

COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina
September 20, 2017
9:37 a.m.

TRANSCRIPT OF QUARTERLY MEETING

The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 20th day of September, 2017, in the State Board of Education Boardroom, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:37 a.m.

APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Leanna George, Chairperson
Vicki Simmons, Vice Chairperson

Dale Carpenter
Anna Carter
Diane Coffey
Jennifer Grady
Cynthia Daniels-Hall
Katie Holler
Christy Hutchinson
Carla McNeill (via telephone)
Teresa Mebane
Virginia Moorefield
Tim Montgomery
Jennifer Mullis
Lisa Phillips (via telephone)
Rickey Smith
Jennine Vlasaty
Reaghan Waites (for Senator Barefoot)

STAFF:

Tish Bynum
Carol Ann Hudgens
Bill Hussey
Amy Jablonski
Nancy Johnson (via telephone)
Heather Ouzts
Jason Weber

VISITORS:

Eric Hall

COURT REPORTER:

Rebecca P. Scott

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1 Thereupon, the following proceeding was held:

2 THE CHAIRPERSON: Are we ready to get
3 started everybody? I know we have at least one
4 new person with us today, so I would recommend us
5 going around and introducing ourselves.

6 My name is Leanna George. I'm from
7 Johnston County. I'm the Chair of the Council on
8 Educational Services for Exceptional Children. I
9 have two wonderful kids. My daughter is in --
10 she's in McDowell County at East McDowell Middle
11 School as an eighth grader technically according
12 to her IEP. She's in a group home out in Marion.
13 And, of course, I have my son [name redacted]
14 who's with us today, and he's homeschooled.

15 And do you want to go this way or
16 that way? Who wants to go? Vicki or Cynthia?

17 MS. DANIELS-HALL: I'll go. Cynthia
18 Daniels-Hall. I'm a parent in Wake County. I'm a
19 parent of six children, one adopted, and all the
20 children are on the spectrum.

21 MS. VLASATY: My name is Jennine
22 Vlasaty, a parent in Wake County. I have two
23 children, a 12-year-old and a ten-year-old with
24 Down syndrome.

25 MS. COFFEY: I'm Diane Coffey and I'm

1 a parent also of two children. Both were adopted
2 and both have special needs.

3 MS. WAITES: I am Reagan Waites and
4 I am interning for Senator Chad Barefoot, so I'll
5 be here to represent him today, and I'm happy to
6 be here.

7 MS. MULLIS: I'm Jennifer DeGen
8 Mullis. I am an EC facilitator at a high school
9 in Charlotte-Mecklenburg Schools.

10 MS. MOOREFIELD: And I'm Ginny
11 Moorefield. I'm an interpreter for the deaf as
12 well as a world language teacher and a parent to a
13 child with a catastrophic traumatic brain injury.

14 MS. HUTCHINSON: My name is Christy
15 Hutchinson. I'm an exceptional children's
16 director at a charter school in Lincoln County.

17 MS. CARTER: My name is Anna Carter.
18 I'm the director at the Division of Child
19 Development and Early Education.

20 MS. HUDGENS: Good morning. I'm
21 Carol Ann Hudgens. I work here at the EC
22 Division. I'm the section chief for Policy
23 Monitoring and Audit.

24 MS. OUZTS: Good morning. I'm
25 Heather Ouzts. I'm parent liaison for the

1 Exceptional Children's Division, and I support the
2 Council.

3 COURT REPORTER: Good morning. I'm
4 Becky Scott. I'm the court reporter.

5 MS. BYNUM: I'm Tish Bynum. I am the
6 admin support for this Council, the Exceptional
7 Children Director, and the EC Division.

8 MR. HUSSEY: And I'm Bill Hussey.
9 I'm the EC Director.

10 MS. GRADY: I'm Jennifer Grady. I am
11 a business rep on the Council. I work for Blue
12 Cross and Blue Shield of North Carolina. I'm also
13 a parent of two eleven-year-olds, one who has
14 autism, and they are just starting middle school
15 at Moore Square this year so right here downtown.

16 MS. MEBANE: I'm Teresa Mebane. I'm
17 a parent of three boys on the spectrum. I reside
18 in Wilmington, North Carolina.

19 DR. CARPENTER: And I'm Dale
20 Carpenter. I'm the IHE representative. I'm a
21 professor of exceptional children at Western
22 Carolina University.

23 MS. SIMMONS: Hi. My name is Vicki
24 Simmons. I'm an adapted PE teacher for Guilford
25 County Schools.

1 THE CHAIRPERSON: All right. Well,
2 then, everybody, thank you very much for being
3 here today.

4 MS. OUZTS: Leanna?

5 THE CHAIRPERSON: Yes.

6 MS. OUZTS: We have Lisa Phillips and
7 Carla McNeill on -- by phone, as well Dr. Nancy
8 Johnson will be joining us via phone because she's
9 at regional meetings today. They have asked if
10 you can pull your mikes up so that they can hear
11 you more clearly. Make sure you try to speak into
12 the mikes. Thank you.

13 THE CHAIRPERSON: Thank you. As I
14 said, thank you everyone for being here with us
15 today, and for those that have joined us by phone,
16 for taking the time to do that.

17 Let's take a minute or two to look
18 over the agenda and review the minutes of the
19 previous meeting and we'll then take a vote for
20 approval. I think we have a quorum.

21 **(Pause from 9:41 a.m. to 9:43 a.m.)**

22 MS. HUTCHINSON: Leanna, can I ask a
23 question?

24 THE CHAIRPERSON: Yes.

25 MS. HUTCHINSON: Christy Hutchinson.

1 I thought there was one public comment last time
2 that was read, that we had a letter that somebody
3 read.

4 THE CHAIRPERSON: You're right. I
5 believe we did, didn't we?

6 MS. HUTCHINSON: There was nobody in
7 person, but I feel like one might have been read,
8 and it was more just factual information,
9 something we didn't have to respond to. But I
10 didn't -- I didn't write it down, but I feel like
11 read it.

12 THE CHAIRPERSON: It may have just
13 been passed out so that -- because I don't think
14 we had enough copies for everyone to have a copy
15 of it, so---

16 MS. HUTCHINSON: But I just remember
17 there being a letter and it was informational.

18 THE CHAIRPERSON: Uh-huh.

19 **(Pause from 9:44 a.m. to 9:46 a.m.)**

20 THE CHAIRPERSON: Is everyone about
21 finished with the review of the minutes, or do
22 some of you need a little bit more time?

23 **(No audible response.)**

24 THE CHAIRPERSON: Is there a motion
25 to approve the minutes as corrected once we find

1 out about the public comment that may have been
2 written? I'm trying to research it right now on
3 my computer.

4 MS. BYNUM: Well, what I can do to
5 try to resolve that, Leanna, is I can actually go
6 back through the transcript and see. So if there
7 is a reference---

8 MS. HUTCHINSON: I think it was right
9 after lunch.

10 MS. BYNUM: Okay. If there's a
11 reference to that, I can insert that into the
12 summary of actions if you want me to do that.

13 THE CHAIRPERSON: Yeah. That sounds
14 good. The nice thing about having the
15 transcription.

16 Is anyone ready to make a motion?

17 MS. DANIELS-HALL: So you need a
18 motion on approval of the summary of actions?

19 THE CHAIRPERSON: Yes. With the
20 correction concerning the written public comment.

21 MS. DANIELS-HALL: Okay. I'll make a
22 motion to approve the summary of actions with any
23 additional information added from the public
24 comment.

25 MS. SIMMONS: Second.

1 THE CHAIRPERSON: Motion and second.
2 All in favor?

3 (Multiple council members replied
4 aye.)

5 THE CHAIRPERSON: Any opposed?

6 (No response.)

7 THE CHAIRPERSON: All right. Thank
8 you very much. The annual report was completed
9 and submitted, I believe. There should be a copy
10 of it in your folder. So if you want to take a
11 moment to look at that later. I know we need to
12 keep on schedule today. I just wanted to let you
13 know that that is available for you.

14 I'll pass the time over to Bill for
15 any agency updates.

16 MR. HUSSEY: Good morning. Well,
17 I'll start with the ECATS since that's what we
18 talk and have been talking about for years, it
19 seems like, but this is -- for folks who are new,
20 this is our Exceptional Children Accountability
21 Tracking System, and really it's our new data
22 system that we're putting into play.

23 I have to leave this meeting at 11:30
24 to go to an ECATS meeting where we're basically
25 going to be talking with our department bosses --

1 my bosses -- basically about where we are in the
2 process and what's happening. This meeting is
3 designed to kind of help get around barriers if we
4 run into them, which we are. It seems like every
5 time we turn around, something comes up that was
6 unexpected, but it's moving and it's moving
7 forward.

8 I just met yesterday afternoon with
9 one set of folks and this morning with Carol Ann
10 just to say we need to -- we need to be thinking
11 about urgency. It's a large, large system and we
12 want it ready to go July 1, and we need to be
13 moving things forward. I laughingly said a couple
14 weeks ago, "If I had known it was going to be this
15 darn complicated, I don't think I would have ever
16 brought the idea up."

17 But what we're going to get in the
18 end is going to be huge. We're right now working
19 on the IEP component. Our MTSS component is going
20 to be a national leader and what data we're going
21 to be able to gather through that possess. And
22 our Medicaid is going to -- you know, we're -- the
23 Medicaid is a platform that can be used by
24 districts to bill if they choose to do that, but
25 we're also, beyond that, working with PCG and the

1 LEAs to expand Medicaid billing to a much greater
2 degree for regular ed students as well as special
3 ed students who are Medicaid-eligible. So we're
4 working very, very hard there.

5 We meet with CASE, which is the local
6 directors group, in a couple of weeks. PCG and
7 ourselves at that point in time will kind of give
8 a timeline for everything, but I will let you-all
9 get a little early glimpse of that. We should be
10 in production in the Q&A part of the process for
11 the IEPs in late November or December to get us
12 ready to do pilots around the IEP in February.
13 MTSS, in late March or April, we will have pilots.

14 And all of this is tentative, it
15 could slide one way or the other, but that's what
16 we're looking at right now. We've gone through
17 everything that we can -- well, we're trying to go
18 through everything to make sure that we get data
19 sets clean and clear so as we get them into the
20 process, the source of the data, where we want it
21 to go in reporting, and all of that worked
22 through.

23 The really nice thing is going to be
24 that, you know, districts -- this is built for the
25 districts, and so the districts are going to be

1 able to go in and do what they need to do around
2 the LEA self-assessment and really gather data
3 around disability categories, around gender,
4 around race. We can take it all the way into the
5 classroom. We can take it at the grade level. We
6 can take it at the school level. We can take it
7 at the district level. And the capacity is there
8 for them to do reporting and gather data in a way
9 that we've really not been able to do it before.
10 So we're really excited about that.

11 We're excited about the interface
12 with MTSS. So as kids move through that process
13 to be identified as SLD and we utilize it for
14 other categories, not for identification but for
15 working through the process with other categories,
16 the data that we're going to get from that and the
17 progress monitoring that we will already have been
18 occurring for kids prior to entry into EC will
19 continue through that process.

20 So our continuation of data and our
21 access to data is going to be greatly expanded.
22 So we are excited. It's two days out our week
23 every week that that's all we do is ECATS. So if
24 we seem to be behind on something or you haven't
25 heard from us or you've e-mailed us, we will get

1 back, but it really has taken a lot of time.

2 Another really important thing that
3 we just finished -- and we've been working on it
4 for about two years with a series of directors and
5 charter school reps -- is our funding proposal.
6 I'm not sure how many of you-all are aware that
7 the legislature is convening a committee or a
8 conference -- I don't know what they're calling
9 it -- in October to look at overall educational
10 funding at the local level and what we do as an
11 interface with that here at DPI.

12 We've worked very hard to be ready to
13 give that group of folks a proposal that would
14 change the funding formula for EC. We have over
15 time always funded on a headcount and per child
16 basis. The actual amount of dollars for that
17 right now is \$4125 per child. That added to ADA,
18 average daily membership, dollars that kids get
19 for regular ed -- all children who are in the
20 schools get for regular ed, that total is
21 somewhere in the neighborhood of \$10,000 combined.
22 So when you're a special ed kid, you get that much
23 money down on the system.

24 What we know is that our average --
25 our average cost for our most involved children is

1 \$20,000. So that's per child, and that just gives
2 you a sense of what the districts are dealing with
3 and the charter schools are dealing with. I use
4 these numbers, and they're loose numbers, and they
5 really do run through 95 to almost 100 percent,
6 but most districts use the majority of their
7 federal and state dollars right now at this per
8 child cap that we get each year for positions. So
9 there's very little money out there for
10 programming.

11 So where do we get our programming
12 money? Our student Medicaid piece which is why
13 you keep hearing me talk about it all the time,
14 trying to figure out ways to expand it because it
15 becomes the real dollars that gives us the
16 flexibility. But what was done with this funding
17 system is we've gone from that per child rate to a
18 funding system that basically speaks to the
19 delivery of services.

20 So we've got it broken down by
21 regular classroom, resource, and self-contained,
22 and we did this on average costs for teachers and
23 average costs for nursing services, on average
24 costs for related service personnel, average costs
25 for PAs, for psychologists. We basically went

1 through and defined what it was relative to costs
2 and what we were getting, and then looked at it
3 based on what's happening for an individual child.
4 So we would actually draw down dollars based on
5 kids by service delivery.

6 So if you're in a regular classroom
7 and you get nothing more than just regular
8 classroom push-in support of that EC teacher, then
9 you're going to get less money for that child than
10 you would for your more complicated children in
11 the end where, in essence, you could get up to
12 \$117,000 for a child if they had every single
13 service.

14 So I'm going to give you a little
15 history lesson here for a second. 1994 is the
16 last time we looked at changes inside of our
17 salary -- not salary -- excuse me -- budget
18 formula, and at that point in time, that's where
19 the 12 and a half percent came in. So the cap
20 that we presently have now is 12.75 percent. We
21 got a quarter percent raise last time, which was
22 about 24 million bucks, which was -- well, the 24
23 million was \$125 we got added and then we got the
24 raise for those people who were above the cap. We
25 got a little bit above on that too.

1 But in 1994, they basically came up
2 with the cap, and they said what we needed for
3 average costs for EC was 1.9 times ADM, and where
4 they wanted to go was 2.3 times. So they started
5 with 1.9, and over a five-year period, they were
6 to move to 2.3 times. Well, they never moved. We
7 got the 1.90 and we've had the 1.9 ever since.
8 And so that funding formula has never adjusted
9 itself, never moved out.

10 We get right now roughly 725 million
11 of state dollars that are primarily, again, for
12 budget, for positions, and those monies are
13 directly allocated to the Department -- out of the
14 Department to the LEAs. If we had gone to 2.3, at
15 this point, we would be at \$1.1 billion that would
16 be going down, just to give you a sense of the
17 difference of what we're talking about.

18 What this will do is get us somewhere
19 in the neighborhood of 900 million. So we're
20 talking almost a \$200-million increase, and
21 you-all know, as well as I do, we're not going to
22 get a \$200-million increase. But what we want is
23 for this process to be in front of them so they
24 can understand the dynamic that if teachers'
25 salaries go up, the average cost goes up. You

1 know, if individual service needs are there, we
2 can fund them differently, and we can work with
3 the legislature to find a way to do this.

4 We actually have an active system
5 online that people can go in and play with, and
6 we're actually talking to EC directors about that
7 this week at our regional meetings, and we will
8 give that to them to let them play with it. Next
9 week, I -- I was at a meeting yesterday, and I
10 realized that people were playing with it, but I
11 don't want people's expectations -- I tried to
12 make sure they heard yesterday this is what we're
13 proposing to the legislature; this isn't what
14 we're getting from the legislature.

15 And even if they accept the proposal
16 of the formula and the process, we're certainly
17 not going to get \$200 million. So, you know,
18 there will be some compromise and processing going
19 on in there, and we hope that -- what we're really
20 primarily looking for is to make sure that they
21 accept our concept.

22 The other part to this that we're
23 doing is that we also have various parts of the
24 state that have very difficult times funding our
25 low-incidence teachers. We're talking about

1 teachers, you know, for autism, we're talking
2 about, you know, hearing impaired, visually
3 impaired, our speech and language, our OTs, our
4 PTs.

5 And so we came up with three
6 different models that we also want to present to
7 them that's really a long-range plan about how we
8 can start to adjust. One is an LEA hub, and
9 basically what that means is, is that a larger LEA
10 in a particular geographic region, we will support
11 through funding from the Department to expand
12 positions based on what the data tells us that
13 they need. So a lot of what we run into is, in
14 these more distant areas, people don't want to
15 move out there and live, and so we're trying to
16 find ways in which we can create an environment
17 for them through a larger LEA and hub there so
18 people would be willing to move there and then
19 have itinerant resources going out from that
20 larger hub to the LEAs. So that's one model.

21 The other is a co-op model where in
22 the northeastern part of the state this would
23 probably be a better model for them because they
24 don't have a place nearby other than Greenville
25 really that they could get to, and sometimes

1 getting out further -- I mean you're multiple
2 hours away when you go to Elizabeth City or you're
3 out in Pasquotank or Perquimans County. When
4 you're out there, that's a long ways out. Now the
5 other side of that is you're right at the beach,
6 you know, and somebody could end up on a barrier
7 island.

8 We'll look at different models, and
9 we're probably going to use all three of these
10 models, but this one would be where the groups
11 would -- groups of LEAs would come together and do
12 an MOU and basically hire, based on need, those
13 individuals out there and then share those people
14 among the LEAs.

15 And the last model was teletherapy,
16 and really that's only applicable for OT and
17 speech and language, but you know, again, we want
18 to give as much in the way of opportunity around
19 these things to these areas. And so you may have
20 a hub with some teletherapy attached; you may have
21 a co-op with teletherapy attached; you could have
22 a hub that had, around certain pieces, a
23 cooperative with teletherapy attached. So I mean
24 we could have all three of these frameworks
25 working inside of districts.

1 Our piece is we're trying to meet the
2 needs of the LEAs, and we're also trying to
3 demonstrate to the legislature that we're willing
4 to do things that would conserve dollars because
5 right now most of these LEAs are spending a
6 considerable amount of money based on contracts.
7 So it's a big piece that we're trying to push
8 forward, again, as a way of letting them know that
9 we're not only trying to -- because we are talking
10 more money in the funding formula itself, but
11 we're also trying to show them that we can be good
12 stewards of that money as we go forward with that
13 process.

14 Budget cuts. You know, we have --
15 you-all have all heard we got cut 3.2 million here
16 in the Department. That did not impact people in
17 the EC Division, but it did impact positions. So
18 we've had to reduce positions, dollars for
19 positions back to the Department to utilize those
20 monies. It wasn't -- we did lose 20 people on a
21 RIF, reduction in force. Real people lost jobs.
22 We just didn't have anybody in our division that
23 that occurred with.

24 We also had to give up, which doesn't
25 really impact EC as much as many of the other

1 divisions, but a great amount of our operational
2 costs, so travel. So you will probably see
3 reductions in trainings across the state. You
4 will see a lot more of things going into Canvas,
5 which is the virtual platform to do training. So
6 there's going to be some changes across the state
7 as a result of these budget cuts. We will not be
8 traveling, unless it's essential travel,
9 out-of-state, and you know, that becomes kind of a
10 difficult interpretation about what's essential to
11 job duties. And so we're having to do that by
12 individual case-by-case situations, but we are
13 having to dramatically move back.

14 The scary part to this is that right
15 now the legislature has asked for another 3.2
16 million, not this school year but the following
17 school year. The fact that we do not have much in
18 the way of operational dollars anymore means that
19 the majority of that next 3.2 really is -- they're
20 people, and so we are aware that we may be losing
21 people as we move forward in the next round. And
22 if you think one per 100,000, then you're really
23 talking -- that's loose, but when you look at
24 salaries a year and benefits, you get close to
25 100,000 per person. So when you're looking at

1 that, you'll be looking at 30 to 35 people,
2 depending on where the salary ranges fall, that we
3 could potentially lose.

4 There is also going to be an audit,
5 and so things may look different in the EC
6 Division and the Department as a result of that
7 audit. We are -- I've asked Tish for us to meet
8 with all the other federal programs so that we
9 have some strategies in mind when the audit people
10 come. So instead of having them tell us what we
11 should be doing, we're going to try to meet ahead
12 of time and think about what it is that we could
13 combine among federal programs. Fiscal monitoring
14 is one of those things that comes right off the
15 top that we could potentially all do together.

16 They're going to look at function,
17 they're not going to look at people, and so they
18 will look at the number of consultants we have in
19 an area, the number of monitors we have in an
20 area, you know, various aspects of what we do day
21 to day, and they will make a recommendation.
22 We're hoping through that recommendation that
23 we'll be able to reduce the number of cuts that
24 they're going to have on the Department. So it's
25 going to be something that we're going to be

1 focused on to truly try to make sure that we're
2 thinking about that in the whole picture.

3 But it may mean that next year when
4 you come to one of these meetings, some of the
5 people up here will be either in different roles
6 relative to those functions and jobs and/or -- I
7 mean the EC Division will still be here, but you
8 know, our people may be shared across multiple
9 divisions. There could be a lot of different
10 things happening next year. So I just want to
11 give you a heads-up that's coming, and you'll be
12 hearing about it and reading about it. I just
13 wanted to make sure you were aware.

14 We just put out -- we're talking to
15 all of our EC directors. As result of the LEA
16 self-assessment, we created a catalog of every
17 training that we have available based on their
18 priority areas -- the LEA priority areas that they
19 identified through their LEA self-assessment,
20 which is their needs assessment tool. And what
21 we're demonstrating to them today is how to go in,
22 take a look at what it is that their LEA self-
23 assessment says, you can go into the actual wiki
24 page and go in, pick those things, and prioritize
25 the training.

1 This is the first time we've ever had
2 -- I know it sounds strange, but it is -- the
3 first time we've ever had a full PD calendar
4 designed around their specific needs based on the
5 six elements of the LEA self-assessment that they
6 can pick and choose exactly what they want. And
7 we've got the dates set, and so they actually can
8 move in and participate in that.

9 We also have another process by which
10 they request things that are not part of their LEA
11 self-assessment that they would like to do, and
12 there's also yet one more process that we're
13 getting out there right now where we're -- and
14 I'll take autism in this particular word --
15 low-incidence population, we need to get directly
16 to teachers, and we're trying to get training out
17 specifically to them around those areas. We'll
18 continue to do that. They can link -- it will
19 take them right back into this wiki so the
20 directors will have a sense of what's going on.
21 They're also getting that e-mail first.

22 And so we're really excited. We
23 won't have to do this again. We spent all summer
24 reviewing the LEA self-assessments, determining
25 what the LEAs needed, developing the protocols for

1 this catalog, and we got it out, and now all we
2 have to do is add to it. So if the rest of the
3 meetings went as well as yesterday, they were very
4 excited. It gives them much more detail and much
5 more opportunity than before.

6 Fall conference. I just want to make
7 sure everybody knows about the fall conference.
8 Jennine had asked about participating in one of
9 the institutes. Just to give you a brief
10 explanation, we've got the big conference which is
11 roughly 3000 folks, and then for several days
12 prior to the conference or after the conference --
13 it really depends on what year we're talking
14 about -- we have institutes.

15 Those institutes are closed to the
16 participants that are part of that, but based on
17 what Jennine had said, I've talked to Carolyn
18 Waller, and so if you-all want us to, we will come
19 here in December and actually give you a little
20 bit of an abbreviated version and a different spin
21 on it because we're not talking to directors, but
22 we can share that same information with the
23 Council as an option. So we'll actually bring the
24 presentation to you so it's -- you-all aren't
25 directors and, therefore, couldn't be a part of

1 the directors institute. But I do want you to
2 know that, you know, we heard that piece and we
3 will get the data to you, and we can actually
4 bring it here to the group and do kind of an
5 abbreviated version. It would be an hour long if
6 we did the whole thing and would probably take up
7 too much time.

8 The last thing -- and I'm going to
9 sit down -- is our SIMR. That's our State
10 Identified Measurable Result, SIMR, and our SSIP
11 plan that we have with the feds that we have to
12 report on every year that we bring to you-all --
13 that SIMR is our -- our goal that we're moving
14 towards, and it's graduation. We were able to
15 show our directors yesterday -- and I don't have
16 the slides with me, but I am going to show it at
17 the board meeting next week just quickly. I asked
18 my boss if I could insert them.

19 We have met our SIMR, so we have
20 moved from 67 percent over the last -- three years
21 ago, we were at 67 percent. We're at 72.3 percent
22 now, and that's EC graduation rate so we're going
23 up. We met our SIMR this year, the projection,
24 and we actually also are in at about 71 percent --
25 so this is a five-year cohort. Let me rephrase

1 that. So that rate is five years, but our four
2 year cohort is now at 71 percent.

3 And so as we're moving up, you know,
4 we're moving at a rate twice that of regular ed.
5 So regular ed is moving at about .9. We are
6 moving at .18. So we're actually increasing
7 double what regular education is in our actual
8 graduation rate. So we're extremely excited about
9 that because that's -- the really nice part is, we
10 haven't even truly gotten our LEA self-assessment
11 really off the ground and running. This is the
12 first year we'll have all of our programming
13 ready.

14 So, as I tried to say to the
15 districts yesterday, we don't have data up here.
16 The data comes from the districts or from the
17 charter schools, and so they needed to be really
18 proud of what they were doing to be increasing
19 that. We will hit our 76 -- next year we will be
20 at 75 based on the projections, and there's
21 nothing that seems to be in the way.

22 Our four-year rate pretty much tells
23 us where our five-year rate will be, and based on
24 that, we know we're going to the 75, and the
25 following year, we're going to the 76 plus, which

1 is -- which is our goal for five years to get from
2 67 to 76. We will not obviously stop at that
3 point, but you know, the SIMR will have -- we will
4 have completed the SSIP process. So we're
5 extremely excited that we are making -- continuing
6 to move forward, but we're also even more excited
7 that we're actually closing the gap, and you can
8 see that.

9 On our long-range piece, you can just
10 see us coming in, and from -- the really neat part
11 in that -- some of you-all have met Matt Hopkins.
12 He's a brilliant kid. He's a kid to me. He's in
13 his 30s. But he put a number behind that
14 yesterday. That's 11,000 more children from the
15 point we started to now that have graduated with a
16 diploma and all the things that come with that
17 relevant to life and the increases. So that's --
18 it's significant, and I just kind of want to make
19 sure that you guys -- a lot times you-all hear me
20 talking about things that aren't fun, you know,
21 bad news.

22 This is really, really good news, and
23 we were really excited. I actually got up at the
24 regional meeting, because they just kind of
25 clapped the first time, I said, "That's not

1 sufficient." I said, "You've got to -- you've got
2 to whoop this one up a little bit more because
3 this is about what you've done," and I did say to
4 them, "I'm not very rah-rah so you don't get much
5 rah-rah out of me," but I did get up and say, "You
6 guys got to do something a little more than this
7 because this is really special."

8 So questions?

9 MS. MULLIS: I have a question
10 about -- this is Jennifer DeGen. I have a
11 question about the graduation rate because the --
12 like we get hit every year. Like this year, I
13 have 13 seniors in my self-contained classes, so
14 we get hit with those 13 as a nongraduation rate,
15 and so that's an issue that we've always come up
16 with. They only hit us the one time, but that
17 makes it -- when you have 21 high schools with
18 huge programs like we do, and then in two years,
19 I'll have almost -- I think there's 14 or 15 in
20 that class, so I'm going to get hit again. So it
21 makes our graduation rate look different for the
22 self-contained. How are they adjusting that?

23 MR. HUSSEY: Well, they are not in
24 the numerator; they're in the denominator. So
25 they're a part of -- when they do that equation,

1 they are a part of the larger group that the
2 numerator is divided into. But they don't hit
3 you -- they don't hit you in the numerator, so
4 they're not included in that piece so it has less
5 of an impact.

6 We made a decision at the Division to
7 focus on our most involved kids, the adapted
8 curriculum piece, to really start to expand that
9 piece and to train teachers how to teach children
10 who are significantly cognitively involved because
11 right now a lot of our teachers truly -- you know,
12 there's not sufficient training across the state
13 on how to do that.

14 So instead of going to the alternate
15 diploma, which will help on this piece, now, we
16 said we will come back and visit that in three
17 years after we've done what we need to do to
18 increase the rigor. And so I would assume in
19 three years that we will probably move to an
20 alternate diploma which will take that concern off
21 the table, but we really need to be focused right
22 now on trying to expand on what we need to do with
23 teaching teachers how to teach those kids.

24 We are also working with TOPS at
25 State to develop a new assessment tool, and DLM is

1 a tool that's out there and some districts are
2 using that. What DLM does is gives you a
3 summative score around the standards, but it also
4 gives you formative information throughout the
5 year.

6 And DLM got to a place where they
7 think right highly of themselves relative to what
8 they want to charge for that, and we couldn't
9 afford it. So we're asking TOPS to help us build
10 that same tool here. So that's going to be a big
11 aid in trying to help teachers actually understand
12 where teachers are around those standards so that
13 we can -- you know, we can begin to help to do
14 that training.

15 We do have training starting now both
16 with the new English standards and with the new
17 math standards, the extended standards that will
18 be going on and be coming -- I think math just
19 went out, didn't it?

20 MS. BYNUM: Math, I think, just went
21 out, '18-19.

22 MR. HUSSEY: So the trainings are
23 going to be starting -- we don't implement till
24 '18-19, but the training is going to be started.
25 So there's a lot going on there in those three

1 years. That will help districts not get hit with
2 that when we go to the alternate diploma.

3 MS. HOLLER: Do they still have in
4 place -- I thought it had been rolled back -- was
5 the highly qualified piece?

6 MR. HUSSEY: Under ESSA, highly
7 qualified goes away.

8 MS. HOLLER: So when you say, like,
9 they're highly qualified, does that mean they have
10 like a special ed degree? Like, could it be just
11 anyone whether or not they have a teaching degree?
12 Like, what---

13 MR. HUSSEY: Well, for those
14 low-incidence populations who would be impacting
15 those kids in those classrooms, they have to have
16 an adapted license.

17 MS. HOLLER: Okay.

18 MR. HOLLER: And, you know, right now
19 we don't have enough adapted teachers. That's an
20 issue, and so we're working with the universities
21 around how to help support that. I was just
22 e-mailing back and forth, and I have a meeting
23 with some folks from UNCG to talk about what we're
24 going to do to try to help -- you know, to get
25 more teachers, but that's---

1 MS. HOLLER: So they don't have to
2 have, like, an EC degree, but they have to have an
3 adapted---

4 MR. HUSSEY: Well, that is -- that is
5 an EC degree. I'm sorry. That's -- I'm talking
6 like you understand what I'm talking about. I
7 apologize.

8 MS. HOLLER: No. It's okay.

9 MR. HUSSEY: That is -- that is a
10 licensure component under EC licensure.

11 MS. HOLLER: Okay. And that's only
12 for the more profound -- the special populations.
13 Like just a regular -- for somebody who's like in
14 resource or regular, they don't have to have that
15 qualification?

16 MR. HUSSEY: They don't have to have
17 the adapted. They have to be licensed---

18 MS. MULLIS: My degree is K-12
19 special ed so -- and then I have a focus in
20 English. So that was what I taught when I was in
21 the classroom, but the adapted -- it's just all in
22 the Praxis that you take, the test, and they take
23 the adapted curriculum test, and so they're an EC
24 license. Now they can come out to teach resource,
25 but I can't go in without taking that Praxis to go

1 in.

2 MS. HOLLER: Okay. Got you.

3 MR. HUSSEY: Carol Ann is trying to
4 make sure that I say this out loud so everybody
5 knows. You have to have an EC license to be an EC
6 teacher, and it's just really whatever that
7 license is. And we're doing in field and out of
8 field right now, and there's a crosswalk that
9 would confuse the bejeebies out of any one of you
10 to look at it.

11 But it basically tells you who that
12 teacher is, what her license is, and what areas of
13 exceptionality she can teach within that crosswalk
14 license, and then you've got to have one of those
15 people in that class. Then she's a licensed EC
16 teacher in field relative to that particular group
17 of kids. And so they can do pull-out, they can do
18 push-in, they can do -- they're the predominant EC
19 teacher that you see and that you run into on a
20 daily basis.

21 MS. HOLLER: Okay. Thank you.

22 MS. VLASATY: Bill?

23 MR. HUSSEY: Yes.

24 MS. VLASATY: This is Jennine
25 Vlasaty. I also want to let you know that I am on

1 UNCG's School Education Board so we did meet last
2 week -- last Thursday and Friday, but I'd be happy
3 to help in any way possible.

4 MR. HUSSEY: Diane Ryndak is the
5 person I'm -- you know, who I'm talking with.

6 MS. VLASATY: I mean I'm actually on
7 the board too, so if there's anything you need for
8 any of those meetings.

9 MR. HUSSEY: Okay.

10 MS. VLASATY: Dr. Merrill is
11 obviously there too, so he looks at it from the
12 district for Wake County, but from the state
13 prospective if there's anything, I'd be more than
14 willing to help you on that.

15 MR. HUSSEY: Thank you. And I'm
16 going to have to call questions in a minute
17 because I think we've got Nancy waiting on the
18 phone, don't we?

19 MS. OUZTS: Uh-huh.

20 MS. MOOREFIELD: This is Ginny
21 Moorefield speaking. I hope that this question is
22 in line with what you're talking about. When you
23 were talking about the graduation rate and that
24 students with profound disabilities -- they're
25 included in the total numbers there but not

1 necessarily in the graduating numbers for schools.

2 MR. HUSSEY: Right. Right.

3 MS. MOOREFIELD: Does that also apply
4 to like standardized test scores? Like, are our
5 kids -- their tests scores -- do they also factor
6 into the school's overall testing rate?

7 MR. HUSSEY: Yes, but there are some
8 differences in how those things are looked at, I
9 mean, because you've got what are those tests that
10 demonstrate your readiness to go to a university,
11 and so the regular testing. So our kids who are
12 OCS and above are in that group of kids, and so
13 they take the regular test just like everyone
14 else.

15 MS. MOOREFIELD: But, like -- like,
16 my son is in the fifth grade, so when he takes his
17 standardized tests, he takes the adapted -- the
18 adapted standardized tests.

19 MR. HUSSEY: Right.

20 MS. MOOREFIELD: So do those scores
21 feed in with the entire school or are they kept
22 separate?

23 MR. HUSSEY: They are -- they are
24 included in the entire school, but they are
25 also -- they are looked at differently. So

1 there's a different way in which you -- you know,
2 you do look to see how people scored, and that
3 works towards your overall school score, but
4 it's -- they are different.

5 And so I just -- I just want to make
6 sure that people don't think that they're all just
7 kind of lumped into that one piece because the
8 measures that go on relative to the regular tests
9 provided fit into how schools are graded, and the
10 interesting part, you do need to look at the ESSA
11 plan because the ESSA plan is going to come back
12 and grade schools based on their -- you know,
13 their subgroups.

14 And so EC -- there will be an EC
15 grade in the ESSA plan on how well people are
16 doing. Hopefully that's going to be growth and
17 not proficiency. We will knock it -- knock it out
18 of the ballpark if we're talking about growth. If
19 we get to proficiency, it's going -- it's going to
20 show you what the regular scores show you every
21 year, which we've got a long ways to go.

22 MS. MOOREFIELD: Okay. That's what I
23 was wondering about, if it affected the school's
24 overall grade.

25 MS. HUTCHINSON: Can I make one

1 comment about the graduation rate, and it's just a
2 simply a comment.

3 MR. HUSSEY: Sure.

4 MS. HUTCHINSON: Those 11,000 kids
5 that are special ed kids also help our regular ed
6 graduation rate---

7 MR. HUSSEY: Oh, yeah.

8 MS. HUTCHINSON: ---because they're
9 regular ed kids too. So the fact that that growth
10 was a 1.8 versus a .9, we not only contributed in
11 a positive way to our EC graduation rate, but we
12 contributed---

13 MR. HUSSEY: Absolutely.

14 MS. HUTCHINSON: ---exponentially in
15 the regular ed graduation rate as well. So those
16 are regular ed kids too.

17 MR. SMITH: Just a quick question.

18 MR. HUSSEY: Sure.

19 MR. SMITH: Congratulations on
20 meeting the growth and exceeding the growth. I
21 guess my question is if there were specific
22 interventions that were used that made this growth
23 occur.

24 MR. HUSSEY: On the graduation rate?

25 MR. SMITH: Yes.

1 MR. HUSSEY: Well, what we asked
2 essentially -- because when we started with the
3 SIMR, we tried to find specific things that we
4 could show real significant growth and move the
5 needle, and we couldn't find specific things to
6 move the needle far enough to make a difference.
7 And so what we did was, we went with three big
8 buckets. We went with academics, we went with
9 behavior, and we went with transition.

10 And inside those buckets what we did
11 was we went -- that's what the LEA self-assessment
12 is set up on processwise. You go back and look at
13 what you're doing inside your system in those
14 three areas and what you need to improve relative
15 to those three areas, and then you develop your
16 own plan on how to do that.

17 And so what we've seen is that we are
18 getting bigger bang for the buck by actually
19 letting -- instead of us telling them what it is
20 they need to go do, to have the LEAs themselves
21 determine what it is they need to do to enhance
22 their own programming to move the needle in their
23 school districts. And so what we're seeing is a
24 result of that bigger picture approach.

25 We're getting significant change, and

1 like I said, we're only now getting to the place
2 where we're going to be able to come back and more
3 readily support that in a consistent manner over
4 time. But we've been going out over the last two
5 years, based on what they say they need, and
6 providing that training, and by expanding those
7 big buckets, we're making -- that's where we're
8 going.

9 The interesting part is our four-year
10 graduation rate is growing also, and so what's
11 going to happen -- right now we're moving, you
12 know, multiple percentage points, you know, 1.5,
13 2.5 percentage points a year. We're not going to
14 keep doing that as our four-year rate gets better.
15 We're actually -- and our five-year rate will
16 start to come back, which is a good problem to
17 have, because we're just going to lessen our
18 ability to string it out there to make it look
19 bigger or larger because we're actually graduating
20 more in the four-year.

21 So as that four-year increases, our
22 numbers around our five-year will decrease. It
23 will continue to move forward, but we won't -- it
24 won't look as exciting as it does right now.
25 We're just at that cusp. We're getting ready to

1 hit that point where it will start to have an
2 inverse effect on actually what's happening with
3 our five-year cohort rate.

4 MR. SMITH: Thank you.

5 MS. DANIELS-HALL: So the LEA
6 self-assessments, are they online?

7 MR. HUSSEY: They're in our wiki.

8 MS. HUDGENS: The template's online.

9 MR. HUSSEY: The template's online,
10 not the individual district's LEA self-
11 assessments.

12 MS. DANIELS-HALL: So how would we
13 know how our district is doing in terms of their
14 self-assessment and what they're working on going
15 forward?

16 MR. HUSSEY: The simplest and easiest
17 way is to ask the director. I mean this is public
18 information, the kinds of things they're working
19 on. We just don't have it out there on the
20 website, but it is in the wiki. But they
21 should -- they should be willing to -- I mean this
22 is just what they're doing, so they should be
23 willing to be able to talk to you about that.

24 And so if you're not part of that
25 stakeholder group -- there are parents on the

1 stakeholder groups in every district.

2 MS. HOLLER: I have a question.

3 MR. HUSSEY: Sure.

4 MS. HOLLER: This is Katie Holler.

5 And I just wondered about, like, policies and
6 procedures. Are each district kind of able to
7 develop their own policies and procedures
8 regarding the timelines of, you know, going from
9 Tier 2 to Tier 3? I mean do they---

10 MR. HUSSEY: MTSS?

11 MS. HOLLER: Yes. Do they, like,
12 create their own kind of policy manual since
13 there's a little more---

14 MR. HUSSEY: There are no -- so
15 unlike 90-day timelines and 60-day timelines that
16 we have inside of EC, there are no actual
17 timelines in the MTSS process. One of the
18 questions we're talking about, and we're having a
19 huge discussion here inside the Division and with
20 MTSS, is the issue of suspicion of a disability.
21 And so that's -- as you're moving through that
22 process, you have to have cumulative data that
23 would basically give you the indication that
24 through intervention, through the process itself,
25 and through the assessments that you're using --

1 progress monitoring, formative assessments,
2 summative assessments, whatever the tools -- and
3 if you look at the SLD part, in particular, you'll
4 see what is called a comprehensive evaluation
5 process where you list everything in there that we
6 would consider in that.

7 It's really -- what we're going to
8 have to do is help -- prior the implementation in
9 2020, we're going to have to start getting more
10 training out there, both to the MTSS side---
11 That's just two S's. I think I added a third one
12 there. ---and to the EC side around that whole
13 issue of suspicion of a disability because you
14 can't pull the trigger too fast and you can't pull
15 it too slow.

16 MS. HOLLER: Can the parents still
17 reserve the right, though, to ask for specific
18 testing---

19 MR. HUSSEY: Sure.

20 MS. HOLLER: ---at any point in that
21 tier process?

22 MR. HUSSEY: You can ask for testing
23 and you can ask for an evaluation. So if you're
24 in MTSS and you're in the core -- so you haven't
25 even moved to an intervention tier and you, as a

1 parent, would like to have your child evaluated,
2 then you put that -- you know, you put that
3 request for evaluation in, and it occurs. There's
4 nothing inside of MTSS that stops the process of a
5 parent's ability and right to ask for an
6 evaluation.

7 MS. HOLLER: Because that was
8 something that was told to a parent at an MTSS
9 meeting that I was at last week, so I just wanted
10 to clarify so I knew. Because they didn't have a
11 policy and procedure and couldn't tell me, and I
12 think they're trying to figure it out, you know,
13 but they didn't seem to be sure.

14 MR. HUSSEY: About which part?

15 MS. HOLLER: About that a parent
16 could at any point ask for an assessment, and I
17 said, "Well, I think they can."

18 MR. HUSSEY: They can ask for an
19 evaluation.

20 MS. MEBANE: It's in the state
21 policies.

22 MR. HUSSEY: Yeah. They can follow
23 inside the evaluation, and then -- you know, now
24 we're talking about eligibility. So the
25 assessments are defined at that point as to what

1 you would get. In the SLD piece, you're
2 assessment is the process.

3 MS. HOLLER: Right.

4 MR. HUSSEY: So, you know, you move
5 through the process. You can ask for an
6 evaluation, and then that would -- and if you
7 determine and you move forward to -- well, you ask
8 for a referral, in the referral, if you decide to
9 move forward in an evaluation, then you can
10 basically move through that process.

11 And if the child is in MTSS, you may
12 end up with one or two answers to that. Yes,
13 there's enough data here so the suspicion of a
14 disability is strong enough and there's enough
15 data to support it or there isn't and we'll
16 continue with interventions and we can come back
17 to that at another point.

18 MS. HOLLER: This was actually for a
19 kid who has a medical diagnosis of autism. So
20 that's what they were saying, and the parent was
21 like, "Can I just have an assessment?"

22 And they said, "No. We have to go
23 through these tiers." And so---

24 MR. HUSSEY: So you don't have to --
25 you know, it's not something you go all the way

1 through. You don't have to.

2 MS. HOLLER: Okay. So it's a linear
3 process.

4 MR. HUSSEY: At any point in time,
5 you can -- and she'll hook me if I say something
6 wrong, but at any point in time that, you know,
7 you feel the need to have that evaluation and you
8 want one, then you go ahead and ask for it.
9 You'll go to that referral meeting, you'll make
10 decisions to move forward, and then, you know, for
11 that -- for autism, then you're in another
12 picture.

13 You could still go through and
14 continue with MTSS to look at intervention and
15 support around behavior and social and emotional
16 issues, social issues in general. Whatever it is
17 that you would need for your child, that could
18 still go on, but at the same time, you could move
19 through the evaluation process for that and do the
20 evaluations that are required for autism to
21 identify a child as having a disability.

22 MS. HOLLER: We may need some
23 additional clarification on that because it was
24 like, "No, you can't have a 504. You can't
25 receive the testing until we do this MTSS

1 process." So I think it might not be clear in
2 their minds, so I just wanted to make sure you
3 knew that.

4 MS. HUDGENS: Yeah. I really
5 appreciate that, and I think Teresa offered a
6 sidebar comment that I would like to voice for the
7 entire group, is that the process for special
8 education as far as the identification of a
9 suspected disability or the evaluation and
10 eligibility process has not changed because of
11 MTSS. Those policies, regulations, and procedures
12 are all still in place.

13 A key component, when you're having a
14 problem-solving team look at what they're doing to
15 support children through general education, is at
16 what point does that team -- problem-solving
17 team -- teacher, parent, or otherwise -- suspect a
18 disability, and then upon that suspicion of
19 disability, the proper team, typically the IEP
20 team, then must convene and determine if we're
21 going to pursue for an evaluation.

22 And if so, those interventions that
23 might have been occurring in general ed would
24 occur concurrently with the evaluations so that
25 you have data from that process to help inform

1 your eligibility process when you are finished
2 with your assessments and trying to determine if,
3 in fact, that suspected disability is a
4 disability.

5 MS. HOLLER: Thank you, Carol Ann.

6 MR. HUSSEY: And at any point in
7 time, other than SLD, when you get to that place
8 where you determine you are moving forward, then
9 all the other procedures that have always been in
10 place just fall into place.

11 MS. HOLLER: Yeah, I figured. I just
12 wanted to enlighten you at the little confusion.

13 MS. HUDGENS: It's really important
14 to hear that because we try to continue the same
15 message that I just shared for this group, is that
16 you can't lose sight of your responsibilities
17 under the IDEA if someone suspects a disability or
18 if a parent requests an evaluation. That team
19 then has to convene and determine if they're going
20 to pursue the formal evaluation or at least
21 respond in some fashion, typically to test or not
22 to test, formally so that that parent's concern
23 has been addressed.

24 MS. HOLLER: Thank you.

25 MR. HUSSEY: Nancy's out there

1 waiting so we need to move on with that one. I'll
2 be here -- I have to leave in the middle, but I'll
3 be back. So if there are other questions about
4 anything that we've talked about, I'll be here to
5 answer those.

6 THE CHAIRPERSON: Thank you very
7 much, Bill. Is Nancy on the line?

8 MS. OUZTS: Nancy, can you hear us?

9 DR. JOHNSON: Yes, I can. Can you
10 hear me?

11 MR. HUSSEY: Actually much better
12 than yesterday.

13 DR. JOHNSON: Good. Thank you, Bill.
14 Yeah, that was tough yesterday. We've got it
15 worked out for today, then.

16 MR. HUSSEY: Good.

17 MS. OUZTS: Okay. Go ahead.

18 DR. JOHNSON: Okay. I cannot see the
19 screen with my PowerPoint, though, so if I'm not
20 able to do that, if you'll just show it and I'll
21 tell you which slide to go to while I'm talking.
22 Will that work?

23 MS. OUZTS: Yes.

24 DR. JOHNSON: Oh, there it is. Okay.

25 MS. OUZTS: Sorry. Thank you.

1 DR. JOHNSON: Thank you. Good
2 morning, everyone. This is our update on equity
3 in IDEA and the new significant disproportionality
4 regulation. For those of you who were there the
5 last time, you'll recall that we went over those
6 regulations and took some feedback from you. Your
7 small committee gave me some specific feedback
8 about some things that they wanted more
9 information on as we were continuing to work. So
10 we're going to go over some of those things today.

11 If you could go to the next slide.
12 Thank you. Some of the areas we're going to talk
13 about this morning are the risk ratio threshold,
14 the cell size, the N size, and reasonable
15 progress. We're going to spend most of our time
16 on the risk ratio threshold. Just as a reminder,
17 the risk ratio threshold we have to decide on, a
18 risk ratio is looking to see how likely a student
19 with a disability of a certain race or ethnicity
20 is likely to be included in whatever it is you're
21 talking about in comparison for all students with
22 disabilities of all other races or in comparison
23 to the enrollment population of the district. It
24 depends on if you're looking at identification,
25 placement, or discipline.

1 So, for example, if we were
2 considering African-Americans in short-term
3 out-of-school suspensions, how likely are they in
4 comparison to all students with disabilities of
5 all other races to be included. And currently,
6 just keep in mind -- and we'll be getting to the
7 slides with the numbers and math, but currently in
8 our state, we generally use a 3.0 risk ratio as
9 our threshold for disproportionate representation.

10 Now cell size and N size are a little
11 bit different. Cell size is the number of
12 students of that race and ethnicity in that
13 specific topic area. So if we were looking at,
14 let's say, Hispanic students in short-term
15 disciplinary suspensions -- out-of-school
16 suspensions, we would look to see how many
17 students with disabilities. That would be the
18 cell size. And you may recall that in the
19 regulations last time I mentioned that OSEP said a
20 cell size of ten is reasonable.

21 And the N size, then, is either the
22 number of students who are Hispanic and the total
23 disabilities population if you're looking at
24 discipline or placement. If you were looking at
25 identification, it's the number of Hispanic

1 students in the overall enrollment. And OSEP has
2 told us that an N size in any of those three areas
3 would be -- a reasonable N size would be 30 or
4 less.

5 And then reasonable progress, they
6 are allowing states to define reasonable progress
7 based on a district reducing its risk ratio, and
8 that would mean you have to use consecutive years
9 of data. Okay. So those are the things basically
10 we're going to be talking about this morning. I
11 do want to mention also that cell size and N size
12 come into play when -- that's kind of the first
13 step you look at because based on whether or not
14 the district even has a cell size that you select
15 would determine if you even have to calculate a
16 risk ratio for them.

17 Okay. If you could go to the next
18 slide. This is some just new information I wanted
19 to update you on so you can have an understanding
20 of when we have to do these calculations and how
21 our current year's data will impact these
22 calculations. This is for school-aged students
23 ages six through 21. We -- you may recall that we
24 have to be ready to implement these regulations
25 July 1 of 2018, and that means that we will use

1 this for the first time when we do our
2 determinations in the spring of 2019.

3 Based on the feedback we've gotten so
4 far from stakeholder groups including you,
5 folks do want us to continue to use the
6 three-consecutive-year process that we use with
7 reasonable progress. So if we look at three
8 consecutive years, what does that mean? For
9 identification and placement, the current year,
10 when we make the determination in the spring of
11 2019, would be our December 1 child count next
12 December 1 in 2018. But this coming child count
13 in December 1 of 2017 would be one of the previous
14 consecutive years. So this data would count, and
15 then our December 1 child count from last December
16 in 2016 would be one of the previous consecutive
17 years of data, and I will be showing you the data
18 from the December 1, 2016 count that we have.

19 With discipline, it's very
20 important -- and that's why I'm not there with you
21 today. I'm out speaking to all of the regional
22 meetings, and I'm in the Western Region today to
23 talk about significant disproportionality and the
24 new regulations because discipline, the current
25 year will be this school year's data, the 2017-18

1 disciplinary removal data for suspensions that
2 districts will be submitting to us in the fall of
3 2018 -- it will be the current year. So just for
4 you to be aware that those new -- the new
5 regulations will be applied to this current year's
6 data.

7 And then we have to look back at two
8 previous years, and so the two previous years will
9 include the 2016-17 data, which districts will be
10 submitting to us this fall, and the 2015-16 school
11 year, which districts submitted to us last fall
12 and we used in our determinations this past
13 spring, and that will be the data that I have to
14 show you as well.

15 If you can move to the next slide.
16 Okay. This slide is, we took a look at--- Oh,
17 I'm sorry. Then children ages three through five,
18 preschool, we have to include beginning July 1 of
19 2020, which means they will be included in
20 determinations in the spring of 2021. And so for
21 identification, the current year would be December
22 1, 2020, and the previous years wouldn't start
23 until next -- you can see the second previous year
24 is the December 1 child count of 2018. So we
25 haven't collected any data yet related to that.

1 For discipline, the current year
2 would be the 2019-20 school year that districts
3 will be submitting in the fall of 2020, and then
4 the two previous consecutive years if we go with
5 the consecutive years. You can see that green
6 arrow indicates that this year's
7 2017-18 discipline data would be one of the
8 previous consecutive years. However, we need to
9 keep in mind that we don't currently collect
10 suspension and expulsion data for preschool
11 children, so we won't have data for discipline for
12 them in the 2017-18 year.

13 So we will have to figure out a way
14 that we will deal with that piece of it by either
15 delaying for a year the discipline process or just
16 using -- the first year using the current year and
17 one previous consecutive year instead of the two.
18 That's something we'll have to probably have a
19 discussion with OSEP about. I know Vivian James,
20 our preschool coordinator, is working on related
21 language for our policies related to collecting
22 data for disciplinary actions for preschool
23 children. And this is not just for preschool
24 children with disabilities; it's for any preschool
25 child in the district. We don't collect that data

1 for all kids who are preschool age either.

2 Okay. If you could move to the next
3 slide. All right. Now I want to show you some
4 numbers related to risk ratios, and again, we just
5 have one year of data so far.

6 Bill, were you asking me a question?

7 MS. OUZTS: No.

8 DR. JOHNSON: Oh, okay. I thought I
9 heard somebody ask me something.

10 Okay. The effects of the new
11 requirements using -- for identification using the
12 2016-17 identification data, which would be one of
13 the previous years -- it would be one of the three
14 consecutive years that we would be using, and this
15 is step two once we've decided the cell size and N
16 size now. Based on the input we've gotten so far,
17 most people wanted us to go with what OSEP thinks
18 is reasonable, a cell size of ten and an N size of
19 30. So this is what this data is based on. I
20 used that cell size and N size.

21 So based on that, any district
22 with -- for example, in the all students with
23 disabilities column had to have at least ten
24 students with disabilities identified. So a small
25 charter school that had less than ten students

1 with disabilities would not be reflected in this
2 data as an example or we wouldn't -- we would not
3 have calculated a risk ratio for them.

4 If you'll look first at the red line,
5 C, that's the current regulations. We currently,
6 for identification, use the 3.0 risk ratio, which
7 means a student of a given race is three times
8 more likely than students of all other races to be
9 included in this area. Now when we do these
10 calculations, you can see across the top line, we
11 do them in seven categories: all students with
12 disabilities, students with autism, students with
13 ID mild, students with other health impaired,
14 students with serious emotional disabilities,
15 students with specific learning disabilities, and
16 students who are speech-language impaired, and
17 that's what we are currently required to do, and
18 that has not change in the regulations.

19 So we will have to continue all seven
20 of those areas, but you need to remember that we
21 have to do these calculations for all seven race
22 categories as well. So that's 49 calculations and
23 analyses we do just for identification. You can
24 see on the red line, our current regulation with
25 the risk ratio of 3.0, these are the districts

1 that we had mostly on the warning list for this
2 year. There were -- there was only one district
3 who was actually identified with significant
4 disproportionality because they had been -- they
5 had disproportionate representation for three
6 consecutive years in one of these areas. But all
7 of these other districts were -- the numbers were
8 on our warning list for this year.

9 So, again, if we're going to use
10 consecutive years in reasonable progress to move
11 people off the list, we can only speculate about
12 what the warning list is going to look like right
13 now, but these are the districts -- based on our
14 current regulations, how many districts we have.
15 For example, all students, we have 23 LEAs on the
16 warning list; students with autism, we had five
17 LEAs; and for other health impaired, we had ten
18 LEAs and so forth and so on. You can read across
19 the board.

20 Now some of them are on the list for
21 different races and ethnicities including African-
22 American students for some of these. Some of them
23 are on the list for white students with
24 disabilities. For example, in the area of autism,
25 I believe all five of the LEAs are on the list for

1 white students who are three times more likely to
2 be identified than all other students of all
3 races, and there is a mix of white students and
4 African-American students in the other categories.

5 And I will tell you I am noticing
6 that some other disability categories or other
7 race and ethnicity are getting close. In some
8 instances Hispanic. In some instances, two or
9 more races. But that red line is what we
10 currently have on the warning list.

11 The blue lines are all based on new
12 regulations. You had asked me to do an analysis
13 of how many LEAs we would have if we went as low
14 as a 2.5 risk ratio and above 3.0, and so we took
15 it all the way up to 4.5. As you can see, a lower
16 risk ratio, we would start out with at least this
17 many districts in each of these areas on the
18 warning list. In the all disabilities category,
19 we would have 51, which is more than twice as many
20 as what we currently have.

21 And then if you continue in the all
22 and go down, if we used and continued the risk
23 ratio of 3.0, we would have 39 LEAs on the warning
24 list, which is more than the 23 we currently have
25 on the warning list for all disabilities, but not

1 nearly as many as 2.5. As the risk ratio
2 threshold goes up, 3.5, we would have 29 LEAs; a
3 risk ratio of 4.0, we would have 22 LEAs; and a
4 risk ratio of 4.5, we would have 16 LEAs.

5 Now when we submit our justification
6 to OSEP, we have to keep in mind several things.
7 First and foremost, we have to keep in mind what
8 is good for our students and keep in mind that a
9 normal risk ratio is 1.0. So 3.0 is a relatively
10 high risk ratio. You're saying that a child is
11 three times more likely, based on your rate, to be
12 identified whether it's in the all category, the
13 autism category, the speech-language impaired.

14 And you'll even notice in speech-
15 language impaired, we don't even have any students
16 on the warning list, that red line. But once we
17 start applying the new regulations, because we
18 have to compare it to the overall enrollment
19 rather than just comparing it to students with
20 disabilities, it increases the number of districts
21 we have on the warning list for speech-language
22 impaired.

23 So we have to keep in mind, first of
24 all, what's good for students and making sure we
25 don't go too high with our risk ratio. At the

1 same time, we have to consider -- and OSEP has
2 let us in past years factor this in -- that we
3 have to consider the capacity that the State
4 has to provide technical assistance and
5 professional development to districts who have
6 disproportionality because if we are beyond our
7 capacity to assist, then we won't be able to
8 resolve the problem either.

9 So keeping that in mind, the more
10 districts you have on the list -- and I'm saying
11 this because I remember years ago when we first
12 started having to do this, we had -- we started it
13 out with close to 80 districts on the list just
14 for identification, and that was with a risk ratio
15 of 3.0, and at that time, we had talked about a
16 risk ratio of 2.0. And the US Office of Special
17 Education Programs said to us that is probably too
18 low because you want have the -- you as a state
19 won't have the capacity to help resolve the
20 issues. So we are allowed to consider that as
21 well.

22 While I'm not going to go over each
23 of these numbers, I will, in just a minute, make
24 sure you have an opportunity to ask questions, but
25 you can see the numbers increase the lower the

1 risk ratio was and they decrease as we move up in
2 the risk ratio amount. But I will say getting up
3 to 4.5, that's really a high risk ratio to say
4 that we think it's acceptable that kids are 4.5
5 times more likely to be included in a category
6 just based on their race. So that's
7 identification.

8 If you could go to the next one. And
9 the next one is discipline, and I'll just mention
10 that placement -- because we do it very similarly
11 to identification, placement we don't have any
12 changes. We have about 20 districts on the
13 warning list, and we still have about 20 districts
14 on the warning list if we used a risk ratio of
15 3.0, and the reason for that is because we do
16 compare that to students with disabilities, not to
17 your overall enrollment. That is the N size. So
18 we are already doing, in placement, exactly like
19 the new regulations require.

20 So this chart is about discipline,
21 and again, this is based on risk ratios that we'll
22 be required to use rather than the state average
23 rate, twice that, that we currently use. And
24 this, again, is based on a cell size of ten and an
25 N size of 30, and the N in this instance, again,

1 is compared to the district's students with
2 disabilities population. We don't have anything
3 to compare this to because we don't do our
4 discipline calculations this way currently, but I
5 can tell you the way we do discipline currently,
6 we have 13 districts on the significant
7 disproportionality list currently this year, with
8 another 16 on the warning list. So that's 29 LEAs
9 that are in jeopardy of having, in the future, if
10 we continue to do it the way we do it -- in the
11 area of discipline. We have more districts that
12 way.

13 But if we -- all of these are new
14 calculations based on the new regulation, and it
15 is also based on the five categories that we're
16 required to look at: all suspensions,
17 out-of-school suspensions greater than ten days,
18 which we currently look at; out-of-school
19 suspensions one to ten days, which we don't
20 currently calculate--- We only calculate those
21 when they accumulate to more than ten days.
22 ---in-school suspensions that are -- in-school
23 suspensions that are greater than ten days, which
24 we currently look at; and then in-school
25 suspensions that are one to ten days for any

1 student based on their race and ethnicity. And,
2 again, with this, we have to do this by the seven
3 races for each of these five categories, so that's
4 35 calculations that we're looking at and
5 analyzing, and we don't currently do this when we
6 do look at this in-school suspension greater than
7 ten days.

8 You can see if we did a risk ratio of
9 2.5 or greater, for all suspensions, we would have
10 66 LEAs on the warning list to begin with at
11 least, at a minimum on the warning list, and we
12 can't tell you how many of these would be on the
13 significant disproportionality list. We would
14 have one LEA in a greater than ten-day suspension.
15 We would have -- for short-term suspensions, out
16 of school one to ten days, we would have 73 LEAs.
17 For in-school suspension greater than ten days, we
18 would have one LEA, and it is a different LEA than
19 the out-of-school suspension greater than ten
20 days. And then for in-school suspension one to
21 ten days, we would have 53 LEAs.

22 Now some of these LEAs are the same
23 in these three categories here, but not all of
24 them, and I did not have time -- because I ended
25 up having to look at placement as well along with

1 that. There are -- altogether between the three
2 areas, there are 98 calculations and analyses you
3 have to do, and I did not have time to go back and
4 check which districts were -- how many districts
5 altogether that would be.

6 Now if you go -- as you go down, 3.0
7 is what we use for placement and identification
8 right now. You can see there is a bit of a drop.
9 We have 45 in all suspensions. That same one goes
10 all the way down no matter what the risk ratio.
11 So you can tell that for out-of-school suspensions
12 greater than ten days and in-school suspensions
13 greater than ten days, even if our risk ratio was
14 4.5, that same district would be in those
15 calculations. But at, again, 3.0, all suspensions
16 would be 45 LEAs; out of school one to ten days,
17 we would have 59 LEAs; and in-school suspension
18 one to ten days, we would have 34.

19 Just so you know, the 29 LEAs that I
20 told you that were on the significant
21 disproportionality list or warning list right now,
22 they are for out-of-school suspension short-term
23 that accumulate to more than ten days. So it's
24 related to this middle column, but it is not
25 exactly like that. So it is definitely more than

1 29 -- 59 is definitely more than the 29 LEAs we
2 would have right now.

3 And you can see if we go up the risk
4 ratio threshold to 3.5, 4.0, or 4.5, the numbers
5 of LEAs decrease all the way to 4.5 at 15 for all
6 suspensions, 28 for out-of-school suspensions one
7 to ten days, and 11 for in-school suspensions one
8 to ten days. Again, when we submit our
9 justification to OSEP, we have to base it on the
10 input and our advice we receive from all of our
11 stakeholder groups, but we also have to consider
12 what is best for our students and the capacity our
13 state has to provide technical assistance and
14 professional development and things to assist
15 districts to resolving the issue.

16 And keep in mind, again, if we went
17 all the way up to 4.5, we would be saying that it
18 is okay for students with disabilities of a given
19 race to be 4.5 times more likely to be suspended
20 in one of these categories than students of other
21 races. So that's the risk ratio analysis that
22 we've done to help you in your advice to us about
23 what risk ratios we could select.

24 I do need to let you know we are
25 allowed to have different risk ratios for each of

1 the 98 calculations. The feedback we have
2 received so far is people want us to be consistent
3 across the board because it would get very
4 confusing, for example, if we had different risk
5 ratios for all of those, and I will tell you also
6 for us to do the analysis based on different risk
7 ratios would become much more complicated for us
8 and take more time. So it wouldn't be very
9 efficient. But we could, for example, have a risk
10 ratio of 3.0 for identification and placement and
11 a 3.5 risk ratio for discipline or vice versa. We
12 could have 3.0 for placement and 3.5 for
13 discipline and identification. So keep those in
14 mind when you submit your advice to us about the
15 risk ratio.

16 Now related to the N size and cell
17 size, we did not -- one of the things you asked us
18 to do was looking at a lower N size and cell size.
19 We -- in order to then pick a lower N size and
20 cell size, we would have to then go back and do
21 all 98 calculations again, and you can tell
22 already we've got -- we're going to run out of our
23 capacity [inaudible] if we have even more
24 districts than what's here.

25 So, so far we have received from our

1 stakeholder groups to go with what OSEP has said
2 is reasonable, a cell size of ten and an N size of
3 30. If we go much lower than that, again, we will
4 have even more LEAs on the potential list to be
5 identified. And a cell size of ten, I will share
6 with you, once you go lower than the cell size of
7 ten, you're really -- the risk ratio is becoming a
8 little -- can be questioned whether -- how valid
9 that risk ratio analysis is because your numbers
10 are getting so small.

11 Now related to reasonable progress,
12 the other area that we were hoping to have data
13 for you on -- and Matt Hopkins, who is also in one
14 of the regions presenting today, is helping with
15 us on that area, and we have looked at a number of
16 different things, but in talking to different
17 states, I can tell you so far there are only one
18 or two states who have decided on what they're
19 going to do with reasonable progress because this
20 is the hardest one to fix. Once we know for sure
21 what risk ratio we're going to be looking at, it
22 will be easier for us to decide how much we have
23 to reduce a risk ratio to consider reasonable
24 progress because it could look different if we
25 select 3.0 as a ratio versus a 4.0 risk ratio.

1 One state is looking at the gap
2 between the district's ratio risk ratio and the
3 risk ratio that they have selected. That's one
4 way to do it. The other way to reduce a risk
5 ratio is to look at just a small percentage point
6 of that risk ratio. Like let's say if we were
7 using 3.0 as the risk ratio and they're above
8 that, they might have to reduce their risk ratio
9 by .25 to be considered reasonable progress. That
10 is an example. So those are the things we're
11 playing with now, but it takes a little bit of
12 time to figure all of that out. We will have more
13 information related to you about that as we start
14 revising our procedures based on advice we've
15 received from the stakeholder group.

16 The last area that we mentioned was
17 preschool, and we're going to have to continue to
18 talk with OSEP about how we handle preschool
19 particularly for discipline if we go with
20 consecutive years because we currently don't
21 collect discipline data, but we can share with
22 them the steps we're taking right now to get state
23 law and policies in place for procedures to
24 collect data related to discipline. The issue of
25 identification won't be an issue because we

1 already collect that data and will have the data
2 that we need.

3 And with that, I have covered
4 everything that I am prepared to cover today, but
5 I am willing to answer any questions that you
6 might need to have answered before I got off the
7 phone.

8 THE CHAIRPERSON: Nancy, this is
9 Leanna---

10 DR. JOHNSON: Heather, you might have
11 to repeat questions because I can't hear the
12 participants as clearly as I can hear you.

13 THE CHAIRPERSON: I just want to
14 confirm the LEAs that are not listed, but up here,
15 is that including the -- however many charters
16 that meet the cell size or just 100 traditional
17 county LEAs?

18 MS. OUZTS: Do these numbers include
19 the charters or only the traditional LEAs?

20 DR. JOHNSTON: Yes. That's an
21 important question and important to know. This
22 does include all charters who meet the cell size,
23 and we do have -- many of our charters meet the
24 cell size in some areas, not necessarily all
25 areas, but charter schools, in fact, were -- we

1 would have charter schools on the warning list.
2 In fact, I will tell you this year in
3 identification, we do have several charter
4 schools.

5 If you go back to the slide on
6 identification. In this current all 23, there
7 are -- several of those 23 on the warning list are
8 charter schools. So charter schools are included
9 in this number. So that's -- we're talking -- as
10 we look at these numbers, we're talking about the
11 115 traditional LEAs plus the 175 or around that,
12 how many ever charters we currently have. I have
13 trouble keeping up with that number.

14 THE CHAIRPERSON: So we're talking
15 approximately 300 LEAs including charters
16 represented here. Okay. That answers my
17 question.

18 DR. CARPENTER: I have a question.
19 Nancy, this is Dale Carpenter. The next-to-the-
20 last side that you had which is the "Effects of
21 New Requirements, 2016-17 Identification Data," so
22 that I don't misunderstand -- and you explained it
23 really clearly, but I may need it one more time.
24 The row that says risk ratio C equals 30 is
25 currently what we're doing. The one that says N

1 equals 3.0, that would be according to the new
2 regulations, and so there are different numbers.
3 What's the difference one more time?

4 DR. JOHNSON: The difference -- the
5 difference is that the denominator. While we
6 currently use an N size of 30, to do the new
7 regulations, this redline, our N size is based on
8 the district's disability population and the race
9 and ethnicity of their disability population,
10 which OSEP approved us using when they approved
11 our revised -- our revised processes back in 2012.

12 What the regulations now require,
13 though -- will require moving forward is that the
14 N size for identification only, not for placement
15 or discipline, but identification only, that that
16 N size has to be based on the district's overall
17 population, their overall enrollment. So we have
18 to look at the race and ethnicity of their overall
19 enrollment. So if they have -- so, in other
20 words, up here on the red line, we are looking to
21 see -- if you're looking at the white population,
22 you're looking to see, for the N size, if the
23 district has 30 or more students with disabilities
24 who are white for the N size.

25 Here we're looking to see -- in the

1 new regulations, we're looking to see if the
2 district has 30 or more white students in their
3 overall population. So it increased the number of
4 districts that we actually had to look at for the
5 risk ratio analysis. Does that help answer that
6 question?

7 DR. CARPENTER: Yes. Thank you.

8 MS. OUZTS: Yes. Thank you.

9 DR. JOHNSON: Now the N size for
10 placement and discipline, based on the new
11 regulations, is still based on the district's
12 disability population. So it is a different N.

13 MS. HUTCHINSON: Nancy, can I ask a
14 quick clarifying question?

15 DR. JOHNSON: Yes.

16 MS. HUTCHINSON: The preschool -- at
17 what point are you determining that they're five?
18 Is that the December 1 count from the previous
19 year? And I know that the target audience here in
20 this particular slide is preschool, but as we --
21 as we've found, we have a large number of students
22 that are five years old in a traditional
23 kindergarten program.

24 So how will that discipline be
25 collected for five-year-old students that were

1 five the previous December, if that's the date, in
2 a traditional school environment?

3 DR. JOHNSON: Two things there. And
4 I think her questions are about five-year-olds and
5 when they turn five.

6 MS. OUZTS: Yes.

7 DR. JOHNSON: For identification, it
8 will be those kids who are five on December 1 of
9 the year in question. So the current periodic
10 year, whoever is five on 2020 would be considered
11 in the preschool regulations, even if they are in
12 kindergarten at that time. OSEP has -- we have a
13 process where we have to crosswalk our
14 kindergarten five-year-olds, and we report them to
15 the federal government as part of the preschool
16 data even though they're in kindergarten. So all
17 five-year-olds, those in kindergarten and those in
18 preschool programs, are in our preschool data.

19 Right now for identification, we only
20 look at, as far as the risk ratio analysis, kids
21 who are ages six and above. So when we add in the
22 five-year-olds, we'll be adding in them whether
23 they're in kindergarten or preschool.

24 MS. HUTCHINSON: So there will be
25 training---

1 DR. JOHNSON: For discipline, it's
2 not the December 1 child count we use because
3 discipline -- it's not just a point in time we're
4 collecting the data. It's the discipline data
5 across the school year. So we use our -- as close
6 as we can get to the end of the school year -- we
7 use our April 1 child count so whichever kids are
8 five years old on April 1 of that year -- that
9 current school year. So the 2019 to '20 school
10 year, the April 1, 2020 child count data will be
11 used to determine which kids are considered
12 five-year-olds---

13 MS. HUTCHINSON: [Inaudible].

14 DR. JOHNSON: ---and that's how we do
15 it now. Now we only collect data on kids ages six
16 and above, and so even kids who are five years old
17 in kindergarten are not included in the
18 calculations. Does that help?

19 MS. HUTCHINSON: I just wanted to
20 make sure [inaudible] training and how you're
21 going to collect that because a number of those
22 five-year-old students are in a traditional school
23 environment, and this will be a new thing for us
24 to gather that data.

25 MS. OUZTS: Did you get that, Nancy?

1 DR. JOHNSON: I didn't quite hear --
2 no, I didn't quite hear what she said.

3 MS. OUZTS: She was wanting to make
4 sure that everyone would get training and make
5 sure that everyone is aware of how to collect the
6 data since they're not currently doing that.

7 DR. JOHNSON: Yes. Yes, we are aware
8 of -- this is going to be a big training issue,
9 and Vivian and I have been talking about that, but
10 our first thing is to get in place whatever state
11 law and procedures are going to be for data
12 collection so that then we'll know how -- that
13 will be a part of the training in terms of what
14 districts have to collect and submit, but it will
15 be based on these same things.

16 Like for discipline, it will be based
17 on the -- all suspensions and expulsions, which
18 include every type of suspension and expulsion.
19 It will include the short-term one to ten days --
20 include those various categories. Vivian is
21 recognizing this is going to take a lot of
22 professional development because it is something
23 we don't currently do, and it will be---

24 Again, it's important to know -- and
25 just related to all of this, while we're looking

1 at this because we're required to from a special
2 ed perspective for students with disabilities,
3 these are not special ed issues. They are
4 schoolwide issues, how kids are being disciplined,
5 and I can tell you that some of the districts that
6 are disproportionate in how they discipline
7 students who are disabled, they are also
8 disproportionate in how they discipline all kids.
9 And identification is also in that realm, if
10 they're disproportionate in how they are referring
11 kids in some instances.

12 So these are issues that we're going
13 to have to train on and do professional
14 development and so on for all kids, but that's one
15 of the reasons why, when they're looking at the
16 state law and the new procedures for discipline --
17 for collecting the data for discipline for
18 students with -- ages three through five, they're
19 going to do that for all students ages three
20 through five, not just students with disabilities,
21 even though students with disabilities ages three
22 through five are the catalyst for the change.

23 But, yes, we will, and I'll make a
24 note of that, that you-all mentioned the
25 importance of professional development. And,

1 again, that's why OSEP is also sharing with us.
2 We have to consider our capacity as a state to
3 assist districts with all of this.

4 THE CHAIRPERSON: Are there any more
5 questions for Nancy?

6 **(No audible response.)**

7 THE CHAIRPERSON: Thank you very
8 much, Nancy. Do you have any feedback for her
9 yet, at this time, Cynthia, or---

10 MS. DANIELS-HALL: No.

11 THE CHAIRPERSON: No. Okay.

12 MS. DANIELS-HALL: Not now.

13 THE CHAIRPERSON: Not yet. All
14 right. Thank you very much, Nancy.

15 DR. JOHNSON: If you-all are doing
16 like you did the last time and met in your small
17 committee and come up with any recommendations,
18 you have my e-mail address or you can get
19 information to Heather and she can get it to me.

20 Just briefly, kind of the next step,
21 so you'll know, we're going to be taking any
22 additional advice you and the other stakeholder
23 groups give us on the risk ratio analysis, and
24 then we're going to work on the reasonable
25 progress. In the meantime, our internal

1 stakeholder group will be working over the next
2 couple of months to draft our revised procedures
3 which we'll get out to you and get your advice
4 about, and then we will be [inaudible] taking
5 those out for public comment as well.

6 MS. OUZTS: Could you repeat that
7 last piece? You cut out. About public comment.

8 DR. JOHNSON: Oh, yes. Once we
9 get -- as we're getting this advice in and once we
10 get the advice about risk ratios, we are going to
11 be revising our procedures internally, that we'll
12 get drafts back out to our stakeholder groups to
13 give us the input, and then as we finalize the
14 procedures, we will be taking those out for public
15 comment.

16 So our stakeholder groups will have
17 had input on the front end, but they will also
18 have enough opportunity to comment publicly on our
19 procedures as well.

20 MS. OUZTS: Nancy, is there a
21 timeline that you would need their feedback from
22 the Council?

23 DR. JOHNSON: Yes. We are going to
24 be meeting as an internal stakeholder group near
25 the end of October. So within the next couple of

1 weeks, if I get some feedback, that would be great
2 because -- at least on the risk ratio analysis
3 because we can't really work on the reasonable
4 progress until we have something somewhat
5 finalized about the risk ratio analysis.

6 So today is what? September the
7 20th. So if we could -- actually a month -- if we
8 could have something by October 15th.

9 THE CHAIRPERSON: Okay.

10 MS. OUZTS: Okay. Thank you. Is
11 there anything else for, Nancy? I know she's
12 presenting in the regional meeting, so we'll let
13 her -- we'll release her if you're done.

14 THE CHAIRPERSON: Is there any more
15 for Nancy?

16 **(No audible response.)**

17 THE CHAIRPERSON: All right. Thank
18 you very much, Nancy. I hope you have a lot of
19 good luck today.

20 DR. JOHNSON: Thank you all for your
21 time and your attention to this important matter.
22 We appreciate it. Bye-bye.

23 THE CHAIRPERSON: Thank you. Can we
24 take maybe a five-minute break since we've been at
25 this for a few minutes to go use the restroom or

1 anything for anybody that needs to go. I think I
2 see Jason back there.

3 All right. Thank you, Jason. We'll
4 come back and reconvene in about five minutes so
5 everyone has a chance to stand up and take care of
6 any person business.

7 (A brief recess was taken from 11:22
8 a.m. to 11:28 a.m.)

9 THE CHAIRPERSON: All right. Can we
10 come back to order. Let's get started.

11 MR. WEBER: Good morning, members of
12 the Council. My name is Jason Weber. I'm an
13 attorney for the State Board of Education, and in
14 that role, I also advise this group and any other
15 advisory bodies to the State Board. Just for a
16 little background, I used to be a fifth grade
17 elementary school teacher up in Vance County, and
18 then made the mistake of going to law school, but
19 that mistake brought me back here. So it's all
20 kind of come a little bit full circle.

21 I'm going to talk to you a bit today
22 about -- I think on the agenda it just says open
23 meetings, but I'm also going to talk about public
24 records. The two really go hand in hand. So I'll
25 start with public records, move on to open

1 meetings, take questions, and hopefully be able to
2 catch us back up and get you out for lunch fairly
3 early.

4 I do have a PowerPoint. It's fairly,
5 you know, stunning. The goal was mostly to give
6 you something to look at other than me which will
7 make me much more comfortable talking to you.

8 I do just want to start out really
9 quick and give a disclaimer like a good attorney.
10 Since I am a lawyer for the Board and for you-all,
11 you know, my main purpose in being here today is
12 just to share information, take questions about
13 what the law requires. If you have questions
14 about specific circumstances like specific actions
15 or proposed actions of this body, those might be
16 more appropriate to talk about offline as opposed
17 to during this sort of informational session.

18 So with that, I'll go ahead and jump
19 into the presentation. So as a public body, an
20 advisory board that's in statute and State Board
21 policy, you-all are subject to the public records
22 law. So North Carolina's public records law is
23 super, super broad. If any of you have experience
24 at the federal level with the Freedom of
25 Information Act, that's actually much more narrow

1 than North Carolina's law.

2 As you can see up here, this is the
3 definition of a public record within North
4 Carolina's public records law. When you read it
5 in the law itself, it's just a huge block of text,
6 and basically, what it means, for your purposes
7 and for anyone else, is it applies to almost
8 anything that's in recorded form. So whether
9 that's in writing, whether it's video, audio, you
10 know, art, any of those kinds of things, you know,
11 artistic interpretations of things. Those would
12 all be public records.

13 There's a keyword in here that I've
14 underlined and bolded, and the public records law
15 applies to -- you know, forget about the words,
16 but any recorded thing that is made or received.
17 So it's important for you-all to think about when
18 we're talking about public records, it applies to
19 documents that you-all create, e-mails that you
20 send on the conduct of your public business, and
21 also documents that you receive and e-mails that
22 you receive, and that's a key distinction there.

23 If we can move onto the next one.
24 Specific examples that you-all, you know, would
25 probably deal with the most would be e-mail,

1 e-mail attachments, and text messages, which are
2 sort of unwieldy to handle when there are public
3 records requests. And I know that this group
4 advises with regard to policies and directives, so
5 those would be public records. Drafts of reports,
6 the word "final" actually shouldn't be in there
7 technically. Any draft is a public record,
8 whether it's the first draft of something or the
9 final draft. Correspondence, memos, meeting
10 agendas. These are examples of some of the
11 records that I think you-all would handle most
12 often.

13 So the public records law does have
14 some exceptions. These are some of the specific
15 ones listed within the law itself. Really that
16 first one is the only one that you-all would need
17 to be aware of, written communications from an
18 attorney to a public board. So if this Council
19 was seeking legal advice and I were to communicate
20 back, whether it's through a memo or otherwise,
21 that communication would be confidential. It
22 would be exempt from the public records law.

23 And the next slide. So really what
24 you-all probably deal with the most, what this
25 Council deals with would be student information.

1 So while these exceptions are not listed
2 specifically within North Carolina's public
3 records laws, you can find other exemptions
4 scattered throughout the general statutes and a
5 lot of them are in Chapter 115C where the statutes
6 governing public schools in North Carolina live.
7 You can find others in federal law. The federal
8 law that would most apply is FERPA, the Family
9 Educational Rights and Privacy Act. So student
10 files, other education records, former student
11 records, student PII, that's all information --
12 those are records that are not subject to the
13 public records law, meaning they're exempt and we
14 can keep them confidential. Mediation records for
15 students with disabilities, special education
16 records, those are probably the most relevant for
17 you.

18 MS. HUTCHINSON: What's PII?

19 MR. WEBER: PII, personal
20 identifiable information, right.

21 So the federal law is interesting
22 because it protects both the education record
23 which would be like a transcript, right, a
24 document, and it protects PII so information on
25 that record. And sometimes -- you know, most of

1 the time, those are going to be the same thing,
2 but sometimes you'll have a record that is not an
3 education record, but it contains PII. And so
4 that's where -- you know, in an instance where you
5 have a document, a record that's not an education
6 record, like a transcript, but it does contain
7 student information, we would just redact the
8 student information, but the rest of the document
9 would be public.

10 So who has access to public records?
11 Anyone. Public records and public information,
12 they're the property of the people. People may
13 obtain copies of them for free or at a minimal
14 cost. Within NC DPI we do not charge fees for
15 copies, but some entities do -- universities. At
16 the federal level over a certain amount, they'll
17 also charge fees responding to FOIA requests.

18 What's really kind of interesting in
19 North Carolina is, there's no right of the entity
20 receiving a request to know who was asking for it
21 or why. So sometimes if you don't know who it is,
22 it's hard to respond. We'll get e-mails from
23 completely random unknown e-mail addresses that
24 are clearly generic, and we just have to respond
25 to it. You don't know who it is, really, who's

1 requesting.

2 The why part gets into sort of the
3 commercial nature of some requests. So the
4 Department will get requests for teacher names,
5 what grade they teach, you know, whether they
6 teach science, and that might be so that some
7 company can spam them with science materials.
8 That's actually allowed. So even if it's for
9 commercial purposes, in North Carolina, we can't
10 deny the request. Some states are different where
11 they have restrictions on that, but we don't here.

12 So time to respond. The law is as
13 clear as the law ever is. It says reasonable time
14 and manner. So what is reasonable? That really
15 depends on the circumstances. If someone were to
16 ask for a copy of today's agenda, I think it's
17 pretty reasonable for us to turn it over today,
18 not to, you know, wait a month. If they're asking
19 for, you know, a large amount records, every
20 e-mail sent from -- you know, sent or received
21 from or to Jason Weber, State Board Attorney, for
22 the entire time that he's worked at DPI, that
23 would take longer to pull all of those and to
24 review them to see if there was anything to be
25 redacted.

1 So what does this mean for you? Or
2 is there another slide? There might be. Oh.
3 Protocols. So what does this mean for you?
4 Thankfully you really don't have to deal with this
5 too much. If you ever receive a request for
6 documents, whether it's a request for materials
7 that have been presented or made available at one
8 of your meetings, if it's a request for your
9 e-mails, what you can do with that is just forward
10 it to DPI Communications or to our wonderful EC
11 staff and they'll forward it to DPI
12 Communications, and we'll really handle it all for
13 you.

14 So the typical timeline, if we get a
15 request, is to respond within two hours just kind
16 of acknowledging receipt, and then they will
17 communicate with appropriate folks within DPI to
18 process it. If it involves pulling e-mails,
19 finding, you know, archived documents from
20 meetings, presentations, and we'll really pull it
21 all for you. We'll review it to make sure there's
22 nothing confidential and make any redactions
23 necessary.

24 And so the remedies are sort of
25 interesting. If we deny a request, then the

1 requester has the right to file a lawsuit in
2 Superior Court, the Court could compel the release
3 of the records, and there could be attorney's
4 fees. And, again, nothing really that you-all
5 would have to get into. It's more just our
6 obligation to help support you and respond to the
7 request and comply with the law.

8 So before I go into open meetings,
9 also, I do just want to highlight the very public
10 nature of what you do and the public nature of the
11 documents and the records that you create and
12 receive. So really one of the most important
13 takeaways from that thrilling public records
14 portion of my presentation is just to think about,
15 you know, before you put something in writing or
16 before it is recorded in some other form, just
17 think about the nature of it and know that it's
18 probably something that could be subject to a
19 public records request. That doesn't mean it's
20 necessarily something that is public. We would
21 have to look at it to determine whether
22 something's confidential.

23 But also think about it when your
24 stakeholders are communicating with you. So one
25 thing at the Department we'll get a lot of are

1 e-mails or letters from parents who are having
2 situations within an LEA, and in that letter or
3 e-mail, they'll include information about their
4 child, about staff members at the local level.

5 I mean we can't prevent that from
6 happening, but just be aware that when they are
7 communicating with you, if you engage in a
8 conversation back and forth, whether it's through
9 e-mail or by a letter, to be careful that at least
10 in your communications, we're trying to leave out
11 student names, staff names to the extent possible,
12 and just really be aware of it. You know,
13 anything that you create could end up in the
14 newspaper someday. That's how I think about it
15 before I send e-mails. How would this look like
16 if WRAL or someone else picked it up?

17 Are there any questions on that
18 portion?

19 MR. SMITH: Real quickly, just a
20 couple of questions. E-mails or attachments that
21 are part of an e-mail, are they public records?

22 MR. WEBER: The attachments would
23 also be subject to the public records law. So you
24 would have to look at them to determine whether or
25 not they are actually public, but the attachments

1 would be -- there's an open question that's never
2 been litigated about what's called the metadata
3 within an e-mail, rights of the "to" and the
4 "from."

5 So let's say, you know, a parent uses
6 their personal e-mail to e-mail someone. In a
7 printout of that e-mail, can we redact the
8 parent's personal e-mail address? Right? They
9 probably don't want folks to know their personal
10 e-mail address. That's actually not a question
11 that's been answered before. We always err here
12 on the side of confidentiality, but it's nothing
13 that's really been litigated.

14 And actually now that you brought up
15 e-mail, this is really a good other point. The
16 location of a record is not relevant to the
17 analysis of whether it's public or not. So if you
18 are using or if I am using my personal e-mail to
19 conduct public business, those e-mails are public,
20 and you know, you can flip that too. If you're
21 using or I'm using my work e-mail to conduct
22 private business, that's not public. So be aware
23 of that too.

24 I don't know if the Council has
25 e-mail addresses through DPI or if you use

1 personal e-mail. So just keep that in mind. Just
2 because it's on your personal e-mail, you know,
3 it's a server in New Jersey or something backed up
4 on Gmail, those things are also going to be
5 public, and we can't just, like, offload all of
6 our records to some storage site and say we don't
7 have it. You know, it's---

8 MS. HUTCHINSON: Can you say the
9 second part of that again? If it is a public
10 e-mail address and they're using it to conduct
11 personal business, that is not a public record?

12 MR. WEBER: Right. So there are
13 probably personnel policies, depending on where
14 you work, that address those kinds of things that
15 you might have to worry about, but in terms of
16 doing an analysis of whether that e-mail is public
17 or not, it would not be.

18 MR. SMITH: Thank you.

19 MR. WEBER: Any other questions?

20 MS. SIMMONS: You mentioned minimal
21 costs. What's too much?

22 MR. WEBER: So copies -- agencies do
23 have the ability to charge whatever the actual
24 cost of making copies is. So, quite often, there
25 is no cost because requesters will ask for records

1 in electronic form, and usually, those can be
2 provided through e-mail or Dropbox, Google Docs,
3 but sometimes, you know, there might be enough
4 records where we have to go out and buy a flash
5 drive. If the agency wanted to, they could charge
6 for the cost of the \$5 flash drive.

7 What we cannot charge for would be
8 like staff time. So if it's my job to review
9 public records requests and I do that during my
10 normal working hours, then the agency would not be
11 able to charge for my time. It's just something
12 that I do. If I have to work overtime to do it,
13 maybe, but DPI hasn't really gotten into that.
14 Some universities do, and again, at the federal
15 level, they do to a certain extent if it requires
16 multiple CDs or if it's over a certain amount of
17 work.

18 MS. SIMMONS: Per copy -- how much is
19 too much per copy?

20 MR. WEBER: So it would be the actual
21 cost. So whatever the actual cost of making
22 copies is. I don't know if that's, you know, 30
23 cents a page or what it is. So an agency can't
24 charge more than what it actually costs the agency
25 to comply with the request.

1 MS. SIMMONS: Thank you.

2 MR. WEBER: Anything else?

3 **(No audible response.)**

4 MR. WEBER: Okay. So I think this is
5 a more interesting thing for you-all. Opening
6 meetings. There is a statutory citation if you're
7 super bored and want to go read it. What are your
8 legal responsibilities? So, again, it's a public
9 body that advises the State Board of Education.
10 You're in statute. You're required by the federal
11 law. The open meetings law is something that
12 applies to your meetings.

13 So under the open meetings law, a
14 meeting is open to the public if and when a public
15 body meets. So a public body is defined really
16 broad in North Carolina law, and you can see down
17 there the one that directly applies to you.
18 You're a council and you serve in an advisory
19 capacity.

20 And, also, it's important to note
21 that the open meetings law applies not just to the
22 body itself but to subcommittees. So if this
23 Council has an executive committee or has other
24 subcommittees that focus on, you know, different
25 aspects of the business that the Council conducts,

1 those subcommittees are also, you know, even in
2 their smaller sense, considered to be public
3 bodies that are required to have open meetings.
4 So if the executive committee were to meet next
5 week on some issue apart from the entire Council,
6 that's still a public body, and if there's a
7 majority, then that meeting would still have to be
8 noticed.

9 MS. HOLLER: What about a stakeholder
10 group?

11 MR. WEBER: So outside entities, it's
12 a little more gray. I would just say that, you
13 know, internal staff -- so if the EC Division gets
14 together to talk to one or two of you, that would
15 not be considered a public body -- a meeting of a
16 public body. It would not be subject to the open
17 meetings law. Stakeholder groups -- I mean
18 there's no clear requirement. So I think -- what
19 I think this Council would need to be aware of is
20 whether and the number of council members who
21 might be attending that stakeholder meeting. So
22 just be cognizant of, you know, if a majority of
23 this group were to go to that stakeholder meeting,
24 then it could a meeting that is subject to the
25 open meetings law, or again, if a subcommittee of

1 this Council were to attend a stakeholder group
2 meeting and there was a majority of the
3 individuals who were part of that subcommittee at
4 that stakeholder meeting, then it's something that
5 would have to be noticed and follow the other
6 requirements.

7 MS. HOLLER: Like, if you had, like,
8 an LEA that was having, for instance, a
9 stakeholder group, so that wouldn't be considered
10 an open -- a public meeting or---

11 MR. WEBER: Right. So it really has
12 to do with whether a public body is meeting.
13 That's the first question as to whether the public
14 open meetings law applies. So if it's not a
15 public body, then you can kind of skip the rest of
16 the analysis. That's like the first threshold
17 step, and with stakeholder groups too, I mean, you
18 know, you probably want the public to be there
19 because they're your stakeholders.

20 So that's also something to take into
21 account. I mean if it's a select stakeholder
22 meeting where folks have been invited, that might
23 be a little different. But if it's something
24 that's supposed to be open to, you know, let's
25 say, school and community members, parents,

1 students, I mean there's probably going to be
2 notice and, you know, date, time, and location.
3 Everything that would be required under the open
4 meetings law would happen there.

5 So who must follow the open meetings
6 law? You can skip all that text and just know
7 that it's you and it's the State Board of
8 Education. So there are some other with examples
9 within DPI. You-all are listed on there -- this
10 Council, the Charter School Advisory Board. We
11 have a Compliance Commission that only meets via
12 conference call. So that conference call number
13 has to be available for other people to call in so
14 that it is open.

15 You can go on to the next one. Okay.
16 So now that we've crossed the -- you know, to whom
17 does the open meetings law apply, let's about
18 which meetings. So the law references all
19 official meetings where a majority of the members
20 are gathered as long as the purpose of the meeting
21 is to execute one of five functions. So those
22 five functions are listed: legislative,
23 policymaking, quasi-judicial, administrative, and
24 advisory.

25 So I think the three most applicable

1 to this Council would be the policymaking, the
2 administrative, and the advisory purposes. If a
3 majority of this Council meets to execute one of
4 those functions or if a majority of a subcommittee
5 of this Council meets to execute one of those
6 functions, then the open meetings law would apply
7 to that meeting.

8 And, again, a good example would be
9 the Executive Committee. If the Executive
10 Committee of this Council is getting together --
11 the administrative, that could be an agenda
12 setting -- and a majority gathers to execute that
13 function, that's an open meeting and the
14 requirements and the law around notice, all of
15 those things take effect.

16 And then that last point is actually
17 kind of interesting. It doesn't matter when,
18 where, and how the meeting is held. So if it's in
19 person, if it's a conference call, Skype, if
20 you're on -- I always use the example that the
21 State Board actually took a trip up to DC once,
22 and a majority of the members of the board were on
23 the same bus, and because they had a majority of
24 the board on the same bus and they could talk
25 about one of these five things, we actually

1 noticed the meeting and we allowed reporters and
2 anyone else who wanted to ride the bus with them
3 up to DC, and a couple of reporters actually even
4 decided to go along with it.

5 MS. HOLLER: Would they be
6 responsible for paying the fee involved?

7 MR. WEBER: I don't know if we did
8 that. That's a good question. I don't think it
9 was a charter bus. I actually think they rode a
10 school bus up, so that might have been a
11 disincentive for anyone else to join.

12 What's sort of interesting is,
13 there's an open question about e-mail. So if this
14 Council or the State Board were all copied on an
15 e-mail and they all started responding, you know,
16 that's not happening at exactly the same time, but
17 are they actually having a meeting in doing so?
18 So we try and -- we encourage the State Board
19 members not to do that, to engage in massive
20 e-mail chains with the entire Board, because it
21 might be something that there could be a claim
22 that we're somehow violating the open meetings
23 law. And text messages, I mean the same thing,
24 any of those new ways of communicating.

25 And also important to note for

1 meetings, it does not apply to social gatherings.
2 So even if a majority of this group were to get
3 together for a purely social gathering, that would
4 not be something that would have to be noticed
5 because you wouldn't be gathering for one of those
6 five purposes. The Council would just have to be
7 careful during that social gathering not to
8 accidentally start talking about policy or doing
9 anything else that you would have to do in an open
10 meeting.

11 So what should we be doing -- what
12 should the Council be doing and the Department?
13 So if you have a public body and you have a
14 majority of the members of that body meeting to
15 conduct public business and public notice is
16 required, that notice has to include the purpose,
17 time, date, and location. The length of the
18 notice depends on the meeting. So regular
19 meetings, usually there's a calendar with a
20 schedule 30 days or more in advance. For special
21 meeting, those require two days' notice. So the
22 State Board will hold those meetings every now and
23 then if they're responding to litigation or
24 something else that requires a special meeting.
25 Emergency meetings, really I've never had to deal

1 with. That would be -- you know, a body has to
2 meet to prevent death, some kind of catastrophe
3 happens. Yeah, it's nothing that we've had to
4 deal with at the State Board level, and the
5 Council probably wouldn't have to deal with.

6 So minutes of the meetings must be
7 kept and available to the public, written, if
8 there's audio/video, webinar recordings, and
9 the minutes don't necessarily have to be a
10 word-for-word transcription. They can be. That's
11 helpful for folks who might be hearing impaired.
12 The minutes have to at least reflect what
13 happened. So if a public body does not keep a
14 word-for-word transcript, the minutes must at
15 least be able to give someone who was not there a
16 good idea of what happened. If there's action
17 taken, what the votes were, what the discussion
18 was like so that they can understand what took
19 place. And, again, really for all of this, the
20 Department, as I understand it, takes care of it
21 for you.

22 So there is during an open meeting --
23 so during a public meeting, there are
24 opportunities to go into what's called a closed
25 session. So this is where the open nature of the

1 meeting would end or at least be interrupted for
2 the body to then go into closed session, which is
3 outside of the public eye, meeting just with
4 themselves, not members of the public. And that
5 can only happen for a certain number of reasons
6 that are listed in statute, and it only happens as
7 part of an open meeting, so during an official
8 meeting, after the public body makes a motion and
9 gives a reason.

10 So if we're meeting in open here. If
11 there's a reason to go into closed session, there
12 would have to be a motion to do that. The motion
13 would have to state the specific reason for going
14 into closed session, and then there would be a
15 vote on it, and the group would usually reconvene
16 to a different room. So, for example, if we're
17 meeting in here, it would be the room directly
18 behind us.

19 So closed session is allowed for
20 discussion of confidential records. If there is a
21 reason to be discussing specific student
22 information where there are student names and
23 education records. Attorney-client privilege
24 matters. If this body needs of legal counsel and
25 advice with regards to a matter, then that's

1 something that would allow us to go into closed
2 session. Contract negotiations, personnel --
3 probably won't be working with that too often
4 here.

5 So the remedies are actually sort of
6 scary. So if there is a violation of the open
7 meetings law, someone with standing would have an
8 opportunity to file a lawsuit. The Court could
9 issue an injunction. The injunction would either
10 prevent the Council or, you know, if it's the
11 State Board who's violated the law, from violating
12 it again in the future.

13 And the sort of scary thing is that a
14 Court could also invalidate whatever actions took
15 place. So the reason the open meetings law is so
16 important is because if a body holds a meeting and
17 they violate the open meetings law, but during
18 that meeting took some kind of important action or
19 vote on something, the vote could be invalidated,
20 and that could have consequences depending on what
21 the vote was with regards to. That's a pretty
22 extreme step, it doesn't happen often, but it can
23 happen.

24 Okay. If anyone wants to learn more,
25 I have some websites for you. The Department of

1 Justice has some really good stuff with questions
2 and answers. Elon keeps an open government
3 website, at least they used to. There's the Open
4 Government Coalition with interesting information
5 about both public records and open meetings.
6 There's Sunshine Week, which I can't remember -- I
7 think -- I would assume it's during the summer, if
8 not during the winter.

9 WRAL and other news sites will have
10 Sunshine Week, and they talk about, you know,
11 which agencies do well with responding to public
12 records, which agencies don't do so well, and that
13 website also contains information -- I think it's
14 more broad than just North Carolina, but it's
15 interesting. And there's some print material that
16 you could buy. I don't know why you would, but if
17 you wanted to.

18 That's all I have. If there are
19 questions. Otherwise, I'll let you get you to
20 lunch. I don't think I succeeded in letting you
21 out early, but---

22 THE CHAIRPERSON: Any questions from
23 anybody?

24 **(No audible response.)**

25 THE CHAIRPERSON: Thank you very

1 much. You have a great day.

2 MR. WEBER: Thank you, you-all too.

3 THE CHAIRPERSON: If you want to join
4 us for lunch, you're welcome to.

5 MR. WEBER: Thank you.

6 THE CHAIRPERSON: Is there any other
7 business that the Council needs to discuss before
8 we head to lunch? Anybody? Anything?

9 **(No audible response.)**

10 THE CHAIRPERSON: I guess we'll now
11 adjourn until 12:45 for lunch.

12 **(A luncheon recess was taken from**
13 **11:58 a.m. to 12:59 p.m.)**

14 THE CHAIRPERSON: I'm hoping we can
15 discuss, a few minutes before our 1:15
16 presentation comes in, any early thoughts about
17 the significant disproportionality -- if I can say
18 that word -- with the risk ratios. Because I've
19 got to go a few minutes early because I've got to
20 take my mom to the airport. I know I'm always
21 busy.

22 But if we can maybe get some
23 discussion around that as a whole body, that might
24 be a beneficial use of our time. You can continue
25 eating, drinking your tea or Mountain Dew or

1 whatever.

2 Does anyone have -- my thought right
3 now is to keep the risk -- to lower the risk ratio
4 or---

5 MS. HUTCHINSON: It's keeping it to a
6 3.0, but the denominator now includes the whole
7 student body---

8 THE CHAIRPERSON: Yes.

9 MS. HUTCHINSON: ---which increases
10 the total number of LEAs that the State needs to
11 support. I almost don't know -- I almost don't
12 know if -- given what Bill said about the future
13 of the Department of Exceptional Children at the
14 state level and their capacity to be able to
15 support that, if we do anything that increases
16 that and there's a really great likelihood that
17 we'll have a decrease in the number of staff, how
18 will they sustain that level of support for those
19 LEAs? And to find an LEA disproportionate but not
20 be able to do anything to help them really doesn't
21 help children.

22 THE CHAIRPERSON: That's what I was
23 thinking was to raise the risk ratio slightly with
24 a goal to hopefully as we address the schools that
25 are in most dire need of support, once we get them

1 on track with something, that we could possible
2 later go in, and now our target would be to from
3 3.5 to 3.0 to -- you know.

4 MS. HUTCHINSON: I think that the
5 federal government required or recommended a 3.0,
6 though, because I met with Nancy---

7 MR. HUSSEY: That's what they're
8 saying is an acceptable one.

9 MS. HUTCHINSON: I'm sorry.
10 Acceptable. I thought there was, like, a
11 recommended [inaudible].

12 THE CHAIRPERSON: Yeah. But make the
13 argument or reasoning so that given the current
14 budgetary constraints and recognizing the need to
15 support the LEAs that are going to be out of
16 compliance at a higher level because of the number
17 of LEAs that we would be looking at, to do that so
18 that when we get those brought down, we can make
19 progress and, you know, move that target down.

20 Like she had said when -- the example
21 she gave when we first started this several years
22 ago that they wanted to go over, but they were
23 like no, you're constrained.

24 MR. HUSSEY: This is adjustable
25 annually so you could up and down depending on

1 what you -- what you see in the way of need.

2 THE CHAIRPERSON: Yeah. As long as
3 you can justify the need, yes.

4 MR. HUSSEY: Yes. Yes.

5 MS. HUTCHINSON: So do, like, a
6 tiered -- like 3.5 one year and then 3.3 with the
7 goal of getting to a 3.0 or would it have to be---

8 MR. HUSSEY: That, I don't know. I
9 mean we've only worked in the considerations of it
10 with going from 3 to 3.5 to 4. We haven't -- we
11 haven't really done those gradations down through
12 that. So I'm not---

13 MS. HUTCHINSON: But is there an
14 allowance to do that?

15 MR. HUSSEY: I don't know. I would
16 have to look. I mean I just -- I think the issue
17 would be the varying ways in which we were looking
18 at the data. I mean it's just a permeation each
19 year changing that. We can find out.

20 THE CHAIRPERSON: Or maybe make that
21 tie into whatever our reasonable progress is. I
22 mean they still have to decide what that is going
23 to look like, but if we achieve reasonable
24 progress for, like, two consecutive years, that
25 might be justification to lower the risk ratio or

1 whatever that word is.

2 MS. VLASATY: And I actually have a
3 different viewpoint on that, that while
4 sympathetic to the resources and budget
5 environment, I don't think that the students
6 should have to be penalized for that. I'm
7 actually more inclined to lean toward the 2.5 to
8 have more LEAs identified because once you give up
9 ground and you go up, I think it's going to be
10 impossible to go back down. Because in the
11 current environment, I mean budgets are going to
12 get tighter, and there's always going to be
13 another reason or not to scale back, and once you
14 give up that footing---

15 THE CHAIRPERSON: Yeah. Going with a
16 tighter one could be also a tool that we can use
17 with our legislatures to say, you know, this is
18 where we're standing at. We're not meeting this
19 expectation that's set on us by the government --
20 by the federal government. We need the funds to
21 address disproportionality. So that's a very good
22 argument as well.

23 MR. HUSSEY: I think another place
24 that you make arguments -- and it really doesn't
25 matter about the risk ratio, whether we go up or

1 down -- is other than -- placement and
2 identification are one thing, but in discipline,
3 this isn't a special education issue. It is
4 certainly an issue in special education, but it is
5 not a special education issue.

6 And so, you know, when we are talking
7 to folks, please, I would hope -- I would want
8 you-all to make sure people realize that if they
9 went into just about any school and looked at
10 suspension data or in-school suspension data,
11 whether they were looking at EC or not, that
12 disproportionality exists all the way across.

13 So we've really got to get regular
14 ed which is part of the reason -- there was one
15 other thing I didn't tell you-all about today that
16 I forgot. We are moving our Behavior Support
17 Section to MTSS because they are the PBIS branch,
18 and PBIS is a regular ed piece, not a special ed
19 piece, and so we're moving our staff to the other
20 division to do that. We'll start that in
21 January -- December, I mean.

22 But the whole point of that is to get
23 that part of the disproportionality piece in the
24 regular education world and start talking about it
25 because a LEA that's disproportionate with EC who

1 makes a change does it in concert with regular ed.
2 They cannot do it by themselves. If they're not
3 working together, it doesn't happen. So we're
4 going to try to push that word by sending our
5 people -- our PBIS people to the regular ed side
6 of the world and say, you know, you're now under
7 MTSS.

8 But I just want to make that point
9 because if we try to -- whether we do more schools
10 or fewer schools or whatever we do with the risk
11 ratio, we can't do it by ourselves, and so it
12 becomes a real issue there to be talked about when
13 you guys are speaking to people and advocating for
14 things.

15 MS. CARTER: Being new, this may be a
16 topic that you've already had before or a
17 discussion you've already had before, but what is
18 the impact when a program is -- within that risk
19 ratio -- is not met? The expectations -- I hear
20 that support is offered, and I do think that it
21 can be a real compelling argument to be able to
22 say this is why we need staff to be able to
23 provide that support.

24 But are there any ramifications in
25 terms of loss of funding for an LEA, loss of

1 funding for the State from the feds, you know,
2 depending upon what level gets picked and how many
3 are then showing as not meeting that?

4 MR. HUSSEY: There are several things
5 that happen. When you're on warning list -- and
6 that's where we need to be focused, is on the
7 warning list to try to help prevent people from
8 moving forward. We also then have to help those
9 who are disproportionate. Prior to the changes
10 that are going on now, what happened was an EC
11 Program -- and I went on the warning for
12 disproportionality for suspensions more than ten
13 days, not long-term but more than ten days
14 cumulative. We were on it for about, I think, two
15 years, but we got off.

16 Basically 15 percent of my federal
17 budget was -- basically had to be reallocated to
18 regular ed. There was never any real rationale
19 behind that because what we were -- what we were
20 told by the feds was that this was to prevent
21 children from coming in, but we were already
22 disproportionate and they're already in, I mean,
23 so what we were doing was we were losing money to
24 work on the problem to try to prevent the problem
25 from continuing. There wasn't -- as you can tell,

1 there's a lack of logic there.

2 MS. CARTER: Right, right.

3 MR. HUSSEY: So what the feds did do
4 is they came back, and you can't do all of it so
5 you still have to look at the prevention piece,
6 but you now can spend that money inside of special
7 ed. You still have to do something with that 15
8 percent, but you can spend it inside of special ed
9 which allows special ed to do different things to
10 try to mediate the situation of already identified
11 kids that you're suspending too much.

12 And so, yeah, there are -- and, you
13 know, when you get smacked -- you know, 15 percent
14 of your budget is significant. It was over
15 \$400,000 for me. I mean that's a lot of money,
16 when I was a director, to just suddenly remove
17 from your budget.

18 MS. CARTER: I mean it seems like
19 then you're going to have more schools potentially
20 be punished, not that it's appropriate that
21 children are being served disproportionately or
22 identified disproportionately, but yet, they
23 really need those supports to be able to fix it so
24 that that isn't happening.

25 I guess I would want to make sure

1 that we don't do that penalty that's going to make
2 them even worse the next year.

3 MR. HUSSEY: These are real issues.
4 The expansion and the way they did the expansion
5 this time around, which is going to include many
6 more schools, is -- you know, there are certain
7 things -- and, again, Matt, one of our guys, in
8 talking in our meeting made a very real point
9 because LEAs are going to see themselves --
10 because right now you can be disproportionate for
11 keeping kids in school but working them through
12 in-school suspension programs, and you know,
13 there's -- so you don't suspend the kid.

14 You keep them in school, and then you
15 do something, and when you do in-school
16 suspension, you have to provide special ed. So
17 whatever hours of service you get, even if you're
18 in in-school suspension, you have to be provided
19 that service. So they're being maintained in the
20 service delivery model. They're staying in
21 school.

22 They're not in their regular classes,
23 and that's a problem. When you look at it, there
24 are districts and directors who feel as if they're
25 getting punished for doing something to keep kids

1 from being suspended. But then you do have to
2 come back and realize that what we're talking
3 about is three times the average, and so it really
4 is -- I mean it's a significant issue even if
5 we -- you know, if we do two and a half or if we
6 do three times or -- and that's why it's hard to
7 see how we could do anything higher than 3.5
8 because at that point in time, you're talking
9 about four times the average.

10 And so, you know, directors, of
11 course [inaudible] the directors said, "Well, we
12 should go to four because that's going to reduce
13 the number of schools and keep --" you know,
14 they're selfish in that piece, but when we came
15 back and talked about it, they understood what
16 that was.

17 So it's a confounding piece, the way
18 they've changed it because, again, you always have
19 to wonder about the logic, and they're trying to
20 make a point and they're going to make that point
21 with this significant proportionality. But, like
22 I said before -- again, the unintended
23 consequences are not only are we getting -- you
24 know, not only is white becoming a
25 disproportionate issue for autism, but in charter

1 schools, it's becoming a disproportionate piece in
2 multiple sets, in multiple ways because of the
3 fewer number of minorities in those schools, and
4 that becomes an issue and a problem.

5 So the things they did as a result of
6 this planning, there are unintended consequences
7 all the way through as a result of that.

8 MS. MOOREFIELD: If we were to -- if
9 we were to lower that ratio to 2.5 or 2.0, and I
10 understand that would spread resources really,
11 really then, but would it give us more data about
12 what exactly is going on in each of those LEAs?
13 Because there could be a simple fix in some of
14 them that would take them off the list that we
15 could go ahead and take care of. Like, would we
16 be able to get more data about what exactly is the
17 reason or the cause of the disproportionality?

18 DR. CARPENTER: Which one are we
19 talking about for disproportionality? Are we
20 talking about the identification or the
21 out-of-school---

22 MS. MOOREFIELD: For either. I'm
23 wondering if we lower it---

24 MS. HUTCHINSON: I think it would be
25 extremely different. I think you have to be

1 specific because, speaking from, like, a
2 district's perspective, if you're going to -- it's
3 not a secret that disproportionality exists, and
4 there's not a director in the state that doesn't
5 have in the back of their mind what areas of
6 exceptionality and races are getting close. So if
7 there was an easy fix, I guarantee you we have
8 some great people in districts that would have
9 done that easy fix.

10 So I don't think lowering it is going
11 to provide a quick easy fix because -- there's not
12 a simple solution to it to solve, you know, a lot
13 of people's challenges. But the thing I worry
14 about -- and I heard what you said about lowering
15 it to not hide the problem, like, just make it
16 super transparent and let's get those -- I think
17 you could have an unintended consequence of
18 underidentification of students that need services
19 because they are avoiding hitting -- and I'm not
20 speaking from personal experience, please.

21 But there are a number of
22 districts -- if a student was to go to your
23 district and they are pushing the limit on Asian
24 ID mild students and, you know, you were in the
25 referral process, I might hesitate to jump at a

1 placement if I knew that was going to put me over
2 that threshold and I was going to lose 15 percent
3 of my budget.

4 And I know we're allowed to use it
5 within special education, but I just fear that
6 that dramatic decrease could actually have an
7 unintended negative consequence for students with
8 disabilities. We're all expected to do the right
9 thing, but that dramatic of a difference could
10 happen -- could cause that to happen.

11 MS. MULLIS: I mean even with us we
12 have the disproportionality in CMS with black
13 males and SED classes, so we had a massive amount
14 of -- anybody that was up for a reeval, we
15 retested and somehow miraculously, because we were
16 at that number, all of a sudden, they weren't SED
17 anymore, you know, but were LD and other health
18 impaired. And we didn't lose -- I mean I had
19 probably eight or nine that year, and I didn't
20 lose one kid. You know what I mean? So like --
21 but we kept them -- it's a numbers game, I think,
22 too. Like you said, you might not identify some
23 kids---

24 MS. HUTCHINSON: But you can
25 reevaluate.

1 MS. MULLIS: Right. You know, so I
2 mean it's -- you know, it's a game, I think, to
3 play with the numbers.

4 MS. HUTCHINSON: [Inaudible].

5 MR. HUSSEY: And that's the
6 problem -- that's one of the problems with the
7 feds doing it in a way that it's done the same way
8 in every state because really if you could get
9 your ideal situation, each district would have to
10 work against their own numbers because---

11 MS. HUTCHINSON: Like the LEA
12 self-assessment.

13 MR. HUSSEY: Yeah. I mean because
14 basically, you know, you need to improve what your
15 issue is, not look at -- and this allows us to do
16 that a little more than we have in the past, but
17 that becomes a real measure. Because, you know,
18 when you're -- with suspensions, it was two and a
19 half times the state average. Well, then, you got
20 compared to a state average, and yes, you were
21 significantly above that, but the issues you were
22 dealing with were completely different than
23 someone else.

24 And so when you're trying to get out
25 there and solve that, it's really you should be

1 looking at what your data is. So are you
2 disproportionate and how do you lower your own
3 disproportionality to a certain point, and
4 that's -- if you had an ideal situation, that's
5 the way it would happen.

6 But back to your point. And, again,
7 you-all make the decisions. I'm just talking
8 about different variations on this problem. If
9 you go down to 2.5 or 2.0, what you begin to do
10 then is pick up those easy fixes because once you
11 get in the 3.0 area for the most part, you're
12 getting all the ones that are significantly
13 problematic. You could catch them there.

14 But when you start to drop down, then
15 you pick up these other folks who would not have
16 been there before, and you can move a lot of --
17 you should be able to move a lot of people off if
18 you go down because you're going to be picking up
19 districts that aren't really that -- they aren't
20 having that big of a problem, but because you've
21 lowered that risk ratio, you caught them. And so
22 that's the other side of that.

23 Again, there are lots of states that
24 are moving to that 2.5. So, again, I think that
25 it is something you-all have to think about what

1 you want to do. You know, it's not just about the
2 resources; it's also about who you then start to
3 pick up when you start to go down because there's
4 a place where you get pretty much everybody if
5 you're not careful, and that's -- so then you've
6 got another problem.

7 But, again, I think there's just so
8 many different pieces to this, and an arbitrary
9 thing set up to look at ever state the same way,
10 and when you start to measure those things and you
11 try to do it in a way that you look at states
12 similarly, it becomes more and more difficult to
13 make it work.

14 MS. CARTER: Is it a little opposite
15 on the discipline side from the -- instead, you
16 know, possibly LEAs choosing to not identify,
17 that, in fact, it might have, then, the opposite
18 with suspensions, that that they would choose not
19 to suspend and actually observe so that there is
20 less -- less of a negative impact on kids?

21 MR. HUSSEY: And so what a lot of --
22 what happens in a lot of those places is kids will
23 be placed in alternative schools if they've that
24 got suspension issues. So they get placed there.
25 That's a negative because you can find yourself,

1 you know, disproportionate with special ed kids in
2 the alternative schools because they're putting
3 them in there. And then the issue I mentioned
4 about in-school suspension where you're not
5 suspending and that's a strategy, but now they
6 come back and look at that, and you can lose that
7 15 percent by having too many kids in in-school
8 suspension.

9 And, again, the issue is the risk
10 ratio because you're talking about three times the
11 average. So that becomes an issue, but some of
12 the things that we failed to do before to kind of
13 offset suspension rates now are inside this model,
14 and so you can get caught up in that too.

15 This is an all daylong conversation.
16 There are so many different variables, like I
17 said. But MTSS is here so---

18 MS. JABLONSKI: Wow. Thanks for the
19 intro. My name's Amy, by the way. Thanks, Bill.
20 I apologize for being a few minutes late.

21 There we go. Well, good morning --
22 afternoon. It's afternoon. My name is Amy
23 Jablonski. I'm the director of Integrated
24 Academic and Behavior Systems here at the agency.
25 We're a new division that was formed July 1, 2015,

1 and one of our huge focuses is the statewide
2 implementation of a multitiered system of support,
3 the four letters of MTSS, that are happening.

4 Our division as of yesterday is at
5 nine, and then we'll be growing to six more by the
6 end of this calendar year and one more by the end
7 of the fiscal year, which is great. It's a lot of
8 shifting of resources here at the agency. But in
9 talking with Bill, I'm going to give you a little
10 overview about how we're talking about MTSS, our
11 implementation plan, and answer any questions that
12 you have regarding that work.

13 So this is, in a very brief slide, as
14 to really where this idea of MTSS came from. Here
15 at the Department we rolled out Positive Behavior
16 Intervention Support, PBIS, around 2000 and in
17 2004 began doing that work. And the same with
18 RTI, Responsiveness to Instruction or
19 Intervention, whatever the language happens to be,
20 and what found over time was that we were talking
21 about the same thing, just one was talking about
22 academics and one was talking about behaviors.

23 And actually this became very
24 counterintuitive versus complementary of each
25 other. The reason why is that we were isolating

1 academics and behaviors apart from each other, and
2 we recognized we can solve academic problems with
3 behavior solutions and behavior problems with
4 academic solutions, but the way the agency rolled
5 this out, which mirrored across the nation, was
6 almost to put these in competing forces instead of
7 something that could complement each other.

8 Even though the arrows look like, oh,
9 you just put it together, the nation has had a
10 really hard time putting together the world of RTI
11 and PBIS because everybody has to lose to gain.
12 It's like, you know, if you move in with somebody,
13 not everybody can bring the couch. Somebody has
14 to leave the couch on the curb, you know. And
15 everybody has to lose to gain to create a new
16 framework, a framework that addresses both of
17 these parts.

18 So this is why we moved to MTSS. We
19 started the work in January of 2014 here at the
20 agency. It was, hey, DPI, this is the direction
21 we want to go, and the directors in that room were
22 comprehensive across the agency and agreed this
23 was the direction we had to go, and that's when we
24 began laying some groundwork for implementation.

25 The field also asked, "Hey. Can you

1 stop having us to go to PBIS and RTI and tell us
2 to put it together? If you could put it together
3 for us, that would be great," and that's a lot of
4 the feedback we got. Plus, we recognized that
5 schools and districts were setting up so many
6 teams to address what could be happening in one
7 team or a different team in structure to address
8 what's happening with RTI and PBIS.

9 We also recognized that with the
10 policy change for July 1, 2020, that this had to
11 go together, and this is a lot of lessons that we
12 learned from across the nation. Like, a place
13 like Florida began implementing and then did LD
14 policies, the same with Colorado, and other places
15 did things differently. Up in New York, just
16 addressing K-3 for looking at how we identify
17 students who are LD.

18 And we recognize that you're asking
19 the same questions about all students, some
20 students, or even individual students just at a
21 more intensive or greater level, and so within the
22 MTSS framework, we want to make sure that we're
23 addressing all of these pieces. So we decided
24 that our MTSS implementation plan and rollout
25 would be a combined force with the LD policy

1 change to get everybody ready. Otherwise, it
2 would be we'll do the LD policy change. Then
3 we'll come back and do MTSS. It just didn't make
4 any sense because you're asking the same
5 questions.

6 And so that was another reason why we
7 shifted to MTSS to make sure that we're talking
8 about really in those meetings, you know, what are
9 our interventions for keeping students in the
10 classroom as well as we're talking about academics
11 too versus isolating those.

12 If you have questions along the way,
13 I'll take them too, so feel free.

14 The whole thing about MTSS at its
15 most basic level is a framework for school
16 improvement. So some people will say, "Well, I
17 have kids in MTSS." Well, you have all kids in
18 school improvement. So one of my colleagues,
19 she'll say that's like the "Hotel California."
20 Once you check in, you can never check out.
21 Everybody's part of MTSS -- every staff member,
22 every community member, families. All students
23 are part of MTSS. You actually can't get out of
24 it. We don't just have one school improvement
25 person doing school improvement for some kids;

1 MTSS is a whole entire model that we implement to
2 get full school improvement and really district
3 improvement as well.

4 And that's where our systems level
5 planning comes with MTSS. One of our most basic
6 questions that we ask districts and schools is,
7 does it make sense to go through your school; does
8 it make sense to go through your district? And
9 what we find is that it does not, that students
10 are having to navigate horizontally and vertically
11 to connect skills, ideas, concepts, and the adults
12 aren't even sure how it works together to go from
13 the first time they enter our system until when
14 they graduate.

15 And so when we're talking about
16 systems level planning, people really enjoy
17 talking about data, data systems, data collection,
18 and everybody is going to say we do database
19 problem-solving because you can't say you're not.
20 Like, we do that, and then they talk about
21 practices, the things that we're going to do, the
22 curriculum we're going to buy, instructional
23 practices.

24 And we pull them back and say, "Let's
25 look at your system design. You're only getting

1 the outcomes you're getting because you're
2 designed to get them. So what do we need to
3 change?" We talk about things like master
4 scheduling. Does every student have an
5 opportunity to core plus more during the day?
6 Everybody should be granted that. Do we have
7 classroom time protected, or are kids popcorning
8 out all over the place? We talk those really hard
9 questions, like how do you support staff to do
10 whatever it is you're asking them to do. We make
11 sure that all of our students have access to the
12 standards. Otherwise, we can't even guarantee
13 that they've even seen the standards in the
14 classroom space.

15 And so we talk a lot about system
16 design within MTSS, and that's what is the
17 difficult questions that people haven't been
18 asking over time. Like, oh, we do Readers
19 Workshop, we do this, we do that. Like, they just
20 throw out all these things they do, but they can't
21 even articulate how that connects within the
22 system. And so that's a part of our system, is to
23 come in and get to that place with system level
24 planning.

25 We are still working on this right

1 here -- this myth: People believe that MTSS
2 focuses on interventions for struggling students.
3 That is a piece, but it is not the whole thing
4 because then we'll have -- schools will say,
5 "Well, we have, you know, a high percentage of our
6 kids who are proficient." That's great, but MTSS
7 is about accelerating learning. It's about
8 accelerating through changes in the environment,
9 curriculum design, instructional practices, how we
10 look at data to amplify the results that we're
11 getting.

12 So MTSS is not just for kids that are
13 struggling; it's for everybody. Everybody gets
14 MTSS. Though it's not a verb, people say, "We're
15 MTSS'ing." I'm like, oh, that's painful. I don't
16 know what that is, but we don't do that. We don't
17 MTSS people. We work within the framework to get
18 our -- to get better results for staff and for
19 students as well because MTSS has six critical
20 components. We focus on leadership, shared
21 leadership approaches; how do we build leadership
22 that has a culture and a climate that believes
23 that all students not only can learn but can meet
24 standards; how do we build that type of visioning
25 within there so that way schools and districts

1 come up with a strong compelling why as to why
2 they do the work that they do.

3 That shared leadership approach
4 builds capacity within the district and within the
5 schools as well. That leadership piece plays into
6 a tool that we have within our professional
7 development, a belief survey, and it's optional to
8 use. We had one district who gave it to all
9 elementary school teachers, and the results were
10 very surprising to the superintendent and
11 assistant superintendent, and at the elementary
12 level, staff did not believe that all students
13 could reach standards at elementary level, let
14 alone high school.

15 And so the work of MTSS is finding
16 those gaps and addressing those gaps and taking a
17 look at how else we can move our district. The
18 building capacity and infrastructure for
19 implementation rests a lot within implementation
20 science or implementation strategies. In
21 education, we have to agree that we are just awful
22 at implementation, but we're also not great in our
23 personal lives because, I don't know, where are we
24 at? September 20th. My question is, like, how
25 are your New Year's resolutions going? And some

1 are like, "Oh, I don't do them any more because
2 they're never going to stick."

3 Well, if we're trying to do one thing
4 or two things in our own personal life and life
5 gets in the way, when we're trying to implement
6 something so complex at a school or a district
7 that has lots of people, little and big, with lots
8 of moving pieces and lots of outside contextual
9 impacts, implementation is hard.

10 And so if within the building and the
11 capacity of infrastructure, we help districts and
12 schools focus on what is your implementation plan.
13 Fine, you're doing it, but how are you getting it
14 down to the student level? There's a lot of
15 layers to get through, and every time we change
16 standards, we come back to that. How are we
17 making sure that our students are actually
18 accessing the standards, all of them have access
19 to it?

20 And so that's the largest part within
21 the model because if we don't have that, we can't
22 implement anything. It could be the best
23 evidence-based instructional practice and
24 curriculum, but the students may never experience
25 it, and we are relying on that implementation for

1 them to experience that.

2 Communication and collaboration is
3 horizontal, vertical, internal, and external. We
4 find that it's a piece that we say we communicate,
5 but it's like we push out information, but we're
6 not getting feedback back. One of the
7 stakeholders that we leave out the most with our
8 communication plan, we find, is the students. We
9 don't tell them, "Hey, there's new standards."

10 We don't inform them of the fact that
11 they are experiencing it, and that's a huge
12 stakeholder group that we don't talk to. And when
13 we're talking about chronic absenteeism, we don't
14 talk to the kids about why they are absent. We
15 just blame something. We don't talk to them. We
16 don't communicate with them. We don't get their
17 feedback. Plenty of kids are chronically absent
18 because is hard, and I don't mean just
19 academically. It's a difficult place to be, and
20 if we're not conscious of not talking to them,
21 we're leaving out our clients, our customers, and
22 that's who we're actually leaving out. So help
23 our districts and schools focus on let's talk to
24 the kids. That's who's going to give you a great
25 insight.

1 And also vertical development, we
2 want to talk to our parents. We talk to our
3 parents a lot because they will be able to tell
4 the schools why is it that in third grade kids,
5 you know, walk down the hall this way and in the
6 fourth, it's totally different. It's the same
7 school. And so they can give us great insight too
8 into that vertical -- possible gaps that are
9 there.

10 We talk about database problem-
11 solving. I'm going to pair that with data
12 evaluation. Within these critical components, you
13 don't see the word assessment, and that's
14 intentional because assessment is just outcomes
15 and the outcomes are only there because of the
16 inputs. And so data evaluation helps our
17 districts and schools focus on what does your
18 implementation data say to get those results
19 because you're only getting those results from
20 whatever you put in, and we don't typically talk
21 about what we put in.

22 Like, was it done with fidelity? Of
23 course, it was. What did you do? We taught
24 literacy. Well, what did you do? You know, we
25 want to know was it implemented with fidelity.

1 I'm talking about individual kids getting certain
2 interventions or supports, who's getting them and
3 how are they getting them and was everything that
4 you're doing -- did you do what you said you were
5 going to do. And data evaluation helps us focus
6 away from just looking at outcomes and blaming
7 outcome data on other constituents.

8 What we're looking at is that outcome
9 data is there because the adults installed
10 something to get those results, and so what are
11 the adults installing and how are they supported
12 to get those results. So we like kids. Kids are
13 great. We like them a lot. I promised at our
14 division we do. We just don't talk a lot about
15 them. There are so many of them. We are so
16 highly outnumbered when it comes to them that we
17 want to focus on how can we change adult behavior
18 to get outcomes to move.

19 And when we start plucking and saying
20 we're just talking about this kid, this kid, this
21 kid, this kid in isolation, there are so many kids
22 that we have to be able to have larger scale
23 problems that we can solve versus lots of
24 individual kids. There's no time to do that and
25 it's very ineffective. It's -- remember in Flint,

1 Michigan, with the water crisis that happened, it
2 wasn't just about kids getting sick and people
3 getting sick; you had to actually fix the water
4 versus going and looking at every single person
5 who was ill.

6 We want them to take a look at,
7 quote, "the water," what's being put there to get
8 these results before we start looking at every
9 kid. Now we look at every individual kid we serve
10 on, but we ask, "Hey, why do you have so many kids
11 who need help?" You're set up to have it that
12 way. And so that's what data evaluation helps us
13 do.

14 The three-tiered instruction or
15 intervention model gets the most air time. It's
16 the iconic triangle, but it in itself is just an
17 idea if the other five components aren't there.
18 It's just a colorful layered shape. It itself
19 cannot exist without those other pieces. If you
20 don't have a master schedule in place that allows
21 time for kids to core plus more, then it's just an
22 idea. If you're trading out time, kids are
23 getting the same amount of instructional time, but
24 they're not getting more.

25 If we're not doing things -- like,

1 we've talked about class rosters. When I made
2 class rosters, that's a huge responsibility.
3 Like, I remember sitting -- has anybody made one
4 or been a part of that process? It's like a world
5 dilemma. It really is.

6 You're sitting there -- and I
7 remember one year I had -- it was very exciting --
8 I had lots of staff who were -- their families
9 were growing so they were going to be out. I had
10 a lot of staff members coming in and saying I'm
11 due this day. I'm going to be out. I'm like,
12 "Oh, my gosh, congratulations. That's awesome.
13 So good."

14 But then as a person making a class
15 roster, you're putting kids into a class where you
16 know that that certified teacher is not going to
17 be there all year. It's a huge level of
18 responsibility. I remember my first year of
19 teaching, those kids did not get the best
20 instruction, let's just say. My first year, I was
21 trying to figure out, like, how to do this.

22 And so when we talk about MTSS and we
23 talk about class rosters, we point people back and
24 say, you know, "We can't control much, but we can
25 control which class kids are in." So if a student

1 has, like, a first-year teacher like I was or a
2 permanent sub or just the water was off with that
3 class that year and things were just difficult,
4 then we say, "Hey, those kids should be guaranteed
5 the highest level of quality instruction for two
6 consecutive years to make up for that year." We
7 can control that, and those are the things that we
8 put focus on. Again, we like the kids, but we
9 have to make sure the adult structures are in
10 place to mitigate as much as we possible can.

11 So, again, the three-tiered
12 instruction/intervention model does get the most
13 air time, but it can't exist without the other
14 pieces. So let's just give it a little more air
15 time. This is the iconic triangle that we build
16 the three-tiered instruction/intervention model,
17 but I think it's the most tangible thing as well.
18 If you notice, it's a layering of instructional
19 support. It's not a supplanting. We can't have
20 kids leaving core instruction to go get "help,"
21 and I put help in quotes, because they're getting
22 less or equal time than kids who don't need extra
23 supports.

24 So if you have a 90-minute reading
25 block and all kids are getting 90 minutes, but at

1 some magic time, this group of kids goes out for
2 45 minutes of that 90, everybody's still getting
3 90, you can't imagine that we're accelerating
4 growth. In fact, it's always curious to me why
5 our most struggling learners have to leave the
6 classroom to go get help. They have travel
7 time -- now they're getting less instructional
8 time -- all around the building. So we challenged
9 those things. We realize it's embedded in, like,
10 a historical development, not logic, I guess, or
11 the way that things have changed over time.

12 So I'm going to talk about these just
13 briefly, about what each of these tiers are
14 because a huge piece of language that we use
15 within professional development and how we work
16 with our staff is that in core instruction
17 everybody has to be in core instruction. Like,
18 all kids get core instruction. It is the only and
19 best prevention any school or district has, and I
20 say that because, for example, I have no control
21 over my medical history. You would agree? You
22 don't know my family. If you do, that would
23 really freak me out. But I have no control over
24 what they did, I just got here, but I have control
25 over what I would call my core, like, how much

1 water I drink, what I eat, work out, and then not
2 stress about doing any of things and somehow sleep
3 as well, right? That's the only control I have.

4 When we focus it that way with
5 schools, they'll go the community, the economy,
6 the this. Like, hey, that's just where you
7 landed. Your core is your only and best support.
8 So let's put more into that where we have our
9 certified staff working with kids, we have our
10 standards in there. Let's put the most into that
11 and get more bang for our buck within core
12 instruction than relying on a ton of
13 interventions.

14 There's a great saying out there that
15 says we can no longer intervene our way out of
16 poor core instruction. That's what we've been
17 relying on, interventions to fix issues that
18 should be addressed in core, and if we have solid
19 core instruction, all kids perform. You know, our
20 students with disabilities aren't going to make
21 growth -- more growth if gen ed doesn't get
22 strong.

23 And Bill's a good reminder of this.
24 He's like, you know, kids who are in resource
25 spend 80 percent of their day in gen ed, so we

1 can't rely on 20 percent of the day to move kids.
2 We have to rely on 100 percent of the day to move
3 kids and have specially designed instruction in
4 lots of different ways to allow that to happen.

5 And so we work with our schools to
6 say is your core effective. First, what is it?
7 That's a curious question that we ask them. What
8 is it that you're delivering to all kid, and not
9 so broadly literacy and not even so broadly guided
10 reading, like, what are you doing and what's your
11 time segments.

12 And then high school kind of push
13 back and say, "Well, we teach all different
14 content areas." You do, but you-all teach
15 vocabulary. So we can have the same vocabulary
16 strategies throughout a building instead of kids
17 trying to hunt and peck around. Or note taking.
18 Our kids don't know how to take notes. Well, how
19 do you teach it? Well, in this class this way,
20 this class this way, and this class this way, and
21 the kids walk out like, well, they have lots of
22 strategies. They can't use any of them because
23 they're just trying to mitigate and then keep
24 track of what they're supposed to do when.

25 And so core instruction allows for

1 academics and behaviors to play a part in both.
2 How do we teach all of our kids social skills?
3 What are your schoolwide expectations? How you
4 are making sure that cultural responses, pedagogy,
5 and practices within your classroom are based on
6 the population you serve at your school.

7 So we challenge folks here and say,
8 you know, one of the best ways to do this is take
9 any kid on a class roster or grade roster or a
10 school and just actually mark off their name if
11 they're going to get help somewhere else besides
12 the classroom, and what we find is that there are
13 so many kids going out to get help, there's, like,
14 a small percentage just left in the classroom who
15 don't need extra supports.

16 That triangle -- it has to flip the
17 other way. We're not built to do that. 80
18 percent of all gen ed funding goes to -- 80
19 percent of funding goes to gen ed -- lights,
20 chairs, tables, staff, books, whatever -- and so
21 if you have a high number of kids who need help,
22 you're not funded that way either to get that
23 done. So we focus on core supports the most
24 within our model. We do talk about supplemental
25 instruction, and it's layered on top.

1 We ask for evidence-based practices
2 and programs to be in place that do perform, have
3 students making progress in core instruction.
4 People will say, "Well, this kid went from a
5 letter A to a D" or "they went from a leopard to a
6 shark," or whatever the program is, and the
7 classroom teacher's like, "I'm not seeing it."
8 Well, if you're not making progress in core, if
9 you don't even know what that progress looks like,
10 then what are we making progress towards? We're
11 all aligned for core instruction, and so we want
12 to make sure that those are supplementing and
13 amplifying core instruction.

14 What we find is that we have a lot of
15 kids that took a worldwide tour of a school
16 building every day. They leave the classroom.
17 They go to lots of different rooms throughout the
18 day to go get, quote, "help," and what we find,
19 it's so disconnected. It's like going to go pick
20 up like a baseball, a football, and a tennis ball
21 and say, "Okay. Let's go play volleyball."
22 You're like, "Oh, man. I don't even --" but you
23 went and got all the equipment. It's not
24 connected to go play volleyball.

25 And we so found that kids are

1 popcornning all over the building, and schools are
2 saying we're giving them so much help. But what
3 help are you giving them? How is that connected
4 to core instruction? And we have found across the
5 state and across the nation that Tier 2 has been,
6 I don't know, a speed bump to 3. People haven't
7 put effort into 2 historically because they
8 believed the real help was in the next layer, and
9 it was just this stopping point. We have to go to
10 2 to get to 3.

11 And so within our model of MTSS, we
12 have dismantled that, and we've said if Tier 2 is
13 not effective, stop doing it. Why are you putting
14 kids in for 45 minutes of ineffective time just to
15 say you're doing it, or whatever the length of
16 time is. We say, hey, take it off the shelf,
17 figure out what really needs to be there, and put
18 something in place that is strong.

19 Man, imagine if amoxicillin didn't
20 work. Like, amoxicillin is so strong. It's like
21 a go-to thing. It's that strong. We want -- we
22 want supplemental to be that strong, that it works
23 just like amoxicillin, that we're going to get big
24 results quickly to be able to close gaps versus
25 creating a greater time of instructional

1 casualties along the way, if that makes sense.

2 So we asked districts to take a look
3 at their Tier 2 supports, and we see, you know,
4 really 70 to 80 percent of students who are
5 receiving supplemental supports should be making
6 progress towards core standards, not its own
7 endeavor. You'll see progress there, but we have
8 to see progress here too. Otherwise, we're not
9 sure what we're after, and we asked them to look
10 at this by subgroups because a big work of MTSS is
11 to create a change of trajectory with
12 disproportionality. And we do that by subgroup to
13 make sure that we've picked the right thing that
14 research says it will be for all our different
15 subgroups that we serve.

16 And so we have to have a stronger
17 belief in supplemental supports, and all kids,
18 even through high school, need to have access to
19 core plus more. We have high schools doing great
20 jobs with scheduling changes, on how to schedule
21 to allow kids [inaudible] academics and athletics
22 or transportation or jobs or whatever it happens
23 to be to get help after school to do that work.
24 So supplemental has to be stronger than what it's
25 ever been before, and our districts that are in --

1 and I'll show you the cohorts -- Cohorts 1 and 2
2 have been through the module to talk about
3 supplemental, and the work that some of them are
4 doing is just exciting.

5 Because what's interesting is that
6 historically with supplemental or Tier 2, whatever
7 folks were calling it, it was, oh, we've got a kid
8 who has a comprehension issue. Well, no kidding.
9 We know that kids are going to have comprehension
10 issues. So what if we put things in place before
11 they walk in the building, so when they do have
12 those issues, we could have something right there
13 for them. It shouldn't be a surprise. There
14 should be no surprises. We know this is there, so
15 we can build a proactive approach versus a
16 reactive approach with supplemental.

17 We do have also intensive supports.
18 Again, you see this layering process on top.
19 These students can really only be about 5 percent
20 of a building because once you get more than that,
21 one, your core's off, Tier 2's off, and now you're
22 off here, fidelity is going to go out the window.
23 That's where people will say, well, we do -- this
24 program calls for 60 minutes. We do it in 45.
25 That's so wrong. Why would you do that? Why

1 would you take amoxicillin for two days and then
2 blame amoxicillin. Right? It's your
3 implementation of it.

4 And so we layer this on top, and
5 these are the students that are scheduling
6 nightmare kids. The rest of the -- the rest of
7 the kids should be fine. Everybody gets core plus
8 more. We're good. It's built in the schedule.
9 Everybody has access. These are the kids that get
10 the most intensive level of instructional
11 supports. Something is going to have to give
12 unless we're going to feed staff and students
13 dinner and let them sleep there. Right?

14 Something has to give. And that give
15 is up to the school team and working with
16 families, and then it has to change. It can't
17 stay a certain way. These students, though, we
18 want them to make progress towards core standards
19 definitely, but we have to be realistic about how
20 much time it takes.

21 In our previous model, it was like a
22 kid would walk in a building like, oh, this kid is
23 struggling. Well, you've got to try this
24 low-level intervention first, and then you know
25 it's not going to work and we'll just watch them

1 fail a little bit longer. Then you can go on to
2 the next level of intervention. [Inaudible] which
3 they really need that over there, but we're just
4 going to have to have them fail longer here, and
5 then we'll give them the real help. Now that it's
6 12 weeks after, we're going to go, huh, wonder why
7 that kid is struggling so much.

8 None of that even makes sense. It's
9 hard to even -- I mean I can articulate it, but
10 it's not logical. There's nothing logical. It's
11 like saying a hospital works on the order you come
12 in, not the severity so, you know, a cold over a
13 gunshot wound. Like, oh, but hold on. You've got
14 to wait in line till we get through here. That's
15 kind of how we have been operating schools, and
16 MTSS flips it on its head to say no, we're going
17 to operate in a very proactive manner and kids get
18 what they need when they need it.

19 So I'm going to go back to this slide
20 because when we moved from the four-tier model to
21 a three-tier model, things in policy changed and
22 all of that, the number-one question we got was,
23 well, where did the EC kids go? Tier 4 was --
24 Tier 4 was EC. What did you do, like chop it off
25 and throw it out? Like, where did they go? No,

1 they're in it. Everybody's in it. Everybody --
2 the only thing that separates these tiers is the
3 intensity of the instruction, the intensity of the
4 support.

5 So there are some states that say,
6 well, Tier 3 is EC. We're like, oh, no. Tier 3
7 is intensive level of instructional support based
8 on, if a student has an IEP, whatever that IEP
9 team decides. One of my current colleagues said
10 that, you know, an IEP is an individual education
11 plan, not an intensive education plan. The
12 intensity is derived by the team, what intensive
13 supports need to be there and at what degree and
14 where does that need to happen.

15 We're still asking the same
16 questions. What environment does the kid need to
17 be in with what curriculum course and at what
18 intensity does it need to be in instructional
19 design? And it can happen anywhere. It doesn't
20 have a place. Its place is everywhere which
21 breaks the mold of having to stairstep to get the
22 help.

23 So now what we have our districts do
24 and take a look at is that anybody has --
25 everybody has access to all tiers. If a kid walks

1 in a school tomorrow and it's a gen ed kid and
2 their data shows they need the most intensive
3 level of instructional supports, then they get it
4 then. They don't wait and we don't as adults just
5 wait and watch them fail more. If they need that,
6 we give them that.

7 And then we got pushback saying,
8 "Well, you're just trying to get them to EC
9 faster."

10 I was like, "Whoa. No, we're trying
11 to close a gap." It doesn't work that way. This
12 is not a route to EC. This is actually a route to
13 make sure we're closing gaps and accelerating
14 learning and making sure that our students who
15 are -- need an IEP actually get one versus having
16 curriculum gaps along the way causing these big
17 gaps that we're seeing in some student performance
18 really. So everybody gets access to all tiers,
19 and the only thing that separates it is the
20 intensity of instructional support.

21 So no numbers, no letters gets you a
22 tier, and that that's been hard for people to
23 dismantle because like, oh, but it's the most
24 intensive. Yeah, someone might need it for two
25 years and they may not have a disability or they

1 may. I don't know. An IEP team decides that.
2 You know, all those structures still stay in
3 place.

4 But what -- combining with the LD
5 policy change, what we have with MTSS, we are
6 really able to say this is not due to a lack of
7 appropriate instruction as the primary factor---
8 I'm outside my lane here so looking for language
9 and it looks--- Okay. Good. I always look to my
10 counterparts, like that's the wording, right?
11 ---as the primary factor. Well, if we can't say
12 that core and supplemental was delivered with
13 fidelity, I mean we've got to talk about that
14 question, and that question can only be answered
15 by looking at like peer groups who are performing
16 about the same. Right?

17 We want to focus on how is everybody
18 performing and what makes this kid -- so we're
19 going to have to look at something special for
20 this kid. We may really have to, but hold on.
21 What if -- what if a bunch of those kids are in
22 that same type of group or perform the same way?
23 Why just this one? Why can't we just extend that
24 lens more and provide more supports when kids need
25 it?

1 And so combining allows for robust
2 conversations with all different types of
3 stakeholders come with good instruction and
4 curriculum environment decisions for students
5 regardless of what level of instructional support
6 they need.

7 I know that it can be like a little
8 bit mind-blowing. So are there any questions
9 about that piece?

10 **(No audible response.)**

11 MS. JABLONSKI: All right. So we're
12 just so clear. Awesome.

13 MS. MULLIS: Can you come explain
14 this to, like, every school and have your
15 enthusiasm? You know what I mean? I'll have to
16 admit I mean, as an educator, I'm like, oh, God,
17 we're rolling out another thing and this is so
18 annoying. And that's the mind-set of everybody,
19 and it's one thing for gen ed kids.

20 But, like, with the way you just
21 explained it, I'm like taking notes and I can't
22 wait to get back to school and share this with my
23 principal. You know what I mean?

24 MS. JABLONSKI: Yeah.

25 MS. MULLIS: And I don't know where

1 the breakdown is, then, from where you guys are
2 coming from to where the actual implementation is,
3 if that makes sense. Because we look at it like,
4 you know, like, okay, and then -- that is so
5 right. It's not a dead-end for EC kids. It's all
6 kids can be helped, you know.

7 MS. JABLONSKI: Yeah. And our
8 students who are in EC get problem-solved, like
9 they get problem-solved, not just on an annual --
10 like they get problem-solved also, like, actually
11 intensely, and we can make changes along the way.
12 And once we dismantle this idea that there's this
13 crazy divide between gen ed and EC -- it doesn't
14 exist. All kids are gen ed kids first. Yeah.
15 Yes?

16 MS. HOLLER: I think, you know, from
17 what I've seen with some of the meetings is that
18 there does seem to be some confusion with that
19 separation, and like, I'm curious as to how you're
20 changing -- like, how you're providing extra
21 education for these reg ed teachers when it comes
22 to, you know, different strategies of learning,
23 you know, scientifically-based strategies?

24 MS. JABLONSKI: So I'll leave this
25 next slide up so I can talk about that too. I

1 answered both those questions in a way in the
2 comments, is that we believe that not -- everybody
3 doesn't need to know everything, that the idea is
4 to make the system more efficient for teachers and
5 effective for students.

6 So what I mean is that we don't want
7 teachers having to hunt and peck for evidence-
8 based interventions, that the schools and the
9 districts should have those already in place and
10 the kids just get them, and so we want to take
11 more off our classroom teachers' backs. Being a
12 previous classroom teacher, you're not -- you're
13 not trained to know all these different things.
14 You rely on a larger systems to get them there for
15 you, and that is what a leader and a system
16 designer needs to be doing. And so our focus is
17 the district level. We focus on the district
18 level to build those supports down which gets to
19 where the breakdown of implementation is, and we
20 focus on the district level because they can build
21 capacity.

22 So we're doing a cohort model --
23 hopefully this will answer more questions -- and
24 we have all -- every single school district is in
25 a cohort. They all opted in to be in, whether

1 they're 1 through 4, and right now we have about
2 62 charter schools. But we're doing a special
3 Cohort 5 we're rolling out in January just for
4 charters, and then those 62 charters can decide to
5 move to Cohort 5 or stay where are.

6 So our districts who are in Cohorts 1
7 and 2 have really gone through -- this will be
8 their third year of work. They've gone through
9 learning about defining and examining core
10 support. So they did that their first year, which
11 would have been '15 to '16, which means they
12 started the implementation process of that the
13 next year. And so implementation and learning
14 kind of lag behind, and they select -- we've asked
15 them to select schools to begin working with. And
16 so really the question will be, like, at the
17 district level, what is their implementation plan
18 to be able to figure out where those breakouts
19 are.

20 Cohorts 3 and 4 -- well, also Cohorts
21 1 and 2 -- went through to look at Module 2, which
22 is designing a system of interventions, and again,
23 we're targeting district-level folks because we
24 want the district to be able to coach and support
25 those systems of support to the schools. When we

1 have schools like picking a variety of things that
2 aren't sustainable, then we're not creating a
3 cohesive system. There is no reason in the world
4 why a student who's in elementary school has
5 access to the most intensive level of
6 instructional supports. They go to middle school,
7 and so their gaps are bigger. They have less
8 resources for that kid. Get to high school and
9 it's like, oh, just get them to graduate.

10 No, no, no. Supplemental intensive
11 supports have to also align vertically to make
12 sure that those are there. Those are the big
13 pushes. This is not an implementation plan where
14 when we fix elementary, we'll get middle, and
15 hopefully, we'll all be retired by the time they
16 get to high school. That's not the model because
17 kids vertically go through the system. They don't
18 go building level. They go vertical. So we want
19 to make sure that all the design is vertical
20 throughout to close those gaps.

21 Cohorts 1 and 2 just got released.
22 Module 3, which focuses specifically on using
23 everything within the MTSS framework, multiple
24 pieces of data, looking at it the way that policy
25 says that we can take a look at it for evaluation

1 and identification of specific learning
2 disabilities. That module is focused on that
3 piece. It's connected with the language all the
4 way back to Module 1 because when we say take a
5 look at these questions: What is your core data
6 showing? How do you know it was effective?
7 Because the kids going to get dumped back in core
8 too.

9 So we want to make sure that we're
10 focusing on everything throughout the continuum,
11 and here's where we really partner the strongest
12 within our EC Division or the agency for our
13 school psychs and for LD consultant, all of that
14 work to make sure that our language is there.
15 Obviously policy to make sure that the modules
16 have all the content that needs to be there, and
17 then they will be booster sessions across the time
18 too.

19 So that's how we're rolling this out,
20 and then our rollout plan allows for all districts
21 and charter schools to have access to Module 1, 2,
22 and 3 and start with implementation before July 1,
23 2020. So people across the nation have asked why
24 do you guys have a five-year implementation plan?
25 I was like, well, how did your one-year go? We

1 did it in one year. You did what in one year?
2 Did you change your policy and did you support
3 implementation? Right? We're supporting
4 implementation.

5 And we do have to remember this
6 policy change -- as a building leader, I worked in
7 both ways where we used RTI at that point for
8 identification and the IQ achievement discrepancy
9 model, and I would pick multiple pieces of data
10 every single time, though that's the way it was
11 supposed to happen, then searching for 15
12 somewhere on a piece of paper for LD. Because
13 you're talking, like -- even if they are found
14 that they do not qualify, we're answering what
15 supports we're going to give them versus we'll try
16 next year. It doesn't make sense.

17 In using this comprehensive approach,
18 we're looking at attendance data. We're looking
19 at are they tardy to school. We're looking at --
20 taking a look at suspensions and in in-school
21 suspensions, how much instructional time has been
22 lost. Right? Because even if we find they have a
23 disability, we still have problems to solve. That
24 itself is not solving a problem. That's creating
25 an intensive plan, but that whole plan has to have

1 the breadth of all the problems that exist. They
2 don't just go away.

3 And so everything has to still stay
4 together as they move through whatever educational
5 experience they have. So that's why we've looped
6 it together and done a five-year implementation
7 plan to make sure that we're supporting districts
8 as they begin implementation to make sure they're
9 ready for July 1, 2020.

10 We do measure implementation. We
11 looked at the self-assessment of MTSS -- that's
12 our tenth team member named Sam -- and it's a
13 school-level tool that looks at those six critical
14 components to help schools understand where they
15 are with implementation and realizing that they
16 will never be at optimizing every single year in
17 all those six critical components.

18 And we had about a quarter of all
19 North Carolina schools submit it, and so, again,
20 this is the second year we had access to it. The
21 first year we had 179 schools submit it. This
22 year 648, and elective for them to send it in.
23 They don't even have to send it in, but they're
24 like, hey, help us. So that's what's been great.

25 But this is what our numbers look

1 like for implementation. Everybody loves a
2 triangle. So the green is saying that -- the
3 bubbles on the bottom are last year's percentage
4 of implementation in each of those critical
5 components, and the one with the arrow and the
6 higher is obviously this past year's. And so we
7 still -- we're seeing good bump effects. All the
8 components are moving up in implementation, which
9 tells us our implementers are learning and they're
10 changing practices.

11 Again, people are like, what's your
12 outcome data? I was like, I'm more concerned with
13 implementation data because we can look at outcome
14 data all day long. I want to know what they're
15 implementing to get those outcomes. It's going to
16 take awhile to see huge bump effect. We're
17 talking about changing system design in a system
18 that was never designed appropriately to start
19 with.

20 So people are moving the most
21 rapid with the highest level implementation
22 with the triangle, the three-tiered
23 instruction/intervention model, which is great.
24 That means kids are getting supports, which is
25 wonderful. The place folks still struggle with

1 is data evaluation because they're struggling
2 with what is our implementation data and defining
3 that. I'm not talking just about intervention,
4 but what we give to all throughout the continuum.

5 So I just want to tell you kind of
6 what we're doing next and leave time for
7 questions, and I'm going to actually pull up this
8 one. So we're building our cohorts. They're in
9 professional development. I have right now nine
10 regional folks out there supporting districts and
11 charter schools, and again, we're going to grow
12 and then re-org how we do that work, and that
13 reorganization allows for behavior support to be
14 part of our division. It's hard to build an
15 integrated model when you're in two different
16 divisions. It's kind of like if you're in the
17 division [inaudible].

18 But we have that going, but also,
19 what we're creating, which has not been done in
20 any other state, nor has a statewide rollout of
21 MTSS been done. All other states that have been
22 implementing MTSS to this point partner with a
23 university to do their work. Like, in Florida,
24 USF does their work. They've got boatloads of
25 grad students doing their data collection and

1 coming up with stuff.

2 We started as a team of four, right?
3 And then we got the request to use TH centers to
4 do that work. We're doing it from here, which
5 gives us actually a lot of leverage and freedom to
6 work within -- with all of our stakeholders
7 actually.

8 And the thing that we're taking on is
9 that right now we have K-3 literacy uses DIBELS
10 measures and the TRC to look at universal
11 screening and progress monitoring and K-3
12 literacy. People have asked, "Well, what about
13 math? What about 4-8 literacy?" And districts
14 had to partner with vendors and pay for those,
15 which means we have a huge equity issue within
16 that.

17 So we this year -- last year we
18 validated it. Schools -- it's optional and free.
19 We have K-3 math built. Free, not big free, but
20 like real free, and optional to use. And so we
21 have some schools doing that screening for math.
22 It was opt in, do it. We'll give you the
23 materials and the training.

24 And then this year, we're building
25 4-8 math, and then the following year, we'll build

1 4-8 literacy. So that way by July 1, 2020, there
2 will be -- because people have said, "We don't
3 have universal screening. We don't have the
4 money. We don't have progress monitoring." So
5 this is also our way to make sure that everybody
6 has access. Again, every school or district can
7 choose to use this math piece and 4-8 literacy,
8 but we've done that work for them without relying
9 on finances, and that's a huge big idea that
10 someone in this room may have had at one
11 particular day to do that work.

12 Also, the exciting thing, which I'm
13 sure Bill talked about ECATS.

14 MR. HUSSEY: Yeah.

15 MS. JABLONSKI: Okay. The MTSS
16 module is so fun to be building it. We're
17 building -- it is so fun because the vendor is
18 great to work with, but they're like, okay, here's
19 what we have. We're like that's great, but here's
20 what we need. And we're building a very robust
21 early warning system in place. We're making sure
22 that all different points of data come in to flag
23 kids as early as possible that need supports, but
24 the whole thing all rolls up to say how we're all
25 doing first.

1 The original entry point was, like,
2 student-teacher. Like, no, we don't want
3 individual teachers making individual student
4 plans. No. We want a team approach with experts
5 who know about the concerns to build a group plan
6 for kids to have group goals. That way we can
7 help supports happen, and then we can build
8 individual plans after that.

9 And so what we're building in there
10 to look at intervention effectiveness, to look
11 at -- they'll be a graph actually sitting there.
12 So if a student is in supplemental report, it pops
13 up and will say this percentage of kids in this
14 intervention are on track, this percentage are
15 off, instead of people trying to figure out
16 paper-pencil. And then the parents would actually
17 have -- know that information, which percentage of
18 kids are on track and off, and that way, we can
19 problem-solve broader and in a larger scope along
20 the way. So those two things are super exiting as
21 well as the whole implementation of it.

22 All of our information is on our
23 wikispace, which is there. It's -- you don't join
24 the wiki. You just go get what you want off of
25 there. Our professional development, there's a

1 Livebinder on there. Everything that we deliver,
2 we deliver in a hybrid approach via self-paced
3 courses and face-to-face. It's all on there in
4 our Livebinder so you can see what districts. We
5 have assessment guidelines on there. It's a
6 rabbit hole of lots of goodness, and then you have
7 the contact information there too.

8 And follow us on Twitter. We Tweet
9 at least twice a day, and that's how we get a lot
10 of information out. We have some blurbs up from
11 our professional development. We send out
12 one-pagers, just anything. We just send stuff out
13 a lot because we recognize that -- the great thing
14 about using social media is that it removes
15 barriers of access of who gets what information
16 because we can send it out, and if you're -- if
17 you get the PTA -- North Carolina PTA newsletter,
18 we're in there as well. We got access to that. I
19 have no idea how, but we did. So I know I have
20 seven minutes.

21 MR. HUSSEY: So I'm going to just
22 reframe my question. Does anyone question whether
23 MTSS is here now?

24 MS. JABLONSKI: I'm standing here.

25 MR. HUSSEY: She wanted to get her

1 name in there before, but she really is MTSS.

2 MS. JABLONSKI: Yes?

3 MS. VLASATY: Everything you said is
4 just -- it's incredible, and to add to Jennifer's
5 comment too, it's like I wish we had videotaped
6 you. I mean your presentation was so just real
7 that I mean any teacher could listen to you and be
8 like, oh, I get what -- I get what you're saying.
9 It's not to make more work for us.

10 I have a basic question. I probably
11 should know this, but is MTSS solely housed in EC
12 and funded through your budget?

13 MR. HUSSEY: Well, there are two
14 different answers to that question.

15 MS. JABLONSKI: I'll answer the first
16 one. It is not -- we are our own division and we
17 are not part of the EC Division.

18 MR. HUSSEY: At all.

19 MS. JABLONSKI: At all. So our
20 division has a name, Integrated Academic and
21 Behavior Assistance. That's my division and my
22 folks in there. The funding piece is funny.

23 MR. HUSSEY: I'm not so sure it's
24 funny, but it's---

25 MS. JABLONSKI: What happens -- what

1 is the great thing about this agency -- and we
2 first brought MTSS up as an idea. It was me and
3 Heather Reynolds talked and said, "Hey, we'd like
4 to do this." People across the agency put money
5 together to fund positions. We had gen ed funds,
6 we had Title II funds, and we had EC funds.

7 And full transparency, as those other
8 funding sources went away, the EC Division is
9 paying the salaries of the work to be done, but
10 they don't -- I just appreciate him paying the
11 salaries. That's a lot.

12 MR. HUSSEY: Daddy Warbucks is what I
13 turned out to be.

14 MS. JABLONSKI: Yeah. Because it
15 helps all kids. But Accountability has also put
16 money in because of our assessment project, and so
17 we've just had an ebb and flow along the way, but
18 we are not part of the EC Division. We're part of
19 every division, which is great.

20 MR. HUSSEY: And we try to make that
21 a point wherever we talk because it is not -- it's
22 a school improvement planning framework, and it's
23 not -- it's not about how you get to EC.

24 MS. JABLONSKI: Right.

25 MS. VLASATY: And that's my point

1 too, is that you've also said throughout your
2 presentation that, you know, it's for all kids,
3 all kids. Unfortunately what I seen is it's not
4 for all kids. I mean it's still very -- if you're
5 down there in the trenches, it's still very much
6 reg ed versus spec ed.

7 MS. JABLONSKI: I agree with you.

8 MS. VLASATY: You know, again,
9 focusing on your pyramid, that's still what's
10 happening at the school level. So if a child is
11 on an IEP, there's no Tier 1 or Tier -- Tier 1 or
12 Tier 2 or if there's still some indication that
13 they might be moving toward that direction, they
14 just don't invest the -- I'll say, the time and
15 effort into it because they know they're moving
16 into spec ed---

17 MS. JABLONSKI: Right.

18 MS. VLASATY: ---and it's spec ed's
19 responsibility. So I mean everything you said is
20 just phenomenal. For the past couple of years,
21 I've said the same things too about how important
22 is to have core and even just the buzzwords, you
23 know, supplements is a plan or, you know, be
24 proactive instead of reactive. It's just -- but
25 definitely video yourself and put it out there.

1 MS. JABLONSKI: I think there is a
2 video on the -- I think there's a video on the
3 wiki.

4 MS. HUTCHINSON: Is it Module 1 or
5 Module 2? You're, like, in your office. You hear
6 a dog bark in the background.

7 MS. JABLONSKI: Module 1, yeah.

8 MS. HUTCHINSON: Module 1.

9 MS. JABLONSKI: Or it might be Module
10 2 too. I think they were done on the same day. I
11 don't know. I went upstairs and got a change of
12 clothes and came back down or whatever.
13 Module 3 has me and Bill, which is comical in
14 itself, as the video. But what's great about
15 talking to so many different stakeholders is that
16 we become the messengers. Right? So you can
17 become the messengers about what this really is.

18 If you see a school that people are
19 like, "Oh, we're doing the MTSS."

20 I'm like, "Oh, what are you doing?"

21 "Well, we changed our paperwork. Now
22 it says MTSS on it and we have the MTSS team."

23 I was like, "You just changed out
24 your wardrobe from summer for winter. I mean
25 that's all you did. You didn't actually change

1 the way that you live your life per se. You just
2 changed your wardrobe. You're going to get the
3 same results, which are not great, so don't
4 play---"

5 MS. VLASATY: You give such great
6 examples.

7 MS. JABLONSKI: What are the
8 questions can answer for you?

9 MS. MEBANE: I guess my frustration
10 is just not seeing, you know, what you're saying
11 get to the local levels, and they're more
12 concentrated on following a model than they are
13 just the simple fact that you're there to give the
14 child what they need, and that's just totally---

15 MS. JABLONSKI: I would love to hear
16 if you guys have -- if you guys have strategies
17 that you think would be really helpful to help
18 amplify what really needs to be happening. I
19 would love to hear them because I can use as many
20 strategies as possible to get more messaging out
21 there.

22 But I agree with you it is like we
23 can say it and say it and put supports in place
24 for it -- and we do see places changing practices.
25 In Perquimans County, they've made huge growth

1 within all kids by moving through -- I think
2 they're starting 2 coming up. I think he said
3 over a 40 percent growth of all kids by focusing
4 on core instruction.

5 So we have pockets and we need to
6 highlight them more, but anything you
7 guys -- I agree it is frustrating. It's
8 frustrating when I hear people say that this
9 change was about paperwork. I was like, "Oh,
10 don't do that to yourself. Why would you do that
11 to yourself."

12 MS. HOLLER: I think there really
13 needs to be kind of like how to explain it to
14 parents because I was at one last week, and you
15 know, they were telling them things that weren't
16 true, and I didn't want to be, like, rude or, you
17 know, but I was like huh-uh.

18 MS. MEBANE: Well, I think some of
19 the problem is that they don't clearly understand
20 it themselves, and I mean I work with parents
21 whose kids are in, like, Tier 3 and they have no
22 clue that -- I mean nobody has explained anything
23 that's going on in a way that they can understand.

24 MS. JABLONSKI: Yeah, that's
25 troublesome at best.

1 MS. HOLLER: If we could, like, clone
2 you and put you in all -- I think that's what we
3 should do.

4 MS. JABLONSKI: That would be fun. It
5 might be painful to get cloned. I don't know.

6 But I would ask your districts what's
7 your implementation plan for MTSS. Just ask them
8 because then you might know what the schools are
9 focusing on, which could actually maybe change
10 some of the conversation around what their plan is
11 maybe.

12 MS. MULLIS: Do we know what the
13 tiers are -- not the tiers. Sorry. Like, the---

14 MS. HUTCHINSON: The cohorts.

15 MS. MULLIS: The cohorts. I mean I
16 learned more in the last two meetings here from
17 the parents, and I'm a facilitator. I am on so
18 many teams in my district. Like, I'm on every
19 panel, and I learn more from these ladies and
20 gentlemen than -- you know, does that make sense?

21 MS. JABLONSKI: Yeah.

22 MS. MULLIS: And so that was a
23 struggle to me because I'm supposed to be
24 implementing it this year. We're supposed to
25 be -- this is supposed to be running, and we don't

1 know. So I don't know. Are we in the cohort --
2 should my school district be doing that yet? You
3 know what I mean?

4 MS. JABLONSKI: Yeah. So what I
5 could do -- Tish, if I send you the list of
6 cohorts, can you send it out?

7 MS. BYNUM: Yes.

8 MS. JABLONSKI: It's all transparent.
9 Yeah, I'll just send it and she can send it out so
10 you'll know -- it's on our State Board -- last
11 month at State Board [inaudible].

12 MS. HUTCHINSON: May I make a
13 comment?

14 MS. JABLONSKI: Yeah.

15 MS. HUTCHINSON: I think coming from
16 a district, and a district that's in like 16
17 different counties---

18 MS. JABLONSKI: Yeah. Yeah.

19 MS. HUTCHINSON: It is. I'm not
20 lying. One of the challenging things that I think
21 you just hit on and probably you're hitting on is
22 not all districts know what spot in the
23 implementation or module they're in. So if you're
24 in Cohort 1 -- like, she was just saying things
25 that we hear every single day all day long and

1 probably five people from our district can
2 probably, you know, reiterate what she did.

3 But if I go to another county, you
4 know, like, ten minutes away and one is seven
5 minutes away on the other side, they don't know
6 what the term MTSS is, and they are being -- you
7 know, like, twisting their arm to get into Cohort
8 5. So it really depends on, like, your
9 administrative leadership team and your, I'll say,
10 central office leadership team and where they
11 decided to jump on the train.

12 And then I also think that one of the
13 challenging parts about understanding it is it's
14 not like EC regulation that we can all pull up
15 page 45 and it talks about what is the definition
16 of specially designed instruction. It's not like
17 that because if MTSS is something that is clearly
18 defined by Amy Jablonski for every single
19 district, then it's not individualized.

20 So every school MTSS looks different.
21 Like, my MTSS leadership team is going to look
22 different than hers, and the stakeholders that are
23 involved might have similar roles, but our, you
24 know, identified implementation plan this year has
25 very, very different goals than a district two

1 miles away, and they might not even be working on
2 attendance, and I'm working on attendance. So why
3 would you know that -- you know, in your mind,
4 you're not thinking attendance is MTSS. Oh, for
5 goodness sakes, it is. You know, and she might be
6 working on discipline.

7 So it's not like EC, in my mind, that
8 every acronym that we use in EC is super clearly
9 defined, and there's a federal regulation that
10 tells us, you know, how to do it. So it has to be
11 individualized and it has to be personalized and
12 it has driven by your data. So if your child goes
13 from this district to that district, it's going to
14 look slightly different depending on their needs,
15 I think.

16 MS. JABLONSKI: I think that is a
17 really good point. I appreciate you saying that
18 because people will say, "I want to go see MTSS."
19 So you're going to go to school, right? Like,
20 what are you looking for? Like, who's the best
21 lead in MTSS? Anyone who has shared leadership,
22 and so it's school improvement and so it's
23 happening by every single movement of time.

24 MS. MOOREFIELD: Just an example, I
25 taught at Falls Lake Academy, which is a charter

1 school, and we've been doing MTSS -- I think we
2 started at least looking at the process two years
3 ago, if not three. And I'm a little cloudy on
4 part of it. I can only teach part-time because of
5 my son and all the therapies and everything that
6 go along with that, but one thing that we did was
7 we implemented the i-Ready testing which looks
8 at -- I think it's reading comprehension and
9 language and math.

10 And so we took all the kids in our
11 high school, and we looked at the data that we got
12 from those assessments, and then I know two years
13 ago, we started Eagle Time. And so the first --
14 or 30 minutes before school, we had the kids
15 broken into very small groups, and when I'm saying
16 "small," I'm talking three, four, five kids, and
17 each teacher in the high school had to teach an
18 Eagle Time either twice a week or three times a
19 week, and then the next semester that would
20 switch.

21 We each taught a different focus, and
22 so our EC Department, which is, like, one or two
23 people -- we're very small -- she had -- I'm not
24 sure where she got them, but she had all these
25 lesson plans for each part and each skill that was

1 involved in those i-Ready assessments. So the
2 kids that were in that small group, they were all
3 there to work on the same thing. And so then once
4 they had mastered that skill, then we looked at,
5 okay, what was another one of their weakness
6 areas.

7 And so what we found was, is that it
8 did help the kids, but attendance was a huge issue
9 because either they couldn't get there early
10 enough or the parents didn't care or whatever. So
11 I know that this year they have -- they've moved
12 it to lunch. So they've adjusted the school day
13 so that Eagle Time now occurs every day at lunch,
14 and that also keeps those kids who are embarrassed
15 from having to get the extra help -- it kind of
16 keeps the attention off of them because everybody
17 has to go somewhere during this time at lunch.

18 And so from what I've talked to the
19 people who are still there, they said it's working
20 a lot better and they have seen a lot -- a lot of
21 improvement in those i-Ready scores, and a lot of
22 kids are being able to test out of them and to
23 more proficiency in those areas.

24 MS. JABLONSKI: That's exactly
25 what -- an example of what is MTSS. It's

1 adjusting your master schedule, problem-solving
2 continuously, and again, we like kids, but what's
3 the implementation to support better outcomes.
4 Thank you for sharing that.

5 Well, I appreciate the time on the
6 agenda. I have no idea what's next, but I'm going
7 to go find Bill in the meeting that started six or
8 seven minutes ago. So I'm going to run do that,
9 and I'll send that to Tish. But, hey, thanks for
10 your time and thanks for being here, and if
11 there's anything that I can do or my staff can do,
12 just feel free to reach out. Thanks, guys.

13 THE CHAIRPERSON: Thank you, Amy.
14 Let's move into committee time. What specifically
15 do the different committees need to work on? I
16 know we really need to look at this
17 disproportionality -- yes, I said it pretty
18 well -- but is there anything that the Unmet Needs
19 Committee needs to discuss this month or this
20 meeting?

21 MS. VLASATY: I think just a little
22 bit more about how we can, you know, solicit
23 information from. And my e-mail too not only
24 about attending the conference, the year review,
25 but also ECAC, you know, as our parent -- you

1 know, our PTI, that we really should be getting a
2 lot of data from them from their regional offices,
3 you know, reasons for calls, quantity of calls.
4 So kind of just brainstorming within the group, I
5 think, how we can start to collect more data
6 within the state.

7 THE CHAIRPERSON: All right. Just be
8 careful you don't violate any open meeting laws
9 when you're doing that. Maybe if that could be
10 limited to just direct e-mails between two people
11 at a time or something like that, to keep it from
12 giving that issue with the meeting laws.

13 The Reports and Data, I know that was
14 the disproportionality. Yes. And we don't have a
15 Policy and Procedures chair right now, and I'm the
16 Executive Committee.

17 So let's take this time, this
18 opportunity because we need to have this ready to
19 go by October. We might still need to figure out
20 a conference call meeting to come up with a final
21 vote for our decision on a recommendation for
22 disproportionality. So I almost want to attempt
23 the idea of -- would everyone feel comfortable
24 with what is your current thought for the set rate
25 for -- we'll do one round with -- oh, what is

1 it? -- one round on the identification.

2 MS. HUTCHINSON: Leanna, we are only
3 one committee providing feedback to Nancy and her
4 team, correct?

5 THE CHAIRPERSON: Yes.

6 MS. OUZTS: No. They are--- Say
7 that again.

8 MS. HUTCHINSON: We're only one---

9 MS. OUZTS: One of many, right.

10 THE CHAIRPERSON: Yes.

11 MS. HUTCHINSON: [Inaudible].

12 MS. OUZTS: Yes. And then they'll
13 make their decision, and then you'll be able to
14 make comment on whatever they decide---

15 THE CHAIRPERSON: But this is a large
16 part of what our statutory responsibilities are,
17 so I want to make sure that we do that.

18 MS. HUTCHINSON: I was just thinking
19 there's other people---

20 THE CHAIRPERSON: Yes. I won't put
21 names or anything. I'll just kind of run a list
22 so I have an idea of how many are at 3.5 and just
23 kind of tick it off.

24 So if we want to start with, as I
25 said, the identification. I'm thinking of staying

1 where we are with identification at 3.0 for this
2 year. That's my thought. So who -- do you want
3 to go next and just kind of go around the circle
4 that way?

5 MS. SIMMONS: In listening to Nancy,
6 it sounded like she said OSEP suggests 3.0. She
7 said it several times. So my suggestion would be
8 3.0

9 THE CHAIRPERSON: Okay.

10 DR. CARPENTER: 2.5.

11 THE COURT REPORTER: I'm sorry?

12 MS. OUZTS: She couldn't hear you.

13 DR. CARPENTER: 2.5.

14 MS. HOLLER: I think 2.5.

15 MS. MEBANE: I think 3.

16 THE CHAIRPERSON: And this isn't a
17 vote. I'm just trying to see where the committee
18 is as a whole. So---

19 MS. GRADY: 3.

20 MR. SMITH: 3.

21 MS. CARTER: 2.5.

22 MS. HUTCHINSON: 3.

23 MS. MOOREFIELD: I am not sure that I
24 understand it well enough yet to weigh in.

25 THE CHAIRPERSON: Okay. I fully

1 respect that. So thank you.

2 MS. MULLIS: 3.

3 MS. COFFEY: 2.5.

4 MS. VLASATY: 2.5.

5 MS. DANIELS-HALL: And 2.5.

6 THE CHAIRPERSON: Six and seven.

7 It's very close so---

8 DR. CARPENTER: 2.75.

9 THE CHAIRPERSON: Should we go
10 through -- let's go through while we're at it to
11 do that with discipline.

12 DR. CARPENTER: Before we spout out
13 our numbers again, this is about which kids?

14 MS. HUTCHINSON: The previous one we
15 just acknowledged was disproportionality in
16 identification. Is that what you're asking?

17 DR. CARPENTER: Yeah, yeah, yeah. So
18 this one's about---

19 MS. HUTCHINSON: The one you just
20 stated?

21 DR. CARPENTER: Yes.

22 MS. HUTCHINSON: It's about
23 changing---

24 DR. CARPENTER: The next one's about
25 ISS and in-school and out-of-school suspensions

1 for---

2 MS. HUTCHINSON: Students with
3 disabilities compared to that same subgroup of
4 students for the whole population. No longer just
5 students with disabilities get in that
6 demographic.

7 DR. CARPENTERS: The comparison is
8 with all the kids, but it's about the LEAs --
9 these numbers are for LEAs? The LEAs -- the top
10 number, the numerator number is kids with
11 disabilities?

12 MS. HUTCHINSON: Within that
13 subgroup.

14 DR. CARPENTER: Okay.

15 MS. HUTCHINSON: Being three times
16 more likely or 2.5 times more likely to be
17 suspended more than ten days or---

18 THE CHAIRPERSON: Or whatever the
19 category is. And while I'm sure we all agree that
20 it is never okay to treat children with disability
21 significantly different than others, we recognize
22 it as an issue, and one way of addressing this
23 issue is by looking at where we want our first
24 threshold to be and get those that are beyond that
25 issue or that threshold.

1 MS. HUTCHINSON: Can I raise a very
2 different---

3 THE CHAIRPERSON: Perspective? Go
4 right ahead.

5 MS. HUTCHINSON: Well, idea. And I
6 know that -- I feel like our -- whatever -- you
7 know, 3.0, 2.5, 6.8, whatever the number we decide
8 is the right thing, being really consistent and
9 really transparent, I think, is important, but I
10 do think that we could determine or suggest to the
11 State something different to be for discipline
12 than identification---

13 THE CHAIRPERSON: Yes.

14 MS. HUTCHINSON: ---and eligibility.
15 However -- and I definitely wouldn't suggest
16 something like, oh, for, you know, this subgroup,
17 it should be this high or that high. That would
18 be just a mess and it's not transparent, I don't
19 feel like, and it looks like discrimination, in my
20 opinion.

21 But I wonder if there's a school of
22 thought that out-of-school suspension was
23 something like a 2.5 and in-school suspension was
24 something like a 3.0 -- if those were two numbers
25 we were, you know, oscillating around -- because

1 one of the perspectives that Bill was making is
2 when a student -- as a district you're trying to
3 keep those kids here, and a way to do that is
4 providing programs that provide like in-school
5 suspension where they're still getting their
6 special education time and services, not great,
7 but they're not getting their regular education
8 time.

9 But we want to encourage them to keep
10 finding programs to keep them in school more than
11 out of school, and so if there was a more rigorous
12 expectation for out-of-school than for in-school,
13 they might consider doing an in-school more
14 frequently.

15 THE CHAIRPERSON: Yeah, I think
16 that's a great idea. Keep our kids in school
17 because that's where they receive their services
18 and supports and stuff like that that they need
19 and keep them on a routine because some of our
20 kids, you get them off the routine by suspending
21 them, guess what? You just created yourself a
22 bigger pain in the tush when they transition back
23 into the school day. I'm sorry, but it's the
24 truth, you know, with autism.

25 MS. HUTCHINSON: We also think about

1 the things they can get themselves involved in
2 when they're not in school and what---

3 MS. MEBANE: And it often reinforces
4 the behavior.

5 THE CHAIRPERSON: Yes.

6 MS. HUTCHINSON: They skip class and
7 get suspended from school [inaudible].

8 THE CHAIRPERSON: Yeah.

9 MS. HUTCHINSON: I don't know if
10 that's possible, but I just wanted to throw that
11 out there.

12 THE CHAIRPERSON: I think she said
13 that we could have different -- for each of the
14 different ones. I agree with her. I probably
15 wouldn't want see us do 90 some different numbers
16 for---

17 MS. HUTCHINSON: No.

18 THE CHAIRPERSON: ---but if we want
19 to say out-of-school suspension is this criteria,
20 in-school suspension is this criteria, and just
21 kind of leave it blanket, I think that's
22 definitely doable. So all right.

23 MS. GRADY: From a reporting
24 perspective, how would that get reported to OSEP?
25 I mean, is it just an overall or can it be broken

1 out?

2 MS. VLASATY: I think it is just one
3 percentage.

4 MS. HUTCHINSON: Yeah. I mean I have
5 not been at the back side of doing it for the
6 State. I've been at the back side of doing it for
7 a district, and you're just -- you're pulling a
8 different data column and running it by 2.5
9 instead of, let's say, 3.5 or whatever, or 3.0 or
10 whatever.

11 MS. OUZTS: They have to make the
12 calculations for each column---

13 MS. HUTCHINSON: Yes, anyways.

14 MS. OUZTS: ---either way, but I
15 think she did say that the general feedback has
16 been to try to keep the same [inaudible], but she
17 did say it was allowable. I mean whatever the
18 Council recommends---

19 MS. HUTCHINSON: The last time Nancy
20 met with us, Cynthia, do you remember we were back
21 there and Nancy met with us?

22 MS. DANIELS-HALL: Uh-huh.

23 MS. HUTCHINSON: She said you
24 technically could do, like, a different rate for
25 every---

1 MS. OUZTS: Disability.

2 MS. HUTCHINSON: ---male versus
3 female, area of exceptionality, every race. I
4 forget all the options, and we were like I just
5 feel like that looks not transparent and it could
6 even be interpreted as discriminatory, I think.

7 THE CHAIRPERSON: Yeah.

8 MS. HUTCHINSON: [Inaudible].

9 THE CHAIRPERSON: I mean that
10 probably could be adjusted should we see -- you
11 know, we're looking at this, and oh, my goodness,
12 we have 75 schools that are problematic with this
13 area versus, you know, to target certain areas
14 where we're seeing a lot of -- a lot of
15 disproportionality. But [inaudible] I think that
16 would be appropriate, but for this, I think, you
17 know, just kind of keep it broad for the
18 informational purposes.

19 DR. CARPENTER: So one other question
20 about the table, so there's a charter school or
21 LEA that is suspending more than five times kids
22 with disabilities than everybody else?

23 MS. HUTCHINSON: Than everyone else
24 in the LEA within that same race and subgroup.

25 DR. CARPENTER: So it's not just one

1 kid; it's kids, right, because they wouldn't even
2 be reported if it weren't -- if they didn't meet
3 that minimum number?

4 MS. HUTCHINSON: They would have to
5 have ten and they would have to have 30 within
6 that group.

7 DR. CARPENTER: Okay. Is that how
8 you interpreted that?

9 THE CHAIRPERSON: But, also, I have
10 to wonder about the one that's at 4.5 in, in
11 excess of ten days, you know, what is the size of
12 that school? I mean, is it one of those schools
13 that are extremely small where one student can put
14 you into that category?

15 DR. CARPENTER: Well, it can't be
16 just one school. We wouldn't be reporting it.

17 THE CHAIRPERSON: Yeah.

18 DR. CARPENTER: One student.

19 THE CHAIRPERSON: Well, you have 11
20 students and only 30 kids. I mean that one
21 student in a small population---

22 MS. HUTCHINSON: No. If it was 11
23 students, let's say, a small percentage would
24 be -- I think that American Indian is a subgroup
25 many times. It's not a race that's common, but

1 across the state of North Carolina, we don't have
2 large, large percentages in some of our districts
3 of Native Americans. So you'd have to have 30
4 Native Americans in the district to get that cell
5 size of -- or the N size of 30, and then you would
6 have to have ten or more of those students
7 suspended ten days or more. Yes, you're exactly
8 right.

9 THE CHAIRPERSON: I'm not a
10 statistics major, so---

11 DR. CARPENTER: Well, I just wanted
12 people to know that. I mean we're not talking
13 about one kid one place. We're talking about
14 either a charter school, because charter schools
15 are in this, or one of the LEAs, one of the 115
16 LEAs, that is suspending that many kids.

17 THE CHAIRPERSON: Yeah.

18 MS. CARTER: It shows a pattern.

19 THE CHAIRPERSON: I mean it does make
20 me wonder---

21 DR. CARPENTER: I'm sorry to---

22 THE CHAIRPERSON: It does make me
23 wonder the situation of that one school. I mean
24 there might be -- because I've heard there is
25 something that can happen that will bring a school

1 onto that disproportionality chart, and it's
2 something that is kind of beyond their control to
3 a certain degree. Be it location and being -- you
4 know, just based on -- that's what I've heard, is
5 my understanding. I don't know.

6 DR. CARPENTER: Suspending that many
7 kids that many days is not beyond their control.

8 MS. VLASATY: My other concern is
9 too -- well, first, at the preschool level, the
10 amount of kids -- even though we haven't tracked
11 it, but again, being out there [inaudible], I am
12 just floored to hear the stories that at preschool
13 your child could be kicked out of preschool for
14 behavior rather than somebody trying to actually
15 work with them and address it.

16 But then, secondly, another trend
17 that isn't captured in the data, I also work with
18 a lot of parents who don't realize that their
19 child is actually being suspended, that they're
20 removed from the classrooms---

21 THE CHAIRPERSON: Yeah.

22 MS. VLASATY: ---and sent to some --
23 another teacher's room or they're sent to sit in
24 the office. So cumulatively it adds up. So
25 that's not tracked in anyone's data, so I -- I

1 believe that these numbers are actually
2 understated.

3 MS. HOLLER: There's a lot of parents
4 who will just be told you need to come pick up
5 your kid---

6 DR. CARPENTER: Sure.

7 MS. HOLLER: ---and they won't be
8 told it's a suspension.

9 THE CHAIRPERSON: Yeah.

10 MS. VLASATY: It's just -- they're
11 marked as half day off.

12 DR. CARPENTER: But this isn't just
13 one kid.

14 MS. VLASATY: No. I totally get it.

15 MS. HOLLER: That's what I mean.

16 MS. VLASATY: It's way more than I
17 think [inaudible].

18 THE CHAIRPERSON: Yeah. I might be
19 getting it confused with the identification. I
20 remember hearing somewhere -- yeah.

21 MS. MULLIS: I think you also have to
22 look at, though -- and I know that you guys -- a
23 lot of people think -- talk about the younger
24 kids, but if you look at the high school
25 perspective, especially from being in an

1 inner-city. So right now on our suspension list,
2 we have, I think, 17 kids suspended right now, and
3 six of them are over ten days. They're going
4 [inaudible] to a special school. They got into a
5 huge melee gang fight on a bus. So there was no
6 other choice but ten days and you're -- you know
7 what I mean? -- because you have to set a
8 precedent at a school where I am -- like I am.

9 So, yes, it does look
10 disproportionate because of the -- and
11 unfortunately a couple of them are mine
12 [inaudible], you know. So, like, it's an effect,
13 but like, you know, if you look at some smaller
14 districts, they might not have some of the issues.
15 So it does look like maybe we have a huge
16 suspension.

17 But there also is a big background
18 when you are looking at high school kids, gang
19 activity, you know, drugs. We have weapons. You
20 know, we open a trunk and there's, you know, a
21 trunk full of guns in the back that the kid's
22 selling. So, like, you have to look at some of
23 that stuff.

24 So some of these over ten
25 suspensions, I do understand. Like, you know, you

1 hear on the radio, oh, I did a toy gun with my
2 fingers and the kid gets five days. Like, I
3 completely get, like, those are -- but when you
4 look at a high school and especially in an
5 inner-city in a large city especially around here
6 and Durham and all that, that's it. It looks like
7 we have a lot of suspension, but they're very
8 well-deserved, you know.

9 So that's where it's hard because
10 you're still -- we're comparing all the districts,
11 and that's why I think this self-assessment on
12 that is important because you can't compare us to
13 a small town in a mountain county. You know, it's
14 way different, I would think.

15 DR. CARPENTER: Well, I understand
16 that. You know, I worked at a group home for kids
17 that were all -- all of our kids were in trouble
18 with the law. We were in one school district, so
19 they didn't all come from that school district to
20 begin with, but once they were there, that school
21 district, they were on their numbers. And so I
22 can see how that can happen. This wasn't just a
23 couple of kids.

24 MS. HOLLER: Yeah.

25 THE CHAIRPERSON: Yeah.

1 DR. CARPENTER: And they're all kids
2 with disabilities.

3 MS. HOLLER: One of the other things
4 that was interesting, and I don't know if there's
5 a way to kind of capture this data, is how many of
6 these kids that were, you know, disciplined -- did
7 they have BIPs? Did they have -- you know, you
8 know what I'm saying?

9 MS. MEBANE: Were there interventions
10 in place?

11 MS. HOLLER: Were there interventions
12 in place? You know, like, how is that---

13 MS. MULLIS: Well, they have to be
14 once you're -- I mean after, you know -- I mean
15 typically for us they tell us even on the tenth
16 day of suspension, you do -- and I have a
17 kid -- you know, he skips class and we give him a
18 day of suspension. I literally do a manifestation
19 for one day. Any suspension over the ten days, we
20 do a manifestation BIP [inaudible] Tier 2 and Tier
21 3. So I mean, again, we're in a much larger
22 school district where that's monitored, especially
23 with some of the things that we've had in the
24 past. So I don't know if smaller districts do
25 that.

1 MS. MEBANE: Legally you have to do
2 that.

3 MS. MULLIS: Oh, yeah, but I mean,
4 you know, the interventions and actually following
5 a BIP might not be -- it could be on behavior
6 plus, but it might not actually be implemented,
7 but they file it and we get tracked for that kind
8 of stuff.

9 DR. CARPENTER: I know we can go on
10 because there's probably a real reason for this
11 particular one. I just wanted people to know what
12 they were looking at.

13 THE CHAIRPERSON: Yeah.

14 MS. HUTCHINSON: I also think that --
15 and it's going to be a really unpopular comment,
16 but coming from an administrator's perspective,
17 some of these suspensions come from staff being
18 physical harmed, like, to the point of
19 hospitalization bodily harm, and while the child
20 was still in crisis, it still happened.

21 And we struggle to have good EC
22 teachers in the classroom, and we have a problem
23 of losing great EC teachers, and so, you know, to
24 support those folks in some way, their safety
25 needs to be supported. So---

1 THE CHAIRPERSON: I mean I wouldn't
2 want to be the EC -- or the administrator of my
3 child, I know that, because I know how she can
4 bite. So I totally understand. That's where it
5 just gets to be a very slippery, tricky road that
6 we're walking down.

7 MS. HUTCHINSON: It's not every kid.
8 I don't want you to think that.

9 THE CHAIRPERSON: No, it's not every
10 kid.

11 MS. HUTCHINSON: And that's not every
12 suspension. Like you said, this isn't one kid.

13 THE CHAIRPERSON: No.

14 MS. MULLIS: I guess that's why I
15 feel like going with, like, what they recommend
16 because, like Bill said, if we get too small, then
17 you're catching people that -- you're getting
18 more -- you know, people that might be on the -- I
19 don't know what he said, but you know, you're
20 looking at more people that actually aren't --
21 don't really need to be looked at because it's
22 valid.

23 So I just -- for this one, going
24 smaller because there's very little that we have
25 control of, other than that eight hours in a class

1 in that school. We can't do the rest of the day,
2 their whole life. You know what I mean? And so
3 there has to be certain consequences for actions,
4 EC or not EC. So that's why I just don't want to
5 go too small on that. I feel like---

6 MS. MEBANE: One thing that would be
7 really interesting, and I don't know if this data
8 is available, but to really see the breakdown of
9 what categories of kids are we talking about
10 because that could be very telling.

11 MS. MULLIS: And age groups.

12 MS. VLASATY: Yeah. Maybe we could
13 ask Nancy for a little bit more detail on that
14 one.

15 THE CHAIRPERSON: I'd love to get
16 that, but I think it feels like right now we need
17 to figure out our baseline and then figure out
18 from there -- especially as we start diving into
19 these, you know, as time comes, we'll get the data
20 back, and we're seeing this many schools are and
21 this many have this diagnosis. Because it
22 probably is by area of disability. I mean they
23 keep a lot of stuff within the ECATS. I can't
24 wait for that to come out.

25 I mean I'm sure we're going to be

1 able to see some of that data. We can, you know,
2 just kind of look in and see what can we do to
3 address -- what challenges are they facing, how
4 can those be addressed, and things like that.
5 Because I know it's -- it's hard to be an
6 administrator. I mean I've not been one, but I've
7 been in enough IEP meetings that -- with some
8 tough kids, including my own.

9 So let's make -- I like that
10 suggestion about separating OSS from ISS. So
11 let's make a first go-round like we did before
12 with OSS, out-of-school suspension, and ISS.

13 And before we do that, though,
14 Virginia, what was exactly your questions or
15 concerns around -- just so we can bring you up to
16 speed so you can be a part of the conversation.

17 MS. MOOREFIELD: Well, I just -- I
18 didn't want to weigh in on anything that I don't
19 really understand, and I just -- I want to make
20 sure, as far as the discipline piece, that kids
21 are not being labeled as bad kids and being
22 disciplined because it's a disability, it's
23 something that they can't control, but at the same
24 time, if a kid, disability or not, is causing a
25 destruction or even a safety concern in a

1 classroom, they've got to go.

2 So I don't know. You-all tell me
3 what number that we can make that happen, and
4 that's my vote.

5 MS. MEBANE: We all wish we knew.

6 MS. MOOREFIELD: Yeah. And Christy
7 really explained to me because I was getting
8 really confused with the C's and the N's and the
9 cells. I was like what? But I think I understand
10 the discipline a little bit better than I did the
11 identification, and I understand what everything
12 means. I just need some processing time for it to
13 kind of sink in and apply.

14 THE CHAIRPERSON: Yeah. I figure we
15 will probably end up having a conference call in a
16 few weeks to kind of come to a final decision and
17 make a vote, and then we'll go from there. So
18 we'll have some more time to stew over this on our
19 own as well as you can stay in contact with any of
20 us via e-mail, one-on-one, though, not---

21 MS. MOOREFIELD: I get it.

22 MS. CARTER: Just one other question,
23 and it's kind of the point of talking about high
24 school kids, but these numbers are all children
25 six to 21, right? So on the one hand, you would

1 expect your high school kids might be higher, but
2 then you've also got that population of your
3 six- and eight- and ten-year-olds that might
4 should offset some of that to be able to reach
5 these. It is across all ages, right?

6 THE CHAIRPERSON: Uh-huh.

7 MS. CARTER: I wanted to make sure
8 because it does seem -- I worry even more -- and
9 it's kind of to the point of the preschool kids
10 being suspended -- I worry even more about what
11 does it look like for kids, you know, K through 5
12 and what's that suspension as opposed to the high
13 school, but we can't break it out that way. I
14 think she said we could, but I don't think we want
15 to go that way.

16 THE CHAIRPERSON: I mean I look
17 forward to diving deeper into the data and
18 figuring out what kind of recommendations and what
19 kind of supports our teachers need that we can
20 encourage the State Board to address in the
21 future. We had to have a place to start basically
22 because we don't have any of this data hardly
23 right now, from what I gather.

24 So I'm leaning toward a -- you know,
25 just me -- for the OSS, a--- Gosh, now I have to

1 take time to think about it. Do you want to go
2 first?

3 MS. DANIELS-HALL: Okay. I'm doing
4 2.5 for out-of-school suspension and 2.5 for
5 in-school suspension as well.

6 MS. VLASATY: Same here.

7 MS. COFFEY: Same.

8 MS. MULLIS: I would do threes for
9 both.

10 MS. MOOREFIELD: I'm still not
11 comfortable.

12 THE CHAIRPERSON: I understand.
13 That's fine.

14 MS. HUTCHINSON: Is the question just
15 OSS?

16 THE CHAIRPERSON: It sounds like
17 we're doing both.

18 MS. HUTCHINSON: Do both. Okay.

19 THE CHAIRPERSON: Well, I mean one
20 for one and one for the other, if you need to.

21 MS. HUTCHINSON: Okay. My opinion is
22 2.5 for the OSS and 3.0 for ISS -- other way
23 around -- 2.5 for OSS and 3.0 for ISS.

24 THE CHAIRPERSON: Okay. 2.0 or 2.5
25 for---

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MS. HUTCHINSON: 2.5 for OSS.

THE CHAIRPERSON: 2.5 for OSS. And

3.5---

MS. HUTCHINSON: 3.0.

THE CHAIRPERSON: 3.0 for ISS?

MS. HUTCHINSON: Yes, ma'am.

THE CHAIRPERSON: Okay.

MS. CARTER: 2.5 for both.

MR. SMITH: 2.5 for OSS and 3.0 for

in-school.

MS. GRADY: Same.

MS. MEBANE: Same.

THE CHAIRPERSON: The same as---

MS. GRADY: Same as what he said, 2.5

and three.

MS. HOLLER: 2.5 for both.

THE COURT REPORTER: I'm sorry. I

didn't hear that.

THE CHAIRPERSON: 2.5 for both is

what she said.

THE COURT REPORTER: You haven't

spoken yet?

DR. CARPENTER: No, I didn't say

anything.

THE COURT REPORTER: No wonder I

1 didn't hear you.

2 DR. CARPENTER: I'm glad you didn't
3 hear that. What was I daydreaming? 2.5 and 3.0.

4 MS. SIMMONS: 2.5 and 3.0.

5 THE CHAIRPERSON: I think that's what
6 I was wanting to do, is 2.5 and 3.0 in favor to
7 the ISS.

8 So it sounds like most of us are in
9 favor of 2.5 for OSS. It was 12 of us. Two at
10 3.0. And ISS came out to five at 2.5 and nine at
11 3.0. So I don't know how that helps us at this
12 point, but we'll figure that out. What further
13 discussion do we want to do on this? Because I
14 mean I know it's -- basically it's a debate,
15 especially on the identification with it being
16 such a close call between 2.5 and 3.0.

17 MS. HUTCHINSON: I think our decision
18 could be impacted based on the resources the State
19 is interested or suspects they will provide. So I
20 know there's no additional funding if we have a
21 higher number of schools disproportionate, but if
22 the resources they were able to provide to those
23 districts was somewhat substantial, then I think
24 we'd probably have an opinion to lower that number
25 even more because wouldn't you want to give the

1 districts even more support.

2 The balance is, if there's no
3 additional resources, which has been the case in
4 the past -- as Bill said, you know, we've lived
5 with losing 15 percent of our budget for the
6 students that already have that disproportionality
7 in identification, and you already have those
8 kids, and like Jennifer suggested, sometimes it's
9 a numbers' game and people just reevaluate and
10 place in a different category to avoid that.

11 If that's going to be the end result,
12 then, we're not doing anything great for the kids.
13 So I think my opinion would be strongly affected
14 based on this State's response to the schools that
15 were identified as disproportionate.

16 THE CHAIRPERSON: Uh-huh.

17 MS. CARTER: I think one of the
18 things that Bill said earlier -- that I think I
19 heard him say -- was that one thing by lowering it
20 means that there are some schools that fell in
21 that that really didn't have major needs to get
22 them where they need to be and that helps you
23 identify, you know, more schools that are kind of
24 right on that edge piece. So the resources may
25 not be as significant as what's needed.

1 And I think that's a part of what --
2 is why I like the 2.5 route because they -- they
3 get lost, they don't get anything, but yet,
4 they're really not doing what's necessarily best
5 for kids. At least that's what I understood him
6 to say.

7 DR. CARPENTER: I was influenced by
8 the same thing.

9 MS. MOOREFIELD: Can I get some
10 clarification about--- Okay. So we're looking at
11 these different, not labels, but like the
12 different categories of disabilities over various
13 minority groups, right?

14 MS. HUTCHINSON: For identification.

15 MS. MOOREFIELD: Okay. So do these
16 numbers mean that these kids are getting
17 identified or not getting identified?

18 MS. HUTCHINSON: They are.

19 MS. OUZTS: They are.

20 MS. MOOREFIELD: So if we have a
21 lower risk ratio, does that mean that more kids
22 are getting the services that they need and the
23 identification that they need or that less are?

24 MS. HUTCHINSON: [Inaudible].

25 THE COURT REPORTER: Ms. Hutchinson,

1 if you're going to answer her questions, you need
2 to speak in your mike because you're not going to
3 be on the record.

4 MS. MOOREFIELD: Okay. So the lower
5 the ratio the more kids we can identify and get
6 the services that they need?

7 MS. HUTCHINSON: No.

8 MS. MOOREFIELD: No. Okay. Explain
9 that.

10 MS. HUTCHINSON: So use a 3.0 for
11 ease. If the risk ratio is 3.0, that means that
12 an Asian student who is ID mild is three times
13 more likely than all Asian students without
14 disabilities to be identified. If you lower that
15 to a 2.5, that means you, as a school district, do
16 not want to identify more Asian students as --
17 what did I say? -- ID mild.

18 So it actually tells the school
19 district -- the ideal thing is to indicate to the
20 school district you need to have programs in place
21 for your Asian students with disabilities to
22 mediate their challenges before identifying them
23 as ID mild to avoid that overidentification of ID
24 mild Asian students. So you are going to have
25 less students identified in districts hesitant to

1 identify students who have disabilities in that
2 category. So with a 3.0 ratio, they will have
3 more students within that subcategory identified.

4 MS. MOOREFIELD: Okay. So the higher
5 the number of ratio, the more kids---

6 MS. HUTCHINSON: Yes.

7 MS. MOOREFIELD: ---we can get
8 services?

9 MS. HUTCHINSON: Well, it's not about
10 getting services. It's about that's how much more
11 likely they are to be placed in that category.

12 MS. MOOREFIELD: Okay. It's starting
13 to sink in.

14 MS. HUTCHINSON: Just one thing I
15 want clarify a tiny bit. You had said in minority
16 groups. White is also a subgroup in---

17 MS. MOOREFIELD: Oh, okay. That was
18 going to be my next question, is why are we not---
19 Okay.

20 MS. HUTCHINSON: That's an area that
21 is disproportionate sometimes as well a lot in the
22 area of autism and sometimes speech-language
23 impaired too.

24 MS. MOOREFIELD: Okay.

25 THE CHAIRPERSON: Please excuse me.

1 I just noticed my mom texted 25 minutes ago and I
2 just now noticed it, so yeah. But Vicki will
3 carry on. I'm going to see if I can't set up a
4 Doodle poll about scheduling that conference call
5 with Tish, and you know, I'll get up with her this
6 week so that we can figure out a good time to make
7 our final determinations.

8 Thank you, Vicki.

9 MS. SIMMONS: Is there anymore
10 discussion about the charts that Nancy shared with
11 us?

12 **(No audible response.)**

13 MS. SIMMONS: Okay. Let's go ahead
14 to the committee work. As soon as Leanna leaves,
15 we'll talk about a time to finish up. It says
16 3:30 on here, but depending on our committee work.

17 Cynthia, Reports and Data, would you
18 meet with your committee kind of in this area up
19 here?

20 MS. DANIELS-HALL: Okay.

21 MS. SIMMONS: And, Diane, how about
22 over where you are, your Unmet Needs folks.

23 MS. SIMMONS: And I'll meet with
24 Katie and Policies and Procedures. And we'll get
25 back together about 3:15 or so.

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(Committee worked was conducted from
2:56 p.m. to 3:16 p.m.)
MS. SIMMONS: Thanks you-all. 3:14,
the meeting is adjourned. You-all come back next
time.

(At 3:16 p.m., the quarterly meeting
was adjourned.)

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CERTIFICATE OF REPORTER

I, REBECCA P. SCOTT, State-Certified
Verbatim Reporter, do hereby certify:

That said proceeding was reported by
me and the foregoing pages, numbered 4 through
210, are a true record of the proceeding to the
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 October,
2017.



Rebecca P. Scott