee, but I think
22 everybody in the Council should get the actual
23 scenarios she's going to run and then we do some
24 work, the Reports and Data Committee?

25 THE CHAIRPERSON: That's what I was

1 thinking. You'd make it layperson ready, you
2 know, not the Reports and Data guru ready yet.
3 And as far as -- I mean, just looking at it, I'm
4 all for the consecutive years personally because I
5 think that gives the LEAs an opportunity to
6 self-correct and identify and work their programs
7 with their resources in the community versus, you
8 know, having other people coming in and things
9 like that. But that's my viewpoint for the
10 consecutive years.

11 And reasonable progress, I'm all for
12 new ideas, but in the current program might be
13 okay too. So I don't know if there's any other
14 discussion on that from anybody. So---

15 MS. DANIELS-HALL: So on the risk
16 ratio, I'd like to see us decrease it to 2.5, so
17 I'd certainly like to see a scenario that does
18 that and be consistent with discipline at 2.5 as
19 well. On cell size, I'm good with the ten. The
20 "N" size, you had said that it aligned with ESSA,
21 and as we are sending our new report to or plan to
22 the federal government on ESSA, does it still
23 align with ESSA?

24 MS. JOHNSON: As far as I know, I
25 think it does because we already use that for

1 assessment.

2 MS. DANIELS-HALL: I was on an ESSA
3 committee, and I think it was lower the 30 -- the
4 "N" size.

5 MS. JOHNSON: Was it?

6 MS. DANIELS-HALL: Yeah.

7 MS. JOHNSON: Okay. I will check on
8 that to make sure and see.

9 MS. DANIELS-HALL: And reasonable
10 progress, I'm with Leanna. I'm all for new ideas,
11 but I'm okay with the 5.0 risk ratio. Consecutive
12 years, I'm good with going the current year and
13 two previous years.

14 MS. OUZTS: Can you guys let Nancy
15 know for sure how you would like that processed?
16 We just want to make sure we're -- we have our
17 action steps for how to communicate it.

18 THE CHAIRPERSON: I think maybe after
19 lunch we may just do a quick consensus on the cell
20 size and the "N" size, barring what may be a
21 change in ESSA, to keep us -- you know, keep it
22 simpler for the districts and things like that.
23 But we might want to bring out more discussion
24 around the risk ratios for the three different
25 areas.

1 MS. GRADY: That's what I think it
2 would be helpful to have the data on, to see the
3 scenarios. I agree that I feel like a lot of
4 these are good as is. The rationale behind them
5 makes a lot of sense, but I would be very
6 interested in seeing the data for the risk ratios.

7 THE CHAIRPERSON: Yeah, I'm the same
8 way.

9 MS. JOHNSON: And, again, any input
10 you give us today is kind of preliminary input on
11 the first go-round, that once you get scenarios --
12 and any scenarios you ask us for, we'll certainly
13 run, but once you get the scenarios, we'll take
14 more feedback based on decisions because you'll
15 have more data to make better decisions, in
16 essence.

17 I guess we also -- just keeping in
18 mind the time frame, and not that you necessarily
19 want to hear from me again, but I know you have
20 your next meeting in September. So I would hope
21 as you think about your time frame that when we
22 get things out to you this summer and your
23 committee meets or goes over things that maybe by
24 September at your meeting, you'll have some very
25 specific recommendations you want to give, and if

1 I need to be here to answer any questions, we
2 could certainly do that. That would then help us
3 as we move into the fall and are actually
4 reworking our regulations, and then we would have
5 something then to present more finally to you in
6 December.

7 THE CHAIRPERSON: Okay. That sounds
8 good. Maybe during committee, Reports and Data
9 possibly teaming up with Policy -- can team
10 together and find out what thresholds they want
11 for the risk ratios, what certain scenarios, and
12 make a request to Janet about that or Nancy. I'm
13 horrible with names.

14 MS. JOHNSON: That's okay. I knew
15 you were talking about me.

16 THE CHAIRPERSON: The lady over
17 there. Does that sound like a game plan? Okay.
18 All right. Thank you very much. Any other
19 questions for her while she's here?

20 **(No audible response.)**

21 THE CHAIRPERSON: Okay. It is
22 twelve-o-seven. Lunch is here, I think, so let's
23 break till twelve forty-five for lunch, and I
24 think that sounds good. Thank you for your
25 participation.

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(A luncheon recess was taken from
12:08 p.m. to 12:47 p.m.)

THE CHAIRPERSON: I plan on leaving
as soon as I put you guys into committee and say
bye.

So one thing that I see here is that
we need somebody to head up the Policies and
Procedures Committee. Would anyone be interested
in that? Policies and Procedures, going once---

MS. HUTCHINSON: Can you describe
what the responsibilities are?

THE CHAIRPERSON: In the past, the
Policies and Procedures was mostly focused around
our bylaws, but right now with this current
disproportionality work that we're doing, I see it
being a team-up between Data and Policy to work
together to determine -- like, right now I think
the task we have today is to determine what --
what was the word? -- sample formulas --
scenarios -- risk ratio scenarios that we want to
look at so that we can make that request, is
basically the big thing for today for those
committees to work together on.

Would you be interested in doing that
one, or -- Susan was it before, so---

1 MS. HUTCHINSON: Yeah, I saw her name
2 there and it made me ask the question, but I don't
3 know if could be more valuable to the group
4 working with Cynthia. I don't know. I don't
5 know. But if those two are working together on
6 that objective, then---

7 THE CHAIRPERSON: Yeah. I mean right
8 now the biggest thing is working on that.

9 MS. HUTCHINSON: My expertise would
10 not be in the Policies and Bylaws.

11 THE CHAIRPERSON: Okay. So we might
12 just kind of table that committee for the time
13 being until we find somebody who is willing to --
14 interested in stepping up to possibly leading
15 that, maybe one of the LAs, when they come back in
16 the fall hopefully from the new -- we can get our
17 legislators in here again. Because usually it's
18 the LA, not the legislator that's here because I
19 know they were a big part of it last time.

20 So I think that's pretty much it.
21 Reports and Data will need to meet today
22 definitely. Diane Coffey has stepped forward as
23 possibly leading the Unmet Needs Committee as the
24 committee leader. And Mary LaCorte, who is
25 interim, can kind of maybe -- are you there, Mary?

1 Are you listening in, or have you gone for the
2 day?

3 MS. OUZTS: I have the sound on.

4 THE CHAIRPERSON: Okay. Because
5 maybe Mary can help show you the ropes. She's not
6 here right now, but---

7 MS. OUZTS: I'm sure she would.

8 THE CHAIRPERSON: Yeah. And make
9 sure that transition and assist you in any way,
10 I'm sure she would do that for you. And Jennine
11 is a wonderful support person on that committee as
12 well, so she's an amazing lady. We've got amazing
13 people throughout this room, though, so---

14 I think that's everything we needed
15 to do right now. I'm going to have to step out.
16 I've got to fly to DC. I'm going to leave things
17 with Vicki's well capable hands of leading and
18 guiding us until next time.

19 MS. OUZTS: Leanna?

20 THE CHAIRPERSON: Yes, Heather.

21 MS. OUZTS: Just a reminder, we
22 talked about this, but I'm not sure we've talked
23 about it with the Council, that during committee
24 time, due to the open meeting law---

25 THE CHAIRPERSON: Oh, yeah.

1 MS. OUZTS: ---we need to make sure
2 access to the public is always available. So it
3 is not required to audio stream, but we're just
4 going to leave that on unless you want me to turn
5 it off. It's just going to be loud. I don't know
6 which is the best answer for that. We are
7 required to keep everything open for visitors. So
8 we need to stay in this room so that they have
9 access to hear what's being said in the
10 committees.

11 THE CHAIRPERSON: And in the past,
12 visitors have always been welcomed to participate
13 with the committees as well.

14 MS. OUZTS: Yes, absolutely.

15 THE CHAIRPERSON: It's up to you. I
16 mean I guess it's up to DPI if they want to turn
17 off the audio stream for this part because I don't
18 see it being very necessary because you won't be
19 able to understand what's being said anyway
20 because we'll be so far away from the mikes, quite
21 possibly, because I see people in the back corner
22 and throughout the room so that it gives some
23 separation.

24 MS. OUZTS: Okay.

25 THE CHAIRPERSON: Is there any more

1 concerns or questions before I head out?

2 (No audible response.)

3 THE CHAIRPERSON: I'll leave it all
4 up to you. If you don't have a committee yet,
5 raise your hand.

6 MS. OUZTS: I don't think we have a
7 good list of who's on---

8 THE CHAIRPERSON: Because we had an
9 old list. So I say, for today's purposes,
10 Cynthia, if you want to work with -- so if anyone
11 wants to volunteer to work with Reports and Data
12 and Policy for the disproportionality, Cynthia, is
13 heading that up. We do have some things that are
14 coming up the pike, we're thinking, for Unmet
15 Needs that me and Diane have spoken about, about
16 trying to include some parent resource information
17 on our website, to expand that part of DPI's
18 website possibly.

19 MS. HUTCHINSON: Are we going to work
20 on a potential application for parents as well?

21 THE CHAIRPERSON: That's going to be
22 an Executive Committee function, and we'll
23 probably do that via e-mails over the next couple
24 of weeks.

25 Okay. Any other concerns or

1 questions?

2 MS. HUTCHINSON: Where do you want
3 Diane's group to meet?

4 THE CHAIRPERSON: Well, I figured one
5 group meets up here and one group meets in the
6 back.

7 MS. SIMMONS: Diane, you want to come
8 up here?

9 THE CHAIRPERSON: I guess that means
10 you're meeting in the back. You-all can figure it
11 out. You're big boys and girls.

12 MS. OUZTS: I would say -- Mary, are
13 you on there? I will check my phone to see if
14 she's planning on coming back.

15 THE CHAIRPERSON: If you participate
16 on -- just write down who's participating in which
17 committee. That may not be your permanent
18 committee, but we'll figure it out.

19 THE COURT REPORTER: Madam Chair, is
20 there any reason -- did I miss it? Is there any
21 reason -- do we need to put on the record that
22 there were no public comments?

23 THE CHAIRPERSON: There were no
24 public comments. I've said it. Is that good
25 enough? The time to sign up for public comment

1 ended at twelve-thirty, and there was nobody
2 signed in, nobody is in the gallery, so we're good
3 to go.

4 (Committee work was conducted from
5 12:53 p.m. to 1:45.)

6 MS. VLASATY: So the Committee for
7 Unmet Needs, we went over publicizing the summary
8 introductory information that we had put together
9 in December for Council Members to forward out to
10 their stakeholder groups prompting the public
11 comment section. We're also going to forward it
12 to Heather to take a look at -- a summary put in
13 the back of the Parent Rights and Responsibilities
14 Handbook along with, like, a marketing part about
15 the Council itself with a couple of revisions. So
16 you'll get that.

17 We have a question to forward to
18 Legal to Katie about if -- right now the way it's
19 set up on the website is that sign in must happen
20 by twelve-thirty, but yesterday the gentleman
21 mentioned that if we offer a public comment
22 window, we should keep that -- that period open.
23 So what would happen if a parent showed up at,
24 say, twelve-fifty today even they're weren't here
25 to sign in for the twelve-thirty deadline, we were

1 still within the public comment. Would we turn
2 them away or would they still be able to talk
3 within that -- that amount of time?

4 And the follow-up action we have is
5 that we've created a form to kind of capture the
6 highlights of any public comments or written
7 comments that are submitted, but then as a
8 secondary step, we need to create, like, a data
9 management tool where we can capture all this and
10 then be able to report to the Council the
11 specifics of what the issues were that were
12 raised.

13 MS. GRADY: Do you we need to raise
14 the small changes to the summary that will be also
15 be reflected on the website?

16 Ms. VLASATY: I was going to put
17 those in the e-mail and just highlight them.

18 MS. GRADY: Okay. And that would
19 count as Council approval for Web changes?

20 MS. OUZTS: Oh. Are you saying that
21 they need to be approved by the full Council?

22 MS. GRADY: Yeah. I didn't know if
23 you were saying that you thought that we needed to
24 do that.

25 MS. OUZTS: I think a lot of times

1 with your procedures and stuff, if you've made
2 changes, you've just notified -- like, you
3 recognized it in the meeting, but---

4 MS. VLASATY: I mean they're minor.

5 MS. OUZTS: Just tell them what they
6 are and see.

7 MS. VLASATY: So one is--- Mary, do
8 you remember? One is saying -- I closed the
9 e-mail.

10 MS. OUZTS: Instead of "and" -- in
11 the introductory, instead of "and State Advisory
12 Council," it's "the State Advisory Council to the
13 State Board of Education."

14 MS. VLASATY: Yeah, that's it. So
15 "establishes the Advisory Council to the North
16 Carolina --" yeah, and then the other one was
17 primary -- the way it's written out is, "One of
18 the responsibilities of CESEC is to advise with
19 respect to unmet needs." We're just going to
20 change that to "One of the primary
21 responsibilities," again, just highlight the
22 importance of public comment.

23 MS. OUZTS: So I would think --
24 Vicki, do you want to just ask the Council if
25 they're in agreement?

1 MS. SIMMONS: I couldn't hear you.

2 MS. GRADY: It didn't change the
3 meaning of anything. I mean it's semantics.

4 MS. OUZTS: So we're good?

5 MS. LaCORTE: I'm back, you guys.
6 Sorry.

7 MS. GRADY: So we want to change the
8 word -- they're minor changes. We just want to
9 changes in the summary that we'll use to promote
10 the public comments as well as the language that's
11 online.

12 MS. VLASATY: And so instead of
13 saying "an Advisory Council," we're going to say
14 "the Advisory Council," and the other one is,
15 instead of just saying "One of the
16 responsibilities," it's going to be "One of the
17 primary responsibilities." Those are the two
18 changes.

19 MS. SIMMONS: Are we in consensus
20 that we accept these small editorial changes?

21 **(No audible response.)**

22 MS. SIMMONS: I see consensus.
23 Consensus.

24 MS. OUZTS: Okay. And so we will
25 make those changes after you send it, and we'll

1 repost it.

2 MS. VLASATY: Thank you.

3 MS. GRADY: Thank you.

4 MS. SIMMONS: Cynthia?

5 MS. DANIELS-HALL: So what we did in
6 committee was we reviewed some suggestions for
7 scenarios, gave that information to Nancy Johnson.
8 When she gets the scenarios out, they'll come to
9 the entire committee or the entire -- what are
10 we? -- Council, and we will then have five days to
11 review them and make comments. So we'll be
12 sending e-mails back to Leanna in terms of
13 comment, and then Tish will set up a conference
14 call. That will just be for our Reports and Data
15 Subcommittee, and then we'll have a plan of action
16 or comments and suggestions available in the
17 summer of 2017 and definitely available by our
18 September 15, 2017 meeting.

19 MS. SIMMONS: Thank you very much.
20 Tish said she would scan the reports to Leanna, so
21 Jennine, do you have a copy for Tish, or Diane?
22 Okay.

23 Leanna asked me to make you aware on
24 the purple sheet that you have of all of our
25 names, that there are two vacancies. Elena

1 Roberts resigned just recently. She was an
2 attorney from the Southern Pines area. There was
3 some kind of transfer or relocation, and she has
4 had to resign. So we're looking for a person to
5 replace her. State Board District 4. Okay. And
6 the second vacancy, if you look down towards the
7 bottom, parent of a child with a disability, and
8 there's a vacancy there.

9 Leanna said that her annual report is
10 due September 1st and needs any information that
11 you want to share with her including those scanned
12 reports by August 1st. She asked me to make sure
13 that everybody signed in so there would be
14 documentation for the lunch part.

15 Are there any announcements? Okay.
16 I want to announce that Diane Coffey and I are
17 going to the State Legislative Building after the
18 meetings to personally deliver copies of our
19 program or our brochure to Dennis Riddell, our
20 state legislator, and to Chad Barefoot's office,
21 who's our senator, with a nice note and invite
22 them to come.

23 MS. OUZTS: Vicki, I should let
24 everyone know that Representative Riddell will not
25 continue next year, so they are looking for

1 another representative. He has other duties that
2 are going to make him unable to participate.

3 MS. SIMMONS: Thank you. He was a
4 very friendly legislator.

5 MS. OUZTS: Yes. So thank him for
6 his service while you're there.

7 MS. SIMMONS: And our next meeting is
8 September 20th. Is there anything else? Mary,
9 anything else?

10 MS. LaCORTE: Not from me. It sounds
11 like a lot of work happened today. It's been
12 great.

13 MS. SIMMONS: That's true. Is there
14 a motion to dismiss?

15 **(No audible response.)**

16 MS. SIMMONS: Okay. Then, we'll stay
17 in session for---

18 MS. DANIELS-HALL: I make a motion we
19 dismiss.

20 MS. MEBANE: I second.

21 MS. SIMMONS: Thank you. See
22 you-all.

23 **(At 1:52 p.m., the quarterly meeting**
24 **was adjourned.)**

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CERTIFICATE OF REPORTER

I, REBECCA P. SCOTT, State-Certified
Verbatim Reporter and Notary Public, duly
appointed and qualified in and for the State of
North Carolina at large, do hereby certify:

That said proceeding was reported by
me and the foregoing pages, numbered 4 through
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best of my knowledge and belief;

That I am neither related to nor
employed by any of the parties or counsel employed
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 14th day of August,
2017.



Rebecca P. Scott

Notary Number: 19940530133