The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 12th day of December, 2018, in the State Board of Education Boardroom, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:32 a.m.
APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Leanna George, Chairperson

Anthony Baker
Sara Bigley
Anna Carter
Abby Childers
Diane Coffey (via Webinar)
Jennifer Frey (via Webinar)
Jennifer Grady
Eric Harbour
Kristen Hodges (via Webinar)
Katie Holler (via Webinar)
Christy Hutchinson
Adam Johnson
Teresa Mebane (via Webinar)
Virginia Moorefield
Jennifer Mullis (via Webinar)
Kelli Terrell (for Rickey Smith)
Marge Terhaar
Paulette Wall (for Lisa Phillips)

STAFF:

Tish Bynum
Teresa Cestaro (via Webinar)
Carol Ann Hudgens
Nancy Johnson (via Webinar)
Cami Narron
Matthew Martinez
Carol Moffitt
Paula Crawford

VISITORS:

Stephanie Berry

COURT REPORTER:

Rebecca P. Scott

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Thereupon, the following proceeding was held:

THE CHAIRPERSON: With the situation like it is, be sure to speak loudly and clearly so, hopefully, those who are listening in over the phones can hear and participate as much as possible. I'm glad that all of you here were able to make it. For those who are listening in, thank you for being there.

Can I quickly ask who all is currently listening and participating via audio stream or webinar?

MS. HUDGENS: We don't have anybody logged on yet.

THE CHAIRPERSON: Okay. I think everybody knows who I am, but I'm Leanna George. I'm the Chair of this Council. I'm the mother of two children with exceptional needs. One's being homeschooled. The other one lives in a group home. We just had our IEP back on Halloween, and that was an interesting experience.

Anyway, that's who I am, and let's continue on. Maybe Virginia can introduce herself, and we'll go that direction this time.

MS. MOOREFIELD: I'm Ginny Moorefield. I have a son with traumatic brain
injury who is enrolled in Wake County Public Schools. I'm also an interpreter for the deaf and world language educator.

MR. JOHNSON: I'm Adam Johnson. I'm the Director of Education Services for the Division of Juvenile Justice.

MS. HUTCHINSON: Christy Hutchinson, EC Director for Lincoln Charter School, but here representing charter schools.

MS. CARTER: My name is Anna Carter. I'm the Director of the Division of Child Development and Early Education, part of the Department of Health and Human Services.

MS. BYNUM: I'm Tish Bynum. I'm with the Exceptional Children Division, and I serve as administrator support for this Council.

MS. HUDGENS: Good morning. I'm Carol Ann Hudgens. I'm the Section Chief for Policy, Monitoring, and Audit, and I work here at the Exceptional Children Division.

MR. MARTINEZ: My name is Matthew Martinez. I am the consultant here at DPI for students with significant cognitive needs.

THE CHAIRPERSON: And our guests or staff in the back?
MS. MOFFITT: I'm Carol Moffitt. I work for the Exceptional Children Division.

MS. CRAWFORD: I'm Paula Crawford, and I'm the Section Chief for Program Improvement and Professional Development in the EC Division.

MS. NARRON: I'm Cami Narron. I'm with the Home Base Teaching and Learning team. I support the [inaudible] Teacher Evaluation System.

THE CHAIRPERSON: Would you like to introduce yourself?

MS. BERRY: Sure. My name is Stephanie Berry. I'm an audiology graduate student at UNC Chapel Hill.


Thank you, once again, for braving the conditions outside and coming. I hope everyone was safe over the storm on Sunday.

Let's proceed. I know we don't have enough to make a vote for the minutes, but let's take a moment to look over them and see if there's any corrections that might need to be made.

(Pause from 9:34 a.m. to 9:37 a.m.)

MS. HUTCHINSON: Leanna, I have a simple question. I don't have an issue with the minutes, but isn't there an obligation to meet a...
certain number of times throughout the year? And I know we had our October meeting canceled due to the hurricanes. Do we have to make any of those up to fulfill our obligation?

MS. BYNAM: Not that I'm aware of.

THE CHAIRPERSON: I don't think so. I think there's some flexibility for extenuating circumstances.

MS. BYNAM: Historically, they have not been made up.

MS. HUTCHINSON: Okay. I just didn't know if we had to meet a minimum requirement.

THE CHAIRPERSON: While we cannot vote on the minutes, as I said, today because we don't have a quorum, does anyone want to make an adjustment to the minutes so we can review it next time? It's easier to remember what happened six months ago now versus in three more months.

(No audible response.)

THE CHAIRPERSON: All right. We have a pretty full agenda. Most of our discussion today will be around the State Performance Plan and Annual Performance Review, but we also have presentations on teacher licensure and the Annual Dispute Resolution Report. One thing I sent out
in an email prior to the meeting was a discussion at some point possibly around -- was a discussion around the School Safety Commission with the concerns about school shootings, school crisis plans, with a concern around how it impacts individualized students, to ensure to remember to make a plan to include them whenever possible and what guidance might be needed for the schools.

So we'll probably discuss that more during our committee time, which might just be one big committee with the handful of us that are here instead of breaking into individual groups because there's, what, six of us, seven of us.

Without further ado, if Paula is ready, we can move into our presentation on teacher licensure.

(Anthony Baker entered the quarterly meeting.)

MS. CRAWFORD: Good morning. We received the questions that you-all had posed previously, and I'm not sure which meeting it was since we had a few hurricanes in between, but about adapted curriculum and other EC licensure. So Carol Moffitt, our recruitment and retention go-to person here is with me today, and we receive
questions all the time, and you and I spoke on the
phone with Carol Ann Hudgens a few weeks ago.

So we're here available to answer any questions that you might have. There are some things that are in progress now to address the issues of our lack of teachers in the field. So we're here available for you as a resource if you'd like to pose any questions.

MS. MOOREFIELD: Can you review what the questions were that we had sent them?

THE CHAIRPERSON: Let me see if I can't pull up that email. We had a few questions here about what are the current requirements. I know we specifically asked at the State Board of Education meeting, when I presented the removal of the Pearson requirement for adapted, what other requirements are currently listed to ensure that our teachers are still highly qualified even if they don't take the assessment for Pearson.

And let me see if I can't pull up my notes from that meeting prior.

MS. MOOREFIELD: Well, Paula--- and I'm sorry. What was your first name?

MS. MOFFITT: Carol.

MS. MOOREFIELD: Carol. Can you guys
just kind of give us just a synopsis of the
answers to those questions?

        MS. CRAWFORD: Well, North Carolina
presently has two areas for certification, for
adapted curriculum and for general curriculum,
and we support that teachers are prepared in the
adapted curriculum through a preparation program
to be licensed for that purpose.

        And so the adapted curriculum, when
the monitors and when we get calls from
exceptional children directors and so forth about
what licensure is required, that's specified in a
graphic that we have posted on the EC Division
website -- you've probably seen that -- and the
areas that those teachers can cover in classrooms.

        (Sara Bigley and Marge Terhaar
entered the quarterly meeting.)

        MS. CRAWFORD: So we support that.
We stand behind that. We know that there is
definitely a shortage in the field, which then
practices become, you know, well, we have this
teacher. Can she serve this role to teach these
students? And, again, we go back to what would be
best practice for those students in providing the
services for them in that those teachers have to
be adequately prepared through a preparation
program to serve in that role.

MS. MOOREFIELD: And remind me again
what that website is.

MS. CRAWFORD: It's the North
Carolina Public Schools, then under the tab to
drop down for the EC Division, and then in
Licensure -- then in Licensure, there's a graphic
that I can---

MS. MOOREFIELD: Since I'm in Wake
County, I always get confused as to -- I mix up
who's at the state and who's at the county level.
So that was just for me to remind myself which
level you guys were.

MS. CRAWFORD: It's our EC Division
website.

MS. MOFFITT: It's called the
Licensure Guidance Tool, and it's a visual support
for principals and HR departments, and EC
directors in the field so that when they have a
teacher that they're looking to hire, whether it's
in their adapted curriculum or in their general
curriculum, then they can see. It has the
licensure title, and then it has the areas of
handicapping conditions listed under that.
And then there is guidance in the paragraph below which is best practice that a teacher -- we know the EC teachers in the field do not have just one student with one handicapping condition in their rooms, and so the Exception Children Division vetted this tool with EC directors and others across the state to come up with this tool to help folks make those decisions for hiring and making sure they get the best qualified people.

So then in the bottom box, it talks about -- on that Licensure Guidance Tool, it talks about that we know that there are multiple handicapping conditions in one teacher's classroom, but that best practice would be that at minimum the teacher's license would match one student's area of eligible that is listed underneath them in that table so that people can see, well, this teacher has this license. These are the handicapping conditions that this teacher is qualified to teach. Is there one student in that class with that handicapping condition? And then we would say that that teacher then is qualified.

It also gives information in the
bottom of that box that we know that that doesn't mean that they don't need additional support, okay? So that's one of the things it talks about that administrators and other highly qualified exceptional children's teachers in that district or in that school would be there to support and determine what support that that exceptional children's teacher would need to give the best instruction for those students in that classroom.

And this is the tool on the screen right now, and you can see over on the far left, you have the general curriculum, adapted curriculum on the far left, and then you have general curriculum, and then you see the areas -- identified areas listed underneath that.

MS. MOOREFIELD: So a teacher who is certified in AU may or may not be certified in ID severe? I mean I haven't looked at it yet. So is this all explained there?

MS. MOFFITT: Right.

MS. MOOREFIELD: I'll go there. You don't have to take the time.

MS. MOFFITT: So, first, let's look at the top left, which is Special Education Adapted Curriculum. If that's the license that
that teacher has, then you'll see under that AU, ID mild. So the teacher's license is in the box at the top.

MS. MOOREFIELD: I see. Okay.

MS. MOFFITT: And then the handicapping conditions are listed underneath that. And so if she has one of those in her classroom, then that teacher's license matches what we've said is best practice in light of the teacher shortage that we have and the recommendations from the people across the state that vetted this tool. And, again, it's guidance; it's not, you know, in law.

THE CHAIRPERSON: For the cross categorical further on this side, is that the special education -- general, special education, adapted, or is there another one that I'm not seeing?

MS. MOFFITT: So on the right-hand side -- scroll over and what you'll be able to see is that---

THE CHAIRPERSON: The specialized areas.

MS. MOFFITT: Yeah, are the specialized areas. So take myself, for example.
Back in the day, my degree was mentally handicapped K-12. And so then it tells that person that is looking at my license, these are the students that I could teach with my license. And some of these are older licenses on the side over there.

THE CHAIRPERSON: So to get -- for the adapted curriculum license -- obviously, the four-year degree in the college or university -- any additional testing required for licensure?

MS. MOFFITT: Yes. Whatever's listed on the licensure website that they have to have that -- there's a Praxis that they have to take for this adapted license right here.

THE CHAIRPERSON: Okay.

MS. HUTCHINSON: That was where this issue came in. The young lady that represents, I think, Guilford County brought up the idea that we're really struggling with, in general, adapted licensed teachers being able to pass the Praxis, and the point was that the content covered on the Praxis is not necessarily required to teach within the adapted curriculum, and was there any leeway that was able to be made for those folks that were adapted license and not able to pass the Praxis.
Because from their perspective, they were doing a great job within the classroom. They were able to clearly deliver the content, and the material on the math Praxis did not align at all with anything they'd ever have to -- that was the point that originated--

MS. CRAWFORD: Okay. There's a---

MS. TERHAAR: It wasn't the Praxis. It was the Pearson.

MS. CRAWFORD: Right.

MS. HUTCHINSON: I'm sorry. You're correct.

MS. CRAWFORD: So you have the Praxis for that area and then you have the Pearson for---

MS. HUTCHINSON: It was the Pearson math---

MS. CRAWFORD: ---for reading and then the Pearson for math and other content. So the dilemma that not only those teachers are facing, but a number of teachers are being challenged with, is the content knowledge in especially that area. That's being looked at as far as -- Dr. Tom Cumberland has been talking with some folks around that issue related to the Math.

But I will tell you that within the
Exceptional Children Division and within the NCSIP grant, there are two courses that are provided for general ed curriculum teachers. That's the Reading Research to Classroom Practice and Foundations of Math that help teachers to pass those exams.

Teachers from out of state who are already licensed fully and have gone through at least three years of teaching, who are already, you know, through the beginning teacher program in their state, who come into North Carolina can take those courses instead of -- in place of those Pearson exams. So there's a couple of options there.

Those teachers who are in-state also are available or have an opportunity to take a course that Matthews' group in the Division has created for reading and for math that is specifically addressing the cognitive disabilities area, and he can probably speak more to that for us, but it is in alignment for what is taught in both the Reading Research and the Foundations of Math course, but it is more specific for that population. So those could be helpful for those teachers.
THE CHAIRPERSON: Do you any other questions or--- I did not know this was even available. This is very interesting.

MS. CRAWFORD: We clearly are very well-aware that there is a shortage, and we were just on the phone with CEC -- the executive director of CEC talking about this is a national crisis basically; it's not just in North Carolina.

We do have in the coming months, February the 22nd, we're developing -- Carol is -- and coordinating this effort to -- it's called the Recruitment and Retention of Special Educators Summit. We've been providing this biannually since 2012. The first was at Meredith. We had one at Wake Tech, one at Elon, and this one will be at the Harnett Services Center down in Lillington.

And we bring in special education directors, HR directors, and principals for a day of specifically focusing on those concerns around recruitment and retention. So that will be February 22nd just so that you're aware that we're working on that issue.

THE CHAIRPERSON: Do you know what other states are doing in regards to teacher
licensure in the hopes of increasing retention and recruitment of special education teachers? Do you know anything special that anyone else is doing that we could possibly include parts of here?

MS. CRAWFORD: Well, that was part of the conversation we were having with the CEC and the support that they potentially could be able to provide for new teachers. So that is something that we are just newly discussing, as I mentioned, this morning.

We've seen this crisis -- I mean it's been an impending crisis for the last six or seven years at least with the retirement of teachers and so forth, but it's come to a point now where we really have to do something to address this.

THE CHAIRPERSON: Yes.

MS. CRAWFORD: So, again, we're working on it. It's just going to take some time and bringing some resources together in the LEAs in the regions to work on the problem. Yes, ma'am?

MS. MOOREFIELD: So an obvious solution for retention and support is more funding. What kind of -- what kind of support do you have in the legislature or whoever -- whoever
has their hand on the checkbook, what kind of support do you have from them?

MS. CRAWFORD: Within our division, we have a tuition reimbursement process where if teachers are not supported within an LEA -- so, for example, I worked in Wake County and I know for a fact at that point in time Wake County had tuition reimbursement funds available probably through Title II that were in support of teachers going to school for -- you know, for certification of lateral entry and provisionally licensed teachers who are not certified in special education, and that tuition reimbursement, if it is not fulfilled there, then we in the Division have funds allotted to support those teachers each semester -- so two summer semesters, fall, and winter -- fall and spring -- that they can apply for, and as long as they make a B or better in the course, have all the checks signed off on and submit the receipt to us, Carol processes all of those. And that's about 100,000 a year that we provide in support of tuition reimbursement.

MS. MOOREFIELD: So that's for teachers who want to add on this licensure area?

MS. CRAWFORD: They're either lateral
entry or provisionally licensed.

MS. MOOREFIELD: But what support do you guys have -- like financial support to retain the teachers that we do have? Because I know that a lot of them leave because I mean it's a dismal situation. They can't -- you know, they can't provide the equipment. They can't provide communication devices and all that kind of thing.

So what kind of financial support do you guys have for the teachers who are currently teaching?

MS. CRAWFORD: Well, I wouldn't call it direct financial support, but what I would say that addresses the concerns of retention are the high quality professional development that we provide and the technical assistance through the Division with the regional consultants who support the work in the classrooms and through coaching. Those are ways that we provide. As far as what the General Assembly -- we're dealing with federal dollars here mostly.

MS. MOOREFIELD: Well, and that's what I'm asking. Who do we need to contact to support you?

MS. CRAWFORD: Okay. We appreciate that very much.
MS. MOOREFIELD: I'm that mom on the state level now. I'll dust off my cape. What do you need?

MS. CRAWFORD: I would encourage you to look at your legislators. I won't say any specific names, but those who represent you and have a voice in---

MS. MOOREFIELD: All legislatures can help with this? There's not like a specific committee or---

MS. CRAWFORD: With state funds, uh-huh. There's an education commission -- committee, and there's some folks who specifically sit on that -- work with that committee, but I couldn't give you -- provide you any names.

MS. MOOREFIELD: I can do that.

MS. CRAWFORD: Thank you, and we do appreciate that.

MS. MOFFITT: The question about what are other states doing, I can address. One of the things that I know that some of our IHE partners are doing in North Carolina is that they have grants so that if a teacher comes to them and she's working on an adapted license and she fulfills that obligation, she's getting money for
those courses, and then she comes back or he comes
back and fulfills three or four years in an LEA,
then that course work is paid for them.

So our IHE partners are doing a great
job of helping us because we have to have teachers
in the pipeline. If we don't have the teachers
coming to our IHEs, then we don't have teachers to
come into our classrooms, and so we partner---

MS. HUTCHINSON: That's only adapted
licensure?

MS. MOFFITT: Yes, that's -- I said
adapted, yes. And so, again, that's something
that maybe other folks could help with financing
because, again, you know, it's hard for teachers
to go back and add a licensure whether it's the
adapted or it's people that are changing careers,
and they said, "Well, I want a career change.
What can I do?"

Well, there's a need in North
Carolina for teachers, general curriculum and
adapted curriculum, and so if we have incentives
or a way that they can go back to school and get
that. But some of them cannot financially afford
that commitment, and so then, again, LEAs are
supporting them when they can, but we know that we
have many districts that don't have any funding to
do that for themselves.

MS. MOOREFIELD: And just speaking
about that because I'm going through the lateral
entry licensure myself, so for my classes, they're
about 450 to $475 per class, but the biggest
roadblock for me -- and I don't know if you guys
have any pull for this, but in North Carolina, you
cannot apply for a lateral entry license, like you
can't apply to an RALC unless you are employed by
a school.

So once you're employed by a school,
you have to quit your profitable job to go and
teach, and then you don't have time to take those
classes. So if there were a way for people like
myself, who are looking to add a career, and while
I have finances coming in, to be able to take
those classes before I apply for schools -- I mean
not saying that, you know, someone like me should
be able to get any of these tuition reimbursements
or anything like that, but that would have made it
a lot easier for me to go ahead and get those
credits when I had the time and the finances to do
it rather than try to teach and take those classes
and -- you know, and then find money to pay for
them and everything as a part-time teacher. So
that might be something to look at.

MS. TERHAAR: The higher ed people
have designed MAT programs deliberately to recruit
people such as yourself, and unfortunately, the
funding that used to be available for that has
dried up. What was -- the last source was the
TEACH Grant, but then, as you've probably read in
the papers---

MS. MOOREFIELD: And the funding is
not -- wasn't even the issue. Like if I could
have just found out what classes I needed to take,
I could have started on that before I even applied
to the school, but you know---

MS. TERHAAR: We have courses at
night. Deliberately, all of our courses are
evening based and summers, and there are part-time
and full-time options. And many of MAT people who
are part-time are taking advantage of what DPI is
offering for some reimbursement, but other than
that, since the salary ladder was removed and
since the TEACH Grant ended up not being a grant
but students are now finding themselves in debt,
we no longer have people.

MS. MOOREFIELD: Yeah.
MS. TERHAAR: But I would suggest you consider part-time MAT as a way to stay in your work---

MS. MOOREFIELD: I'm almost finished with my classes now, but---

MS. TERHAAR: Oh, you're almost done. But that is an option for other people.

MS. MOOREFIELD: You know, it's -- and there's the three-year limit which I agree that's a good thing because, you know, once you get so far out, you forget what you've learned. But like I've not been able to meet it in the three-year limit because I can't find the classes, whereas if I could have started earlier, I could have found those classes.

So the finances, I'm not even addressing; just that little piece of allowing someone who wants to change careers to become a teacher to go ahead and start working on the course work, and they may even be able to get like -- instead of doing online courses, which a lot of them are pretty much book reports -- it's not real education -- you know, someone may be able to go in and take really good face-to-face courses.
But as it stands now, you have to first be employed by a school and the school has to apply for your licensure to find out what courses you need, which it ends up in just -- what's the word I'm looking for? It's just an unending cycle. So if we could just remove that one piece so that an applicant could just say, "Okay. If I were to change careers and become a teacher, what does that look like for me? What courses would I have to take," I think that that would be helpful especially for EC because there are a lot of additional things that you need to know before you go into a classroom with kids who have various disabilities.

MS. TERHAAR: Again, that's where the MAT program is part-time, two years. The courses are guaranteed. At the end of two years, you have a master's level---

MS. MOOREFIELD: But do you have to first be employed by a school?

MS. TERHAAR: No. This is not lateral entry. This is---

MS. MOOREFIELD: Okay. That's what I was not getting. Okay.

MS. TERHAAR: This is another --
another option of avoiding the whole lateral entry conundrum which keeps changing.

      MS. MOOREFIELD: Where were you five years ago?

      MS. TERHAAR: Sitting over there at Meredith trying to recruit people like you.

      MS. MOOREFIELD: And I was in a classroom trying to figure out how to get these classes.

      MS. HUTCHINSON: I think the most important part of the conversation is what are other states doing because it's not a North Carolina problem, and it's not only a lateral entry problem with people that already have careers. Because let's face it. If they have a very profitable career, it's very reputable but tough to take the salary to go into teaching as a profession that's 40 plus hours guaranteed.

      So I think that one of the places that is the greatest goal of mine is those walking into the higher ed classrooms day one. So what other states are doing is going to be the most important thing for us to be aware of, and it sounds like that's what you're already doing.

      THE CHAIRPERSON: I remember back in
the '90s, we had teaching fellows, so---

MS. TERHAAR: We still have teaching fellows at Meredith.

THE CHAIRPERSON: Awesome.

MS. HUDGENS: We have a question from online.

THE CHAIRPERSON: Okay.

MS. HUDGENS: And the question from online is, "How should teachers who are interested in adding on an EC licensure able to gather the information about reimbursement for classes? Is there a website that provides the information and does it vary based on the LEA?"

MS. HUTCHINSON: Your EC directors get all that information.

MS. CRAWFORD: Right. Each semester with a good lead time, the EC Division sends out a memo to all EC directors in the field with all of that documentation, a memo with the attachments for them to post and share with their teachers. That is related to deadlines for the application, for the documents that show that they have completed the course with a B or better, and the receipt for payment, of course, and then that's processed. Within six to eight weeks after
receipt, it's -- it's just a roll from one semester to the next. It happens year-round.

(Eric Harbour entered the quarterly meeting.)

MS. HUDGENS: And I'd like to raise another question from the online participants. Carol is going to respond to the last question before I switch to the other question.

MS. MOFFITT: So that question was about adding on, so the tuition reimbursement grant that we currently offer is again for lateral entry or provisionally licensed teachers. So if you have a full continuing license, this tuition reimbursement, you are not eligible for. It is always on our website, again, at NC Public Schools. In the middle block, the drop-down menu under Departments, go to the Exception Children page, and then it is in the tuition and grants. The application is always online. We switch them out as soon as the semester changes, so even if you do not get the email from your exceptional children's director, it is always posted online on your Exceptional Children's website.

MS. CRAWFORD: One other thing about that is that teachers who are fully certified --
you have an elementary ed license, for example --
if you want to add -- if you're already fully
certified and you want to add special education,
you can take the assessment and the Praxis to add
that.

(Sara Bigley, Abby Childers, and
Kelli Terrell entered the quarterly
meeting.)

MS. HUDGENS: So there was another
question that came in through the virtual
platform. Earlier there was difficulty hearing
the question all the way. I'd just like to add
that if you're responding to a question or raising
a question, if you could move in closer to your
microphone so that our participants online can
hear clearly, that would be very helpful.

So to the question raised in the chat
box, "Licensure is different than the Praxis. Do
they need to take a Praxis if they're going from
an EC general curriculum license to self-
contained?"

MS. CRAWFORD: So self-contained is a
setting, not a licensure area. Would you untangle
that for me one more time? Would you repeat that?

MS. HUDGENS: Sure. The question is,
do they need to take the practice if they are
going to the EC general curriculum to self-
contained.

MS. CRAWFORD: If they're not
licensed in that area, like I was saying earlier
in the conversation, that we really recommend that
teachers who were hired to work in the adapted
curriculum area have the correct preparation and
the licensure in that area. There are -- there
are exams that are required for each of the
licensure areas, and those can be found on the
Licensure web page as well as at ETS.org and
search for North Carolina, and it will tell you
for each area what it is that exactly you have to
take for exams.

MS. HUDGENS: And then there's a
follow-up to a previous question that you answered
with regard to the tuition reimbursement and how
is that information provided. The follow-up
question is, "Is that same information being made
available to regular ed teachers?"

MS. CRAWFORD: Well, it's publicly
available on the website, so anyone who has
information about that can go to the website. It
isn't sent to general education directors. It is
sent to EC directors, and we consider them
cascading that information on out into the field
however they see fit.

MS. MOFFITT: But just to be clear,
this tuition reimbursement grant are for those
teachers that are working toward a continuing
license and are working towards a continuing
license in special education, not general
education.

THE CHAIRPERSON: Are there any more
questions for our panelists today?

(No audible response.)

THE CHAIRPERSON: I think this has
answered a lot of our questions and concerns that
we had on this subject. I appreciate your
openness and coming out and answering our
questions so excellently. A lot of good
information has been discussed here, I think, and
it's greatly appreciated.

MS. MOFFITT: Thank you for having
us.

THE CHAIRPERSON: You're welcome.

Thank you.

MS. HUDGENS: Ms. George, would you
like me to go through the attendees online because
I believe you may have a quorum if you want to revisit some of the earlier business.

THE CHAIRPERSON: Okay.

MS. HUDGENS: We have Diane Coffey, Jennifer Frey, Jennifer Mullis, Katie Holler, Kristen Hodges. Nancy Johnson, our presenter, will be presenting the SPP and APR virtually. We have Paulette Wall. Teresa Cestaro is a member of my team that will begin supporting this group moving forward. She's attending virtually. And Teresa Mebane.

So I believe that perhaps with those that have joined and those that have now joined us physically, we just might have the quorum if you wanted to revisit those minutes.

THE CHAIRPERSON: The minutes did get sent to everybody on email, right? Has everybody that's on the webinar been able to review them yet?

MS. HUDGENS: Okay. So here is a proposal. Tish could send out the minutes online now for our virtual participants to log on, and then maybe perhaps over lunch or over one of those breaks, they can read it then, and maybe we can circle back to it whatever you think is
appropriate on the agenda.

THE CHAIRPERSON: That sounds good.

I know we have a few that need to leave early today as well. So maybe just before lunch would be good for that. Welcome to everyone that just came in.

MS. CHILDERS: Sorry.

THE CHAIRPERSON: That's okay. I mean I'm just glad you're here.

(Pause.)

THE CHAIRPERSON: Once again, thank you for everybody who is participating virtually today. I know it is a challenge at times with the weather like it's been. We'll take a ten-minute break, and we'll come back and move on a little bit earlier for the dispute resolution report because we have a ten-minute break scheduled here after the teacher licensure presentation. So we'll come back at about 10:20. Does that sound good for everybody?

MR. BAKER: That's fine.

THE CHAIRPERSON: All right. Thank you very much.

(A brief recess was taken from 10:12 a.m. to 10:25 a.m.)
THE CHAIRPERSON: Next up looks like the Dispute Resolution Annual Report.

MS. HUDGENS: Good morning. This is Carol Ann Hudgens. As I shared earlier, I'm the Section Chief of Policy, Monitoring, and Audit here at the EC Division. Typically, I would stand and deliver, but I am serving in multiple roles to the Council this morning and running our webinar as well. So if you would indulge me, I'd like to sit so I can manage both of these. It seems to be a little easier to do so that way.

And so I'll begin our presentation, and I will stop periodically so that I can check to see if there are questions raised in the chat box and respond to those who are participating virtually.

So what we are typically doing throughout the course of a fiscal year, meaning July 1 to June 30th of a year, is collecting data around our dispute resolution processes. And we have the process of due process, we have mediation, we have state complaint, and we have facilitated IEP meetings. And as I get into the data for each of those mechanisms, I'll give you a little bit of background about the function of
each of those.

So the first dispute resolution program that we have is the facilitated IEP program. The facilitated IEP program is not a function of dispute resolution that is required federally. However, the State of North Carolina believes that this is a mechanism that can be especially beneficial to parents, and facilitation is an opportunity for a parent or a school district to ask for a facilitated IEP meeting in which our department, the EC Division, will assign an impartial facilitator to help build the agenda of the IEP meeting to support the participants in resolving the dispute.

So that impartial person is assigned on a rotating basis from our office. There is no charge to either the school district or the parent for this service, and the person that is assigned as the facilitator participates in training that we have offered here at the State. They may have previously been a special ed director in an LEA or otherwise have experience with the EC process.

Their role is to be impartial in those meetings and to help build that agenda, as I referenced earlier. So they will do something
like an intake call with the parent to identify
the issues of concern that they would like to have
addressed during the IEP meeting and will do
likewise for the parent -- for the LEA, and why
this is particularly helpful is that it helps
redirect the conversation of the meeting to the
items on the agenda so that an agreement and
consensus can be made on the issues in dispute and
plans can be altered and more appropriately
developed to meet the needs of the student.

So this is a timely process that gets
a fairly quick result for the family that may have
a dispute or an LEA who, for whatever reason,
believes an impartial person might help the IEP
team more fluidly. The facilitator is not going
to be ruling on whether the district is compliant
or the district has offered a good idea. They're
not going to be coaching the parent about whether
this decision is a good one or not. Their role
certainly is -- is to help with communication when
communication becomes bogged down and to stay
focused on the agenda at hand.

So this school year we had 93 requests
for facilitation. When this process is requested,
it has to be agreed upon by both parties. We
believe that that's essential for it to be
effective. We wouldn't want to force somebody
into this situation because that can often make a
situation worse. We held 50 of those meetings.
Sometimes those meetings are withdrawn or canceled
because the LEA and the parent are able to work
out things before the meeting is scheduled or some
other event happens. The parent might decide that
he or she has exhausted their ability to talk with
the LEA and might choose another mechanism.
There's a variety of reasons why those requests
are withdrawn or canceled.

Sometimes we have parents that do not
wish to engage facilitated IEP meetings. You'll
see by our data here, 19 of those requests were
rejected by the parent. Typically -- and you can
see that the data bears this out -- is our local
education agencies believe that this is a good
option and will engage in that process if
requested to do so. So none of those requests
were declined by the LEA.

There are sometimes where we might
decline the request for a facilitated IEP meeting.
Those are extremely rare. The conditions under
which we might reject a request might be because
the parties are engaged in a dispute and this might be the second or the third time, maybe even the fourth or the fifth that they've requested facilitation, and our thoughts are at that point the disagreement is so great that this mechanism is no longer beneficial to the parties, and so we might decline offering them an opportunity for a facilitator.

We might also decline because they have already initiated another process. They might have also requested mediation at the same time. They might be engaged in a due process. There's a variety of things that come into play, but typically -- and you'll see as the data shows -- we want parties to engage in this process, and it's very rare that we would decline to offer that support.

You can see that most meetings are held in one meeting. Sometimes it requires a second session because you're making really good progress or there are multiple issues on the table, and so we have agreed to have that meeting continue on if our facilitator reports back that progress is being made and they see a timely resolution if they had more time.
So this is our data on the facilitated request. How they reach consensus, you can see that 98 percent of the time, the parties at least agree on something and resolve something in the facilitated process, and we really like those data. That shows us that this is an effective tool and it helps continue the justification of keeping a nonrequired dispute resolution function active in our state. And you can see that parents and LEAs sometimes submit those requests together, and you can see the breakdown in the data of when those parents and LEAs request individually.

When we look at information for whom those requests were submitted on behalf of, we can see that students with autism have the most frequent advocate for use of this facilitated program, and the other most common one is a specific learning disability. This pattern in data is pretty consistent from year to year about the disability categories for whom a request is made.

Sometimes that disability category is not provided. That might be as a result of having gone through the initial referral process and not
have been identified as being eligible for services, and so they have requested that the team reconsider that decision, and so a facilitator might participate in the meeting to help guide that discussion.

If we look at our three-year trend in facilitation, we are noticing that our requested meetings are going down in number. We don't necessarily have a clear correlation to the downward trend of facilitation and an upward trend of other processes, although we do notice some increases in the requests for due process being filed and an increase in mediations. And so we would like to see that facilitation continue to be alive and well, but it is just of note that we have had a little bit of a decline over the last three years on how often this mechanism is utilized.

Some of the hypotheses, again, are that other mechanisms are being used, and then we always ask the question about whether or not our parents are fully informed of this option being available to them. So we encourage districts to post these mechanisms on their websites or a link to these parent resources on their website so that
there are multiple avenues that parents can select
in trying to resolve their concerns.

I'm going to pause right here and
check in our chat box to see if there's any
questions and then respond to questions that you
might have with facilitation. Are there any
questions from the Council present in the room?

(No audible response.)

MS. HUDGENS: Okay. I'll move on.

So our next mechanism that we'll describe is
mediation, and often we get a question about what
is the difference between facilitation and
mediation. Well, first, we consider facilitation
an informal process that involves the IEP team.
The IEP team is still the deciding factor. The
decisions made are held within the context of an
IEP team decision.

When we move on into mediation, we
still have an impartial mediator who assists with
the parties, but at this point, it could be
particular members of the LEA, an LEA
representative, and the parent. It could also
involve attorneys, although not required.
Mediation also has a difference in that its
outcome is a mediation agreement which can be
upheld by our department versus the IEP, which is also upheld by our department, but the products are little bit different, IEP versus a mediation agreement, and it wouldn't be uncommon that that mediation agreement would have some work for the IEP team to follow up on, but there is a slight difference in those mechanisms.

And so we had 105 requests, and we held 66 of those. 38 of those, interestingly enough, was related to a due process hearing. Again, you can request mediation, just like you could facilitation, without having filed a due process, but certainly, as an outcome in due process or rather some problem-solving strategies while you're within the due process, you can request mediation. So we had 38 held as a result of due process.

A little less than half had agreements reached. We had about that much with no agreement and some partial. Some were -- the mediation was withdrawn or canceled. Again, some of those reasons could be that there was a resolution that was outside a formal mechanism that was provided by the State. It could be that the parents decided that they wanted to proceed
with the hearing for due process and did not want to engage with mediation.

And at the time this report was compiled, there was one that had been held yet. I'll explain a little bit why. Because of the July 1 to June 30th, we could get a request for mediation on June 30th. It's not necessarily going to be reflected in the data that might be why it's still pending because it's actually going to occur in another reporting year.

(Jennifer Grady entered the quarterly meeting.)

MS. HUDGENS: Looking forward, those mediations not related to a due process hearing were 28. Those were particularly successful in that 71 percent of those had an agreement as an outcome. Some were canceled, some were declined, and some didn't respond either way.

When we look at both the mediations that were filed as a result of due process and those not as a result of due process overall, we had a 58 percent rate of meeting agreements through the mediation process. When we look at the three-year trend in mediation, again, if you look at the blue column, that's the number of
requests. Over the last three years, those requests have increased. If you look at the orange, you will see that those are the actual mediations that were held.

And then another piece of the information that we look at is those held as a result of due process and not due process. So the orange was as a result of due process. The gray there is not related to due process. So you can see how that breaks out. We had a slight decline in those related -- or not related to due process rather, and just a little tiny increase as it related to due process.

I'll pause for a minute there and check the chat box to see if we have any questions and take any questions from those present. It looks like everybody online is following along. Anybody here have any questions about mediation?

(No audible response.)

MS. HUDGENS: I can anticipate questions at the end when I get all the way through.

Next we'll move on to our state complaint process. The state complaint process is one in which a family, an advocate, someone on
behalf of a student can raise a complaint that a
school district was not following the
procedures -- the policies and procedures that
relate to students with disabilities. We, in
general, call this our procedural arm of dispute
resolution because it's looking for a particular
violation of the procedures.

   And some examples of that was the IEP
was not implemented, the appropriate evaluations
were not conducted based on the suspected
disability, parents didn't receive their
procedural safeguards, or the IEP wasn't developed
based on the child's unique needs. So those are
some examples of issues that could be raised in a
state complaint. We received 128 of those last
year. We issued reports for 81 of those, and
unfortunately, most of the ones that we
investigate have findings of noncompliance.

   And so the rest of the information
here, reports completed within the timeline, those
are elements that we have to report federally
about our timeliness. There's a 60-day turnaround
from when the complaint is filed to when we have
to issue a letter of findings. Sometimes there
are extended timelines, and those are permissible
if the parties are engaged in dispute resolution and they're trying to resolve those issues. We certainly want to make time for the parties to engage in that activity before we complete our report.

And there are some that were not completed within the timeline. Typically, sometimes that happens as a result of the volume of issues that have to be investigated. It could be as simple as the mail didn't get picked up that day. That counts has not having been sufficiently completed within the timeline.

We did have some investigations that were considered insufficient. When an investigation is considered insufficient, that is typically because an issue has been raised about things we cannot investigate. Sometimes there are concerns raised about personnel, that a particular teacher is not an appropriate fit for the student. That is not necessarily a procedural violation that we can investigate.

There are things that are raised in terms of discrimination. Those are things that we can't investigate. Those are typically held by the Office of Civil Rights when it comes to
particular allegations of discrimination. And if we are unable to determine that the investigation is sufficient to open, we will provide the person who filed the complaint additional information about how to properly raise that concern through the proper venues.

Sometimes we have complaints withdrawn. As mentioned earlier, they might have a facilitated IEP meeting or a mediation that resolved the concerns. We had one that we had to set aside. The federal regulations say that if the issue raised in a state complaint is also an issue raised in the due process, we have to set aside our investigation until the hearing is held and the Administrative Law Judge weighs on the issue, and then we have to go back then and investigate anything that was not handled by the due process petition. So we have to defer to the higher authority if there's an issue raised that is the same between both mechanisms.

And we issued all the complaints within the reporting period. We didn't have any that were filed before we could report our data. So the three-year trend with our data here -- on this graph, the different years are highlighted by
color. You can see that we received a whole lot more complaints last year than in previous years, maybe not a whole lot more, but on the graph, the bar chart is taller so it's more. And we investigated more, we found more noncompliant, and we found more compliant, and of course, that is proportional again to the increase that we had with state complaints being filed.

All right. I'm going to pause again and check the messages here. Looks like everybody online is okay.

MS. CARTER: I have a question.

MS. HUDGENS: Sure.

MS. CARTER: With state complaints, have they typically tried to resolve at the local level before they come to the State or -- I mean I'm assuming they can go either way. They can try local and then go to the State or they can go straight to State. Do you know what happens more frequently?

MS. HUDGENS: Just some anecdotal data. We haven't been tracking that with specific data points, but anecdotal data suggests some of all. We have had families try to resolve things locally. They might have tried a facilitated IEP,
they might have tried mediation, and just can't
seem to come to an agreement, so they'll file a
state complaint.

We also have anecdotal information
that the first volley across the field is that
they'll find the state complaint. That's the
first that the appropriate decision-makers might
have heard of a dispute at the local level, and so
then they'll drop back and implement some of those
other dispute -- dispute mechanisms like they'll
ask for a facilitated IEP meeting or mediation,
and sometimes folks have had enough, and they're
just going to wait until the results of the state
complaint are completed to guide what happens next
for their child's education.

I will say -- not to steal any
thunder from the next part with due process, but
related to your question, we are actually seeing
or having some anecdotal information to suggest
that folks are going to due process a lot sooner
than in years past to the exclusion of any of the
dispute resolution mechanisms because the level of
concern has raised to a point that the person that
has the concern is just simply really wanting to
have their day in court with a higher authority to
make a decision about what's happening for their child.

So for due process, it seems like we're leapfrogging over some of the things that they have offered a more timely resolution for the family in favor of more significant activity.

Yes, ma'am?

MS. MOOREFIELD: I hope you haven't covered this, and I missed it. Do you have a breakdown as to like categories of complaints? Like is it academic, transportation, behavioral? Do you have information on that?

MS. HUDGENS: We do track the issues. We have varied our approach with that in the last couple of years. We are looking to track that in more detail for this fiscal year coming up because we get that question often. I can tell you that, anecdotally, it's typically around the implementation of the IEP.

We get more questions around that and more issues raised about the implementation of the IEP because that is a -- typically a broader area. You could have raised a complaint that speech services were not provided or the math goals weren't provided. So there's a wide range of
things that fall under the umbrella of implementation of the IEP. Transportation could be one of them.

MS. MOOREFIELD: Yeah. That was one of the things that I was wondering. Like is there a -- like one particular area that clearly needed work or that was -- had a common complaint?

MS. HUDGENS: Yeah. I can tell you one thing of note for this past year, while by no means the majority of complaints, we did have an increase in complaints involving the right to request and receive an independent educational evaluation. Now granted that might have only been five or six, but that is typically something that is rare to have raised in a state complaint. So, anecdotally, we look for spikes in particular areas of procedure, and one of them occurred around independent educational evaluations this year.

So we have another question that came in from the chat box. "Will DPI investigate verbal complaints if a parent/family do not have the ability to write a formal written complaint?"

So I'm going to answer that a couple of ways. First thing is that if a parent doesn't
have the ability to write a complaint, we have a responsibility to help them put their complaint forward, and we -- as a part of our process, if we have received a written complaint that was poorly articulated, but there seems to be something there that is not right and potentially that we could open an investigation for, we will call the person who raised the complaint to get a little bit more information before we just dismiss it out of pocket as not being sufficient.

And so if that person -- usually a parent -- can provide us some more information about the nature of their concern, and if it falls within the requirements for the guidelines for opening a complaint, we will do so.

Then a verbal complaint, we get those on a daily basis. We have lots of folks that call us where things are not necessarily going well in the district. We also always provide the information of the dispute resolution mechanisms that we have described today, and we'll assist the parent in engaging one of those if that's what they would like to do. If they don't want to pursue those, we always follow up with the district.
We always call the district, specifically the EC director, to make them aware of a concern that has been raised, and if the parent is calling our office, there is likely some action that the LEA needs to take, even if it's as small as reaching out to get clarification about what the concern would be, because clearly there is something that is not being communicated well that may not necessarily be a problem but may not be understood, and so there's an opportunity for clearer communication or problem-solving informally that could occur just as a matter of having a phone call into our office.

THE CHAIRPERSON: I have a quick question.

MS. HUDGENS: Sure.

THE CHAIRPERSON: When you -- you said you called back to the EC director in the district. Does the reporter or person you talk to remain anonymous, or do you reveal that information? Because a lot of parents are concerned about retaliation.

MS. HUDGENS: It depends. Typically, our responders are our dispute resolution consultants, and they will let the parent know
that it is our practice to call the LEA because if you think about the problem that is raised, it's usually so unique that the LEA is typically powerless to intervene unless they have knowledge of who the student might be or who -- what school might be having the difficulty.

If they ask us to let them remain anonymous, we try to honor that, but based on the information that comes to us, if it rises to a level that we suspect that there is imminent harm to a student, we will intervene and call the district and share information, to the extent we can, to protect confidentiality as much as we can, but to ensure that something is happening that a child is not in harm's way, if you will.

Checking for questions one more time.

All right. We'll proceed, then, to due process. Due process is typically what we consider our substantive arm of dispute resolution. You may have an IEP that is procedurally developed correctly, but the substance of that IEP is what is in dispute. That while the IEP was developed correctly, it may not be appropriately rigorously calculated to help the child make progress. So that's kind of the biggest difference between a
state complaint and due process.

Due process is really getting at the substance of the program for the student and more substantive issues about whether things were done appropriately and whether they're meeting unique needs and whether there was, in fact, a barrier to FAPE. Now state complaints brush up very closely to those substantive issues because it stands to reason that if you have a procedural issue, you might, on the heels of that, also have a substantive issue, but at its polar opposite ends, that's where the key differences are between due process and a state complaint.

You'll notice that we had 92 filed last year. When a state complaint -- pardon me -- when a due process petition is filed with the Office of Administrative Hearings, there is quickly a timeline that occurs for the parties to engage in a resolution meeting. Now this resolution meeting is titled differently than mediation because it does not require an impartial mediator, if you will. This is for almost like the last-ditch effort between the school and the parent to say, "Can we resolve this without having to go to a due process? What are the key
concerns? This is what I can offer to address those concerns. I don't see those concerns the same way, but this is what I'm willing to do in good faith."

So that resolution meeting is an option once a petition is filed. It's required to have that option under the federal regulations. However, the parties can say, "No. We've been together, we don't want to talk anymore, and we're going to waive our right to a resolution because we want to have a mediation." And that's where you see in our data the mediations that are related to due process.

And the reason why mediation is sometimes favored over resolution is because of the fact you have an impartial mediator there to help. If you think about it, people are not getting along in due process. There's a dispute at hand. They typically don't want to work it out just between the two of them because if they could, they wouldn't necessarily be in this particular situation. So resolution meetings are often waived in favor of getting on into mediation so that you can have that impartial person assist you with that process.
Written settlement agreements reached through resolution, we did have some agreements. Some folks went back to the table after the petition was filed, and you might say why -- how does that happen when they haven't gotten along to this point, and what happens is that sometimes in the raising of a petition, it more clearly outlines where the problem rests. Sometimes in a dispute there become lots of concerns on the table, and the true issues sometimes become cloudy.

And when you engage in some of these formal processes, the person raising the concern has to be articulate about what exactly the issue is, and sometimes that assists the LEA in then offering potential problem-solving solutions that are directly related to what is actually the problem. And so you can just see how the breakdown goes. There were some that were withdrawn and dismissed. The hearings fully adjudicated, what that means is that the hearing was held and a final decision was issued in the year that we report it in.

A question you might have for me is why are these going over a year, for example. The
timeline has very definitive benchmarks about what happens when petitions are filed, when resolution and mediation must occur, but once you get into hearing, the Administrative Law Judge can conduct that hearing according to the Administrative Procedures Act, which means that if the parties want to engage in some kind dispute resolution outside of our process, they will suspend the hearing for a while or delay the hearing so that they can do that.

Sometimes getting on the docket, you will start a due process and you might devote three days for that hearing and get it on the docket, only to realize that one party has not had the opportunity to put their case on. Some of these due process hearings are lasting multiple days, and I'm talking anywhere from 12 to 15 days. So those processes can be a little prolonged once you get into that hearing part.

The next part, looking at expedited due process complaints, expedited due process is only for matters of discipline, and that's because if children are suspended and removed from their placement, you must have an expedited due process because you wouldn't want a child sitting out of
school or in an alternate setting for an extended amount of time while hearing is being held.

So everything is kind of halved, if you will. You go from calendar days to school days when you're dealing with expedited, and you're really just dealing with discipline issues because if you need to return that child to placement, we need to do it quickly so that there is no additional harm that is experienced by the child from having been removed from his or her educational setting.

And in resolution, you can see, again, related to due process how many meetings were convened, how many had settlements, and then mediation, we repeated that information here. So, again, the different colors represent the years, and you can see we had ebb and flow with our due process trends. It really jumped up this past year, and just anecdotally, based on the question that was just asked by Ms. Carter, we find that that has sometimes been as a result of not wishing to enter into any of the other informal or formal dispute resolution, that families have opted rather -- rather to go straight into a due process hearing.
And, again, that data kind goes across over the years, not really -- there are more that are going on into hearing. You can see that in fully adjudicated. Some that are pending for their hearing and outside of the window for the reporting period, but we have had an increase in due process petitions that were filed.

So I'll pause here and take any questions that you might have for me and check online to see if there is any discussion here.

MS. HUTCHINSON: Carol Ann, do you ever break these out by regions?

MS. HUDGENS: So the question, I'll repeat for those online, is do we break this out by region. And, yes, sometimes we do. If we are -- we have four statewide dispute resolution consultants, so it's a pretty close little group who are talking about trends on a daily basis. We have realtime information about disputes, whether they're calling in or filing requests for these processes, and sometimes we get a sense that one area of our state is more active than others.

Sometimes that's just because of the saturation of LEAs in those regions. If you look at this region North Central, and five, for
example, around Charlotte, the concentration of charter schools and LEAs are greater. So it's not a far leap to suggest that they might have more activity in those regions just because the opportunity is there.

MS. HUTCHINSON: So there's a direct correlation of the number of filed complaints with total population?

MS. HUDGENS: I think it's a fair connection to make in the number of disputes with the saturation of the LEAs in a region. I'll also say, again, just anecdotally, we would very rarely get a state complaint from the western part of the state, but that has changed a little bit. We've had some more complaints there. Typically, most of our complaints come from the middle corridor of the state. It's our borders -- our Western and Eastern coast that we have received fewer, but while fewer, we do get them. And it's just interesting from year to year what pops up, but yes, we do analyze it from time to time based on region.

And as part of the function of our regional teams, we share that out with our regional planning meetings that we hold here at
the Division, and we share the incidents of
disputes and what the patterns are so that when
our consultants are going in to offer technical
assistance, they have some working information
about things are -- points that might be
vulnerable for an LEA.

MS. CHILDERS: I have a question.

MS. HUDGENS: Okay.

MS. CHILDERS: This kind of goes
along with what you said a few minutes ago. So
when you break it down, though, from like the
regions, that kind of thing, is there a way to be
able to also see what's documented as what the
purpose of that dispute was for, whether it be
like the disciplinary or whether it be IEP, you
know?

MS. HUDGENS: Yes. We could break it
down then by issue, and I will speak mostly about
state complaints. We could look at the issue,
whether it's implementation of the IEP, didn't
receive the procedural safeguards or a request for
an independent educational evaluation. Typically,
we could drill down, and we do at times drill down
to that information.

The other thing you have to consider
is whether or not it's a real trend. You might have a lot of state complaints in one region, but only one is on a particular topic. So you have to be kind of cautious about making some assumptions about whether that is characteristic of the entire district or the entire region because while -- like this region, in particular, the North Central region is saturated with both traditional and LEAs. It also -- it also has one of the largest LEAs in the state, so they're going to have a larger representation of the number of state complaints.

That doesn't necessarily mean, when you consider all things equal, that they necessarily have a problem. They're just large and tend to have more activity than others. So we kind of look at that drilling down, if you will, with a measure of caution because we don't want to overgeneralize trends in a particular LEA or region.

MR. BAKER: I think you've kind of answered my question there, but I was really concerned about how that information was aggregated and how then it was disseminated to the various LEAs so that changes could be made and
how -- from that point how it was handled through training through professional development. Was this something that was discussed perhaps in the EC conference meetings or just how that information came about?

MS. HUDGENS: So I'll elaborate a bit more on your question. Keep in mind that every state complaint has a letter of findings whether they are compliant or noncompliant. Since our data shows that most of our investigations are noncompliant, then that LEA has an opportunity for a level of engagement with our department, and so there are required training needs. There are required activities that happen because not only do we have to ensure that the issue is remedied for the student, we have to ensure that ongoing other students don't experience the same type of violation.

So while the aggregate data is important, the real effective data is on the individual level because we're getting specifically into that LEA that had the problem. Where we have in-depth conversation is that if that LEA is not only having a lot of state complaints, they're having a lot of due process
petitions, they're having a lot of requests for mediation, they're having a lot of facilitator requests, then we might talk with them about what they believe the root cause might be for that.

Sometimes the root cause is as simple as there is not a public -- publicly message way that parents understand how they are able to raise a concern locally, and so absent some local dispute resolution strategies, they're going to come to the state for some help. So that by no means is always the answer, but it is in some ways an answer.

And so back to the aggregate level, while that is anecdotal information that is interesting to the entire region, it particularly captures their interest if it's in their backyard, and we're already engaged with them in a very direct conversation about that activity, if you will.

MS. CARTER: So I'm curious when you talk about "a lot of" and using that phrase. The numbers actually seem small in each of these categories when you think about the entire population. I know when it's your child, it doesn't matter if you're one of 50 or one of 5000.
And I may be just thinking about it from our agency perspective with the complaints we get in child care just overall from families, but are these numbers, when you look at them kind of populationwise, a fairly small percentage of children, it might be indicative in a LEA of a larger problem, as you mentioned, but are -- you know, are we seeing that -- when we look at other states, do we have more or less than other states? And is it maybe because parents don't understand the process? I mean, again, to me the numbers look low, and that can be good or that can be bad. So I'm just kind of curious about that perspective.

MS. HUDGENS: So I'll give you a couple of different pieces of information to answer that because there's not one single great answer to respond to you. A couple of things, the facilitated IEP that I mentioned earlier is not required federally, and so not all states engage in that process. And so we do see an increase in the other dispute mechanisms sometimes when there's an absence of the facilitated IEP program, again not a direct correlation, but something of note when you're looking at that state's data.
Then when you think about how many children that we serve in North Carolina that are students with disabilities, these are very small numbers when you're looking at our headcount, if you will, statewide. I'll give you an example. The District of Columbia, which is geographically much smaller than North Carolina, is the most litigated area in the country, and part of the reason why is, of course, a lot of attorneys and lawyers live there, and so -- not of course, but it is anecdotal information that typically lawyers like to have their day in court, and so they file more due process petitions.

So I think that in general terms our dispute data as a whole is fairly small. I think that it's likely to be comparable with what other states experience that are of similar size. I don't see that we are necessarily a state that has a disproportionate amount of activity than other states.

What I think that is helpful, again, in our state, and certainly not the only thing, but I think that we've seen some really good results since we started the facilitated IEP team process, and that has been initiated in this state
for over ten years. We're one of the longest and one of the first states to ever offer this program across the country, and we feel like it is worthy of the investment, and we are very happy to include that as a part of our mechanism.

I'm not sure I got it all there, but maybe I gave you some information. Any other concerns or questions?

I have one question from online asking me to explain the meaning of stay put when a due process complaint is filed. If there is a concern over the placement of a child, stay put is enacted so that that placement remains the same until the due process petition resolves the issue at hand. I think stay put is used a lot of different ways, some more directly linked to the legal definition of that, but stay put doesn't mean that you don't do anything while complaints -- while petitions are happening. Stay put really references to the placement on the last agreed-upon IEP.

Think about this: If there is a due process petition filed because a child has moved from regular ed on the continuum, which means that they have more time with typical peers, to a
separate setting where they're educated more of
their day with disabled peers, and the petition
has been raised on the placement, well, you
wouldn't change the placement of a child to
separate because the placement is a question. You
would remain at the last agreed-upon placement.

Now you can have IEP meetings in
between a petition or during a hearing process
because, say, you have an annual IEP that comes
due in the middle of the hearing. Well, there
might be some things that you really do need to
address that are not going on with the due process
petition and that you need to attend to. So
processes can still continue, but stay put is
usually directly related to the issues that are in
the petition relative to the child's placement.

MR. BAKER: Would that also at this
point in time -- would also involve just, I guess,
advice from the attorney at that point as to what
you need to do as far as---

MS. HUDGENS: That's correct. That's
correct. That's a good question that is raised.
Some LEAs will just stay put the entire IEP and
just continue to serve that IEP as it was written
at the time of dispute, and sometimes the reason
that is, is because there's so many issues tied up
in due process that the parties believe it would
just be better suited to let the judge rule on
that before anything further happens.

And the recommendation from the
attorney is certainly a valuable piece for the
process. Sometimes attorneys will be willing to
incur a procedural violation, which means you
didn't review the IEP at least once annually,
versus developing the IEP and incurring more
substantive issues while the petition is
happening.

And I'm looking real quick online to
see if I answered fully the question that was
raised in the box. So, Katie, if you can let me
know if you have any follow-up to that.

What we really should be taking
data of -- and this is just a little tongue-in-
cheek -- is the number of phone calls we get a
day. It seems like you call the Department of
Public Instruction, and if, in your initial call
to the person who answers, that seems like
anything that might be related to the Exception
Children Division, it gets hot-lined right on up
to the sixth floor and my four folks who work in
dispute resolution, and that's perfectly fine and that's what we're here to work with.

But the number of calls we get on a daily basis exponentially multiplies because not only do we talk to the person who has raised the concern, we will talk to the LEA, and then sometimes we have to double back and report back to the parent on what we've learned. And so our dispute resolution, informal by phone, is quite extensive, and so it's very rare that we get to talk to people who are happy. So we try to have a good healthy work climate to deal with all the opportunity that we have to problem-solve with folks in the field.

MR. BAKER: Well said.

MS. HUDGENS: Thank you.

MS. HUTCHINSON: But there's also a number of those calls that are straight-up regular ed issues, and there's not a dispute resolution in the regular ed arena. So you get---

MS. HUDGENS: We do have the opportunity to help problem-solve, to the extent we can, for issues that sometimes might be general ed, and sometimes we have to help folks understand or connect them to the appropriate person at the
local level. So when we get those general ed
questions, we usually try to hop on the district's
website and see who we might can put them in
contact with at the district level. Because
sometimes it just depends on how you raise the
question for the appropriate resource to be
brought into play.

All right. Thank you for the
opportunity to share this data, and I will be with
you throughout the day. Just call me Vanna White.
From now on, I'll be working the remote part and
will be assisting Nancy as she presents virtually.
So thank you for the opportunity. I'm here if you
have additional questions and would like to talk
with me individually.

THE CHAIRPERSON: Thank you, Carol
Ann. That went over just slightly. That's fine.
Nancy might disagree with me. So is Nancy on the
conference call or on the webinar? I know she was
earlier.

MS. HUDGENS: She is, yes.

THE CHAIRPERSON: All right. So if
we're ready to move on into SPP/APR presentation,
that would be good.

MS. HUDGENS: Okay. So I will be
opening up Nancy's mike. Nancy, can you let me
know by speaking that I have you miked up?

    THE CHAIRPERSON: Is your volume up
on your computer?

    MS. HUDGENS: Let's see. All right.
Nancy, try that one more time.

    DR. JOHNSON: Good morning. Can you
hear me?

    MS. HUDGENS: We can, and I'll move
the microphone a little closer in just a moment.
And, Nancy, I'm going to switch over and make you
the presenter, and if this does not work, I have
your PowerPoints queued up.

    DR. JOHNSON: Okay. Great. I'm
going to wait until you switch me over to pull
mine up. It's in the box ready.

    MS. HUDGENS: All right. Clicking
over to you, and we are able to see your screen.
We are able to see your screen.

    DR. JOHNSON: I'm going to start the
slide show, and I know I'm here to talk with you
today about our SPP/APR. You are the stakeholder
group to give us input before the February 1st
implementation, but before I do that and because
my time is split, I wanted to start with an update
on [inaudible] which is significant
disproportionality. You may remember last year
there were a couple of different meetings that the
advisory council gave me feedback on proposed
changes to the requirements for significant
disproportionality, and I wanted to give you an
update about where things stand with that.

After we did all of that fabulous
work last year, in June -- June 29th of 2018, OSEP
issued a delay to the implementation date until
July 1, 2020. They had some questions and felt
like they needed to delay it to get more feedback,
so they posted that in the Federal Register at
that time, and they're allowing states, during the
next two years -- and you can see right here on
the slide that you could either implement the new
regulations and methodology you chose during that
year or you could implement the existing
methodology that you were currently using or any
other methodology that you deemed appropriate.
Like we could do a combination. In essence, North
Carolina has decided to do a combination, mostly
stay with what we're doing currently until this
two years passes and make a couple of slight
changes.
But with that, I want to say that I'm happy that we chose that because we have heard through the grapevine -- so this is just a possibility -- that OSEP will be issuing proposed changes to the regulations, and they may be released -- those proposed changes may be released in February of 2019. So for states who have chosen and changed their work, they're going to have to, possibly, look at some proposed new regulations and either tweak those or make changes.

And what that does means, if OSEP does come out with proposed changes to the regulations, they'll be up for a 60-day comment period for us to all comment on them. They'll take the responses back, respond to those comments, and any changes they make will then go back out for a 30-day comment period before they would release any final regulations.

So rather than us making changes now for this coming spring, we'll know what all the proposed changes are based on -- if they do release proposed changes in February. And, again, that's just -- I don't want to say rumor. We heard it from pretty good sources, but we haven't
seen anything yet and nothing's been announced, but we're anticipating in February that we may see some changes.

So to kind of let you know what this means right now for the proposed changes, that means in the spring of 2021, we will have to use the -- what we're referring to as the delayed regulations, and for identification and placement, you can see what periodic child counts we would be you using with our looking at three years' worth of data. So this child count that is going in for this current school year would be one of the previous consecutive years, and then we would move forward from that.

For discipline, because discipline is on a delay in a whole year's worth of data, last year's discipline data would be used as a previous consecutive year, along with this year's discipline data, and then the current year would be considered 2019 to 2020. For children ages three to five, or preschool children, that two-year delay, push that even two years forward because remember we're in a two-year delay on the proposed regulations.

So that means we would not have to
issue -- use the new regulations until the spring of 2023, and you can see those periodic child count dates for identification have not even occurred yet and won't for a couple of years. Discipline would be the same way, that we still have a few years to go. With discipline for us, that is good because we don't collect discipline data currently for preschool children, and many states are in that same boat.

So just to let you know kind of -- North Carolina decisions during the delay -- and I'm saying these are our decisions during the delay -- what we're doing is just maintaining where we are. We meet a lot of requirements already for identification and placement. We use a cell size of ten, we use an N size of 30, and we have a risk ratio threshold of 3.0. So we're using the risk ratio methodology already, and we use the allowable consecutive three years.

You may recall that the advisory council agreed with cell size, N size, and consecutive years, and they requested that we reduce the risk ratio to 2.5. Other stakeholder groups recommended 3.0, and one group of folks actually asked us to increase it to 4.0. We chose
not to increase or decrease at this time until we see what OSEP is going to come up with because 3.0 has been acceptable, and a lot of states are using a 3.0 risk ratio, which means that a child is three times more likely -- a child of a certain race is three times more likely than children of other races to either be identified or disciplined or whatever that area is you're looking at.

So currently we are, in the delay, choosing to maintain where we are. This will give us time to continue to work on this issue of reasonable progress. Right now we use a 5.0 risk ratio threshold for reasonable progress. We're not satisfied with that, so we want to continue to work on where we're going to land for reasonable progress.

And then with preschool identification and discipline, we are looking at those things. Vivian James, our preschool coordinator, has worked with the State Board and is working with getting proposed policy changes and legislation changed so that we can collect the discipline data that we would need to do the discipline calculations for preschool children since we don't currently collect that data.
Again, right now, we are implementing the existing methodology or any other methodology that we deem appropriate. One thing that we are proposing that we change for this spring, which we'll be doing -- we can do that within this statement -- is that we are going to use a 3.0 risk ratio for existing disciplinary actions. We look at three actions that are all in-school suspension and out-of-school suspension for greater than ten days in a school year, and then those that accumulate to ten days in a school year.

Currently, we use an allowable, which has been approved by OSEP, a state average rate of greater than -- the district would have to be greater than two times the state average rate, but in looking at all our data and hearing from districts, they would prefer we use a risk ratio, that eventually a risk ratio is going to be required. So we thought that it would be a good idea to align it with the other risk ratios we use, the 3.0, and use it for the three disciplinary actions we currently look at and see how that works so that we'll have some things to compare that data to when the time comes if we
have to make changes.

    Using the risk ratio also -- right now, by using the greater than twice the state average rate, districts are actually compared with how other districts are disciplining students with disabilities, and by using a risk ratio methodology, this would ensure that the district is using its enrollment data and its students with disabilities data to look at how kids are being disciplined equitably based on their population of students. So that's an important thing.

    There could be other things that we might want to look at. One of those over the next two years, as we continue to look at work on reasonable progress, we may decide next year that if we come up with a really good method that's better than the one we're using currently, we might want to go ahead and try that out before we have to implement new regulations.

    So with that, I'm going to end that slide show, but see, while I'm switching out, if you have any questions about where we are with that and why we chose to just maintain where we are until we know more.

    MS. HUDGENS: Nancy, I don't see any
questions here in the room or in the chat box.

DR. JOHNSON: Okay. Great. Thank you. There will be more to come on that, particularly after February if we get proposed regulations. I think I still have about ten minutes or so before breaking for lunch, so I can get started with the APR, and then I'll be back at 1:30 as well to finish the APR presentation. I'm putting the slide show up right now.

I just want to go through a few things to explain kind of what we're doing. Those of you who have been on the Council for a while know each year around this time I do a presentation on the APR and seek any input, if needed, related to submitting our Annual Performance Report to the US Office of Special Education Programs.

The State Performance Report includes a number of indicators and our State Systemic Improvement Plan, which is Indicator 17. Most of the indicators -- the 16 indicators are required to be submitted February 1st, and the State Systemic Improvement Plan is submitted April 1st. So there's two different timelines there.

I'm going to just do a brief overview
of the State Performance Plan due to time and due
to not needing input necessarily on some things.
Just so you'll know, as we start looking at all of
the--- Let me go back to this one first. The SPP
and the APR appear as part of our general
supervision system, but they depend on other
systems: data collection, our dispute resolution
system, how we deal with policies and procedures
and practices, our monitoring activities,
practically everything that the SPP and APR are
dependent on.

There are, like I said, 16 indicators
that we submit data on February 1st, and then
Indicator 17, which is our State Systemic
Improvement Plan. I am not going to talk about
each of these indicators today, but all of these
slides are in the presentation, and we will be
sending out this PowerPoint to you so that you'll
be able to give us feedback on certain ones that
we need feedback on.

But before I do that, I want to
explain a little bit about where we might be
taking some information. First of all, slides 3b
and 3c are participation and proficiency in state
assessments. While our state has this data, it
doesn't submit and verify the final set of data that goes to the US Department of Education until we submit our Consolidated State Performance Report.

So those of you who have been on the Council for a while know that I never have this data when I meet with you in December because that report doesn't go in until later in December. I think it's December 20th, but later this month. And once that report goes in and they give that data to me, then I check it with the data that's uploaded in the system that we use.

We use a system called GRADS360. That's the US Office of Special Ed Programs' system where they take that data, upload it for us. Then I look at it and compare it to the data that we say that we submitted to make sure it's accurate. That data will not be uploaded on our system until the first week of January, so I will not really -- I'll have access to our data, but not the data that they've uploaded. So that one we will be analyzing -- I will be analyzing in January.

Also, when we look at -- if you happen to look at the slides that have Indicator
13 and 14, we are still working with analyzing that data. 13 is our secondary transition, and we get that through monitoring. Our monitors are still working with closing some of the noncompliance out on that, and we really want that information and we need that information to do our final analysis. I don't have that data for you today.

Indicator 14, which is our post-school outcome data, I don't have that data for you yet either, but it's looking good so far by my analysis. Last year, we switched for the first time to having districts collect their own data rather than using an outside source to interview students and collect data, and we increased our response rate by quite a bit, by almost 50 percent, and we had 940 some responses last year. This year we had a little over 1000 responses.

So the response rate, I know, has been maintaining at the same level, and so as far as I'm analyzing the data, it looks good, but because we have so many responses, it is taking longer to analyze the data than anticipated. So I will have Indicators 3b, 13, and 14, the analysis will be done early in January, and we will be
sending that data back out to you in this
PowerPoint.

Okay. With that, indicators -- there
are certain indicators where we have had slippage,
and we have to explain the slippage. In other
indicators, we've either made progress or not had
slippage, and so I'm not going to go over those
indicators so much because they really haven't
changed too much from year to year, but I do want
to explain briefly before we get into these
indicators what slippage is.

OSEP considers slippage on an
indicator if your data changes or slips by greater
than one percentage point. So if there's been a
change of greater than one percentage point, we
have to explain that slippage and kind of give
ideas about what activities we're doing to improve
that process.

And then related to this data, one
other thing I want to mention before I actually
get into some of these indicators is that we --
each year, this data along with other pieces of
fiscal data and some other results from NAEP and
different things are used to determine a state's
determination, whether we meet requirements or
need assistance or need intervention, and we do
similar things with LEAs based on our compliance
data only currently.

But for this year -- the state's
determination letter is issued every year in the
summertime, and this summer we did receive a
letter notifying us that for the fourth year in a
row we have met requirements, so we are very
excited about that, all the hard work that the
districts do and that we at the state level do to
work on improving our data.

Lastly, before we break, because I
think it is close to your lunch, and before I
actually get into individual indicators, which I
will do at 1:30, I do want to say if you're
looking at all of these indicators, some
indicators are considered result indicators.
They're outcomes for students that we look at, for
example, graduation, dropout, participation in
state assessments, things like that. Indicator 7,
preschool outcomes, they're outcome indicators or
results for students.

Some indicators are compliance
indicators. Examples of compliance indicators
are -- one of the suspension indicators 4b is a
compliance indicator. Indicators 9 and 10 are considered compliance. Indicator 11, which is our 90-day timeline, is a compliance indicator. Indicator 12 is that transition from early childhood to transition; that's a compliance indicator.

So the difference in the two indicators, the results indicators, we are allowed to set our own targets or use targets that the State uses for all kids. For example, graduation, whatever our target is for all kids, that's what we have to use for students with disabilities, but OSEP gives the states the flexibility to set those. We get that approved through our elementary and secondary student -- the new ESSA law. So that's set for all students, and it's also set for students with disabilities, but our state sets that.

An example of where OSEP has determined what the requirements are, are on the compliance indicators, for example, Indicator 11, our 90-day timeline, we are required to have a target of 100 percent. So those targets aren't things we can change. We have to always shoot for that 100 percent, even though typically states
don't meet that for every compliance indicator,
but we are working toward that.

However, slippage in any of these
areas is similar. If we slip on Indicator 11,
which is a compliance indicator, by more than --
greater than one percentage point or if we slip on
graduation rate by greater than one percentage
point, we still have to explain that slippage and
talk about what we might do to improve that area.

So I hope that you will keep those
things in mind as we go through some of the
indicators after lunch at 1:30. I believe I'm
after committee reports and public comments. So
keep those things in mind, and when we come back
from lunch, I will pick up talk about the
individual indicators and where I will need some
input from council members and how we plan to
receive that feedback from you.

So with that, we might have a couple
of minutes before lunch, if anybody has any
questions before we break.

MS. HUDGENS: Nancy, I don't see any
online, and there doesn't appear to be any in the
room.

DR. JOHNSON: Okay. I anticipate
that once we get into actual indicators, we may
get some questions, but I'm assuming you-all are
ready to break since -- I'm looking at the agenda,
anyway, 11:45 for lunch.

THE CHAIRPERSON: Sounds good. All
right. Thank you, Nancy. We'll see you back in
about an hour and a half, I suppose, or an hour.
1:30.

DR. JOHNSON: Great. Thank you.

THE CHAIRPERSON: All right. Do we
want to take a moment or two before we break for
lunch to discuss the concerns about -- we can do
that during the committee time too, but I know
Adam had to leave early. With the school shooting
special committee that's looking for
recommendations or comments, does anybody have
anything burning that they want mention on that
right now or---

MS. HUTCHINSON: Is that kind of like
where this came from -- this document?

THE CHAIRPERSON: Yeah. There's a
lot of good stuff in this document here. So we'll
do that more after lunch. All right. We'll
adjourn to lunch, then. Enjoy.

(A luncheon recess was taken from
THE CHAIRPERSON: We did have one public comment that I wanted to read that came in before our last meeting. Basically, the individual has a comment regarding state-mandated forms as a same-sex married couple, and they don't like that it says mother and father. And my recommendation would be simply to, where we can, go through and say parent and parent or parent/guardian, parent/guardian for those signature requests instead of stating mother/father for that bit of inclusion.

MS. HUDGENS: I'll also add that on the new forms in the ECATS, it's parent/guardian/student every time there is a signature place so that it can apply to the appropriate situation.

THE CHAIRPERSON: Okay. I just wanted to officially put that on the record, that it was brought out. And, yeah, I think that's a very easy fix, if it's not already been done.

All right. Is Ms. Nancy Johnson back yet? Maybe we can get started a few minutes early and get out of here a few minutes early if she's back. There she is.
MS. HUDGENS: She's here. I've got to get her set up again. Nancy, I've opened up your mike. Can you test that for me? Hello, Nancy?

(Pause.)

MS. HUDGENS: All right. Nancy, I'm going to make you the presenter now.

DR. JOHNSON: Okay. All right. Can everyone see the screen?

MS. HUDGENS: Yes, we see it.

DR. JOHNSON: Okay. Great. Okay. I hope everyone enjoyed your lunch and your committee work, and now we'll get back to the Annual Performance Report. I gave you kind of a general overview and the things that we're going to be doing. One thing I did forget to say, I want you to keep in mind that for right now and until we actually submit the APR February 1st, we consider most of our data to be in draft form because sometimes we find discrepancies with other reports and we have to adjust, or the data that OSEP uploaded doesn't match our data and we have to figure out why and then decide if we're going to override or if they're going to change those data for us [inaudible] requirements and things --
and I will point out a couple of those things to you right now -- or where we'll have an LEA make a change that then impacts our data. So we consider this draft until it's actually submitted.

Here's just a slide that gives you, again -- and I won't go over all of these -- just a general overview, and I did talk about some of this earlier this morning. I now want to get into the actual indicators, and as I do this, I want to remind you, I'm going to focus mostly on the indicators where we have some slippage and need some explanation, and I'm going to focus on Indicator 1, our cohort graduation rates to begin with.

Cohort graduation rates, we start looking in the ninth grade and look to see did they complete graduation in four years or earlier. And if you remember, I said slippage was one percentage point or more, and in this instance, we are reporting on a year's data lag. So these were kids who entered school year in the year -- entered the ninth grad in the year 2013-14 and then finished in 2016-17, and that's how OSEP has us to report this graduation data. And our four-year cohort rate for Indicator 1 is 70.3,
which is here in the green, and you can see that's an increase actually, and then our five-year rate, which is for Indicator 17, we're also showing an increase.

But I'm sharing this one with you, as you can see, since early on when we started doing cohort graduation rates, we have improved this data quite a bit. We do a lot of focus on this, but I'm sharing this with you because we also always talk about in our narrative the most current year's data, which we happen to have already, which came out in August of this year, and it's at 69.1 percent. So it's a slight decrease, but it's more than one percentage point. So next year in the APR, we are going to have to explain that increase. Now we haven't had a chance to look at it totally, but I just wanted to share some information with you about it so you would have kind of an idea.

We had a 21 percent increase in the number of students in ninth grade in 2014-15 who had IEPs who could have potentially graduated within a four-year period. That 21 percent increase was 2596 students. Then for graduation rates, we only had a graduation rate increase of
19 percent, which was less than the number of student who entered. So while we increased the number of students who actually graduated this past August by 1644, it wasn't a high enough percentage to keep us at 70.3 or above, which means that we dropped more than one percentage point, even though we graduated more students because there were more students to graduate -- who could have potentially graduated.

Now we'll be looking at all this data more closely after we submit on this APR. We'll look at dropout information and things like that. We did not have a -- we had a little less than one percentage point drop in the dropout rate, so we do not have to explain the slippage there. But I just want you to keep that in mind and to be thinking about this for next year. Now by next year, we will also have the next year's worth of data, and we'll hope to see that go up, and we'll use that as part of our information.

And maybe by next year, we'll see still an increase in our five-year rate where some of these kids just stayed in school longer and still graduated, and while we don't again have to report anything related to a slippage this year,
because this is the number we'll be reporting, that's just something to keep in mind and look ahead toward.

Now the rest of the slides, as I go through them, I'm just going to go through them quickly if we don't have slippage. We did have a slight increase in our dropout rate, which is Indicator 2, but even though this looks like one percentage point— And one percentage point is not considered slippage. It has to be over one percentage point. ---it technically is not because in the APR we have to report to the hundredths place. Math and reading assessments, we don't have yet. We will fill these in, in January.

Just briefly, we had no slippage in Indicator 4a or 4b. These are suspension and expulsion rates. 4a is for all students with disabilities and 4b is by race and ethnicity, and we do look in some way or another at all 287, and this year again was the year data lag so it's 2016, but I did want to just take a minute to explain about these because, while we know that discipline and suspension is an issue for some districts, in North Carolina it's kids who are
being suspended out of school for short-term suspensions but multiple times to accumulate over ten days in a school year, and that is not considered in these two indicators. That is considered in our significant disproportionality data, but these two indicators are about whether or not there are discrepancies in the data when it's a greater than ten day out-of-school suspension for Indicators 4a and 4b.

And while we do have some students who are suspended for a greater than ten-day suspension, but it's not enough students to show that there are any significant discrepancies in North Carolina. Again, my problem is with multiple short-term suspensions that accumulate to more than ten days in a school year, and that's addressed in our significant disproportionality data rather than in this APR.

Least restrictive environment, we have pretty much maintained. You can see from years ago, we increased, but we're pretty much maintaining, and that was school-aged least restrictive environment. Preschool, while we have declined a little bit, it is not a one percent -- one percentage point discrepancy, so we will not
have to explain slippage there because OSEP again feels that you can have different data from year to year.

I do just want to mention again for preschool outcomes for Indicator 7 that we -- while it looks like there might have been a little bit of decrease in some and an increase in some, we did maintain or have pretty much maintained or have better data on our preschool outcomes. Our folks have done a lot of work in that area, and we're seeing good progress and good results.

Parent involvement, again, we're not going to be discussing slippage because we moved up by one percentage point, but I wanted to take a minute to explain this one. It's a survey that we send out, and in past years, we contracted out and that survey goes back to a company out of state where they compile all of this data. We have not met our targets because we have a target that we set several years ago of 50 percent, and this is a sample plan. So it does not go to all districts each year. Every district is only included every five years. So the districts change, who gets this. It is a random sample. Our large five districts send it to students each year, but
they're the only ones that are included every year.

So while we would like to increase this data some -- and Carol Ann may certainly have some information to share with you because she helps with this out of her section -- we have decided to pull that contract and move it to UNC Charlotte, where my office is located, and we're going to be having the surveys directly sent back to us as part of DPI, hoping that we'll get better response rates. The issue with us with this is more of a response rate issue, and we do have to address that in the APR, and our response rates have continued year after year to decrease, and we're barely getting a ten percent response rate back.

So I'm going to be sending out a form to all of you to give us any feedback that you would like us to consider as we write the APR. This is one indicator, even though we're not showing a slippage, we will have to address our response rate issue, and that's one of the reasons, again, why we moved that contract.

So, Carol Ann, I don't know if I can hear you speak on the intercom or not since I've
got the mike. I don't know if want to add
anything to this one before I move on.

MS. HUDGENS: So, Nancy, I'm here. I
don't have anything further to add. Well, maybe I
do.

DR. JOHNSON: Okay.

MS. HUDGENS: Is that we are problem-
solving different ways to include -- or increase
our parent response rate, which includes perhaps
moving away from the sampling and doing universal
parent surveys across the state to get a better
response rate in that manner. The only challenge
there would be whether or not we got enough
response rates across the disability categories to
be able to significantly have or say we have
feedback from all represented.

So there's a couple of factors here
that have to be considered in how we move forward
with this item. One thing that is perhaps a
barrier is that the survey is rather lengthy right
now, and one idea would be to revise and revisit
those questions to determine if there are a more
appropriate way to construct the question that
gets at the information we need and have fewer
questions rather than more. I think there's about
25 right now.

DR. JOHNSON: Yes, there are. And I have been in touch with a couple of other states who have sent me the questions from that same survey we use where they narrowed it down, and OSEP accepted a narrower version of that. So that might be something we can look at in trying to get that into a simple summary format with the questions.

MS. HUDGENS: And, Nancy, I'm going to interrupt because we have a question from a participant and a comment as well. I'll go to Virginia and then I'll go to Christy.

DR. JOHNSON: Okay. Thank you.

MS. MOOREFIELD: Just a comment about those parent surveys. I do usually answer them when they come to me, but they are frustrating because I spend the ten to 15 minutes, whatever it takes, to answer the questions, and then I never hear anything else about it. And that might be one thing that is deterring parents, is -- so like, you know, if we could see, you know, the compilation of that information or if we could see any results from it, because a lot of the parents in the disability community feel like, you know,
we keep telling the powers that be what we need
and what we think, and nothing ever gets done and
it's frustrating.

MS. HUDGENS: So I don't necessarily
have a comment directly toward that, but just in
general, there is a concern about the different
times and methods in which parents are surveyed.

There are often school improvement surveys that
happen for a building. Then there are systemwide
surveys that occur for systemwide improvement
planning, and then this indicator survey for
parent satisfaction with regard to services
provided through Exceptional Children.

And so part of the activities that we
like to engage in when we're reviewing this
process is are there other ways that we can obtain
this same data and then prioritize the questions
that we have to ask through this particular survey
and gather the other information through other
means that are used across the state. So there's
different essential questions, if you will, that
are related to this area, certainly wanting to
make sure that there is a feedback loop, as you
say, to parents for what the purpose is and what's
done with that information.
And then, Christy, I think you may have had a comment?

MS. HUTCHINSON: Have we asked about the possibility and, I guess, security of doing it online?

MS. HUDGENS: Okay. So the question for audience was whether or not we could do it online. I think that's also -- we're now in a virtual world. I don't think we can walk away from the potential that that brings to us and what we might need to do with that. So I think that is also a consideration. We also have to consider, though, accessibility still and whether folks have complete accessibility to it.

Some things we talked about is could we make it available at a public library and they could log on and do it in that matter. But there are a lot of moving pictures pieces here that we would have to make sure it is accessible and equitable to those who are participating.

Another comment? Ashley, did you have a comment.

MS. CHILDMERS: I was just -- I'm sorry. I totally just lost my train of thought. I'm sorry. I just totally lost my train of
thought.

MS. HUDGENS: We talked about virtual ways to do it, responding back to the parents---

MS. CHILDERS: Thank you. Okay.

Thank you. I think I heard you say that some parents get -- how is that chosen like which parents are receiving these surveys? Is this just through the districts they're sending it through?

MS. HUDGENS: So there are selected districts in order to make up what is considered an appropriate sample size, and I'll explain some of that and offer Nancy an opportunity to elaborate. But, essentially, when you're looking at that LEA, you're looking -- or when you're looking at the state standard, you're looking at how many children with disabilities are in a particular category. So we would want to have a proportionate amount of responses in those categories across the state so that we have a comparable review of where our disability population is represented.

Nancy, did you want to add anything to that?

DR. JOHNSON: Yes. When we do the sample and it's calculated -- it goes to our
calculator -- and Muhammad Mannan, our statistician, helps us with this, and this has been approved by OSEP. We have to show that the number of responses we're sending out is representative of the state. So that proportion would be determined already for the surveys that go out. We don't have as much control over the surveys that come back, and that's where our response rate coming back has been low, but we also have to make sure that when they come back that our response rate is representative of the state so that we can say that this is accurate data that we're sharing.

So in order to address some of that in the past -- and I believe we still continue to do that -- in areas where we've had underrepresentation, we've done what we call over sample by sending extra surveys out. For example, at the high school level, we don't get as many responses as preschool, let's say. So we might over sample high school parents. We'll do the same amount of sample for preschool but might over sample the high school-aged students across the state in order to try to get at a representative response rate.
MS. HUDGENS: Okay. And one last comment from our virtual participants. "How it gets out to the parents is important. Does it mail directly or is it being sent through students?"

And I will say, in general, we send the information to the schools and the schools then elect how it is then disbursed to the parent. So it could be a combination of either of those.

Nancy, do you want to add anything?

DR. JOHNSON: No, I don't. I think -- I think the majority of my schools, from my understanding, send it home through students, but I'm not sure that that's completely accurate, but some of them, they may mail to parents.

MS. CHILDERS: So it's the district that's sending these out? I just want to make sure I have it right. So the districts are sending these out to the parents. They're taking what you're asking them to send out and just basically putting it in a survey of their own?

MS. HUDGENS: No. What happens is, we contract with a vendor to make the survey, to provide the self-addressed, stamped envelope, et cetera. It comes packaged up in an envelope for
the district to disburse to the parents. So there's not a watering down of the questions or the format in which they respond. It's a bubble sheet, essentially, so that it can be read and processed by our vendor.

MS. HUTCHINSON: And it does have the decal and logo on the self-addressed, stamped envelope and the outside envelope. So it doesn't give the parent any impression that it's coming from the local school at all.

MS. HUDGENS: Right.

MS. CHILDERS: Got you.

MS. HUDGENS: We're just utilizing the local -- the local to help us get it disseminated. I think we're ready to move on, Nancy.

DR. JOHNSON: I'm not going to talk about Indicator 9 and 10, other than to show you this one and explain to you what it is in case you have questions about it later. It is disproportionate representation due to inappropriate identification. Indicator 9 is for all students in special education by race, and Indicator 10 is for specific students -- looking at race but for the six major disability
categories including autism, other health impaired, specific learning disabilities, serious emotional disability, speech/language impaired, and ID mild. So those are the six categories for Indicator 10 we look at.

Over the years, we have improved this area a lot. This is an area where we look at the 3.0 risk ratio that I mentioned earlier with significant disproportionality, but this is different. In significant disproportionality, you just look at data. Here we pull the data of the districts that might have a risk ratio of 3.0 or better, but then we have to look at our compliance data to see if a district was determined to be out of compliance [inaudible] the identification and eligibility process, and that is usually not an issue. In past years, we have had some that were an issue, but most districts follow our state -- well, not most districts -- we've found that districts adopt our state policies and follow those policies pretty regularly in terms of meeting requirements as far as eligibility goes or determinations.

But as an example, here you'll see 33 LEAs in Indicator 10, but we didn't have any that
were found to be noncompliant with eligibility
determinations, even though we had 33 LEAs in one
category of disability that had a risk ratio of
3.0. So some of them were in autism for white
students. Some of them were in serious emotional
disabilities for African-American students, et
cetera.

What we will find, though, some of
those 33 LEAs -- it's not a lot, but a couple of
those 33 LEAs might have significant
disproportionality because they had a 3.0 risk
ratio for three consecutive years, but in that
instance, we only used the data. So, again,
Indicators 9 and 10, while they overlap with
significant disproportionality, like Indicator 4a
and b did sort of in discipline. Because there
are different requirements for the APR, we, like
other states, are not really finding issues within
the APR indicators like we are finding issues when
we deal with the same data in significant
disproportionality. So that is something that I
will share with you, that OSEP has been listening
to us and considering about whether or not we just
need to look at the issues through significant
disproportionality and not keep reporting these
zero numbers in our APR. But I wanted to share that with you.

Okay. Here are some areas where we are going to need some assistance. These are two compliance indicators on placement timelines. Indicator 11 is our 90-day placement from the time a child is referred to when an eligibility decision is made and an IEP is developed, the student is actually determined to be placed in the program or determined ineligible and not in the program.

Our Indicator 11 data has dropped slightly, and it is greater than one percentage point. You can see that it's 1.69 percentage points, so I will have to explain why we slipped. That is considered slippage. One good thing is that we're still at 90 percent or above, so OSEP, even though this is a compliance indicator and we're expected to be at 100 percent, that 90 percent or above is taken into consideration if states maintain that level above 90 percent. So that's a good thing. We have continued to do that over the last several years, keep this data up above 90 percent.

But I will tell you, as I've been
analyzing the data and looking at where we're having a little bit of slippage, we have -- as we get an increase in the number of charter schools, we have more charter schools now whose rates are a little bit lower. Now they're small numbers, but they still have to meet the same requirements, and we have a few charter schools who we are working with directly to try to get them to correct their issues from a system perspective. They'll have this out of compliance, and they'll correct it for these kids, and then the next year, they'll be out of compliance again.

And I mention charter schools because we have more charter schools who are focused on in that manner, but we do have one or two traditional LEAs where there have been significant issues with this as well, who can't seem to get this corrected from the system perspective. And so as their data fluctuates, it lowers our numbers. So we are having to put in our APR specific things we're doing directly with those districts in terms of working with them to correct their system issues.

And I think Carol Ann may want to briefly address this, but she's organized her monitors to have different monitors focus on
different issues, and I work directly with one or
two of her monitors on this issue with those
districts who are the lowest performing. And when
you consider that we have close to 300 districts,
we're talking a handful of districts, less than
ten LEAs, and like I said, the majority of them
are charter schools.

Carol Ann, I don't know if you want
to mention anything else, but again, this is an
area too where you-all have any ideas about how we
can support districts in meeting this 90-day
timeline, we do -- we do have to report reasons --
the districts have to report reasons when they go
over the timeline. We know that, of course,
significant weather events like hurricanes and
like the weather this week can be an issue, and we
deal with the districts individually with that.

MS. HUDGENS: The only thing I would
offer is that yes, we are working with LEAs who
have challenges meeting this timeline. One of the
things that is a common thing that we find when
we're problem-solving is that the management of
their data to accurately report in their data
system is sometimes where things have not been
either reported accurately or haven't been closed
and verified within the timelines specified. And so if the data is not managed correctly, it is going to be reported up as a problem, and so those are some things we look at.

We do have instances, of course, where it is not a data problem. It is not managing that timeline appropriately, and sometimes the response that's offered is that they're having difficulty finding the appropriate personnel to administer the evaluations and so forth. Again, while it is a reason that they went over the timeline, that is not an allowable reason for when we have to report our data federally.

DR. JOHNSON: And I can give you an example of that particularly with a charter school where they contract for some of their services like speech and where they are in a rural district, and the district -- all the speech therapists who live there work for the traditional school district and that charter school has to pay fairly high hourly rates for a speech therapist to travel an hour to their district and an hour back each time they come to provide services to students. And if that person they contracted with isn't available or something happens and they
can't come on the day they're scheduled to and
have to reschedule and things like that, it
sometimes throws them off.

So charter schools struggle possibly
more with those things or maybe it's because it's
a rural area, but those are things -- while again
those aren't -- they are explanations to us about
why they're off their timeline, so we have to try
to help them come up with ways to resolve those
types of issues. Again, with charter schools that
are small, they may not be able to hire or need a
speech therapist full-time because they only have
20 EC students altogether, as an example.

MS. HUDGENS: Nancy, we have a
question.

DR. JOHNSON: Yes, ma'am.

MS. HUTCHINSON: Is 90 percent the
total number of students in that year timeline
referred -- divided by the percent that were
placed or is it the number of districts?

DR. JOHNSON: The 90 percent that I'm
referring to a statewide average of students who
had a referral, and sometimes students are
referred, but there are exceptions where you can
subtract kids out. Like if a student starts out
and gets referred in one district but moves during that 90-day timeline, [inaudible] to subject out. So, anyway, once we come up with the total number of students referred, which is close to 50,000 each year, somewhere between forty-five and 50,000 a year, and the number of students who were either determined eligible and an IEP was developed or determined ineligible within the 90-day timeline, and this is the statewide average.

We have some districts that are at 100 percent, and then we have districts that are everywhere from 100 percent down to below the state average and less than 15 percent of their students, but again, some small charter schools, they might have three students that were referred and one of them was out of the timeline, and that puts them below 50 percent.

MS. HUTCHINSON: So that 90 percent is an average of all, let's say, 300 districts, Nancy?

DR. JOHNSON: Yes, it is the average of all -- we have two hundred and eighty-some districts, I believe, but yes, it is the statewide average.

MS. HUTCHINSON: In a sense, some of
that slippage could be from the increased number of charter schools, which is a very small percentage of overall total students, but the fact that they average in the same as Wake County and CMS, and let's say CMS's average, just for purpose of ease, is 100 and Wake County is 100, and then you have two charter schools that serve, let's say, 20 students and they referred, you know, less than five kids, their 80 percent would then give us that 90 percent, but it's kind of unequal -- do you see what I'm saying? Am I making any sense at all?

DR. JOHNSON: Yes, in a way, but [inaudible] are all added together. So it's a numbers game for us for the statewide numbers to give us the 90 percent. It's just that we have more, and most of them are newer charter schools who don't necessarily understand or know that the timelines, even though they're timelines, that they actually have to meet them the first year.

When I was talking about charter schools, I was talking about more that -- we have more of them that we're working directly with -- and, again, it's less than ten LEAs altogether, but we have more of them that we're working
directly with to get their system corrected.

Because we -- besides looking at the individual
numbers and getting those individual students and
ensuring that they get evaluated and a
determination made, we have to ensure that the
district -- that the districts are fixing system
issues if they have system issues, and we have
found more charter schools -- small charter
schools with system issues than traditional LEAs
with system issues.

MS. HUTCHINSON: My point was just
like one or two 90-day timelines missed in small
charter schools are going to give you that percent
than with large numbers of charter schools coming
on or large numbers of small districts we'll see
coming on than one or two students---

DR. JOHNSON: For the individual
charter school, that's correct.

MS. HUTCHINSON: ---doesn't change
that percentage, but overall they're getting an
equal distribution of that---

MS. HUDGENS: Right. The percentage
is weighted based on your headcount. If you're an
LEA with two on your headcount and one of them
doesn't make it---
MS. HUTCHINSON: That 50 percent doesn't equal CMS's 100 percent, which puts us at a 75, when CMS probably did 1000 referrals this year.

MS. HUDGENS: Right. It's not based on the individual student. So I think that was the point.

MS. HUTCHINSON: You have to explain the slippage.

MS. HUDGENS: Yeah.

MS. HUTCHINSON: That might be something -- I don't know how it would be done, but that's why I was asking is it the total number of students referred placed or not placed out a total number of students within 90 days, because that would give you a far more accurate representation across the state.

MS. HUDGENS: I think the difficulty rests in how we're required to report it federally. They don't give us a sliding scale for that based on your headcount. So, unfortunately, this is how the data has to be returned. So, yeah, it doesn't account for these differences in population from LEA to LEA.
box virtually, and then we have one more comment or question here in the audience. The comment in the question box, "My understanding is that some states require a certain number of school days rather than a 90-day timeline. This would avoid the problems created by unexpected canceled school days and the issues created, as testing and meetings can be difficult to plan during the summer."

Nancy, do you want to respond to that before I do?

DR. JOHNSON: I can respond and then, Carol Ann, you can certainly follow up with that as well. We are -- just so you know, the actual requirement is 60 days from -- the federal requirement is 60 days from the day the parent refers that the student is evaluated. We in North Carolina have what is considered OSEP approval of our 90-day timeline, and it is a 90 day -- calendar days. The other requirement is a 60-calendar-day timeline. And so states have a choice of either following the 60-day timeline for the evaluation period or a timeline approved by OSEP.

And prior to this requirement several
years ago when it was added into the performance plan, North Carolina's 90-day placement timeline from referral to placement was already approved by OSEP, and our state at the time with stakeholder input chose to keep it, and we have had it approved in the APR ever since then. So it is approved by OSEP. It is similar in some ways because that 60-day timeline for conducting the evaluation falls within this 90 day timeline. But if you-all would like to give us feedback about your thoughts about that, that would certainly be something interesting for us to consider.

Carol Ann, you may have some other information you'd like to share related to that.

MS. HUDGENS: Right. I think with the 60-day federal timeline, it starts when the parent provides consent. 90 days, in North Carolina, starts at the referral time. So there is that difference. The North Carolina timeline encompasses that time that you should reasonably act upon a referral, and so we've scooped that into the entire timeline to make sure business is attended to.

Ashley, did you have a comment you wanted to---
MS. CHILDERS: Abby. Yes. I just wanted to kind of go back for one second to what we were talking about a second ago as far as the percentages. I heard you say that the federal government, I guess, gives you the way of being able to break that down. Is there not any other way, though, to be able to break that down more to where it looks -- like to me this just -- it made me raise my eyebrows too, kind of like, wait a second. This doesn't make a whole lot of sense. Whereas I feel like if it was broken down more, you know, that it would basically be able to see better percentages.

MS. HUDGENS: I'll repeat and then Ashley can add to it. But, essentially, the way the federal government is asking us to respond out with this data doesn't seem like it is aggregated enough to give us an actual area of focus, and I'm looking to Ashley to see if I captured that and to see if she wanted to add any more.

MS. CHILDERS: Yeah. I just wanted to see if there was a way to be able to break -- we could submit -- the report to be submitted like that, but underneath it maybe to be able to break it down.
DR. JOHNSON: I am actually giving you the rate because that's where we have to report on the slippage or not, but we do actually -- and I can send you more data with this -- we have the actual number of referrals and how many were determined ineligible within the timeline and how many were determined to be eligible within the timeline. We also have the numbers of how many days over they went [inaudible], and they're broken down into four or five categories that we have to report under and whether they went over 46 days or more.

MS. CHILDERS: Thank you.

DR. JOHNSON: [Inaudible] so we can submit information to you.

THE CHAIRPERSON: And I just wanted to add, as far as the 90-day timeline goes, keep in mind the school year is 180 days. 90 days is half a school year.

MS. HUTCHINSON: Well, that's 90 calendar days, not 90 school days, so it's really only three months.

THE CHAIRPERSON: It's still quite a bit of the year.

MS. HUTCHINSON: No, I agree with
you. I was just saying it's not half the school year. It's like one quarter because it's 90 calendar days.

MS. HUDGENS: And just for clarification, I keep calling Abby Ashley. It's really Abby. I'm sorry, Abby. It's a hard job over here. I'm turning microphones up and down. I'm queuing---

THE CHAIRPERSON: You're doing awesome, Carol Ann.

MS. HUDGENS: I'm acquiring some skills I didn't sign on for.

All right. And I think that takes care of those in the chat and those in the room, and so, Nancy, I think we're ready to move on with your subject matter.

DR. JOHNSON: Okay. Now as I talk about Indicator 12, I do want to say that some of the data from Indicator 12 may be impacting our Indicator 11 data because these kids who are in Indicator 12 are kids who are prior to age three, they're in Part C and they're being referred from Part C and have to be determined they're eligible for Part B and have their IEP developed and implemented by their third birthdays, but those
same kids have to also meet the 90-day timeline, 
and you can see we have had a significant drop in 
this data.

And we were really proud of this 
Indicator 12 data. Many, many years ago when the 
APR first came out, our Indicator 12 data was 
below 50 percent and we had the needs intervention 
status because of it. And our preschool folks 
worked really hard to work with districts to get 
this data to improve. We have had some of our 
larger districts changed -- and some of our other 
districts changed how they're -- and I don't know 
exactly what the change is.

Our preschool folks are working with 
them to see if they can figure it out, but change 
how they were collecting this data or what they 
were doing somehow with this data, and they had 
significant drops in their data, which then 
affected our state data, to a point where we had 
some districts who had been like at 99 percent 
last year or the past few years and dropped below 
50 percent and they had a number of kids, and so 
that dropped our data really low. So we are still 
investigating to see exactly what it is that 
happened to cause this data to drop this
significantly.

We know the districts where it dropped. We are looking at the actual numbers and those kinds of things, but we are having to get more specifics from each district where we had any kind of a significant drop---

MS. HUDGENS: Okay. We have a question---

DR. JOHNSON: ---because it eventually will be an issue for us. Yes?

MS. CHILDERS: Yes. I just wanted to ask one question real quick about the -- about the children and the age. Could any of that have to do with funding in certain parts -- or different districts?

DR. JOHNSON: She was asking me about funding, but I didn't hear the entire question.

MS. HUDGENS: Could the slippage be a result of lack of funding resources in districts?

MS. CHILDERS: If certain districts basically had cut funding or their funds were cut in that department and area, would that cause some of this slippage as well?

DR. JOHNSON: It is possible if a district had funding cut and, therefore, cut
personnel that dealt with these issues. That is a possibility. My preschool folks are working with the districts where we have seen the most significant issues. They would certainly look at if it's a personnel issue, if it's how people are allocating their resources to get this done, or what, but these are districts who in the past have had higher rates.

Like I said, we were at -- more than the ten percentage point rate, so you can see we were over 96 percent last year across the state. Now the other things to note, these are traditional school districts only. The charter schools are not in this data because they don't get preschool children ages three and up.

MS. HUDGENS: So I would just like to add, as a point of interest, we know that our preschool friends are working on this data, but some of the things that I might be considering is how those notifications happen of the change from Part C to B because those are other providers, then that work in coordination with notifying public schools that there is a child with a disability.

So there's a coordinated effort
between state agencies there that I'm sure is on their list to look at because those children have to be identified and placed before their third birthday. So oftentimes those communications need to start happening a year in advance.

DR. JOHNSON: Are there any other questions or comments about this or--- Again, we're going to be asking for your input and ideas for this particular indicator as well.

MS. HUTCHINSON: Ten percent is alarming because we all know sitting here that early intervention is the key. So we're saying that we need to get our hands on those two-year-olds and we need to start serving them right now, and so a ten percent drop in those that are placed within that timeline is -- so then they're not coming to our school systems placed, which then kind of delays the whole access to services thing.

So I think that's a place we could focus our efforts and figure out -- and maybe it's a data collection issue, maybe it's the communication with private providers. I know that sometimes with two-year-olds and three-year-olds, they are in different types of environments and day cares and communicating with their parents is
not as easy as they're coming to a school every
day. They could have very diverse environments.
But we could probably put some efforts into --
that's huge to me. Huge.

DR. JOHNSON: It is a huge drop, a
significant drop, and it is -- and I can tell you
when we saw it, we started calling districts
going, "Are you sure your data that you submitted
is correct? Let's go over this." That was our
first step---

MS. HUTCHINSON: Nancy, that's going
to be---

DR. JOHNSON: ---with the districts
that really saw the biggest drops---

MS. HUTCHINSON: Yeah, that's going
to be a domino if those kids aren't placed and
identified. That's a domino coming straight to --
you know, not that, you know, kindergarten and
first grade is any more important, but it's a
domino effect that is going to affect all the way
up through.

DR. JOHNSON: Yeah. Now I will tell
you, though, that this rate is -- again, we have
to report, just like we do for Indicator 11, how
many days over the timeline they went. So for
some districts, we know they may have only gone a few days over the timeline, but they're still in this category.

But we have other districts where the majority of their kids were more than 46 days over the timeline. So we don't even have the data yet to know if those kids were determined eligible yet or not, and that's something we have to look individually with each district so that they have -- they have to report to us and show us that they completed the process for these students.

And I will tell you for me -- I share, whoever that was talking, their concern that it's one thing if somebody goes over a timeline by five days, but the child still gets placed in the program, and particularly if they were turning three before school started, that kind of thing, but it's another thing if the majority of your kids go beyond the 46-day timeline. We're talking a couple of months of school or close, a month and a half of school, and we still don't have evidence yet if that child's been placed or not or if a determination -- an eligibility determination has been made, and that we would work with the district differently than
another district where the data may be low, but
they were just missing the timeline by a few days,
if that makes sense to folks.

MS. HUTCHINSON: And this wouldn't
have been an impact of like a hurricane or foster
care or any of those kinds of things in '17-18,
right?

DR. JOHNSON: I didn't hear what she
said.

MS. HUDGENS: So is there any
connection to a weather event or foster care or
any natural disaster?

DR. JOHNSON: I'm not able to hear
you, Carol Ann.

MS. HUDGENS: Hold on. Can you hear
me now?

DR. JOHNSON: Now I can hear you.

MS. HUDGENS: Okay. Is there any
correlation to a natural disaster or act of God
during this reporting year that could attribute to
the ten percent drop?

MS. HUTCHINSON: Or foster care or
anything like that.

DR. JOHNSON: There might be with one
or two smaller districts, but not with some of our
other districts. It's varying from district to
district, and that's why we're having to deal with
each of them individually because their data is --
you know, while they had drops in their data,
their data is varying by number of days and
reasons why that they -- the reasons they've
indicated, at least in data they submitted, but
only one or two of the districts that are involved
right now would have been significantly affected
by the hurricane possibly.

MS. HUDGENS: So we have Virginia
that has a question.

MS. MOOREFIELD: Nancy, I just wanted
to ask because I don't know how, you know, a lot
of the identification and referral and everything
works. So I see that on Indicator 12 the focus is
on getting the littles identified and placed by
their third birthday, but where do children who
either are identified or who acquire their
disability between the ages of three and five --
where do they fall?

DR. JOHNSON: Carol Ann, I heard to
their third birthday, and then I didn't hear the
rest of the question.

MS. MOOREFIELD: Sure. So the kids
who either acquire their disability or who are identified with a disability between the ages of three and five, where do they fall?

MS. HUDGENS: Nancy, did you get that?

DR. JOHNSON: I think. Where do the children between the ages of three and five fall?

MS. HUDGENS: Yes. Yes.

DR. JOHNSON: They would be in Indicator 11. The children who are younger than at age three who are getting referred, all of the ages three, four, and five fall in Indicator 11.

And, Carol Ann, if you are responding to me, I'm not hearing you.

MS. HUDGENS: No. I'm just waiting for you to be -- you can go forward now. There's no further comments.

DR. JOHNSON: Okay. All right.

Indicator 13, I had mentioned to you is our transition, and this is done through monitoring, and Indicator 14 are postsecondary outcome data. We're still evaluating the data. Indicator 13, because not only do we look at whether they were in compliance with what needs to be in the IEP about measurable postsecondary goals and
transition services, if we have issues in this area, the majority of the time it's related to measurable postsecondary goals, but our monitors do -- they do this through their monitoring visits each year, and so it's different district's data. And they do -- our monitors do a lot of follow-up with this compliance indicator and districts getting this correct, and so we're still working on that data. I don't really see any significant changes from last year. We were at 85 percent, but it was a pretty good -- a few years we were lower, and we've been increasing that rate slowly.

Indicator 14, I'm not anticipating any slippage in this area, but again, it's taking us longer because we're analyzing their data. We didn't contract that out this year, and again, we have over 1000 responders. I'm still calculating exactly how many responders, which is a great thing because we usually only end up having approximately a little over -- somewhere between 2000 and 2500 surveys that are sent out because these are kids who have exited the school system either through graduation or dropout or through a certificate and have been out of school for a
year, and then we're looking at whether they're in higher ed or competitively employed or in some other kind of educational program or some other type of employment. So we will have that data in January.

And then the last two indicators we'll be looking at today, and this is where, again, we may see a few discrepancies. I think there is a discrepancy with some of the information Carol Ann shared with you, and she shared it off of her slides that she took from our table that we submit to OSEP, but then OSEP takes that data and uploads it into the APR. So I pulled the data from our APR for this because that's what I have to work with, and if there's a discrepancy, then, we have to figure out why and decide if we're going to override what OSEP uploaded versus what we say we had and work that out with them.

But, anyway, with these two pieces of data, the resolution sessions and mediations, Indicator 15 is resolution sessions, and we've actually had a pretty good increase in this data for this year where resolution sessions resulted in written agreements -- settlement agreements,
and that was an increase of 8.86 percentage points.

But I did notice that I had a question when I looked at the data, although I pulled it from the APR, they only took the resolution sessions that were for regular due process hearings, and we did have one resolution meeting or resolution session that ended up in an agreement for an expedited hearing, and they didn't include that data. So we're going to have to go back and look and read the directions again to make sure that that's how we should have pulled the data. So that could be why we might have some discrepancies.

Indicator 16 is about mediations, and this is one where Carol Ann had mentioned we have fluctuating data all the time, and this time, according to OSEP, based on the data we submitted, they said we have had 54.55 percent of our mediations end up in written agreements reached, and they do a combination of mediations that were due process hearing mediations and those that were not a result of due process hearing mediations, and I think I'm correct Carol Ann had said it was at 58 percent. So we'll be checking those more
closely to see, but regardless, we will have to explain the slippage.

I think Carol Ann mentioned this earlier, and she might want to mention some other things about this. Once these get particularly to the hearing, people are pretty concerned -- everybody concerned about their issues, but by the time they get to that point, a lot of times communication has broken down. People just want to get into the system and get something official determined through a hearing, and so they're not necessarily going to resolve or go back to the mediation process.

And while we can encourage people to do mediation, we can't force people to resolve their issues through mediation. This is up to our employees out in the field, so while we can again provide some support, it's hard for us at the state level to control what this data looks like each year. So that is a significant slippage. We have from year to year -- some years we get it up as high as seventy-some percent. For this in other years, we've been as low as this or maybe even a little bit lower. Any thoughts you have, we will be certainly willing to accept them and
consider them.

And, Carol Ann, you may have some
information you would like to add to either of
these two indicators.

MS. HUDGENS: I don't have anything
else to add, Nancy.

DR. JOHNSON: Okay. But please know
that we know that our data that OSEP reported
doesn't quite match what we think our data is
saying when I look at the same tables. So we'll
go back and look at the actual specific directions
about what they're pulling versus what we thought
they should be pulling from our tables, and so
that we'll make sure our data matches. So this
data might change slightly when we send you the
copy of the PowerPoint.

All right. With that said, the rest
of the slides about Indicator 17, and I'm just
going to -- we'll be sharing those with you in the
PowerPoint that you can review, and then if you
have any questions -- Indicator 17 goes to OSEP
April 1st, and we have a large stakeholder group
that works with Indicator 17 with the state, and
so I'm just going to kind of flip through those
slides. Just to say one thing, though, we are --
for Indicator 17, our target area is on the five-year adjusted cohort graduation rate, which is the red line, and you can see we did increase that area this past year.

There may be some other questions, but I do want to just briefly talk about next steps. When we send out the PowerPoint to you with our data in it, I'll be also sending out a form where you can comment about each indicator. It doesn't only have to be indicators about slippage, but please know that we will be focused mostly on these indicators where we have slippage because we have to address those -- either slippage or like Indicator 9 where we have to address our response rate.

And so we'll be putting a little bit more information in the form that goes to you about what kinds of information would be helpful for you to give back to us, and we could take it one of two ways or both ways. When I send out the information, I'll be sharing my email address with you so that you can email your forms back to me. You can decide to provide the information as individual members of the advisory council, or if you-all choose as a council that you want to
comment as a group back to us, that would be acceptable as well, or you could do it both ways, if you choose to do so. And within that information, I've also got a timeline when I'll need that information back. It will be sometime in January because we have to submit February 1st.

So with that, are there any questions about any of the data I've shared with you or any questions about the process or next steps?

MS. HUDGENS: Nancy, there doesn't appear to be any in the room or in the chat box. So thank you so much for your presentation.

DR. JOHNSON: You are quite welcome, and I'm going to wish everybody happy holidays. I miss seeing you. Usually, I'm there in person, and I do miss seeing you and spending time with you. So thank you and you will be hearing from us. We'll be getting an email out through DPI to you. Thank you.

MS. HUDGENS: And, Nancy, if you will go ahead and return that back to me so we don't see your screen, that would be great.

DR. JOHNSON: Oh, yeah, I forgot I have to do that. Do you have it back?

MS. HUDGENS: I do. Thank you so
much. I appreciate it.

DR. JOHNSON: Thank you. And you're going to mute me as well?

MS. HUDGENS: Yes, that would probably be a good idea.

THE CHAIRPERSON: Thank you, Nancy. Would everyone be in favor of a short five-minute break to use the restroom or anything else? Sounds good. We'll be back at 2:30.

(A brief recess was taken from 2:23 p.m. to 2:35 p.m.)

THE CHAIRPERSON: So next up is the agency updates, and that will be Miss Carol Ann.

MS. HUDGENS: Okay. So I'm pleased to be able to bring you some updates today. Sherry Thomas, our interim director, could not join us today for the update part of our meeting, so I am here on her behalf. I have updates in three major areas and then one update from my own section.

So, first, we'll talk about ECATS. As you know, we had delayed our implementation of ECATS. Most of that was to continue to finalize the specifications to ensure that it is going to do all the wonderful things that we need it to do.
And the historical data integration, all of that information coming from CECAS, is going really well. We are currently processing 150 LEAs statewide -- so that's about half of our LEAs -- with data that we're working with in the migration point, so that's really good.

Last Friday or Friday, November 30th, rather, the superintendent -- our state superintendent had a superintendents meeting, and at that superintendents meeting, he solicited feedback from them regarding the timeline for implementing ECATS, whether they felt it would be appropriate to implement in the middle of the year or to implement at the end of the school year and transition over the school summer.

And so their feedback that the superintendents provided to our Superintendent Johnson was that their preference would be to roll out over the summer. For a lot of different reasons, that seemed to be a more appropriate transition time for their LEAs in order to get training in place and to manage spring IEP season in an efficient manner. And so that was the feedback that they offered.

At this point superintendent Johnson
has not given us an actual date that we will roll
that out. As soon as that is made available, then
what we'll do in our division is begin the
backward planning of the training protocol, the
training process and materials, and have all of
that in place at the time of rollout. One of the
options that was put on the table for the
superintendents to consider is whether or not they
were tired of waiting on this product and wanted
to go with another vendor, and thankfully, our
superintendents responded that we would like to go
forward with ECATS. The teachers are really
excited about ECATS. All of the different teams
that we had the opportunity to deliver training
and to highlight this with are in favor of
supporting ECATS.

So it's very nice to know that ECATS
is not going to be abandoned, and I point that
out, in particular, because sometimes that seems
to be a local myth and a topic of discussion that
we get a question about from time to time, about
whether we are just abandoning ECATS as a whole,
and the answer to that is no, we are not.

Okay. Any questions about ECATS for
me? We are looking forward to getting that in
place, so more to come.

THE CHAIRPERSON: We've been talking about that for the last five years, it seems like.

MS. HUDGENS: It does seem like quite some time. It seems like we've been involved with this ever since I've been at the agency, and I just celebrated five years. So I know that some of my first work here was working on the review and revision of the state IEP form. So if you count all the little moving pieces as part of that project, it has been in place for five years at this point. So it will be a happy day all around. You may see tremors from Raleigh when we go live. It will be an exciting opportunity for all of us.

As we had discussed before at our June meeting last year, or maybe even prior to that, we had agreed that it was pretty important that some parent communication come out from NC DPI directly to families about what to expect during the transition and to reassure families that the data would be transferred in a secure manner. They would virtually see no interruption to the service delivery of their child. It was just a means of migrating into a new and more efficient system to manage student data. And so
we will likely issue some similar parent communication ahead of rollout again to reinforce those things and to give them, to the extent that we know from the state level, a what to expect feel at the parent level, which should essentially be very little to no interruption at all.

All right. The next thing that I'm going to talk about is regionalization. You may have heard that we had a report done agencywide by Ernst & Young to reevaluate our resources here at the state agency, and one of the primary recommendations that they offered to the agency is that we needed to regionalize our support to the LEAs so that those hubs of services could be timely in its response, it could be nimble enough to provide technical assistance and professional development on-site, and it would also be a means of weaving together the different divisions here at the agency to provide a coordinated approach to how we serve LEAs.

So that work has been moving forward.

One of the advantages that we have in the EC Division is that we regionalized our services about four years ago, and in fact, we're happy to report that some of the ideas of lessons learned
and some of the things that we think are of high value are being considered in how this regional model is being developed moving forward.

So that feels really good to us because that's something we know and something that we've experienced, and so we always are looking forward to the times that we can work with our partners in Curriculum and Instruction, work with people in Accountability, and work with all the other friends that we have here in the agency to provide support to the LEAs.

So right now that work is being organized. There are some things that have to shift a little bit in the agency to accommodate that change. Particularly in the EC Division, as I mentioned, we have regional folks already in place. Specifically on my team, our monitoring team is based regionally. They're going to be a valuable resource because they're collecting data around what is happening in LEAs. And so, as you know, some of the things that we become concerned about on the EC side also are related to instructional things that are happening in general. So it's a really nice opportunity to share that data back and forth, again, to
coordinate some direct effort.

The primary focus initially are going
to be on those low-performing school districts.
They are prioritized to be able to have that
additional support right away. Other sections in
our division, in addition to the program monitors,
is our Literacy in Math consultants, who are under
Dr. Crawford's team or on her team, rather. She
presented to you earlier today. Her Literacy in
Math consultants are also regionalized, and that's
the instructional arm of our division in
particular with Reading Research to Classroom
Practice and Math Foundations training.

So we have a core instructional part
of our division included on those regional teams,
and then we have our regional coordinators which
coordinate activities for our division at large in
the region, and so they are the resources that
have helped EC directors review their budgets,
submit things on time, answer general policy
questions, coordinate regional directors meetings,
coordinate professional development that we offer
in the region. And so those three distinctive
groups in our division are already in place and
will be scaled up to work collectively with
agency's plan to move forward on a regional approach.

Any questions there? Yes, ma'am?

MS. TERHAAR: Do you think it's likely they'll just keep the same region boundaries that you-all have been working with?

Because that seems to be so effective.

MS. HUDGENS: Yes. One of the things that we've received a lot of benefit out of is how we've organized. One of the things that we've done -- and I'll speak specifically to my section -- is that before I became section chief, all the monitors had to be based here in Raleigh, but when you look at 85 to 90 percent of their work time is out in the LEA for which they are assigned. So you think about just some natural efficiencies that occur when you live in your region.

So over the course of retirements and matriculation, I've been able to put those positions back out of the regions, and so that's how that will be taken advantage of. So we fall along the districts and the regions that the State Board has recognized in terms of North Central, Piedmont, and so too will the regional teams.
Okay. Any other questions?

MS. CHILDERS: I'm sorry. I think I missed that part. What was the actual name of the--- I'm sorry. You said that there were -- I didn't catch the actual name or department.

MS. HUDGENS: So right now, it's called regional district support, and that's the collective terminology for the agency approach.

And I better check online. I'm falling down on one of my many tasks. Let me check and see if we have any questions from our virtual friends.

So Jennifer asked if we started back. Jennifer, can you give me a quick nod that you're able to hear me okay? Otherwise, I'm going to have to repeat all this wonderful stuff one more time.

All right. If one of you can serve as my friend and watch this little box right here and see if something pops up that says yes, they can hear me, I'm going to move on with my content for the benefit of this group, and then if I have to repeat for those online, the folks here will have an opportunity to do something different at that point.
So the last piece of information that I have to share--- Okay. Good. She's hearing.

Thank you.

All right. So the last point of interest to share is regarding the alternate assessment. If you recall, the alternate assessment is the state-required assessment for children who are provided instruction on the extended content standards. And so what has been a point of discussion is the appropriateness of children who are assessed in that manner, and if they are assessed on alternate or on extended content standards, are they also instructed on the extended content standards, and has the IEP team considered whether or not the extended content standards provides a rigorous enough program for the child and their regular level of performance.

Also too, we want to make sure that we have good practices in place. While we would not want to think that this occurs, we can't do the see no evil, hear no evil, but we wouldn't want children's test administration changed for the benefit of having good results. And so the alternate assessment is a very important decision that has to be made.
It needs to be messaged pretty clearly as soon as is reasonably possible to do so, so that parents understand that participating in the alternate achievement standards or the extended content standards is not going to lead to graduation with a regular high school diploma, and what does that mean if the child's program is altered perhaps too soon or not soon enough and is it messaged soon enough, and really just trying to hold the high level of rigor to the instruction that children participate in, and that these decisions are made very carefully.

So to that end, we have provided some technical assistance to our directors in looking at their data and how many children participated in this assessment, and having directors look at that data with us to ask those important questions about whether this was an appropriate option for this child and what does that mean to their long-term postsecondary goals, and making sure that they're appropriately receiving the instruction based on what those postsecondary goals are, how they are assessed. If they're going to be assessed by the regular test administration, then you must be sure that they
have appropriate rigor to their program.

Any questions here?

(No audible response.)

MS. HUDGENS: All right. Then, I'll take a moment of personal privilege and provide you an update from my section. If many of you have been in place for a bit of time, you may have been familiar with Heather Ouzts, our parent liaison. We have a position in our section that is titled parent liaison, and it helps with disputes. That position helps increase parent education.

Primarily, one of the things that we had Heather engaged in is working with LEAs who wanted to have a parent liaison or a parent advisory council at the local level, and before she left, she had had almost two-thirds of the state engaged in some level of work with either installing a parent liaison on their staff or installing a parent advisory committee locally to inform decisions that are happening, much to the same as someone would be contributing to a school improvement plan or a safety plan, to having that special ed voice at the local level.

And so we're very interested in
having that work continue. We had a slow down in
the ability to post for positions for a period of
time. I'm pleased to say I'll be able to
interview for that position on Friday, and we have
a number of candidates who have exciting
backgrounds that we're looking forward to learning
more about on Friday, and hopefully, from that
selection of candidates, we'll be able to arrive
at our next parent liaison.

So I'm hopeful that the next time
that we are meeting here together, I'll have a new
person to introduce to you, and she can help me
multitask up here -- he or she, rather, can help
me multitask up here with the task of supporting
the Council, as that is one of the roles that that
person also plays in our division.

So with no further ado--- Yes,
ma'am?

MS. MOOREFIELD: Are applications
still being accepted for that position?

MS. HUDGENS: At this point,
applications -- the application process has
closed. If I am unsuccessful on Friday in
locating a preferred candidate, I will have the
option of posting that position again, and so
we'll have to see what happens on Friday.

Okay. I'm not seeing any questions
from the question box, so I'm going to hand it to
Leanna.

THE CHAIRPERSON: All right. Do we
have any announcements that I know of? I don't
think so. Any further questions or items for
discussions that anybody has before we say
goodbye?

MS. CARTER: Vote on the minutes?

MS. HUDGENS: Just a point of
interest -- yes, thank you -- did you guys want to
vote on the minutes? Because your folks online
are hanging on and our memory becomes a little
cloudy the longer we postpone this fun activity.

THE CHAIRPERSON: That's why we
looked at it this morning.

MS. HUDGENS: Yes. So for the
benefit of the folks online, I'm going to need you
to indicate whether or not you're in approval of
the minutes. They seem to be favoring the
question box today instead of the chat box, so I'm
going to have them stick with what they know, and
let me know in here. Here we go.

THE CHAIRPERSON: Do we want to get a
all in favor in here?

    MS. HUDGENS: So we have two -- I may
have done this out of order. I apologize.

    THE CHAIRPERSON: Everybody's in
favor in here? Okay. Usually, I don't have
anybody disapproving, so--- We have four, five.
I mean that's at least the majority. All right.
So moved.

    MS. HUDGENS: Thank you, folks
online. We counted your votes.

    THE CHAIRPERSON: And, hopefully, the
weather will be good in March when we come back.

    MS. HUDGENS: So for the folks
online, it looks like our minutes are approved as
written. Are there any other folks that have
questions or concerns about those minutes? Can I
have a motion?

    MS. HUTCHINSON: I motion we approve
the minutes as written.

    MS. HUDGENS: Okay. I've got a
motion from Christy.

    MS. CHILDERS: I'll second.

    MS. HUDGENS: And I've got a second
from Abby. You know, I just transposed that right
on into Ashley. All right. So thank you.
THE CHAIRPERSON: All in favor---

MS. HUDGENS: All in favor say aye.

(All council members responded aye.)

MS. HUDGENS: I've got your ayes online. And thank you.

THE CHAIRPERSON: I think that's everything.

(At 2:55 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
156, 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 4th day of January,
2019.

Rebecca P. Scott