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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Scott Court Reporting, Inc.  
130 Angle Place  
Stokesdale, North Carolina 27357  
336/548-4371
Thereupon, the following proceeding was held:

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

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

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

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

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

MS. COFFEY: I'm Diane Coffey and I'm
a parent also of two children. Both were adopted and both have special needs.

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

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

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

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

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

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

MS. OUZTS: Good morning. I'm Heather Ouzts. I'm parent liaison for the
Exceptional Children's Division, and I support the Council.

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

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

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

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

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

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

MS. SIMMONS: Hi. My name is Vicki Simmons. I'm an adapted PE teacher for Guilford County Schools.
THE CHAIRPERSON: All right. Well, then, everybody, thank you very much for being here today.

MS. OUZTS: Leanna?

THE CHAIRPERSON: Yes.

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

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

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

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

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

THE CHAIRPERSON: Yes.

MS. HUTCHINSON: Christy Hutchinson.
I thought there was one public comment last time that was read, that we had a letter that somebody read.

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

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

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

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

THE CHAIRPERSON: Uh-huh.

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

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

(No audible response.)

THE CHAIRPERSON: Is there a motion to approve the minutes as corrected once we find
out about the public comment that may have been written? I'm trying to research it right now on my computer.

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

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

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

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

Is anyone ready to make a motion?

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

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

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

MS. SIMMONS: Second.
THE CHAIRPERSON: Motion and second.

All in favor?

(Multiple council members replied aye.)

THE CHAIRPERSON: Any opposed?

(No response.)

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

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

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

I have to leave this meeting at 11:30 to go to an ECATS meeting where we're basically going to be talking with our department bosses --
my bosses -- basically about where we are in the process and what's happening. This meeting is designed to kind of help get around barriers if we run into them, which we are. It seems like every time we turn around, something comes up that was unexpected, but it's moving and it's moving forward.

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

But what we're going to get in the end is going to be huge. We're right now working on the IEP component. Our MTSS component is going to be a national leader and what data we're going to be able to gather through that possess. And our Medicaid is going to -- you know, we're -- the Medicaid is a platform that can be used by districts to bill if they choose to do that, but we're also, beyond that, working with PCG and the
LEAs to expand Medicaid billing to a much greater degree for regular ed students as well as special ed students who are Medicaid-eligible. So we're working very, very hard there.

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

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

The really nice thing is going to be that, you know, districts -- this is built for the districts, and so the districts are going to be
able to go in and do what they need to do around
the LEA self-assessment and really gather data
around disability categories, around gender,
around race. We can take it all the way into the
classroom. We can take it at the grade level. We
can take it at the school level. We can take it
at the district level. And the capacity is there
for them to do reporting and gather data in a way
that we've really not been able to do it before.
So we're really excited about that.

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

So our continuation of data and our
access to data is going to be greatly expanded.
So we are excited. It's two days out our week
every week that that's all we do is ECATS. So if
we seem to be behind on something or you haven't
heard from us or you've e-mailed us, we will get
back, but it really has taken a lot of time.

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

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

What we know is that our average -- our average cost for our most involved children is
$20,000. So that's per child, and that just gives you a sense of what the districts are dealing with and the charter schools are dealing with. I use these numbers, and they're loose numbers, and they really do run through 95 to almost 100 percent, but most districts use the majority of their federal and state dollars right now at this per child cap that we get each year for positions. So there's very little money out there for programming.

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

So we've got it broken down by regular classroom, resource, and self-contained, and we did this on average costs for teachers and average costs for nursing services, on average costs for related service personnel, average costs for PAs, for psychologists. We basically went
through and defined what it was relative to costs
and what we were getting, and then looked at it
based on what's happening for an individual child.
So we would actually draw down dollars based on
kids by service delivery.

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

So I'm going to give you a little
history lesson here for a second. 1994 is the
last time we looked at changes inside of our
salary -- not salary -- excuse me -- budget
formula, and at that point in time, that's where
the 12 and a half percent came in. So the cap
that we presently have now is 12.75 percent. We
got a quarter percent raise last time, which was
about 24 million bucks, which was -- well, the 24
million was $125 we got added and then we got the
raise for those people who were above the cap. We
got a little bit above on that too.
But in 1994, they basically came up with the cap, and they said what we needed for average costs for EC was 1.9 times ADM, and where they wanted to go was 2.3 times. So they started with 1.9, and over a five-year period, they were to move to 2.3 times. Well, they never moved. We got the 1.90 and we've had the 1.9 ever since.
And so that funding formula has never adjusted itself, never moved out.

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

What this will do is get us somewhere in the neighborhood of 900 million. So we're talking almost a $200-million increase, and you-all know, as well as I do, we're not going to get a $200-million increase. But what we want is for this process to be in front of them so they can understand the dynamic that if teachers' salaries go up, the average cost goes up. You
know, if individual service needs are there, we can fund them differently, and we can work with the legislature to find a way to do this.

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

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

The other part to this that we're doing is that we also have various parts of the state that have very difficult times funding our low-incidence teachers. We're talking about...
teachers, you know, for autism, we're talking about, you know, hearing impaired, visually impaired, our speech and language, our OTs, our PTs.

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

The other is a co-op model where in the northeastern part of the state this would probably be a better model for them because they don't have a place nearby other than Greenville really that they could get to, and sometimes
getting out further -- I mean you're multiple
hours away when you go to Elizabeth City or you're
out in Pasquotank or Perquimans County. When
you're out there, that's a long ways out. Now the
other side of that is you're right at the beach,
you know, and somebody could end up on a barrier
island.

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

And the last model was teletherapy,
and really that's only applicable for OT and
speech and language, but you know, again, we want
to give as much in the way of opportunity around
these things to these areas. And so you may have
a hub with some teletherapy attached; you may have
a co-op with teletherapy attached; you could have
a hub that had, around certain pieces, a
cooperative with teletherapy attached. So I mean
we could have all three of these frameworks
working inside of districts.
Our piece is we're trying to meet the needs of the LEAs, and we're also trying to demonstrate to the legislature that we're willing to do things that would conserve dollars because right now most of these LEAs are spending a considerable amount of money based on contracts. So it's a big piece that we're trying to push forward, again, as a way of letting them know that we're not only trying to -- because we are talking more money in the funding formula itself, but we're also trying to show them that we can be good stewards of that money as we go forward with that process.

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

We also had to give up, which doesn't really impact EC as much as many of the other
divisions, but a great amount of our operational costs, so travel. So you will probably see reductions in trainings across the state. You will see a lot more of things going into Canvas, which is the virtual platform to do training. So there's going to be some changes across the state as a result of these budget cuts. We will not be traveling, unless it's essential travel, out-of-state, and you know, that becomes kind of a difficult interpretation about what's essential to job duties. And so we're having to do that by individual case-by-case situations, but we are having to dramatically move back.

The scary part to this is that right now the legislature has asked for another 3.2 million, not this school year but the following school year. The fact that we do not have much in the way of operational dollars anymore means that the majority of that next 3.2 really is -- they're people, and so we are aware that we may be losing people as we move forward in the next round. And if you think one per 100,000, then you're really talking -- that's loose, but when you look at salaries a year and benefits, you get close to 100,000 per person. So when you're looking at
that, you'll be looking at 30 to 35 people, depending on where the salary ranges fall, that we could potentially lose.

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

They're going to look at function, they're not going to look at people, and so they will look at the number of consultants we have in an area, the number of monitors we have in an area, you know, various aspects of what we do day to day, and they will make a recommendation. We're hoping through that recommendation that we'll be able to reduce the number of cuts that they're going to have on the Department. So it's going to be something that we're going to be
focused on to truly try to make sure that we're thinking about that in the whole picture.

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

We just put out -- we're talking to all of our EC directors. As result of the LEA self-assessment, we created a catalog of every training that we have available based on their priority areas -- the LEA priority areas that they identified through their LEA self-assessment, which is their needs assessment tool. And what we're demonstrating to them today is how to go in, take a look at what it is that their LEA self-assessment says, you can go into the actual wiki page and go in, pick those things, and prioritize the training.
This is the first time we've ever had -- I know it sounds strange, but it is -- the first time we've ever had a full PD calendar designed around their specific needs based on the six elements of the LEA self-assessment that they can pick and choose exactly what they want. And we've got the dates set, and so they actually can move in and participate in that.

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

And so we're really excited. We won't have to do this again. We spent all summer reviewing the LEA self-assessments, determining what the LEAs needed, developing the protocols for
this catalog, and we got it out, and now all we have to do is add to it. So if the rest of the meetings went as well as yesterday, they were very excited. It gives them much more detail and much more opportunity than before.

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

Those institutes are closed to the participants that are part of that, but based on what Jennine had said, I've talked to Carolyn Waller, and so if you-all want us to, we will come here in December and actually give you a little bit of an abbreviated version and a different spin on it because we're not talking to directors, but we can share that same information with the Council as an option. So we'll actually bring the presentation to you so it's -- you-all aren't directors and, therefore, couldn't be a part of
the directors institute. But I do want you to know that, you know, we heard that piece and we will get the data to you, and we can actually bring it here to the group and do kind of an abbreviated version. It would be an hour long if we did the whole thing and would probably take up too much time.

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

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

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

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

    Our four-year rate pretty much tells
us where our five-year rate will be, and based on
that, we know we're going to the 75, and the
following year, we're going to the 76 plus, which
is -- which is our goal for five years to get from 67 to 76. We will not obviously stop at that point, but you know, the SIMR will have -- we will have completed the SSIP process. So we're extremely excited that we are making -- continuing to move forward, but we're also even more excited that we're actually closing the gap, and you can see that.

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

This is really, really good news, and we were really excited. I actually got up at the regional meeting, because they just kind of clapped the first time, I said, "That's not
sufficient." I said, "You've got to -- you've got to whoop this one up a little bit more because this is about what you've done," and I did say to them, "I'm not very rah-rah so you don't get much rah-rah out of me," but I did get up and say, "You guys got to do something a little more than this because this is really special."

So questions?

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

MR. HUSSEY: Well, they are not in the numerator; they're in the denominator. So they're a part of -- when they do that equation,
they are a part of the larger group that the numerator is divided into. But they don't hit you -- they don't hit you in the numerator, so they're not included in that piece so it has less of an impact.

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

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

We are also working with TOPS at State to develop a new assessment tool, and DLM is
a tool that's out there and some districts are using that. What DLM does is gives you a summative score around the standards, but it also gives you formative information throughout the year.

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

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


MR. HUSSEY: So the trainings are going to be starting -- we don't implement till '18-19, but the training is going to be started. So there's a lot going on there in those three
years. That will help districts not get hit with that when we go to the alternate diploma.

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

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

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

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

MS. HOLLER: Okay.

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

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

MS. HOLLER: No. It's okay.

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

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

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

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

MS. HOLLER: Okay. Got you.

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

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

MS. HOLLER: Okay. Thank you.

MS. VLASATY: Bill?

MR. HUSSEY: Yes.

MS. VLASATY: This is Jennine Vlasaty. I also want to let you know that I am on
UNCG's School Education Board so we did meet last week -- last Thursday and Friday, but I'd be happy to help in any way possible.

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

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

MR. HUSSEY: Okay.

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

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

MS. OUZTS: Uh-huh.

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

MR. HUSSEY: Right. Right.

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

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

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

MR. HUSSEY: Right.

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

MR. HUSSEY: They are -- they are included in the entire school, but they are also -- they are looked at differently. So
there's a different way in which you -- you know, you do look to see how people scored, and that works towards your overall school score, but it's -- they are different.

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

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

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

MS. HUTCHINSON: Can I make one
comment about the graduation rate, and it's just a
simply a comment.

MR. HUSSEY: Sure.

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

MR. HUSSEY: Oh, yeah.

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

MR. HUSSEY: Absolutely.

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

MR. SMITH: Just a quick question.

MR. HUSSEY: Sure.

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

MR. HUSSEY: On the graduation rate?

MR. SMITH: Yes.
MR. HUSSEY: Well, what we asked essentially -- because when we started with the SIMR, we tried to find specific things that we could show real significant growth and move the needle, and we couldn't find specific things to move the needle far enough to make a difference.

And so what we did was, we went with three big buckets. We went with academics, we went with behavior, and we went with transition.

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

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

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

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

So as that four-year increases, our numbers around our five-year will decrease. It will continue to move forward, but we won't -- it won't look as exciting as it does right now. We're just at that cusp. We're getting ready to
hit that point where it will start to have an
inverse effect on actually what's happening with
our five-year cohort rate.

MR. SMITH: Thank you.

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

MR. HUSSEY: They're in our wiki.

MS. HUDGENS: The template's online.

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

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

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

And so if you're not part of that
stakeholder group -- there are parents on the
stakeholder groups in every district.

MS. HOLLER: I have a question.

MR. HUSSEY: Sure.

MS. HOLLER: This is Katie Holler. And I just wondered about, like, policies and procedures. Are each district kind of able to develop their own policies and procedures regarding the timelines of, you know, going from Tier 2 to Tier 3? I mean do they---

MR. HUSSEY: MTSS?

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

MR. HUSSEY: There are no -- so unlike 90-day timelines and 60-day timelines that we have inside of EC, there are no actual timelines in the MTSS process. One of the questions we're talking about, and we're having a huge discussion here inside the Division and with MTSS, is the issue of suspicion of a disability. And so that's -- as you're moving through that process, you have to have cumulative data that would basically give you the indication that through intervention, through the process itself, and through the assessments that you're using --
progress monitoring, formative assessments, summative assessments, whatever the tools -- and if you look at the SLD part, in particular, you'll see what is called a comprehensive evaluation process where you list everything in there that we would consider in that.

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

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

MR. HUSSEY: Sure.

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

MR. HUSSEY: You can ask for testing and you can ask for an evaluation. So if you're in MTSS and you're in the core -- so you haven't even moved to an intervention tier and you, as a
parent, would like to have your child evaluated, then you put that -- you know, you put that request for evaluation in, and it occurs. There's nothing inside of MTSS that stops the process of a parent's ability and right to ask for an evaluation.

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

MR. HUSSEY: About which part?

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

MR. HUSSEY: They can ask for an evaluation.

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

MR. HUSSEY: Yeah. They can follow inside the evaluation, and then -- you know, now we're talking about eligibility. So the assessments are defined at that point as to what
you would get. In the SLD piece, you're assessment is the process.

    MS. HOLLER: Right.

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

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

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

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

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

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

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

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

    MS. HOLLER: We may need some additional clarification on that because it was like, "No, you can't have a 504. You can't receive the testing until we do this MTSS
process." So I think it might not be clear in
their minds, so I just wanted to make sure you
knew that.

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

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

And if so, those interventions that
might have been occurring in general ed would
occur concurrently with the evaluations so that
you have data from that process to help inform
your eligibility process when you are finished
with your assessments and trying to determine if,
in fact, that suspected disability is a
disability.

MS. HOLLER: Thank you, Carol Ann.

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

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

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

MS. HOLLER: Thank you.

MR. HUSSEY: Nancy's out there
waiting so we need to move on with that one. I'll be here -- I have to leave in the middle, but I'll be back. So if there are other questions about anything that we've talked about, I'll be here to answer those.

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

MS. OUZTS: Nancy, can you hear us?

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

MR. HUSSEY: Actually much better than yesterday.

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

MR. HUSSEY: Good.

MS. OUZTS: Okay. Go ahead.

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

MS. OUZTS: Yes.

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

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

If you could go to the next slide.

Thank you. Some of the areas we're going to talk about this morning are the risk ratio threshold, the cell size, the N size, and reasonable progress. We're going to spend most of our time on the risk ratio threshold. Just as a reminder, the risk ratio threshold we have to decide on, a risk ratio is looking to see how likely a student with a disability of a certain race or ethnicity is likely to be included in whatever it is you're talking about in comparison for all students with disabilities of all other races or in comparison to the enrollment population of the district. It depends on if you're looking at identification, placement, or discipline.
So, for example, if we were considering African-Americans in short-term out-of-school suspensions, how likely are they in comparison to all students with disabilities of all other races to be included. And currently, just keep in mind -- and we'll be getting to the slides with the numbers and math, but currently in our state, we generally use a 3.0 risk ratio as our threshold for disproportionate representation.

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

And the N size, then, is either the number of students who are Hispanic and the total disabilities population if you're looking at discipline or placement. If you were looking at identification, it's the number of Hispanic
students in the overall enrollment. And OSEP has
told us that an N size in any of those three areas
would be -- a reasonable N size would be 30 or
less.

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

Okay. If you could go to the next
slide. This is some just new information I wanted
to update you on so you can have an understanding
of when we have to do these calculations and how
our current year's data will impact these
calculations. This is for school-aged students
ages six through 21. We -- you may recall that we
have to be ready to implement these regulations
July 1 of 2018, and that means that we will use
this for the first time when we do our
determinations in the spring of 2019.

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

With discipline, it's very
important -- and that's why I'm not there with you
today. I'm out speaking to all of the regional
meetings, and I'm in the Western Region today to
talk about significant disproportionality and the
new regulations because discipline, the current
year will be this school year's data, the 2017-18
disciplinary removal data for suspensions that districts will be submitting to us in the fall of 2018 -- it will be the current year. So just for you to be aware that those new -- the new regulations will be applied to this current year's data.

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

If you can move to the next slide.

Okay. This slide is, we took a look at--- Oh, I'm sorry. Then children ages three through five, preschool, we have to include beginning July 1 of 2020, which means they will be included in determinations in the spring of 2021. And so for identification, the current year would be December 1, 2020, and the previous years wouldn't start until next -- you can see the second previous year is the December 1 child count of 2018. So we haven't collected any data yet related to that.
For discipline, the current year would be the 2019-20 school year that districts will be submitting in the fall of 2020, and then the two previous consecutive years if we go with the consecutive years. You can see that green arrow indicates that this year's 2017-18 discipline data would be one of the previous consecutive years. However, we need to keep in mind that we don't currently collect suspension and expulsion data for preschool children, so we won't have data for discipline for them in the 2017-18 year.

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

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

Bill, were you asking me a question?

MS. OUZTS: No.

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

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

So based on that, any district with -- for example, in the all students with disabilities column had to have at least ten students with disabilities identified. So a small charter school that had less than ten students
with disabilities would not be reflected in this
data as an example or we wouldn't -- we would not
have calculated a risk ratio for them.

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

So we will have to continue all seven
of those areas, but you need to remember that we
have to do these calculations for all seven race
categories as well. So that's 49 calculations and
analyses we do just for identification. You can
see on the red line, our current regulation with
the risk ratio of 3.0, these are the districts
that we had mostly on the warning list for this year. There were -- there was only one district who was actually identified with significant disproportionality because they had been -- they had disproportionate representation for three consecutive years in one of these areas. But all of these other districts were -- the numbers were on our warning list for this year.

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

Now some of them are on the list for different races and ethnicities including African-American students for some of these. Some of them are on the list for white students with disabilities. For example, in the area of autism, I believe all five of the LEAs are on the list for
white students who are three times more likely to be identified than all other students of all races, and there is a mix of white students and African-American students in the other categories.

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

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

And then if you continue in the all and go down, if we used and continued the risk ratio of 3.0, we would have 39 LEAs on the warning list, which is more than the 23 we currently have on the warning list for all disabilities, but not
nearly as many as 2.5. As the risk ratio threshold goes up, 3.5, we would have 29 LEAs; a risk ratio of 4.0, we would have 22 LEAs; and a risk ratio of 4.5, we would have 16 LEAs.

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

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

So we have to keep in mind, first of all, what's good for students and making sure we don't go too high with our risk ratio. At the
same time, we have to consider -- and OSEP has
let us in past years factor this in -- that we
have to consider the capacity that the State
has to provide technical assistance and
professional development to districts who have
disproportionality because if we are beyond our
capacity to assist, then we won't be able to
resolve the problem either.

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

While I'm not going to go over each
of these numbers, I will, in just a minute, make
sure you have an opportunity to ask questions, but
you can see the numbers increase the lower the
risk ratio was and they decrease as we move up in
the risk ratio amount. But I will say getting up
to 4.5, that's really a high risk ratio to say
that we think it's acceptable that kids are 4.5
times more likely to be included in a category
just based on their race. So that's
identification.

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

So this chart is about discipline,
and again, this is based on risk ratios that we'll
be required to use rather than the state average
rate, twice that, that we currently use. And
this, again, is based on a cell size of ten and an
N size of 30, and the N in this instance, again,
is compared to the district's students with disabilities population. We don't have anything to compare this to because we don't do our discipline calculations this way currently, but I can tell you the way we do discipline currently, we have 13 districts on the significant disproportionality list currently this year, with another 16 on the warning list. So that's 29 LEAs that are in jeopardy of having, in the future, if we continue to do it the way we do it -- in the area of discipline. We have more districts that way.

But if we -- all of these are new calculations based on the new regulation, and it is also based on the five categories that we're required to look at: all suspensions, out-of-school suspensions greater than ten days, which we currently look at; out-of-school suspensions one to ten days, which we don't currently calculate--- We only calculate those when they accumulate to more than ten days. ---in-school suspensions that are -- in-school suspensions that are greater than ten days, which we currently look at; and then in-school suspensions that are one to ten days for any
student based on their race and ethnicity. And, again, with this, we have to do this by the seven races for each of these five categories, so that's 35 calculations that we're looking at and analyzing, and we don't currently do this when we do look at this in-school suspension greater than ten days.

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

Now some of these LEAs are the same in these three categories here, but not all of them, and I did not have time -- because I ended up having to look at placement as well along with
that. There are -- altogether between the three areas, there are 98 calculations and analyses you have to do, and I did not have time to go back and check which districts were -- how many districts altogether that would be.

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

Just so you know, the 29 LEAs that I told you that were on the significant disproportionality list or warning list right now, they are for out-of-school suspension short-term that accumulate to more than ten days. So it's related to this middle column, but it is not exactly like that. So it is definitely more than
29 -- 59 is definitely more than the 29 LEAs we would have right now.

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

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

I do need to let you know we are allowed to have different risk ratios for each of
the 98 calculations. The feedback we have received so far is people want us to be consistent across the board because it would get very confusing, for example, if we had different risk ratios for all of those, and I will tell you also for us to do the analysis based on different risk ratios would become much more complicated for us and take more time. So it wouldn't be very efficient. But we could, for example, have a risk ratio of 3.0 for identification and placement and a 3.5 risk ratio for discipline or vice versa. We could have 3.0 for placement and 3.5 for discipline and identification. So keep those in mind when you submit your advice to us about the risk ratio.

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

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

Now related to reasonable progress, the other area that we were hoping to have data for you on -- and Matt Hopkins, who is also in one of the regions presenting today, is helping with us on that area, and we have looked at a number of different things, but in talking to different states, I can tell you so far there are only one or two states who have decided on what they're going to do with reasonable progress because this is the hardest one to fix. Once we know for sure what risk ratio we're going to be looking at, it will be easier for us to decide how much we have to reduce a risk ratio to consider reasonable progress because it could look different if we select 3.0 as a ratio versus a 4.0 risk ratio.
One state is looking at the gap between the district's ratio risk ratio and the risk ratio that they have selected. That's one way to do it. The other way to reduce a risk ratio is to look at just a small percentage point of that risk ratio. Like let's say if we were using 3.0 as the risk ratio and they're above that, they might have to reduce their risk ratio by .25 to be considered reasonable progress. That is an example. So those are the things we're playing with now, but it takes a little bit of time to figure all of that out. We will have more information related to you about that as we start revising our procedures based on advice we've received from the stakeholder group.

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

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

     THE CHAIRPERSON: Nancy, this is
Leanna---

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

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

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

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

In fact, I will tell you this year in
identification, we do have several charter
schools.

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

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

DR. CARPENTER: I have a question.

Nancy, this is Dale Carpenter. The next-to-the-
last side that you had which is the "Effects of
New Requirements, 2016-17 Identification Data," so
that I don't misunderstand -- and you explained it
really clearly, but I may need it one more time.
The row that says risk ratio C equals 30 is
currently what we're doing. The one that says N
equals 3.0, that would be according to the new regulations, and so there are different numbers. What's the difference one more time?

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

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

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

DR. CARPENTER: Yes. Thank you.

MS. OUZTS: Yes. Thank you.

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

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

DR. JOHNSON: Yes.

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

So how will that discipline be
collected for five-year-old students that were
five the previous December, if that's the date, in
a traditional school environment?

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

MS. OZTS: Yes.

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

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

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

MS. HUTCHINSON: [Inaudible].

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

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

MS. OUZTS: Did you get that, Nancy?
DR. JOHNSON: I didn't quite hear --
no, I didn't quite hear what she said.

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

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

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

Again, it's important to know -- and
just related to all of this, while we're looking
at this because we're required to from a special
ed perspective for students with disabilities,
these are not special ed issues. They are
schoolwide issues, how kids are being disciplined,
and I can tell you that some of the districts that
are disproportionate in how they discipline
students who are disabled, they are also
disproportionate in how they discipline all kids.
And identification is also in that realm, if
they're disproportionate in how they are referring
kids in some instances.

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

But, yes, we will, and I'll make a
note of that, that you-all mentioned the
importance of professional development. And,
again, that's why OSEP is also sharing with us. We have to consider our capacity as a state to assist districts with all of this.

THE CHAIRPERSON: Are there any more questions for Nancy?

(No audible response.)

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

MS. DANIELS-HALL: No.

THE CHAIRPERSON: No. Okay.

MS. DANIELS-HALL: Not now.

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

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

Just briefly, kind of the next step, so you'll know, we're going to be taking any additional advice you and the other stakeholder groups give us on the risk ratio analysis, and then we're going to work on the reasonable progress. In the meantime, our internal
stakeholder group will be working over the next couple of months to draft our revised procedures which we'll get out to you and get your advice about, and then we will be [inaudible] taking those out for public comment as well.

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

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

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

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

DR. JOHNSON: Yes. We are going to be meeting as an internal stakeholder group near the end of October. So within the next couple of...
weeks, if I get some feedback, that would be great because -- at least on the risk ratio analysis because we can't really work on the reasonable progress until we have something somewhat finalized about the risk ratio analysis.

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

THE CHAIRPERSON: Okay.

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

THE CHAIRPERSON: Is there any more for Nancy?

(No audible response.)

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

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

THE CHAIRPERSON: Thank you. Can we take maybe a five-minute break since we've been at this for a few minutes to go use the restroom or
anything for anybody that needs to go. I think I see Jason back there.

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

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

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

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

I'm going to talk to you a bit today about -- I think on the agenda it just says open meetings, but I'm also going to talk about public records. The two really go hand in hand. So I'll start with public records, move on to open
meetings, take questions, and hopefully be able to catch us back up and get you out for lunch fairly early.

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

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

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

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

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

If we can move onto the next one. Specific examples that you-all, you know, would probably deal with the most would be e-mail,
e-mail attachments, and text messages, which are sort of unwieldy to handle when there are public records requests. And I know that this group advises with regard to policies and directives, so those would be public records. Drafts of reports, the word "final" actually shouldn't be in there technically. Any draft is a public record, whether it's the first draft of something or the final draft. Correspondence, memos, meeting agendas. These are examples of some of the records that I think you-all would handle most often.

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

And the next slide. So really what you-all probably deal with the most, what this Council deals with would be student information.
So while these exceptions are not listed specifically within North Carolina's public records laws, you can find other exemptions scattered throughout the general statutes and a lot of them are in Chapter 115C where the statutes governing public schools in North Carolina live. You can find others in federal law. The federal law that would most apply is FERPA, the Family Educational Rights and Privacy Act. So student files, other education records, former student records, student PII, that's all information -- those are records that are not subject to the public records law, meaning they're exempt and we can keep them confidential. Mediation records for students with disabilities, special education records, those are probably the most relevant for you.

MS. HUTCHINSON: What's PII?

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

So the federal law is interesting because it protects both the education record which would be like a transcript, right, a document, and it protects PII so information on that record. And sometimes -- you know, most of
the time, those are going to be the same thing,
but sometimes you'll have a record that is not an
education record, but it contains PII. And so
that's where -- you know, in an instance where you
have a document, a record that's not an education
record, like a transcript, but it does contain
student information, we would just redact the
student information, but the rest of the document
would be public.

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

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

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

So time to respond. The law is as clear as the law ever is. It says reasonable time and manner. So what is reasonable? That really depends on the circumstances. If someone were to ask for a copy of today's agenda, I think it's pretty reasonable for us to turn it over today, not to, you know, wait a month. If they're asking for, you know, a large amount records, every e-mail sent from -- you know, sent or received from or to Jason Weber, State Board Attorney, for the entire time that he's worked at DPI, that would take longer to pull all of those and to review them to see if there was anything to be redacted.
So what does this mean for you? Or is there another slide? There might be. Oh.
Protocols. So what does this mean for you?
Thankfully you really don't have to deal with this too much. If you ever receive a request for documents, whether it's a request for materials that have been presented or made available at one of your meetings, if it's a request for your e-mails, what you can do with that is just forward it to DPI Communications or to our wonderful EC staff and they'll forward it to DPI Communications, and we'll really handle it all for you.

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

And so the remedies are sort of interesting. If we deny a request, then the
requester has the right to file a lawsuit in Superior Court, the Court could compel the release of the records, and there could be attorney's fees. And, again, nothing really that you-all would have to get into. It's more just our obligation to help support you and respond to the request and comply with the law.

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

But also think about it when your stakeholders are communicating with you. So one thing at the Department we'll get a lot of are
e-mails or letters from parents who are having situations within an LEA, and in that letter or e-mail, they'll include information about their child, about staff members at the local level.

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

Are there any questions on that portion?

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

MR. WEBER: The attachments would also be subject to the public records law. So you would have to look at them to determine whether or not they are actually public, but the attachments
would be -- there's an open question that's never been litigated about what's called the metadata within an e-mail, rights of the "to" and the "from."

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

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

I don't know if the Council has e-mail addresses through DPI or if you use
personal e-mail. So just keep that in mind. Just because it's on your personal e-mail, you know, it's a server in New Jersey or something backed up on Gmail, those things are also going to be public, and we can't just, like, offload all of our records to some storage site and say we don't have it. You know, it's---

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

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

MR. SMITH: Thank you.

MR. WEBER: Any other questions?

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

MR. WEBER: So copies -- agencies do have the ability to charge whatever the actual cost of making copies is. So, quite often, there is no cost because requesters will ask for records
in electronic form, and usually, those can be provided through e-mail or Dropbox, Google Docs, but sometimes, you know, there might be enough records where we have to go out and buy a flash drive. If the agency wanted to, they could charge for the cost of the $5 flash drive.

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

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

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

MR. WEBER: Anything else?

(No audible response.)

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

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

And, also, it's important to note that the open meetings law applies not just to the body itself but to subcommittees. So if this Council has an executive committee or has other subcommittees that focus on, you know, different aspects of the business that the Council conducts,
those subcommittees are also, you know, even in their smaller sense, considered to be public bodies that are required to have open meetings. So if the executive committee were to meet next week on some issue apart from the entire Council, that's still a public body, and if there's a majority, then that meeting would still have to be noticed.

MS. HOLLER: What about a stakeholder group?

MR. WEBER: So outside entities, it's a little more gray. I would just say that, you know, internal staff -- so if the EC Division gets together to talk to one or two of you, that would not be considered a public body -- a meeting of a public body. It would not be subject to the open meetings law. Stakeholder groups -- I mean there's no clear requirement. So I think -- what I think this Council would need to be aware of is whether and the number of council members who might be attending that stakeholder meeting. So just be cognizant of, you know, if a majority of this group were to go to that stakeholder meeting, then it could a meeting that is subject to the open meetings law, or again, if a subcommittee of
this Council were to attend a stakeholder group
meeting and there was a majority of the
individuals who were part of that subcommittee at
that stakeholder meeting, then it's something that
would have to be noticed and follow the other
requirements.

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

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

So that's also something to take into
account. I mean if it's a select stakeholder
meeting where folks have been invited, that might
be a little different. But if it's something
that's supposed to be open to, you know, let's
say, school and community members, parents,
students, I mean there's probably going to be
notice and, you know, date, time, and location.
Everything that would be required under the open
meetings law would happen there.

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

You can go on to the next one. Okay.

So now that we've crossed the -- you know, to whom
does the open meetings law apply, let's about
which meetings. So the law references all
official meetings where a majority of the members
are gathered as long as the purpose of the meeting
is to execute one of five functions. So those
five functions are listed: legislative,
policymaking, quasi-judicial, administrative, and
advisory.

So I think the three most applicable
to this Council would be the policymaking, the administrative, and the advisory purposes. If a majority of this Council meets to execute one of those functions or if a majority of a subcommittee of this Council meets to execute one of those functions, then the open meetings law would apply to that meeting.

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

And then that last point is actually kind of interesting. It doesn't matter when, where, and how the meeting is held. So if it's in person, if it's a conference call, Skype, if you're on -- I always use the example that the State Board actually took a trip up to DC once, and a majority of the members of the board were on the same bus, and because they had a majority of the board on the same bus and they could talk about one of these five things, we actually
noticed the meeting and we allowed reporters and anyone else who wanted to ride the bus with them up to DC, and a couple of reporters actually even decided to go along with it.

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

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

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

And also important to note for
meetings, it does not apply to social gatherings. So even if a majority of this group were to get together for a purely social gathering, that would not be something that would have to be noticed because you wouldn't be gathering for one of those five purposes. The Council would just have to be careful during that social gathering not to accidently start talking about policy or doing anything else that you would have to do in an open meeting.

So what should we be doing -- what should the Council be doing and the Department? So if you have a public body and you have a majority of the members of that body meeting to conduct public business and public notice is required, that notice has to include the purpose, time, date, and location. The length of the notice depends on the meeting. So regular meetings, usually there's a calendar with a schedule 30 days or more in advance. For special meeting, those require two days' notice. So the State Board will hold those meetings every now and then if they're responding to litigation or something else that requires a special meeting. Emergency meetings, really I've never had to deal
with. That would be -- you know, a body has to meet to prevent death, some kind of catastrophe happens. Yeah, it's nothing that we've had to deal with at the State Board level, and the Council probably wouldn't have to deal with.

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

So there is during an open meeting -- so during a public meeting, there are opportunities to go into what's called a closed session. So this is where the open nature of the
meeting would end or at least be interrupted for
the body to then go into closed session, which is
outside of the public eye, meeting just with
themselves, not members of the public. And that
can only happen for a certain number of reasons
that are listed in statute, and it only happens as
part of an open meeting, so during an official
meeting, after the public body makes a motion and
gives a reason.

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

So closed session is allowed for
discussion of confidential records. If there is a
reason to be discussing specific student
information where there are student names and
education records. Attorney-client privilege
matters. If this body needs of legal counsel and
advice with regards to a matter, then that's
something that would allow us to go into closed session. Contract negotiations, personnel --
probably won't be working with that too often here.

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

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

Okay. If anyone wants to learn more, I have some websites for you. The Department of
Justice has some really good stuff with questions and answers. Elon keeps an open government website, at least they used to. There's the Open Government Coalition with interesting information about both public records and open meetings. There's Sunshine Week, which I can't remember -- I think -- I would assume it's during the summer, if not during the winter.

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

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

THE CHAIRPERSON: Any questions from anybody?

(No audible response.)

THE CHAIRPERSON: Thank you very
much. You have a great day.

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

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

MR. WEBER: Thank you.

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

(No audible response.)

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

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

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

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

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

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

THE CHAIRPERSON: Yes.

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

THE CHAIRPERSON: That's what I was thinking was to raise the risk ratio slightly with a goal to hopefully as we address the schools that are in most dire need of support, once we get them
on track with something, that we could possible
later go in, and now our target would be to from
3.5 to 3.0 to -- you know.

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

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

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

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

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

MR. HUSSEY: This is adjustable
annually so you could up and down depending on
what you -- what you see in the way of need.

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

MR. HUSSEY: Yes. Yes.

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

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

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

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

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

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

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

MR. HUSSEY: I think another place
that you make arguments -- and it really doesn't
matter about the risk ratio, whether we go up or
down -- is other than -- placement and identification are one thing, but in discipline, this isn't a special education issue. It is certainly an issue in special education, but it is not a special education issue.

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

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

But the whole point of that is to get that part of the disproportionality piece in the regular education world and start talking about it because a LEA that's disproportionate with EC who
makes a change does it in concert with regular ed. They cannot do it by themselves. If they're not working together, it doesn't happen. So we're going to try to push that word by sending our people -- our PBIS people to the regular ed side of the world and say, you know, you're now under MTSS.

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

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

But are there any ramifications in terms of loss of funding for an LEA, loss of
funding for the State from the feds, you know, depending upon what level gets picked and how many are then showing as not meeting that?

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

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

MS. CARTER: Right, right.

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

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

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

I guess I would want to make sure
that we don't do that penalty that's going to make
them even worse the next year.

MR. HUSSEY: These are real issues.
The expansion and the way they did the expansion
this time around, which is going to include many
more schools, is -- you know, there are certain
things -- and, again, Matt, one of our guys, in
talking in our meeting made a very real point
because LEAs are going to see themselves --
because right now you can be disproportionate for
keeping kids in school but working them through
in-school suspension programs, and you know,
there's -- so you don't suspend the kid.
You keep them in school, and then you
do something, and when you do in-school
suspension, you have to provide special ed. So
whatever hours of service you get, even if you're
in in-school suspension, you have to be provided
that service. So they're being maintained in the
service delivery model. They're staying in
school.

They're not in their regular classes,
and that's a problem. When you look at it, there
are districts and directors who feel as if they're
getting punished for doing something to keep kids
from being suspended. But then you do have to come back and realize that what we're talking about is three times the average, and so it really is -- I mean it's a significant issue even if we -- you know, if we do two and a half or if we do three times or -- and that's why it's hard to see how we could do anything higher than 3.5 because at that point in time, you're talking about four times the average.

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

So it's a confounding piece, the way they've changed it because, again, you always have to wonder about the logic, and they're trying to make a point and they're going to make that point with this significant proportionality. But, like I said before -- again, the unintended consequences are not only are we getting -- you know, not only is white becoming a disproportionate issue for autism, but in charter
schools, it's becoming a disproportionate piece in multiple sets, in multiple ways because of the fewer number of minorities in those schools, and that becomes an issue and a problem.

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

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

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

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

MS. HUTCHINSON: I think it would be extremely different. I think you have to be
specific because, speaking from, like, a
district's perspective, if you're going to -- it's
not a secret that disproportionality exists, and
there's not a director in the state that doesn't
have in the back of their mind what areas of
exceptionality and races are getting close. So if
there was an easy fix, I guarantee you we have
some great people in districts that would have
done that easy fix.

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

But there are a number of
districts -- if a student was to go to your
district and they are pushing the limit on Asian
ID mild students and, you know, you were in the
referral process, I might hesitate to jump at a
placement if I knew that was going to put me over that threshold and I was going to lose 15 percent of my budget.

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

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

MS. HUTCHINSON: But you can reevaluate.
MS. MULLIS: Right. You know, so I mean it's -- you know, it's a game, I think, to play with the numbers.

MS. HUTCHINSON: [Inaudible].

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

MS. HUTCHINSON: Like the LEA self-assessment.

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

And so when you're trying to get out there and solve that, it's really you should be
looking at what your data is. So are you disproportionate and how do you lower your own disproportionality to a certain point, and that's -- if you had an ideal situation, that's the way it would happen.

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

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

Again, there are lots of states that are moving to that 2.5. So, again, I think that it is something you-all have to think about what
you want to do. You know, it's not just about the resources; it's also about who you then start to pick up when you start to go down because there's a place where you get pretty much everybody if you're not careful, and that's -- so then you've got another problem.

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

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

    MR. HUSSEY: And so what a lot of -- what happens in a lot of those places is kids will be placed in alternative schools if they've that got suspension issues. So they get placed there. That's a negative because you can find yourself,
you know, disproportionate with special ed kids in the alternative schools because they're putting them in there. And then the issue I mentioned about in-school suspension where you're not suspending and that's a strategy, but now they come back and look at that, and you can lose that 15 percent by having too many kids in in-school suspension.

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

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

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

There we go. Well, good morning -- afternoon. It's afternoon. My name is Amy Jablonski. I'm the director of Integrated Academic and Behavior Systems here at the agency. We're a new division that was formed July 1, 2015,
and one of our huge focuses is the statewide implementation of a multitiered system of support, the four letters of MTSS, that are happening.

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

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

And actually this became very counterintuitive versus complementary of each other. The reason why is that we were isolating
academics and behaviors apart from each other, and we recognized we can solve academic problems with behavior solutions and behavior problems with academic solutions, but the way the agency rolled this out, which mirrored across the nation, was almost to put these in competing forces instead of something that could complement each other.

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

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

The field also asked, "Hey. Can you
stop having us to go to PBIS and RTI and tell us
to put it together? If you could put it together
for us, that would be great," and that's a lot of
the feedback we got. Plus, we recognized that
schools and districts were setting up so many
teams to address what could be happening in one
team or a different team in structure to address
what's happening with RTI and PBIS.

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

And we recognize that you're asking
the same questions about all students, some
students, or even individual students just at a
more intensive or greater level, and so within the
MTSS framework, we want to make sure that we're
addressing all of these pieces. So we decided
that our MTSS implementation plan and rollout
would be a combined force with the LD policy
change to get everybody ready. Otherwise, it would be we'll do the LD policy change. Then we'll come back and do MTSS. It just didn't make any sense because you're asking the same questions.

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

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

The whole thing about MTSS at its most basic level is a framework for school improvement. So some people will say, "Well, I have kids in MTSS." Well, you have all kids in school improvement. So one of my colleagues, she'll say that's like the "Hotel California." Once you check in, you can never check out. Everybody's part of MTSS -- every staff member, every community member, families. All students are part of MTSS. You actually can't get out of it. We don't just have one school improvement person doing school improvement for some kids;
MTSS is a whole entire model that we implement to get full school improvement and really district improvement as well.

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

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

And we pull them back and say, "Let's look at your system design. You're only getting
the outcomes you're getting because you're
designed to get them. So what do we need to
change?" We talk about things like master
scheduling. Does every student have an
opportunity to core plus more during the day?
Everybody should be granted that. Do we have
classroom time protected, or are kids popcorning
out all over the place? We talk those really hard
questions, like how do you support staff to do
whatever it is you're asking them to do. We make
sure that all of our students have access to the
standards. Otherwise, we can't even guarantee
that they've even seen the standards in the
classroom space.

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

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

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

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

And so the work of MTSS is finding those gaps and addressing those gaps and taking a look at how else we can move our district. The building capacity and infrastructure for implementation rests a lot within implementation science or implementation strategies. In education, we have to agree that we are just awful at implementation, but we're also not great in our personal lives because, I don't know, where are we at? September 20th. My question is, like, how are your New Year's resolutions going? And some
are like, "Oh, I don't do them any more because they're never going to stick."

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

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

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

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

We don't inform them of the fact that they are experiencing it, and that's a huge stakeholder group that we don't talk to. And when we're talking about chronic absenteeism, we don't talk to the kids about why they are absent. We just blame something. We don't talk to them. We don't communicate with them. We don't get their feedback. Plenty of kids are chronically absent because is hard, and I don't mean just academically. It's a difficult place to be, and if we're not conscious of not talking to them, we're leaving out our clients, our customers, and that's who we're actually leaving out. So help our districts and schools focus on let's talk to the kids. That's who's going to give you a great insight.
And also vertical development, we want to talk to our parents. We talk to our parents a lot because they will be able to tell the schools why is it that in third grade kids, you know, walk down the hall this way and in the fourth, it's totally different. It's the same school. And so they can give us great insight too into that vertical -- possible gaps that are there.

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

Like, was it done with fidelity? Of course, it was. What did you do? We taught literacy. Well, what did you do? You know, we want to know was it implemented with fidelity.
I'm talking about individual kids getting certain interventions or supports, who's getting them and how are they getting them and was everything that you're doing -- did you do what you said you were going to do. And data evaluation helps us focus away from just looking at outcomes and blaming outcome data on other constituents.

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

And when we start plucking and saying we're just talking about this kid, this kid, this kid, this kid in isolation, there are so many kids that we have to be able to have larger scale problems that we can solve versus lots of individual kids. There's no time to do that and it's very ineffective. It's -- remember in Flint,
Michigan, with the water crisis that happened, it wasn't just about kids getting sick and people getting sick; you had to actually fix the water versus going and looking at every single person who was ill.

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

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

If we're not doing things -- like,
we've talked about class rosters. When I made
class rosters, that's a huge responsibility.
Like, I remember sitting -- has anybody made one
or been a part of that process? It's like a world
dilemma. It really is.

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

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

And so when we talk about MTSS and we
talk about class rosters, we point people back and
say, you know, "We can't control much, but we can
control which class kids are in." So if a student
has, like, a first-year teacher like I was or a permanent sub or just the water was off with that class that year and things were just difficult, then we say, "Hey, those kids should be guaranteed the highest level of quality instruction for two consecutive years to make up for that year." We can control that, and those are the things that we put focus on. Again, we like the kids, but we have to make sure the adult structures are in place to mitigate as much as we possible can.

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

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

So I'm going to talk about these just briefly, about what each of these tiers are because a huge piece of language that we use within professional development and how we work with our staff is that in core instruction everybody has to be in core instruction. Like, all kids get core instruction. It is the only and best prevention any school or district has, and I say that because, for example, I have no control over my medical history. You would agree? You don't know my family. If you do, that would really freak me out. But I have no control over what they did, I just got here, but I have control over what I would call my core, like, how much
water I drink, what I eat, work out, and then not stress about doing any of things and somehow sleep as well, right? That's the only control I have. When we focus it that way with schools, they'll go the community, the economy, the this. Like, hey, that's just where you landed. Your core is your only and best support. So let's put more into that where we have our certified staff working with kids, we have our standards in there. Let's put the most into that and get more bang for our buck within core instruction than relying on a ton of interventions.

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

And Bill's a good reminder of this. He's like, you know, kids who are in resource spend 80 percent of their day in gen ed, so we
can't rely on 20 percent of the day to move kids. We have to rely on 100 percent of the day to move kids and have specially designed instruction in lots of different ways to allow that to happen.

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

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

And so core instruction allows for
academics and behaviors to play a part in both.

How do we teach all of our kids social skills?

What are your schoolwide expectations? How you are making sure that cultural responses, pedagogy, and practices within your classroom are based on the population you serve at your school.

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

That triangle -- it has to flip the other way. We're not built to do that. 80 percent of all gen ed funding goes to -- 80 percent of funding goes to gen ed -- lights, chairs, tables, staff, books, whatever -- and so if you have a high number of kids who need help, you're not funded that way either to get that done. So we focus on core supports the most within our model. We do talk about supplemental instruction, and it's layered on top.
We ask for evidence-based practices and programs to be in place that do perform, have students making progress in core instruction. People will say, "Well, this kid went from a letter A to a D" or "they went from a leopard to a shark," or whatever the program is, and the classroom teacher's like, "I'm not seeing it." Well, if you're not making progress in core, if you don't even know what that progress looks like, then what are we making progress towards? We're all aligned for core instruction, and so we want to make sure that those are supplementing and amplifying core instruction.

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

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

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

Man, imagine if amoxicillin didn't work. Like, amoxicillin is so strong. It's like a go-to thing. It's that strong. We want -- we want supplemental to be that strong, that it works just like amoxicillin, that we're going to get big results quickly to be able to close gaps versus creating a greater time of instructional
casualties along the way, if that makes sense.

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

And so we have to have a stronger belief in supplemental supports, and all kids, even through high school, need to have access to core plus more. We have high schools doing great jobs with scheduling changes, on how to schedule to allow kids [inaudible] academics and athletics or transportation or jobs or whatever it happens to be to get help after school to do that work. So supplemental has to be stronger than what it's ever been before, and our districts that are in --
and I'll show you the cohorts -- Cohorts 1 and 2 have been through the module to talk about supplemental, and the work that some of them are doing is just exciting.

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

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

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

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

In our previous model, it was like a kid would walk in a building like, oh, this kid is struggling. Well, you've got to try this low-level intervention first, and then you know it's not going to work and we'll just watch them
fail a little bit longer. Then you can go on to
the next level of intervention. [Inaudible] which
they really need that over there, but we're just
going to have to have them fail longer here, and
then we'll give them the real help. Now that it's
12 weeks after, we're going to go, huh, wonder why
that kid is struggling so much.

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

So I'm going to go back to this slide
because when we moved from the four-tier model to
a three-tier model, things in policy changed and
all of that, the number-one question we got was,
well, where did the EC kids go? Tier 4 was --
Tier 4 was EC. What did you do, like chop it off
and throw it out? Like, where did they go? No,
they're in it. Everybody's in it. Everybody --
the only thing that separates these tiers is the
intensity of the instruction, the intensity of the
support.

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

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

So now what we have our districts do
and take a look at is that anybody has --
everybody has access to all tiers. If a kid walks
in a school tomorrow and it's a gen ed kid and
their data shows they need the most intensive
level of instructional supports, then they get it
then. They don't wait and we don't as adults just
wait and watch them fail more. If they need that,
we give them that.

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

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

So no numbers, no letters gets you a
tier, and that that's been hard for people to
dismantle because like, oh, but it's the most
intensive. Yeah, someone might need it for two
years and they may not have a disability or they
may. I don't know. An IEP team decides that.

You know, all those structures still stay in place.

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

We want to focus on how is everybody performing and what makes this kid -- so we're going to have to look at something special for this kid. We may really have to, but hold on. What if -- what if a bunch of those kids are in that same type of group or perform the same way? Why just this one? Why can't we just extend that lens more and provide more supports when kids need it?
And so combining allows for robust conversations with all different types of stakeholders come with good instruction and curriculum environment decisions for students regardless of what level of instructional support they need.

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

(No audible response.)

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

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

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

MS. JABLONSKI: Yeah.

MS. MULLIS: And I don't know where
the breakdown is, then, from where you guys are coming from to where the actual implementation is, if that makes sense. Because we look at it like, you know, like, okay, and then -- that is so right. It's not a dead-end for EC kids. It's all kids can be helped, you know.

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

Yes?

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

MS. JABLONSKI: So I'll leave this next slide up so I can talk about that too. I
answered both those questions in a way in the comments, is that we believe that not -- everybody doesn't need to know everything, that the idea is to make the system more efficient for teachers and effective for students.

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

So we're doing a cohort model -- hopefully this will answer more questions -- and we have all -- every single school district is in a cohort. They all opted in to be in, whether
they're 1 through 4, and right now we have about
62 charter schools. But we're doing a special
Cohort 5 we're rolling out in January just for
charters, and then those 62 charters can decide to
move to Cohort 5 or stay where are.

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

Cohorts 3 and 4 -- well, also Cohorts
1 and 2 -- went through to look at Module 2, which
is designing a system of interventions, and again,
we're targeting district-level folks because we
want the district to be able to coach and support
those systems of support to the schools. When we
have schools like picking a variety of things that aren't sustainable, then we're not creating a cohesive system. There is no reason in the world why a student who's in elementary school has access to the most intensive level of instructional supports. They go to middle school, and so their gaps are bigger. They have less resources for that kid. Get to high school and it's like, oh, just get them to graduate.

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

Cohorts 1 and 2 just got released. Module 3, which focuses specifically on using everything within the MTSS framework, multiple pieces of data, looking at it the way that policy says that we can take a look at it for evaluation
and identification of specific learning disabilities. That module is focused on that piece. It's connected with the language all the way back to Module 1 because when we say take a look at these questions: What is your core data showing? How do you know it was effective? Because the kids going to get dumped back in core too.

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

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

Did you change your policy and did you support implementation? Right? We're supporting implementation.

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

In using this comprehensive approach, we're looking at attendance data. We're looking at are they tardy to school. We're looking at -- taking a look at suspensions and in in-school suspensions, how much instructional time has been lost. Right? Because even if we find they have a disability, we still have problems to solve. That itself is not solving a problem. That's creating an intensive plan, but that whole plan has to have
the breadth of all the problems that exist. They don't just go away.

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

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

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

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

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

    So people are moving the most rapid with the highest level implementation with the triangle, the three-tiered instruction/intervention model, which is great. That means kids are getting supports, which is wonderful. The place folks still struggle with
is data evaluation because they're struggling 
with what is our implementation data and defining 
that. I'm not talking just about intervention, 
but what we give to all throughout the continuum. 

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

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

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

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

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

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

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

MR. HUSSEY: Yeah.

MS. JABLONSKI: Okay. The MTSS
module is so fun to be building it. We're
building -- it is so fun because the vendor is
great to work with, but they're like, okay, here's
what we have. We're like that's great, but here's
what we need. And we're building a very robust
early warning system in place. We're making sure
that all different points of data come in to flag
kids as early as possible that need supports, but
the whole thing all rolls up to say how we're all
doing first.
The original entry point was, like, student-teacher. Like, no, we don't want individual teachers making individual student plans. No. We want a team approach with experts who know about the concerns to build a group plan for kids to have group goals. That way we can help supports happen, and then we can build individual plans after that.

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

All of our information is on our wikispace, which is there. It's -- you don't join the wiki. You just go get what you want off of there. Our professional development, there's a
Livebinder on there. Everything that we deliver, we deliver in a hybrid approach via self-paced courses and face-to-face. It's all on there in our Livebinder so you can see what districts. We have assessment guidelines on there. It's a rabbit hole of lots of goodness, and then you have the contact information there too.

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

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

MS. JABLONSKI: I'm standing here.

MR. HUSSEY: She wanted to get her
name in there before, but she really is MTSS.

MS. JABLONSKI: Yes?

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

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

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

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

MR. HUSSEY: At all.

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

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

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

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

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

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

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

MS. JABLONSKI: Right.

MS. VLASATY: And that's my point
too, is that you've also said throughout your
presentation that, you know, it's for all kids, all kids. Unfortunately what I seen is it's not for all kids. I mean it's still very -- if you're down there in the trenches, it's still very much reg ed versus spec ed.

MS. JABLONSKI: I agree with you.

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

MS. JABLONSKI: Right.

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

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

MS. JABLONSKI: Module 1, yeah.

MS. HUTCHINSON: Module 1.

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

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

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

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

I was like, "You just changed out your wardrobe from summer for winter. I mean that's all you did. You didn't actually change
the way that you live your life per se. You just changed your wardrobe. You're going to get the same results, which are not great, so don't play---"

MS. VLASATY: You give such great examples.

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

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

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

But I agree with you it is like we can say it and say it and put supports in place for it -- and we do see places changing practices. In Perquimans County, they've made huge growth
within all kids by moving through -- I think
they're starting 2 coming up. I think he said
over a 40 percent growth of all kids by focusing
on core instruction.

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

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

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

MS. JABLONSKI: Yeah, that's
troublesome at best.
MS. HOLLER: If we could, like, clone you and put you in all -- I think that's what we should do.

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

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

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

MS. HUTCHINSON: The cohorts.

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

MS. JABLONSKI: Yeah.

MS. MULLIS: And so that was a struggle to me because I'm supposed to be implementing it this year. We're supposed to be -- this is supposed to be running, and we don't
know. So I don't know. Are we in the cohort --
should my school district be doing that yet? You
know what I mean?

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

MS. BYNUM: Yes.

MS. JABLONSKI: It's all transparent.

Yeah, I'll just send it and she can send it out so
you'll know -- it's on our State Board -- last
month at State Board [inaudible].

MS. HUTCHINSON: May I make a
comment?

MS. JABLONSKI: Yeah.

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

MS. JABLONSKI: Yeah. Yeah.

MS. HUTCHINSON: It is. I'm not
lying. One of the challenging things that I think
you just hit on and probably you're hitting on is
not all districts know what spot in the
implementation or module they're in. So if you're
in Cohort 1 -- like, she was just saying things
that we hear every single day all day long and
probably five people from our district can
probably, you know, reiterate what she did.

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

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

So every school MTSS looks different.
Like, my MTSS leadership team is going to look
different than hers, and the stakeholders that are
involved might have similar roles, but our, you
know, identified implementation plan this year has
very, very different goals than a district two
miles away, and they might not even be working on attendance, and I'm working on attendance. So why would you know that -- you know, in your mind, you're not thinking attendance is MTSS. Oh, for goodness sakes, it is. You know, and she might be working on discipline.

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

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

MS. MOOREFIELD: Just an example, I taught at Falls Lake Academy, which is a charter
school, and we've been doing MTSS -- I think we
started at least looking at the process two years
ago, if not three. And I'm a little cloudy on
part of it. I can only teach part-time because of
my son and all the therapies and everything that
go along with that, but one thing that we did was
we implemented the i-Ready testing which looks
at -- I think it's reading comprehension and
language and math.

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

We each taught a different focus, and
so our EC Department, which is, like, one or two
people -- we're very small -- she had -- I'm not
sure where she got them, but she had all these
lesson plans for each part and each skill that was
involved in those i-Ready assessments. So the kids that were in that small group, they were all there to work on the same thing. And so then once they had mastered that skill, then we looked at, okay, what was another one of their weakness areas.

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

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

MS. JABLONSKI: That's exactly what -- an example of what is MTSS. It's
adjusting your master schedule, problem-solving continuously, and again, we like kids, but what's the implementation to support better outcomes.

Thank you for sharing that.

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

THE CHAIRPERSON: Thank you, Amy.

Let's move into committee time. What specifically do the different committees need to work on? I know we really need to look at this disproportionality -- yes, I said it pretty well -- but is there anything that the Unmet Needs Committee needs to discuss this month or this meeting?

MS. VLASATY: I think just a little bit more about how we can, you know, solicit information from. And my e-mail too not only about attending the conference, the year review, but also ECAC, you know, as our parent -- you
know, our PTI, that we really should be getting a
lot of data from them from their regional offices,
you know, reasons for calls, quantity of calls.
So kind of just brainstorming within the group, I
think, how we can start to collect more data
within the state.

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

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

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

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

   THE CHAIRPERSON: Yes.

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

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

   MS. OUZTS: One of many, right.

   THE CHAIRPERSON: Yes.

   MS. HUTCHINSON: [Inaudible].

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

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

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

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

   So if we want to start with, as I
said, the identification. I'm thinking of staying
where we are with identification at 3.0 for this year. That's my thought. So who -- do you want to go next and just kind of go around the circle that way?

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

THE CHAIRPERSON: Okay.

DR. CARPENTER: 2.5.

THE COURT REPORTER: I'm sorry?

MS. OUZTS: She couldn't hear you.

DR. CARPENTER: 2.5.

MS. HOLLER: I think 2.5.

MS. MEBANE: I think 3.

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

MS. GRADY: 3.

MR. SMITH: 3.

MS. CARTER: 2.5.

MS. HUTCHINSON: 3.

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

THE CHAIRPERSON: Okay. I fully
respect that. So thank you.

MS. MULLIS: 3.

MS. COFFEY: 2.5.

MS. VLASATY: 2.5.

MS. DANIELS-HALL: And 2.5.

THE CHAIRPERSON: Six and seven.

It's very close so---

DR. CARPENTER: 2.75.

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

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

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

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

MS. HUTCHINSON: The one you just stated?

DR. CARPENTER: Yes.

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

DR. CARPENTER: The next one's about ISS and in-school and out-of-school suspensions
MS. HUTCHINSON: Students with disabilities compared to that same subgroup of students for the whole population. No longer just students with disabilities get in that demographic.

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

MS. HUTCHINSON: Within that subgroup.

DR. CARPENTER: Okay.

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

THE CHAIRPERSON: Or whatever the category is. And while I'm sure we all agree that it is never okay to treat children with disability significantly different than others, we recognize it as an issue, and one way of addressing this issue is by looking at where we want our first threshold to be and get those that are beyond that issue or that threshold.
MS. HUTCHINSON: Can I raise a very different---

THE CHAIRPERSON: Perspective? Go right ahead.

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

THE CHAIRPERSON: Yes.

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

But I wonder if there's a school of thought that out-of-school suspension was something like a 2.5 and in-school suspension was something like a 3.0 -- if those were two numbers we were, you know, oscillating around -- because
one of the perspectives that Bill was making is when a student -- as a district you're trying to keep those kids here, and a way to do that is providing programs that provide like in-school suspension where they're still getting their special education time and services, not great, but they're not getting their regular education time.

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

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

MS. HUTCHINSON: We also think about
the things they can get themselves involved in when they're not in school and what---

MS. MEBANE: And it often reinforces the behavior.

THE CHAIRPERSON: Yes.

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

THE CHAIRPERSON: Yeah.

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

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

MS. HUTCHINSON: No.

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

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

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

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

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

MS. HUTCHINSON: Yes, anyways.

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

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

MS. DANIELS-HALL: Uh-huh.

MS. HUTCHINSON: She said you technically could do, like, a different rate for every---
MS. OUZTS: Disability.

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

THE CHAIRPERSON: Yeah.

MS. HUTCHINSON: [Inaudible].

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

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

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

DR. CARPENTER: So it's not just one
kid; it's kids, right, because they wouldn't even
be reported if it weren't -- if they didn't meet
that minimum number?

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

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

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

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

THE CHAIRPERSON: Yeah.

DR. CARPENTER: One student.

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

MS. HUTCHINSON: No. If it was 11
students, let's say, a small percentage would
be -- I think that American Indian is a subgroup
many times. It's not a race that's common, but
across the state of North Carolina, we don't have large, large percentages in some of our districts of Native Americans. So you'd have to have 30 Native Americans in the district to get that cell size of -- or the N size of 30, and then you would have to have ten or more of those students suspended ten days or more. Yes, you're exactly right.

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

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

THE CHAIRPERSON: Yeah.

MS. CARTER: It shows a pattern.

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

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

THE CHAIRPERSON: It does make me wonder the situation of that one school. I mean there might be -- because I've heard there is something that can happen that will bring a school
onto that disproportionality chart, and it's something that is kind of beyond their control to a certain degree. Be it location and being -- you know, just based on -- that's what I've heard, is my understanding. I don't know.

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

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

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

THE CHAIRPERSON: Yeah.

MS. VLASATY: ---and sent to some -- another teacher's room or they're sent to sit in the office. So cumulatively it adds up. So that's not tracked in anyone's data, so I -- I
believe that these numbers are actually understated.

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

DR. CARPENTER: Sure.

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

THE CHAIRPERSON: Yeah.

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

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

MS. VLASATY: No. I totally get it.

MS. HOLLER: That's what I mean.

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

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

MS. MULLIS: I think you also have to look at, though -- and I know that you guys -- a lot of people think -- talk about the younger kids, but if you look at the high school perspective, especially from being in an
inner-city. So right now on our suspension list, we have, I think, 17 kids suspended right now, and six of them are over ten days. They're going [inaudible] to a special school. They got into a huge melee gang fight on a bus. So there was no other choice but ten days and you're -- you know what I mean? -- because you have to set a precedent at a school where I am -- like I am.

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

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

So some of these over ten suspensions, I do understand. Like, you know, you
hear on the radio, oh, I did a toy gun with my fingers and the kid gets five days. Like, I completely get, like, those are -- but when you look at a high school and especially in an inner-city in a large city especially around here and Durham and all that, that's it. It looks like we have a lot of suspension, but they're very well-deserved, you know.

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

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

MS. HOLLER: Yeah.

THE CHAIRPERSON: Yeah.
DR. CARPENTER: And they're all kids with disabilities.

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

MS. MEBANE: Were there interventions in place?

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

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

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

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

THE CHAIRPERSON: Yeah.

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

And we struggle to have good EC teachers in the classroom, and we have a problem of losing great EC teachers, and so, you know, to support those folks in some way, their safety needs to be supported. So---
THE CHAIRPERSON: I mean I wouldn't want to be the EC -- or the administrator of my child, I know that, because I know how she can bite. So I totally understand. That's where it just gets to be a very slippery, tricky road that we're walking down.

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

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

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

THE CHAIRPERSON: No.

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

So I just -- for this one, going smaller because there's very little that we have control of, other than that eight hours in a class
in that school. We can't do the rest of the day, their whole life. You know what I mean? And so there has to be certain consequences for actions, EC or not EC. So that's why I just don't want to go too small on that. I feel like---

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

MS. MULLIS: And age groups.

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

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

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

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

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

MS. MOOREFIELD: Well, I just -- I didn't want to weigh in on anything that I don't really understand, and I just -- I want to make sure, as far as the discipline piece, that kids are not being labeled as bad kids and being disciplined because it's a disability, it's something that they can't control, but at the same time, if a kid, disability or not, is causing a destruction or even a safety concern in a
classroom, they've got to go.

So I don't know. You-all tell me what number that we can make that happen, and that's my vote.

MS. MEBANE: We all wish we knew.

MS. MOOREFIELD: Yeah. And Christy really explained to me because I was getting really confused with the C's and the N's and the cells. I was like what? But I think I understand the discipline a little bit better than I did the identification, and I understand what everything means. I just need some processing time for it to kind of sink in and apply.

THE CHAIRPERSON: Yeah. I figure we will probably end up having a conference call in a few weeks to kind of come to a final decision and make a vote, and then we'll go from there. So we'll have some more time to stew over this on our own as well as you can stay in contact with any of us via e-mail, one-on-one, though, not---

MS. MOOREFIELD: I get it.

MS. CARTER: Just one other question, and it's kind of the point of talking about high school kids, but these numbers are all children six to 21, right? So on the one hand, you would
expect your high school kids might be higher, but
then you've also got that population of your
six- and eight- and ten-year-olds that might
should offset some of that to be able to reach
these. It is across all ages, right?

THE CHAIRPERSON: Uh-huh.

MS. CARTER: I wanted to make sure
because it does seem -- I worry even more -- and
it's kind of to the point of the preschool kids
being suspended -- I worry even more about what
does it look like for kids, you know, K through 5
and what's that suspension as opposed to the high
school, but we can't break it out that way. I
think she said we could, but I don't think we want
to go that way.

THE CHAIRPERSON: I mean I look
forward to diving deeper into the data and
figuring out what kind of recommendations and what
kind of supports our teachers need that we can
encourage the State Board to address in the
future. We had to have a place to start basically
because we don't have any of this data hardly
right now, from what I gather.

So I'm leaning toward a -- you know,
just me -- for the OSS, a--- Gosh, now I have to
take time to think about it. Do you want to go first?

MS. DANIELS-HALL: Okay. I'm doing 2.5 for out-of-school suspension and 2.5 for in-school suspension as well.

MS. VLASATY: Same here.

MS. COFFEY: Same.

MS. MULLIS: I would do threes for both.

MS. MOOREFIELD: I'm still not comfortable.

THE CHAIRPERSON: I understand. That's fine.

MS. HUTCHINSON: Is the question just OSS?

THE CHAIRPERSON: It sounds like we're doing both.

MS. HUTCHINSON: Do both. Okay.

THE CHAIRPERSON: Well, I mean one for one and one for the other, if you need to.

MS. HUTCHINSON: Okay. My opinion is 2.5 for the OSS and 3.0 for ISS -- other way around -- 2.5 for OSS and 3.0 for ISS.

THE CHAIRPERSON: Okay. 2.0 or 2.5 for---
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
didn't hear you.

DR. CARPENTER: I'm glad you didn't hear that. What was I daydreaming? 2.5 and 3.0.

MS. SIMMONS: 2.5 and 3.0.

THE CHAIRPERSON: I think that's what I was wanting to do, is 2.5 and 3.0 in favor to the ISS.

So it sounds like most of us are in favor of 2.5 for OSS. It was 12 of us. Two at 3.0. And ISS came out to five at 2.5 and nine at 3.0. So I don't know how that helps us at this point, but we'll figure that out. What further discussion do we want to do on this? Because I mean I know it's -- basically it's a debate, especially on the identification with it being such a close call between 2.5 and 3.0.

MS. HUTCHINSON: I think our decision could be impacted based on the resources the State is interested or suspects they will provide. So I know there's no additional funding if we have a higher number of schools disproportionate, but if the resources they were able to provide to those districts was somewhat substantial, then I think we'd probably have an opinion to lower that number even more because wouldn't you want to give the
districts even more support.

The balance is, if there's no additional resources, which has been the case in the past -- as Bill said, you know, we've lived with losing 15 percent of our budget for the students that already have that disproportionality in identification, and you already have those kids, and like Jennifer suggested, sometimes it's a numbers' game and people just reevaluate and place in a different category to avoid that.

If that's going to be the end result, then, we're not doing anything great for the kids. So I think my opinion would be strongly affected based on this State's response to the schools that were identified as disproportionate.

THE CHAIRPERSON: Uh-huh.

MS. CARTER: I think one of the things that Bill said earlier -- that I think I heard him say -- was that one thing by lowering it means that there are some schools that fell in that that really didn't have major needs to get them where they need to be and that helps you identify, you know, more schools that are kind of right on that edge piece. So the resources may not be as significant as what's needed.
And I think that's a part of what --
is why I like the 2.5 route because they -- they
get lost, they don't get anything, but yet,
they're really not doing what's necessarily best
for kids. At least that's what I understood him
to say.

DR. CARPENTER: I was influenced by
the same thing.

MS. MOOREFIELD: Can I get some
clarification about--- Okay. So we're looking at
these different, not labels, but like the
different categories of disabilities over various
minority groups, right?

MS. HUTCHINSON: For identification.

MS. MOOREFIELD: Okay. So do these
numbers mean that these kids are getting
identified or not getting identified?

MS. HUTCHINSON: They are.

MS. OUZTS: They are.

MS. MOOREFIELD: So if we have a
lower risk ratio, does that mean that more kids
are getting the services that they need and the
identification that they need or that less are?

MS. HUTCHINSON: [Inaudible].

THE COURT REPORTER: Ms. Hutchinson,
if you're going to answer her questions, you need
to speak in your mike because you're not going to
be on the record.

    MS. MOOREFIELD: Okay. So the lower
the ratio the more kids we can identify and get
the services that they need?

    MS. HUTCHINSON: No.

    MS. MOOREFIELD: No. Okay. Explain
that.

    MS. HUTCHINSON: So use a 3.0 for
ease. If the risk ratio is 3.0, that means that
an Asian student who is ID mild is three times
more likely than all Asian students without
disabilities to be identified. If you lower that
to a 2.5, that means you, as a school district, do
not want to identify more Asian students as --
what did I say? -- ID mild.

    So it actually tells the school
district -- the ideal thing is to indicate to the
school district you need to have programs in place
for your Asian students with disabilities to
mediate their challenges before identifying them
as ID mild to avoid that overidentification of ID
mild Asian students. So you are going to have
less students identified in districts hesitant to
identify students who have disabilities in that
category. So with a 3.0 ratio, they will have
more students within that subcategory identified.

MS. MOOREFIELD: Okay. So the higher
the number of ratio, the more kids---

MS. HUTCHINSON: Yes.

MS. MOOREFIELD: ---we can get
services?

MS. HUTCHINSON: Well, it's not about
getting services. It's about that's how much more
likely they are to be placed in that category.

MS. MOOREFIELD: Okay. It's starting
to sink in.

MS. HUTCHINSON: Just one thing I
want clarify a tiny bit. You had said in minority
groups. White is also a subgroup in---

MS. MOOREFIELD: Oh, okay. That was
going to be my next question, is why are we not---
Okay.

MS. HUTCHINSON: That's an area that
is disproportionate sometimes as well a lot in the
area of autism and sometimes speech-language
impaired too.

MS. MOOREFIELD: Okay.

THE CHAIRPERSON: Please excuse me.
I just noticed my mom texted 25 minutes ago and I
just now noticed it, so yeah. But Vicki will
carry on. I'm going to see if I can't set up a
Doodle poll about scheduling that conference call
with Tish, and you know, I'll get up with her this
week so that we can figure out a good time to make
our final determinations.

Thank you, Vicki.

MS. SIMMONS: Is there anymore
discussion about the charts that Nancy shared with
us?

(No audible response.)

MS. SIMMONS: Okay. Let's go ahead
to the committee work. As soon as Leanna leaves,
we'll talk about a time to finish up. It says
3:30 on here, but depending on our committee work.

Cynthia, Reports and Data, would you
meet with your committee kind of in this area up
here?

MS. DANIELS-HALL: Okay.

MS. SIMMONS: And, Diane, how about
over where you are, your Unmet Needs folks.

MS. SIMMONS: And I'll meet with
Katie and Policies and Procedures. And we'll get
back together about 3:15 or so.
(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.)
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