

COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina
June 13, 2018
9:43 a.m.

TRANSCRIPT OF QUARTERLY MEETING

The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 13th day of June, 2018, in the State Board of Education Boardroom, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:43 a.m.

APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Leanna George, Chairperson
Vicki Simmons, Vice Chairperson

Anthony Baker
Sara Bigley
Honorable Hugh Blackwell
Dale Carpenter
Anna Carter
Abby Childers
Diane Coffey
Cynthia Daniels-Hall
Jennifer Grady
Christy Grant
Kristen Hodges
Katie Holler
Christy Hutchinson
Adam Johnson
Carla McNeill (via webinar)
Teresa Mebane
Virginia Moorefield
Tim Montgomery
Kelli Terrell (for Rickey Smith)
Marge Terhaar
Jennine Vlasaty

STAFF:

Tish Bynum
Carol Ann Hudgens
Sherry Thomas
Danyelle Sanders

VISITORS:

Eric Hall
Paulette Wall (via webinar)
Rebecca Richmond (via webinar)

COURT REPORTER:

Rebecca P. Scott

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1 Thereupon, the following proceeding was held:

2 THE CHAIRPERSON: All right. We can
3 go ahead and get started this morning. I'm Leanna
4 George. I am the Chair of this committee. We've
5 taken the last few minutes to start looking over
6 our minutes, but I know we have several new
7 individuals here with us today that will be
8 starting their terms in just a few weeks. I
9 welcome you, and I'm glad that you were able to
10 come and participate today in our meeting. We
11 have a few that will be leaving us, and we'll
12 discuss that a little later, I think.

13 But, anyway, I'm the parent of two
14 children, both of whom have exceptionalities.
15 They are awesome kids, but they're not here today.
16 My son's usually with us because he's
17 homeschooled, but he's at camp today. And I have
18 a daughter who lives in a group home attending
19 school out in McDowell County. I'm from Johnston
20 County.

21 And do you want to go -- would you
22 like to go next?

23 MS. VLASATY: My name is Jennine
24 Vlasaty from Wake County. I have two children,
25 the youngest of which is my EC kiddo.

1 MS. SIMMONS: Hi. My name is Vicki
2 Simmons. I'm an adapted physical education
3 teacher with Guilford County Schools.

4 DR. CARPENTER: I'm Dale Carpenter,
5 [inaudible] special education at Western Carolina
6 University. I'm the outgoing IHE representative.

7 MS. MOOREFIELD: I'm Ginny
8 Moorefield. I have a son with traumatic brain
9 injury in an ID severe class. I'm also an
10 interpreter for the deaf as well as a teacher for
11 hearing kids but who are ASL.

12 MR. MONTGOMERY: I'm Tim Montgomery.
13 I'm the Head of School at the Piedmont School and
14 John Yowell Academy in High Point, North Carolina.
15 We specialize in working with students with
16 attention deficit disorder and other language-
17 based learning disorders.

18 MS. HUTCHINSON: Christy Hutchinson,
19 EC Director at Lincoln Charter School. I'm the
20 charter school rep for this Council.

21 MS. GRANT: I'm Christy Grant. I'm
22 the Exceptional Children's Director at Nash-Rocky
23 Mount Schools.

24 MS. HOLLER: I'm Katie Holler, a
25 mother of five daughters, four with autism. I'm

1 the Autism Resource Specialist in Greenville,
2 North Carolina, for the Autism Society of North
3 Carolina.

4 REPRESENTATIVE BLACKWELL: I'm Hugh
5 Blackwell. I'm a member of the North Carolina
6 House of Representatives.

7 MS. BYNUM: I'm Tish Bynum. I'm
8 Special Assistant to the North Carolina Governor's
9 School and administrative support to this Council.

10 COURT REPORTER: Good morning. I'm
11 Becky Scott. I'm the court reporter making a
12 record today.

13 MS. HUDGENS: Good morning. I'm
14 Carol Ann Hudgens. I'm the Section Chief for
15 Policy, Monitoring, and Audit here at the
16 Exceptional Children Division, and I'd also like
17 to introduce one of our participants via virtual,
18 and that's Paulette Wall. She's joining us
19 virtually.

20 MS. TERHAAR: I'm Marge Terhaar,
21 Professor of Special Education at Meredith
22 College, the incoming IHE rep, and a mother of two
23 children with ADHD.

24 MR. BAKER: I'm Anthony Baker,
25 Assistant Principal of Western Middle School in

1 Elon, North Carolina, and a former EC teacher and
2 chair.

3 MS. MEBANE: I'm Teresa Mebane. I
4 have three boys on the autism spectrum, and I live
5 in Wilmington. I also work for the Autism Society
6 of North Carolina and Family Support Network.

7 MS. BIGLEY: My name is Sara Bigley,
8 and I'm the State Coordinator for Foster Care,
9 which is new provisions for children in foster
10 care under the Every Student Succeeds Act.

11 MS. HODGES: Hi. I'm Kristen Hodges.
12 I have three children. Two have IEPs. One has a
13 504. I also have a sister with Down syndrome, and
14 I'm a school counselor at an elementary school.

15 MS. CHILDERS: I'm Abby Childers. I
16 have two children. My son has -- is 11 and has
17 muscular dystrophy, and I have a daughter with
18 Dravet syndrome, and she is nine. Both are
19 students in Charlotte-Mecklenburg Schools. And I
20 am also the EC Parent Advisory Council Chair.

21 MS. COFFEY: I'm Diane Coffey. I'm
22 from Watauga County, and I am a parent of two
23 children, both with exceptional needs.

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

1 have six children and several grandchildren
2 diagnosed on the autism spectrum. I'm also a
3 Special Education Advocate, so I work with
4 families across the state.

5 MR. JOHNSON: Hi. I am Adam Johnson.
6 I'm the Director for Education Services with the
7 Division of Juvenile Justice.

8 MS. GRADY: Hi. I'm Jennifer Grady.
9 I'm a business rep. I work for Blue Cross and
10 Blue Shield of North Carolina, and I'm also the
11 parent of a child with autism.

12 THE CHAIRPERSON: Thank you very much
13 everyone, once again, for your participation
14 today. To move us along with the agenda, like I
15 said, we've got several subjects to discuss today.
16 We're going get a report on the Endrew court
17 outcome and how that's affecting North Carolina
18 schools, also technical changes to policies coming
19 up, and after lunch, we're doing some committee
20 work and working on our annual report.

21 Do we need more time to look at the
22 December of 2017 Summary of Actions or Minutes?
23 If we do, we'll take another minute or two; if
24 not, if I hear a motion, we can move to accept
25 them as written or has edited.

1 MS. DANIELS-HALL: So I'll make a
2 motion that we accept them as written.

3 THE CHAIRPERSON: All right. Do I
4 have a second?

5 MS. MEBANE: Second.

6 THE CHAIRPERSON: All in favor.

7 **(Multiple Council Members responded**
8 **aye.)**

9 THE CHAIRPERSON: And the same
10 process for March. Do I hear a motion to approve?

11 MS. COFFEY: I make a motion we
12 approve as written.

13 THE CHAIRPERSON: All right. Do I
14 hear a second?

15 MR. MONTGOMERY: Second.

16 THE CHAIRPERSON: All in favor.

17 **(Multiple Council Members responded**
18 **aye.)**

19 THE CHAIRPERSON: Okay.

20 MS. CARTER: I apologize for being
21 late. My name is Anna Carter. I'm the Director
22 of the Division of Child Development and Early
23 Education.

24 THE CHAIRPERSON: All right.
25 Welcome. Thank you for attending today. Moving

1 on to Ms. Hudgens with Endrew.

2 MS. HUDGENS: Good morning. I
3 provided you a handout that came a little bit
4 after your packet was constructed, and it's
5 titled, "Questions and Answers," involving the
6 Endrew case. So I'm going to share with you a
7 little bit about the Endrew case, what we are
8 looking for in terms of how that is impacting what
9 we do for children with disabilities in our
10 schools, and answer any questions that you have
11 about that case, to the best of my ability this
12 morning.

13 I'd like for this to be a little bit
14 informal, so as I am presenting the content, if
15 there is a question that comes immediately to
16 mind, I'm happy for you to stop me so I can either
17 clarify or respond to the question at that time.
18 And I'm also multitasking for guests who are going
19 virtually, so I apologize if it may not seem very
20 smooth, but I'm going to do my best this morning.

21 So, again, we're going to talk about
22 some legal trends with the Endrew case both
23 nationally and here in North Carolina. Then we'll
24 walk into the technical changes to the policies
25 that occurred over the summer last summer and

1 adopted in this school year. Many of them were
2 prompted by changes to the federal regulations, so
3 I'll walk you through that. Then we also have the
4 House Bill 149 for dyslexia, and then we had some
5 changes that we initiated on behalf of the
6 Division as it relates to the LEA self-assessment
7 and identifying students suspected of a visual
8 impairment.

9 So to give a little bit of context
10 about the Endrew case. I wanted to share a little
11 bit about the student and his unique needs before
12 we walk into what the outcome of that case was,
13 and just bear with me if you are already familiar
14 with the case. First of all, this is a young
15 student that was eligible to receive special ed
16 services under the disability category of autism,
17 and the dispute was, is that when the parents and
18 the IEP team met for their annual IEP team
19 meeting, the parents felt as though there was no
20 real change to that child's IEP.

21 In other words, they were seeing
22 similar goals, if not the same goals that were
23 proposed before; they saw little to no progress;
24 or they felt like there were areas that had not
25 been addressed in any particular form and fashion

1 that was different from what they always had. So,
2 in essence, they felt like the child was getting
3 the same program over and over again, and they had
4 concerns about that, naturally, and about whether
5 or not the child was actually making progress.

6 And so the dispute went through a
7 couple of different avenues, of course, the
8 ultimate being that the family filed for a due
9 process petition, and during that timeline as
10 well, the parent withdrew the student and enrolled
11 him in a private school that was specially
12 designed for children with autism.

13 And so during the time that the child
14 had been removed from the public school setting
15 and placed in a private school setting, the child
16 actually had improved behaviors. The child had
17 new academic goals that were strengthened and more
18 rigorously designed, and by testimony in this case
19 and the evidence that was put forth as far as data
20 collection, there was evidence to support that the
21 student was considered to be thriving in that
22 change in placement.

23 So then in the course of litigation,
24 some important events were, is that initially when
25 the case was heard, the state standard was applied

1 meaning de minimis progress. And how many of you
2 have heard that term "de minimis progress"?
3 Essentially, what it means is that any progress is
4 sufficient progress, and so that was the threshold
5 for providing a free appropriate public education,
6 is that if the student made any progress at all
7 towards the goals and objectives on the IEP, then
8 the student was considered to be receiving FAPE.

9 So the first time it went to court,
10 the Court ruled that while it may not have been
11 the best IEP, there was progress made for that
12 student in his public school setting. And so,
13 essentially, they said that the child did make
14 progress and they did not see a denial of FAPE.
15 Clearly, the parents still had a disagreement with
16 that finding and pursued their procedural
17 safeguards and went further and appealed that to
18 the Supreme Court.

19 So in March of 2017, the Supreme
20 Court actually overturned that decision, and
21 that's where I think a lot of parents for the
22 first time started beginning to hear of this case,
23 if not just shortly before that, because it became
24 a national case to watch, if you will, because the
25 FAPE standard had been challenged successfully now

1 for the first time since the de minimis standard
2 was set.

3 And so in March 2017, the Supreme
4 Court actually overturned that decision, the
5 Circuit Court, in that it determined that in order
6 "to meet its substantive obligation under the
7 IDEA, a school must offer an IEP that is
8 reasonably calculated to enable a child to make
9 progress in light of the child's circumstances."

10 Now in looking at this, of course,
11 all of the whole country started wrestling with
12 what does this really mean. So are we going to
13 finally put a metric in place by which all
14 children have to be measured? Is there a metric
15 that can be established unilaterally across
16 students with disabilities that can, without a
17 doubt, say the child made progress?

18 Well, as we all know, the most
19 important part of our business in working with
20 students with disabilities is that they are all
21 different and they all have different needs that
22 present at different times and they have different
23 intensity and they require different strategies to
24 support. And so in wrestling with this issue
25 about how to put some quantitative measure on what

1 is FAPE, the difficulty rests in you can't find a
2 measure that is appropriate to measure every
3 single person's unique needs at any one moment in
4 time.

5 And so as a result of not being able
6 to think of a metric, those of us in the education
7 field started wrestling with the question of so
8 what's changed and what is the expectation for us
9 to provide a free appropriate public education
10 because each child is so different, we're not
11 being given necessarily a metric that spells it
12 out, what we have to meet, and is this any
13 different than the de minimis standard. And for a
14 good while, there was been a school of thought
15 that there is nothing different about the de
16 minimis standard, that any progress is progress.

17 But, really, when you start getting
18 into the case and you look a little bit further,
19 even though you cannot establish a quantitative
20 measure for all children, there was some language
21 as a result of this court case that really made
22 school districts and state departments take a look
23 at what we were doing, what we were messaging,
24 what kind of supports we were offering to school
25 districts, and the expectations that we were

1 setting forward for students to make progress.

2 And so some key phrases here that
3 have always been in play but really came under the
4 microscope as a result of this case is the IEP is
5 reasonably calculated. We've always had the
6 obligation to ensure that an IEP is rigorous in
7 its goals and objectives, we want to plan what we
8 reasonably believe that the student can achieve in
9 the life of that IEP, and we need to consider the
10 supports and supplemental aids and services that
11 are required to be able to help that student make
12 progress on those goals and objectives. So the
13 "reasonably calculated" started the questions of
14 what is different now; how can we ensure
15 reasonably calculated; because we've been writing
16 IEPs for some time now, so what does reasonably
17 calculated mean?

18 And then the second part of this
19 statement that's really important is "in light of
20 the child's circumstances." What does that really
21 mean? Does that mean the child's present level of
22 performance? Does that mean the severity of the
23 child's disability? Does that mean their current
24 performance in a general education classroom?
25 What all are the ingredients of a child's unique

1 circumstances?

2 And so those are the areas that those
3 of us working in state departments and, of course,
4 at the local level really started to try to put
5 some meat on the bones so that we can help with
6 the implementation and practices at the local
7 level appropriately raise the standard for our
8 students with disabilities to make sure that they
9 have a reasonably calculated IEP and that it was
10 based on their unique circumstances.

11 And so this case, after that March
12 2017 ruling, it actually was remanded back to
13 District Court because the Supreme Court said, you
14 know, it's not good enough so it's got to go back
15 to the District Court. So what happened here is,
16 based on that additional information and that
17 stronger language about progress is just not good
18 enough, progress for progress's sake is just not
19 sufficient, it was remanded back to District
20 Court.

21 And then in February, just a few
22 short months ago, what happened is, is that the
23 District Court said yeah, we have a problem here.
24 And so the parents prevailed in this case, and the
25 Judge ordered reimbursement for the cost of

1 private school and the associated transportation
2 costs for the time that the child had to be
3 provided an education through a private school
4 placement.

5 And so the lesson here, of course, is
6 multiple things. Clearly, the school district
7 involved was not able to show where this child was
8 currently performing and what was needed to
9 continue moving that child forward, and the fact
10 that the IEP had not changed subsequently to adapt
11 to either the progress that the child was making
12 or was not making was also a difficulty in this
13 case because they could not show that that IEP was
14 reasonably calculated for the student, nor did
15 they have the data to support that anything above
16 just minimal progress was being achieved.

17 And so one of the hard things about
18 this case, when you look back in time, is this
19 dispute started in 2010, and so this was a long
20 process for the family and the student. And so
21 just some other tidbits around this. The district
22 is now vulnerable for other damages, costs, and
23 attorney fees as a result of this prolonged legal
24 issue, and the local education agency in this
25 state now has upwards of seven figures of costs

1 that they'll be paying for this experience and to
2 get the student back on track to performing the
3 way that they should.

4 And so, again, what does this mean
5 for us as a state and local level? And so when I
6 talked to a little bit earlier about there is no
7 one measure that can be put in place to determine
8 whether or not a child is making progress so it's
9 difficult to know what an appropriate progress or
10 an appropriate rate of progress would be for a
11 child. So, then, the IEP teams have to have
12 policies, procedures, and practices related to the
13 following.

14 And so looking critically here, the
15 present level of academic achievement is even more
16 important than it was before because you can't
17 possibly know where you're going if you don't know
18 where you currently are. And then having
19 appropriate measurable annual goals, that speaks
20 to having the rigor of the program and having an
21 appropriately calculated IEP that needs to include
22 academic and functional goals, and so the setting
23 of measurable annual goals is essential based on
24 those present levels of academic achievement. So
25 you have to have good information on which to base

1 those measurable goals, and then those measurable
2 goals have to then be measured in a way that is
3 easily understood and is sensitive enough to
4 actually measure what you set out to do.

5 And so that leads us into item number
6 3, is that how -- how are we meeting those annual
7 goals, how are they being measured, and how are
8 they being recorded. And so it's a real emphasis
9 on the push for good solid reliable data that can
10 be collected over time that is directly related to
11 those specific measurable goals, and that upon
12 either progress accelerating or not accelerating
13 as anticipated, that the IEP team does in fact
14 meet to review and revise that IEP, even if it's
15 before the annual time, so that that IEP can
16 remain appropriately calculated for that student
17 to make progress.

18 So I'm to stop and take a breath here
19 and see if you guys have any questions.

20 MS. MEBANE: I don't have the
21 handout.

22 MS. BYNUM: We had to make some extra
23 copies. Anybody else need one?

24 MS. MOOREFIELD: I do have a comment
25 about this, and that is -- because I'm not in as

1 dire a situation as Andrew's parents, but I have
2 been going through, in preparation for [name
3 redacted]'s next annual IEP -- I've been going
4 through all of his report cards, all of his IEPs
5 to see and compare those with the extended
6 standards in North Carolina, and I'm noticing the
7 same thing.

8 From grades 2 until -- I think I've
9 gotten through fourth grade -- his goals have not
10 changed. Now I know that there are some other
11 reasons there that I'm addressing with the school,
12 but unless parents are involved, there is no way
13 for the State and the school districts to -- you
14 know, to ensure that a child is getting these
15 appropriate and measurable goals because like the
16 only reason that I caught it is because I pay
17 attention to what he can do in therapy and what he
18 is doing at home, and then I'm looking at an IEP
19 going, "Okay. I know that he can do that, so why
20 is it still on this IEP?"

21 But if parents are not educated in
22 this process or they're just not involved as much,
23 I'm not sure that there is some way for us to make
24 sure that kids are having appropriate goals
25 written for them and that they're reaching the

1 progress -- reaching progress that they can do.

2 MS. HUDGENS: So I think you've
3 raised several really important things to think
4 about a little bit further in your comments, and
5 one of the things that is really hard with the
6 Endrew standard is to be appropriately able to
7 calculate the IEP based on those unique
8 circumstances, and some of those unique
9 circumstances is that all children's rate of
10 progress can be different. They can also be
11 different at different times.

12 We have students who are able to
13 really accelerate quickly in some areas, and then
14 there are some children that have to have some
15 level of maintenance skills planned in their IEP
16 because of skills that are difficult to hold on
17 to, and so they have to be worked on in cycles to
18 make sure that they're maintained. And that's
19 where the functional piece comes in. We know that
20 if students are functionally using those skills,
21 they are highly likely to retain those skills
22 longer over time.

23 And so you mentioned some really
24 important challenges that we have with the Endrew
25 case, and some of the things that we have tried to

1 do to support LEAs with that task and to help
2 parents understand present levels of performance
3 is we have gone through the revision of our forms
4 and our documents. You will have noticed or you
5 will begin to notice that the present levels of
6 performance are all concentrated together at the
7 very beginning of the IEP.

8 One of the things that we reflected about
9 in how our IEPs are organized is that it could be
10 perceived as choppy and not have a good flow in
11 its current state because you would have a present
12 level of performance, you'd go ahead and talk
13 about a goal, you'd talk about maybe the services
14 related to that, and it could be choppy because
15 you focus on each area all the way through at one
16 time.

17 And so what we tried to do
18 organizationally-wise in our forms going forward
19 is we want to know about all of those unique needs
20 at one time. You have to have the landscape of
21 the student's strengths and the student's areas of
22 opportunity for growth early on and in a complete
23 total picture before you get into programming
24 because what you want to really do is make sure
25 that you can maximize the strengths that the child

1 has, revisiting the areas of opportunity for
2 growth to strengthen and then consider all of the
3 different things at your disposal in order to
4 address that whether that might be through
5 rigorous goals and then some supplemental
6 objectives, whether that's through any type of
7 support plan such as a behavior intervention plan,
8 if there is a health care plan that is needed, if
9 there are supplemental aids and supports that are
10 required in the general ed classroom to continue
11 with that participation, those would be things
12 that we have really emphasized in the
13 restructuring our forms, and so that the IEP team
14 is focused on everything that we know about the
15 child all at one time before going into planning.

16 MS. MOOREFIELD: And just one last
17 thing -- it just came to me -- like I know that
18 his therapist at school, you know, I sign off on a
19 waiver and they can talk to his private therapist
20 as well.

21 Can we add on those forms when the
22 IEP is being created -- can we add like outside
23 professionals need to be consulted in regards to
24 the child? Because I know that we can't require,
25 you know, information coming in from the outside,

1 but can we add like whether or not the child's --
2 maybe a psychologist, a psychiatrist, physical
3 therapist, OT, speech, whatever -- can we just
4 make an area in the form that says these -- you
5 know, these professionals have been consulted and,
6 you know, that they can send in a report or
7 something that would help us get -- because kids
8 also are different outside of school than inside
9 of school as well.

10 MS. HUDGENS: Absolutely.

11 Absolutely. I would encourage parents as they are
12 receiving information from the school in
13 preparation for their IEP team meetings, if they
14 have information to share about activities that
15 are going on in the home setting, that is all good
16 information that is really necessary for
17 appropriate planning because we have to have the
18 complete picture of the child's performance, and
19 as you mentioned, children can be performing in
20 different settings -- your child might have had a
21 lot of success in one area at school, but you're
22 not able to see it at home.

23 So, then, that raises the question,
24 if the skill is truly acquired and mastered, it
25 should be generalized across settings. And so the

1 same thing could be true for things that are being
2 able to be achieved at home, what is the barrier
3 for it not being achieved at school. And there's
4 differences, of course. Those skills may not be
5 needed at school or at home and vice versa, and so
6 that communication between the settings is really
7 critical to establish those present levels of
8 performance in planning to move forward.

9 So, yes, I would encourage parents --
10 there's lots of different ways that that can be
11 included in the IEP. That can be included
12 certainly as outside information that the parent
13 provides, and that becomes part of their present
14 levels of performance that the team considers. It
15 also can be raised due to parent concerns that's
16 documented on the IEP team, and it's also just
17 part of advocating for your child during the
18 planning of the meeting and the proposal of goals
19 and objectives and services that are being
20 considered as the team moves through the process.

21 Yes, ma'am?

22 MS. HOLLER: One of the things that I
23 have run into recently that I find would be
24 helpful for DPI to maybe define more is when there
25 are conflicts in data, conflicting data points, so

1 maybe one set of informal tests said this, another
2 set of informal tests says that, and kind of what
3 the policy should be for school systems.

4 Because, you know, when there is a
5 situation where, let's say, the child's
6 performance -- they can access a certain level,
7 but accessing it may be on an instructional level
8 versus an independent level, but when they do
9 certain tests, you know, to look at fluency or
10 encoding, decoding, or whatever, they show that
11 they are significantly below grade level.

12 So that kind of leaves a quandary as
13 to, okay, well, which data do we believe, and then
14 if the parents go outside and get other data, how
15 is that figured into the decision-making? Because
16 I feel like there is a lot of gaps in what
17 districts have to do when it comes to progress
18 monitoring. It's not very clearly defined. It's
19 not defined when assessments, for instance,
20 don't -- not that all of the assessments would say
21 the same thing, but if there's, you know, gaps in
22 there, what needs to happen next because then
23 you're kind of stuck at "Well, all the data points
24 don't point to this. So then what do we do? How
25 do we serve this child?"

1 So I feel like there needs to be some
2 policies put in place that say when you have
3 measures that conflict, you maybe need to get an
4 outside opinion, or whatever, so that there's
5 clarity because that lack of continuity and
6 direction can lead to like not knowing what to do
7 and what's best for that child.

8 MS. HUDGENS: Sure. So what I can
9 share with you is that we do have policies in
10 place regarding multiple sources of data.
11 Students cannot be determined eligible for special
12 education on just one piece of data, nor should
13 their IEPs be developed on just one point of data.
14 So, consistently, there are policies. There is
15 the reference to programming for students that is
16 based on multiple sources of data. That's why we
17 don't like things like report cards necessarily,
18 you know, just results of end-of-course tests.
19 Results of end-of-course tests are episodic. It
20 doesn't give us data over time of how that child
21 is performing.

22 And so it is a policy requirement
23 that decisions for children with disabilities are
24 based on multiple sources of data. I think what
25 is going to be really hard, when we think about

1 children and their unique circumstances, is that
2 there isn't going to be one assessment either that
3 is going to be the divining rod between how the
4 child is performing and how the child is really
5 performing.

6 So what we have to do is we have to
7 look at the preponderance of the information. So
8 if we're looking at multiple sources of data with
9 reading assessments, whether it's informal
10 classroom performance, standardized testing
11 results, more formal assessments that are obtained
12 through parent consent maybe through an
13 appropriate evaluation, you have to look at those
14 results all together to determine the best course
15 of action for a student.

16 Because if they are showing different
17 things across those different assessments, I think
18 it's pretty clear that we have work to do, and we
19 might have to have significant work in multiple
20 directions. Because the other thing is, is that
21 we can't assume that one measure is the definitive
22 measure. We have to look at all of them
23 concurrently.

24 MS. HOLLER: But like that's kind of
25 what I'm saying. There's nothing -- I mean I

1 understand you have to look at everything, but
2 when everything kind of is all over the place,
3 there's no guiding information that says, "Okay.
4 If you have a series of things that all don't
5 connect, what is the next step." Do you know what
6 I'm saying?

7 Because like me, as the parent, I'll
8 have to go out and pay for testing to find out.
9 Do you know what I mean? If all of their data
10 points disagree, that leads us nowhere, even if
11 they're considering all of it. How do you get --
12 how do you guide the districts so that data can be
13 collected so that we have a better idea? Because
14 if you don't -- you have all these different
15 pieces -- you know what I'm saying? You have all
16 these different pieces and then no guidance as to
17 how you find out.

18 MS. HUDGENS: Yeah. I guess a look
19 at it a little bit differently in that students
20 and their disabilities present very differently,
21 and we know that students with disabilities have
22 splinter skills. They may show relative strength
23 in very particular areas and then little to no
24 strength in areas that could be related. For
25 example, you know, fluency and comprehension,

1 there can be a real big difference between the
2 two, and it could be related to the way the test
3 was administered. It could be related to the
4 child's disability and how he or she performs on
5 that test.

6 So I still think that there's a real
7 challenge there to have a definitive this is the
8 best thing to do, but what I can share with you
9 is, in addition to any kind of formal and informal
10 assessments that the school district is able to
11 provide, that IEP team can consider going beyond
12 the assessments that they have on record and
13 determine whether or not another specialty area
14 assessment needs to be obtained.

15 And, again, just also a companion to
16 that, if a parent is still in disagreement with
17 what those evaluations say, they can make a
18 request of the LEA for an independent educational
19 evaluation at public expense to pursue further
20 data, and there are some guidelines that are
21 associated with that independent evaluation, of
22 course, but that is a right that's available to
23 parents.

24 Yes, sir?

25 REPRESENTATIVE BLACKWELL: I've got a

1 couple questions. I wanted to be sure I
2 understood this handout. It says up at the top,
3 "December 7, 2017, Questions and Answers," and in
4 the second paragraph at the end, it says that "the
5 Department of Education Special Ed Office is
6 interested in receiving comments from families,
7 teachers, administrators, and other stakeholders
8 to assist us in identifying implementation
9 questions and best practices."

10 Those questions and best practices
11 would be different than the questions and answers
12 that are here, correct?

13 MS. HUDGENS: So there's two ways to
14 respond to that. Yes, there would be more perhaps
15 FAQs that would accompany this document that are
16 not currently here. The second thing is, is just
17 the US State Department, as are we, are looking at
18 how to best manage the raised standard now for
19 FAPE and what kind of technical assistance and
20 supports do families and states need from the
21 Office of Special Ed Programs to continue moving
22 forward.

23 REPRESENTATIVE BLACKWELL: Well,
24 that's sort of where I going. When do we
25 anticipate that we will get additional guidance or

1 suggestions as to best practices that might align
2 with this decision from the feds and when will, I
3 guess, the Division of Special Ed here in the
4 state -- when are you guys going to have something
5 for the LEAs?

6 MS. HUDGENS: So the first part as
7 far as when is any kind of additional information
8 that's coming from the Office of Special Ed
9 Programs, that is a hard one to say. We don't
10 have anything currently as an advance notice that
11 they're getting ready to publish anything.
12 However, if they follow their pattern, last year
13 they issued a lot of updated information around
14 July, which is why we have some policy updates
15 that I will provide in the second part of the
16 presentation.

17 And then as far as what information
18 we provided for the LEAs, we didn't wait to
19 provide any further information. We made this
20 available on our website as soon as it was
21 published.

22 REPRESENTATIVE BLACKWELL: This?

23 MS. HUDGENS: Yes, sir. We also
24 shared this same presentation at our Directors
25 Institute in March of this year, and we had the

1 same conversation about the rigor of the standard
2 for the students, basing information -- the
3 program for the student to good solid data. The
4 emphasis was on progress monitoring and multiple
5 ways to monitor progress.

6 REPRESENTATIVE BLACKWELL: This stuff
7 and what you've told us this morning, it strikes
8 me as pretty general. Are you-all anticipating
9 getting a little bit more specific with your
10 suggestions?

11 MS. HUDGENS: I do actually, and one
12 of the things that we have talked about with this
13 group is the launching of our ECATS system, which
14 is a statewide system for managing the programs
15 for students with disabilities, and as a part of
16 that program, there is a progress monitoring tool
17 that assists LEAs in setting those measurable
18 goals for students and then be able to measure
19 them and graphically display them to be able to
20 share with parents so that parents have a good
21 idea about how their progress is going for their
22 students.

23 And then, secondly, we have a host of
24 training that we are providing to LEAs on the
25 specially designed instruction based on good data,

1 and we have partnered with a multi-tiered system
2 of support for what supports are being offered in
3 general education and then at what point does the
4 special education services need to elaborate,
5 enhance, and extend upon those general education
6 interventions so that the child's unique needs are
7 met through a variety of sources.

8 REPRESENTATIVE BLACKWELL: One final
9 question---

10 MS. HUDGENS: Sure.

11 REPRESENTATIVE BLACKWELL: ---that I
12 think sort of relates to what you were just
13 saying. Clarify for me, as the Division
14 understands it, how often does an LEA or school
15 system have to revisit an IEP?

16 MS. HUDGENS: So there's two
17 conditions. At minimal, it's once annually, and
18 then the requirements are, is that if there is a
19 change in the child's progress, they have a
20 responsibility to review and revise that IEP, and
21 that can be more often than annually. And then a
22 parent can, at any time, request an IEP team
23 meeting if they have concerns about their child's
24 progress.

25 REPRESENTATIVE BLACKWELL: I don't

1 have another question, but being a nonexpert, I
2 have, nevertheless, an opinion to offer or a
3 suggestion. In this day and age when we're
4 talking more about personalized learning, it seems
5 to me if you're really going to focus on the
6 unique circumstances of any student, be they
7 special needs or otherwise, that you can't wait a
8 year and get to the end of the year and say, "Wow.
9 That didn't work. What are we going to do this
10 coming year?"

11 We now have all this data. We've got
12 computer programs for evaluating this stuff. It
13 seems to me that the Division ought to develop an
14 approach that encourages our special ed teachers,
15 just like our regular classroom teachers, to look
16 at student progress weekly even and to adjust in
17 relation to whether there is or isn't progress
18 made.

19 It may be that a special needs
20 student needs to be approached a little
21 differently. Maybe somebody makes slow progress
22 and you don't look quite as often. Maybe somebody
23 is not dealing with an academic issue, but they're
24 dealing with other issues. But it seems to me, if
25 you are going to be aware of their unique

1 circumstances, that you've got to adjust more
2 often than annually.

3 MS. HUDGENS: Yes, sir, and we would
4 agree with you, and in fact, the purpose of
5 progress monitoring is to look at progress daily,
6 weekly, monthly, and that is what we encourage for
7 students who are receiving education in a public
8 school setting and that they don't wait.

9 And you're very correct. We have a
10 lot more data easily available now, and to have
11 the discussion on how the child is doing is not
12 appropriate to wait for a year, and so we don't
13 encourage that teams wait to make changes at the
14 annual date if changes are necessary ahead of
15 time.

16 And, in fact, if parents raise a
17 state complaint to that effect, we find them in
18 violation of their responsibility to review and
19 revise that IEP when that child's progress doesn't
20 go as anticipated.

21 MS. HUTCHINSON: I think it's
22 important too, to mention that in an IEP, it
23 indicates to a parent and school system how often
24 they provide updates on their IEP goals, and at
25 the very minimum, that's quarterly. So every nine

1 weeks, let's say, on average, a parent was
2 receiving progress on every single IEP goal. Some
3 IEP teams determine it's more frequent than that,
4 but at least every nine weeks-ish.

5 REPRESENTATIVE BLACKWELL: Well,
6 there's a difference, though, I think in a
7 progress report and adjusting the IEP in relation
8 to the progress. Just sending out a score -- like
9 getting a report card is a different matter than
10 saying because of this, we decided we need to do
11 something differently, and that's the piece that
12 I'm questioning.

13 MS. HUDGENS: Okay. Thank you.

14 MS. MOOREFIELD: And I have just one
15 thing to add too about that because I know that as
16 a teacher, you know, I was required to have grades
17 updated in Power School at least once a week.

18 Is there anything in Power School
19 that we can use for our special ed teachers just
20 to like maybe have our child's goals listed and
21 then like the proficiency scale that they use, the
22 one to four, you know, kind of about where they
23 are?

24 Because, you know, most teachers will
25 send home a communication folder so you know what

1 they did that day, but as far as their progress
2 toward a goal, be it physical or academic, there's
3 really no way to know until we get that progress
4 report every four and a half weeks. So does Power
5 School have something that we could use?

6 MS. HUDGENS: Power School is not
7 currently constructed to share progress on IEP
8 goals. However, to the rate of progress that is
9 communicated to parents, that can also be an IEP
10 team decision because the minimum is as often as
11 typical children receive report cards. However,
12 it could be more frequently, particularly if
13 children are either slow to make progress or their
14 progress is intermittent and can spike and then
15 hold for a period of time.

16 So the IEP team can articulate how
17 frequently that progress is reported to parents,
18 and there's a lot of times that IEP teams have
19 communication that incorporates a weekly progress
20 note or biweekly. It really just depends on how
21 much time is anticipated that is needed for the
22 instruction before a good assessment can occur to
23 measure if the child is responding to that
24 instruction.

25 MS. MOOREFIELD: And just for

1 Representative Blackwell, we also need to make
2 sure that it's feasible for our EC teachers to
3 have time to update weekly because there's a lot
4 going on in those classrooms. They don't always
5 have time to sit down and report on what each
6 child has done.

7 But, yeah, a good balance would be
8 great to know what they're working -- or just at
9 least know what are they working on that week so
10 that we could reinforce it at home.

11 MS. HUDGENS: So just trying to wrap
12 up the Endrew part here, at the time that I put
13 this together for the March Institute, at that
14 point in time, there had been 501 cases nationally
15 that have used the analysis of the Endrew case in
16 due process hearings to establish whether or not a
17 local education agency had in fact provided the
18 FAPE standard to students with disabilities.

19 And at the time that we had looked at
20 this in March, there were three cases that our
21 Administrative Law Judges had actually cited and
22 referenced the Endrew case when looking at the
23 issue of FAPE for students with disabilities in
24 North Carolina. And those three particular cases
25 all had concerns, interestingly enough, around

1 some of the behaviors of their child and whether
2 their child's unique needs relative to behavior
3 was being appropriately addressed and whether or
4 not that IEP had goals and objectives specifically
5 focused on behavior or if the child needed a
6 behavior intervention plan and so forth.

7 And what the cases in North Carolina
8 tended to look at is whether or not school staff
9 could provide a cogent and reasonable explanation
10 for the child's progress, and that kind of doubled
11 back over the fact that if you are unable to have
12 a measure in place to adequately measure progress
13 and to make those instructional adjustments as
14 changes in progress occur and cannot talk about
15 it, then that raises a question about are you able
16 to provide FAPE and are you able to construct this
17 IEP when changes in progress occur.

18 And so when school staff were asked
19 to provide testimony in these cases, it was
20 carefully listened to for that good explanation of
21 data-based decisions and what did you do based on
22 the data that you had at the time and did you have
23 sufficient data in order to make the decisions and
24 the recommendations that you proposed.

25 Okay. Any other questions for me on

1 Andrew? Yes, ma'am?

2 MS. DANIELS-HALL: What was the
3 outcome of those three cases?

4 MS. HUDGENS: So some of those were a
5 mixed bag because there were multiple issues
6 involving some of those cases, and I believe one
7 of them is still being appealed so there is not
8 the final, final yet on that case. There was one
9 instance in which the parent raised their due
10 process related to not having enough communication
11 from the school about the child's progress.

12 However, the school district was able
13 to provide documentation of extensive
14 communication almost on a daily basis through
15 email about the child's progress and how the
16 child's day was going using some of those informal
17 means of the teacher or parent communication about
18 progress that might happen week to week. In this
19 child's case, it was on a daily basis. And that
20 the school did take reasonable effort to address
21 the needs of the student in that particular case.

22 And so there wasn't -- I guess, to
23 kind of get back to your question, there wasn't a
24 clear win. There were some things that the school
25 district had the ability to show good information

1 for, and there were some other points, sometimes
2 procedural things, that the district did have a
3 little bit of a problem with. So there wasn't a
4 clear, you know, win-win except for the student
5 because the student is going to have the benefit
6 of now, having had people advocate on their
7 behalf, the program will be stronger for the
8 student.

9 Yes, ma'am?

10 MS. DANIELS-HALL: You talked about
11 what you're doing to train the LEAs. What are you
12 doing for parents? What kind of information is
13 getting out there about Endrew, any updates to
14 parents?

15 MS. HUDGENS: So one of the things we
16 are looking to launch as part of the
17 implementation of the statewide ECATS program and
18 the information that you heard me share about the
19 organization of the forms, we're partnering with
20 the ECAC group to develop some parent training
21 that we hope to offer, not only through their
22 avenues and what they offer for parents but also
23 at the November Conference, looking at some things
24 to get together to present for parents to be
25 oriented, if you will, to the look of the forms

1 and what they might expect for their IEP team
2 meetings.

3 Also, as you guys are aware, we sent
4 you guys a complimentary copy of the parent letter
5 that went out to families describing our
6 transition to ECATS and some of the things that
7 they may expect from the local level in getting
8 ready for that.

9 So I think that Endrew has caused us
10 all to look deeper into good data and how to
11 advocate for our students and our programming
12 based on good data, and so those are the
13 strategies that we are putting in place for LEAs
14 to be able to implement at the local level and
15 then, again, offering some more information about
16 how to navigate the IEP process, even just from
17 orientation of the new forms and the look of that
18 and how their meeting might progress, and then
19 incorporated in that, what are some good questions
20 that parents should be asking in preparation for
21 their IEP team meetings.

22 One thing that we have encouraged,
23 when we have done some orientation with our LEAs
24 about what to expect with the forms, is that we've
25 encouraged them to be okay with sharing

1 information ahead of the IEP team meeting. That
2 is not considered predetermination. There are
3 certain things, of course, that have to be an IEP
4 team decision such as what the services are, the
5 accommodations. There are definitely points that
6 an IEP team solely together need to discuss, but
7 there's nothing to prohibit parents from receiving
8 present levels of performance ahead of the meeting
9 and even potentially some proposed goals that the
10 IEP team might be discussing further.

11 The way I see that, that's not
12 predetermination; that's putting some good thought
13 into what the team might need to discuss and at
14 least providing some of origin for the team to
15 discuss based on the teacher's analysis of the
16 child's present level of performance and then the
17 parent being able to see what the LEA believes to
18 be the current situation for the student and where
19 they would like the student to grow. Then they
20 can review that ahead of time and then add their
21 thoughts to that when the IEP team comes together
22 before that document is finalized.

23 Yes, sir?

24 MR. MONTGOMERY: I'm just curious.

25 Did anyone ever think to ask the independent

1 school what strategies they put into place for
2 this kiddo to suddenly start thriving and doing
3 well?

4 MS. HUDGENS: I'm sure that it's part
5 of the case history, but I---

6 MR. MONTGOMERY: I think that would
7 be a nice piece of information to have.

8 MS. HUDGENS: I think, if I remember
9 from some of what I read to prepare for this, I
10 think that they had smaller numbers of students.
11 They had a higher number of highly trained
12 personnel in a variety of specialty areas. So I
13 think that was some of what was attributed to the
14 child's strength, and you know, it was a different
15 setting from his public school experience.

16 MR. MONTGOMERY: Just curious.

17 MS. HUDGENS: Yes, sir?

18 DR. CARPENTER: In the literature
19 about Endrew, there was quite a bit about that.

20 MS. HUDGENS: Vicki?

21 MS. SIMMONS: This is for Virginia
22 and for Representative Blackwell. This is my
23 perspective as a teacher. Everything Carol Ann
24 said is true, everything. That's the best
25 scenario, but what really happens is that the

1 first day of school, some better teachers have
2 retired, are retiring, taking the knowledge and
3 experience and wisdom with them. New teachers are
4 coming in and they are not aware of the very
5 special needs of our kids. So they'll get file
6 folders of kids, and we've got teacher workdays,
7 and they're going to have to go to all these
8 meetings and learn about all this stuff before the
9 kids get here in a few days.

10 And while the teacher's going
11 through, this child needs a potty chair. The
12 child needs certain feeding equipment. The
13 child -- and I have to get all this stuff before
14 the child gets here on Monday, and there's just an
15 awful lot for new teachers to be aware of, plus
16 read the IEPs of all seven, eight, nine, up to 12
17 kids in a classroom of self-contained kids.

18 And when you talk about the progress
19 supports, there are so many deadlines to meet that
20 you've got to get as -- you've got to work with
21 your kids plus you've got to meet all the
22 deadlines to get the progress reports in. Then
23 some teachers are faced with very special testing
24 that takes not just one teacher but a second
25 teacher to proctor which pulls her -- another

1 teacher from the classroom.

2 Because of the volume of work for
3 especially EC teachers, you can only read your
4 part of the IEP. I mean there's -- some IEPs can
5 be 16 pages, some can be 60 pages, and it's all
6 you can do to be the expert in your area or read
7 other areas that are close to yours. Teachers
8 need time to read, to reflect, to think, to plan,
9 to make phone calls, to get the equipment that the
10 kids need.

11 We need teacher mentors, especially
12 for the new teachers. They are overwhelmed. They
13 want to do a great job. They want to. They've
14 been trained to, and then they are just
15 significantly overwhelmed. I don't mean all. I
16 mean some who really want to do a good job. There
17 are some teachers I work with who have six
18 preparations a day. They've got kindergarten,
19 first, second, third, fourth, and fifth grade and
20 with special needs.

21 And the administrative staff, the
22 principals, the APs need training in EC policies
23 and procedures and direct contact with the kids,
24 not just walk by the class and say, "That's our EC
25 class." They need to be physically working with

1 the kids and know the students, and I think, with
2 relationships among people, that will probably
3 keep us out of lawsuits because I was just in that
4 classroom, and there may be administrators making
5 decisions about kids who they've only seen on
6 paper and don't even know the kid, but are
7 important placement decisions.

8 So, Carol Ann, you're doing a great
9 job. You're doing the best you can, but teachers
10 need a lot of support to do really, really, really
11 well by the kids and the administrators and all
12 the people involved.

13 THE CHAIRPERSON: And just thinking,
14 you know, what I had to do at home for data
15 collection for my daughter, if you're a teacher,
16 you've got seven kids or eight kids, however many
17 you have in your class, that you have your data
18 collection on and you're trying to teach at the
19 same time. Even if you have one or two TAs, I
20 can't see how it's done. I had a hard enough time
21 taking care of just one child and my house and
22 taking data for the ABA therapist and everything
23 else from a parent's standpoint.

24 So when we're asking for more data,
25 which I think is greatly needed, we need to make

1 sure we support the ability to collect that data
2 so that it's accurate and, you know, usable.

3 MS. SIMMONS: Carol Ann, there's one
4 more part. The teachers who work with kids who
5 need help with personal care -- changing diapers,
6 spoon-feeding, respiratory therapy, all that kind
7 of stuff -- they need to be able to teach, but
8 they're also having to change diapers and do other
9 things, and they're teaching while they're
10 changing diapers, but they need EC assists to help
11 with all the personal care so they can really do
12 the teaching.

13 MS. HUDGENS: You're not going to get
14 any argument from me.

15 MS. SIMMONS: You've always been very
16 supportive.

17 MS. HUTCHINSON: I think it lends
18 itself to the conversation that's come up publicly
19 recently, and that is the funding for special ed
20 students, and Bill would go on his little soapbox
21 and tell you it was 1997, 1998 that we had the
22 last real significant increase in federal funding
23 for students with special needs.

24 And I always think it's important to
25 consider because students with special needs are

1 special needs students from 8:00 to 3:00. Those
2 are regular ed students as well, and many of our
3 local districts receive their special ed funds to
4 take care of their special ed students from 8:00
5 to 3:00, while the overwhelming majority of our
6 students are in the regular ed class a majority of
7 their day or 80 percent or more of their day.

8 So I think that's an interesting mix
9 that people don't always think of when you think
10 of finances. We're all stretched for every penny
11 we can get. So all those things are ideal, and
12 then when you have to make decisions about the
13 money and it stays the same since 1997, it's a
14 little challenging.

15 MS. HUDGENS: Yes, it is. Were there
16 any other questions or comments?

17 Yes, sir?

18 MR. BAKER: I just wanted to add,
19 I've really enjoyed all of the discussion and
20 comments that were presented this morning in
21 regards to the Endrew case. As a former EC
22 teacher, I certainly understand when you talk
23 about administrators who don't actually understand
24 EC and everything that's required with that, and
25 that was one of the things that actually drove me

1 to the field of administration having worked with
2 several administrations where that was sort put on
3 the back burner. And we're very fortunate now
4 that where I work there's another assistant
5 principal that works with me who's also a former
6 EC teacher.

7 And so we are able to work with our
8 staff and with EC teachers and our regular ed
9 teachers to better understand the process and to
10 work with them on how to better conduct IEPs and
11 to not use, as we call, educator-ease and make
12 sure that we're explaining things in clear
13 language just what are all of these things that go
14 into education and the decisions that we use for
15 IEPs.

16 It's akin to like going to the doctor
17 and the doctor using their language, and we're
18 like, "Wait a minute. Slow down. I don't quite
19 understand what you're talking about." And so we
20 have to realize that with parents too that we need
21 to do that as well so that they completely
22 understand.

23 But there are a lot of challenges, as
24 you-all have alluded to and talked about
25 specifically, that we face in trying to make sure

1 that we meet the needs of all of our students
2 because I know, unfortunately, a lot of times this
3 becomes a numbers game and administrators look at
4 the greater number of regular ed students, and so
5 we forget our students with special needs.

6 And so the challenge now is to make
7 sure that everyone is receiving the very best
8 education possible, and so we are using the MTSS
9 process with EC students. We are looking at
10 different types of data sources and triangulating
11 that data to be able to come up with the best
12 decisions and best goals and objectives on our
13 IEPs. We are progress monitoring.

14 And so I think you made the point,
15 when you were talking about when you get the
16 inconsistencies in data, you know, what do we do,
17 and I imagine that even if you go to independent
18 sources and go out and try to find that, you're
19 just adding another layer of different information
20 on top of what you already have.

21 So it becomes one of those situations
22 where you actually have to look at all of the data
23 sources and make the very best decision that you
24 can based on that because all assessments have
25 some error, and so we have to keep that in mind.

1 But, you know, those are just some of the
2 observations that I wanted to make and comments I
3 wanted to make in addition to what was shared
4 today.

5 MS. HUDGENS: Thank you. All right.
6 Anyone else?

7 (No audible response.)

8 MS. HUDGENS: I'm a little past the
9 time budgeted for Endrew, so I think that it's
10 appropriate now for us to take a little bit of a
11 break.

12 THE CHAIRPERSON: Let's try to come
13 back by 10:50, about eight minutes.

14 **(A brief recess was taken from 10:42**
15 **a.m. to 10:57 a.m.)**

16 MS. HUDGENS: Okay. Just for the
17 group at large, I just want to let you know who
18 has joined us virtually and joined us at some
19 point during the presentation. That's Carla
20 McNeill and Rebecca Richmond, and Paulette Wall, I
21 mentioned earlier and she's still with us at this
22 point. So for those of you listening online,
23 we're going to go ahead and get started with the
24 second part of the presentation this morning.

25 And I'm going to apologize to the new

1 folks. This isn't usually the Carol Ann show;
2 just my number got called this time for sharing
3 information. So thank you for indulging me this
4 morning, and I hope that it is meeting the needs
5 that you guys requested of me today. I'm just
6 sorry you're going to have to hear me go on for a
7 little bit more. I hope it hasn't been too
8 painful, but we have little bit more to go through
9 this morning.

10 Again, just as I mentioned earlier,
11 if you have any questions, just stop me along the
12 way because I'm happy to give you any kind of
13 clarifying information that you might need.

14 MS. CARTER: Is there a handout?

15 MS. HUDGENS: There's not a handout
16 for this part, no.

17 So I'm going to walk you through some
18 technical changes that happened in the policies
19 over the past year. We alluded to them before in
20 previous meetings, and we've talked a little bit
21 about them along the way as that became relevant
22 to the conversation, but this is really a more
23 cohesive look at the year-end review and what
24 changes occurred.

25 So to create a little background or

1 setting for you, we have changes to our policies
2 in a variety of ways. There are a variety of
3 catalysts, if you will, that causes changes to our
4 policies, and the policies I'm referencing is the
5 policies governing services for children with
6 disabilities. That is our state policy that we
7 hold our LEAs accountable to and we're accountable
8 to, to ensure that services are provided to
9 children with disabilities.

10 So one of the catalysts for change is
11 anything that changes the federal regulations at
12 the federal level, and the big event that created
13 some changes for us was related to the Every
14 Student Succeeds Act. So that's one catalyst
15 that causes changes is the federal. I'm going to
16 walk you through the new IDEA website because the
17 IDEA website was updated this past year. It might
18 be just a little over a year. Some of you may
19 have already been familiar with that, but I'll
20 just kind of walk you through some of the things
21 that we use as resources to keep up-to-date so
22 that you can do the same.

23 Then the Federal Register is the
24 regulatory language that implements the IDEA. So
25 IDEA is essentially the marching orders for what

1 we're supposed to do for children with
2 disabilities, and the regulations tell us how to
3 do it. And so when those regulations are
4 adjusted, we have to assimilate to what those
5 changes are.

6 And then, of course, our North
7 Carolina policies governing the services for
8 children with disabilities, I'll kind of give you
9 a little bit of information about where to find
10 that. Also too, staff will email this
11 presentation to you so you're welcome to have this
12 presentation for reference for the links in here.

13 So this is the link to the IDEA
14 website that has been updated, and this is the
15 landing page. So what you'll find here, a lot of
16 the things that we find particularly helpful in
17 our Division is looking at the Law and Policy tab,
18 and this Law and Policy tab can be searchable by
19 subject matter. So, for example, if you are
20 interested in any kind of regulatory language or
21 any guiding document relative to, for example,
22 adapted PE, you could search that and if there's
23 anything in the regulatory language that
24 specifically addresses that item or any kind of
25 subsequent guidance document that the Department

1 of Education or the Office of Special Programs has
2 issued, you can find it searching it that way.

3 So it has a whole lot of resources
4 here. It has information for parents as well. I
5 personally like the updated website. If you've
6 searched the IDEA website before, you might have
7 remembered that its landing page had the apples
8 and the stack of books to the left, and the stack
9 of books to the left were the different places
10 that you could navigate. So they've linked it now
11 into this one hub so you can find some of that
12 additional information that was housed on that
13 website at this new link if it's still considered
14 current and relevant.

15 As you may or may not know, President
16 Trump issued a Presidential Order that required
17 all federal agencies to review their guidance
18 documents, and what they have provided to the
19 field and as part of the Paperwork Reduction Act
20 and other acts in that Executive Order, if there
21 was guidance documents that were out on the
22 website that were no longer appropriate -- and
23 that's for any kind of government agency, not just
24 us in education -- then that agency had to engage
25 in activities to determine if it was relevant and

1 current and either sunset that information or
2 issue something more current and up-to-date.

3 So just kind of as a random tidbit or
4 extra piece of information, to date, the ones that
5 have impacted students with disabilities has been
6 some old guidance relative to service animals
7 under ADA. It just pulled back some of the
8 guidance documents. It doesn't mean necessarily
9 that something has changed as much as that
10 document is no longer considered relevant and
11 valid, that maybe there have been subsequent
12 guidance documents that are better addressing the
13 issue.

14 And so in order not to confuse the
15 public, those old things have been taken away if
16 it's been superseded by something else. Okay?
17 Probably more information than you bargained for,
18 but you know, this is a bonus.

19 So let's go to the Federal Register,
20 and again, if you recall, this is the how-to of
21 the IDEA. It tells us how to do our job and the
22 regulations that we are to adhere to when
23 delivering services for students with
24 disabilities, and it's not a very fancy cover.
25 You can find a link to it on our website, and this

1 was the original cover that was issued in 2006.
2 After the reauthorization in 2004, it took a
3 period of time to get all the regulatory guidance
4 together because, as we do, the feds had to put it
5 all out for public comment and respond to that
6 comment before it issued its regulatory guidance.
7 So even though the reauthorization was in 2004,
8 the regulations came into play in 2006.

9 And so this is a bigger document and
10 subsequent releases kind of look similar to this
11 and it has the date on it, and on our website
12 under the Policy tab, if you'll go to -- there's
13 actually a link for the Federal Register, and we
14 have posted there all of the different iterations
15 or updates to this document. It hasn't been
16 updated in its entirety, meaning a whole new book,
17 but rather inserts, if you will, or additional
18 documents that have been released and subsequently
19 put into play.

20 So one of the things that is helpful
21 when you're looking at the analysis of comments
22 and changes in the document is, this is some of
23 the responses to the public comments that the feds
24 received when the regulations were being
25 considered and implemented, and the reason why we

1 like to look at them is that it actually gives us
2 a little more transparency in the thinking of the
3 regulation because the federal regs are about this
4 thick, and about this much of it is the actual
5 regulations, like the rules to the game. The rest
6 of it is the comments -- the analysis of comments
7 and changes, and that's helpful to us when we see
8 them give us a little more detail than just the
9 regulation.

10 So I thought that might be of
11 interest to you if you choose to look at this as a
12 resource. Because if you look at the first page,
13 not many of us would get to the second page
14 because it's just -- it's not a very easy, light
15 reading by any means.

16 So I am going to take you back
17 through time just a little bit and the updates to
18 the Register that we had to incorporate into our
19 policies, and in the bottom right-hand corner,
20 you'll see a cover of the new policy book, and
21 it's my plan to bring everyone a copy of that at
22 our next meeting because we'll be doing some
23 orientation activities for our new folks, so I'll
24 provide an updated copy for everyone at that time.

25 Okay. So in looking at the Federal

1 Register, in April of 2015, there was some
2 regulatory guidance about how local education
3 agencies had to make their effort -- their fiscal
4 effort with making sure that students with
5 disabilities were being served with the money
6 allocated for them, and that once we allocate
7 money, the school district cannot get into a place
8 where they don't maintain its own effort to match
9 those funds to work from with students with
10 disabilities. So this is a bunch of fun stuff
11 about we might allocate you money, but you have to
12 put money in too, local education agencies, to
13 maintain effort for supporting students with
14 disabilities.

15 And so a question might come about
16 why, if it was issued in 2015, did we not update
17 the book. Well, a couple of things. We
18 implemented the standard right away because we had
19 no choice because it went into effect, but it's
20 often not cost-effective to reissue the book
21 because literally last summer, if I had issued a
22 new book, I would have had to do it weekly because
23 they were sending us federal updates last year --
24 we just drank through a hydrant of federal updates
25 in the summer of last year.

1 So we go ahead -- typically our
2 practice is, is to go ahead and communicate these
3 changes. Like these changes came through grant
4 training that happens on an annual basis when
5 local education agencies are developing their
6 grant to submit for their federal funds or federal
7 and state funds from the state, and so they were
8 made aware of these standards right after they
9 happened. So it was a little bit of a lag to get
10 them scooped into the policy book.

11 Then in December of 2016, there was
12 another update looking at how states are
13 addressing the issue of significant
14 disproportionality and how states are addressing
15 discipline including suspensions and expulsions.
16 We've always had standards for significant
17 disproportionality, and we've always looked at how
18 students are long-term suspended and so forth, but
19 now we have additional areas that we have to
20 consider when students are removed for
21 disciplinary reasons.

22 The reason why there is a yellow
23 checkmark by the booklet at the bottom is that
24 right after this came out, just a couple months
25 later, there was another notification provided by

1 the feds that some of the guidance relative to how
2 these calculations are done were under further
3 revision. So you might remember when Dr. Nancy
4 Johnson came and spoke to us about significant
5 disproportionality and you guys offered some
6 feedback about how those calculations were to
7 occur. It wasn't long after that meeting that we
8 got notification from the feds that they might be
9 reconsidering the ranges and the parameters under
10 which states could actually have a choice in
11 calculating that.

12 And so we really -- two things: This
13 is an area that we're concerned about and states
14 have a right to go ahead and move forward with
15 that. So we're not walking away from looking at
16 significant disproportionality because there's
17 stuff already in place, and we are continuing to
18 wrestle with that because we're not necessarily
19 wanting to wait for the feds to tell us the next
20 thing because there is work that we can do with
21 our stakeholders. You guys, for example, provided
22 as feedback.

23 And so what we're hoping to
24 accomplish is, by the time the feds get it figured
25 out, that we will have obtained enough feedback on

1 this topic that we can go ahead and, within
2 whatever new parameters they've provided,
3 implement the feedback from the stakeholders so
4 that there's not any untimely delay with going
5 ahead and addressing this matter that we feel is
6 very important.

7 So that's why it's yellow. Those
8 changes have not been adopted into our policy book
9 at this point because there was another proposed
10 rulemaking on this topic. So the current
11 requirements are still there, and we're waiting
12 for any new additional pieces that the feds are
13 going to gift us with. Okay?

14 All right. So, again, this is just a
15 little bit more on significant disproportionality.
16 It includes some responsibilities about revising
17 our policies, practices, and procedures, what do
18 we do, how do we address those factors, how do we
19 use our early intervening money through CEIS to
20 intervene before these things occur. All of that
21 has a basis already in policy. There's already
22 regulations that we're following on this topic.
23 Again, we are just waiting for the final-final on
24 that before it becomes adopted into our policies.

25 Okay. Then in June of last year, we

1 finally got the regulatory requirements as a
2 result of the Every Student Succeeds Act, and this
3 is where we had a lot of interest in what it would
4 mean for children with disabilities under IDEA
5 because the Every Student Succeeds Act was the
6 reauthorization of the Elementary Secondary Act
7 which then informs, of course, what we do for
8 children with disabilities.

9 So if you guys remember -- or it may
10 not have popped on your radar, but we are waiting
11 to see if the IDEA is going to be reauthorized too
12 because of the ESSA. And, currently, that does
13 not seem to be the direction or the climate, as
14 I'm aware of it, of opening up the IDEA right now
15 for consideration. So I've not heard anything
16 about any beginning movement toward
17 reauthorization activities there.

18 So we did have to attend to what ESSA
19 did for us, and from my perspective, I didn't
20 consider the changes upsetting or unfavorable to
21 students with disabilities or not -- or taking
22 away some fundamental rights that we need to have
23 for students with disabilities and their families.
24 I know that's pretty much of a general statement,
25 but as we can get into this a little bit further,

1 it's detail-oriented, but really, it wasn't, in my
2 view, a substantive change to the business of what
3 we do on a daily basis. Okay?

4 So what it did, it handled some
5 definitions. It made some revisions to
6 definitions. The definitions that were changed or
7 revised a little bit was charter school, limited
8 English proficient, and some language in the
9 regular high school diploma. And I'm going to
10 walk through that just really quickly in just a
11 few slides. Then there were some definitions that
12 were removed relative to core academic subjects,
13 highly qualified special education teacher--- Now
14 don't panic there. That's okay. ---and
15 scientifically-based research.

16 See what happened here--- Let me go
17 back. So charter school really just assimilated
18 its definition to be concurrent with that of ESSA,
19 and it really didn't change anything to describe
20 what a charter school is. It's just a little bit
21 more language to add onto that definition. It's
22 still recognizable as the same definition that is
23 in practice. So there wasn't really anything
24 substantive there.

25 Limited English proficient. Over the

1 years, we've known this as ELL, LEP. Well, this
2 is LEP and ELL reimagined again for English
3 learner. So it just really -- this English
4 learner is now the more appropriately politically
5 correct term when talking about students who have
6 language differences.

7 And then regular high school diploma,
8 I do actually have a slide for that, and that just
9 added some extra language. Again, it doesn't take
10 it out of being recognizable from the operational
11 use of that definition that's currently in place.

12 Okay. And core academic subjects,
13 this is where you had your reading, writing, and
14 arithmetic, you know, and all of that was kind of
15 spelled out. Well, core academic subjects can
16 look different from state to state in what's
17 considered core. So what you'll also find through
18 ESSA is that it walked away from the notion of
19 being really prescriptive in certain areas, to
20 give deference to states to be able to define
21 these things as appropriate in their state. And
22 core academics was an example of that, how the
23 thought was that we don't need to define this for
24 states, that states can define what core academic
25 subjects are themselves.

1 And highly qualified special
2 education teacher, I am going to spend a little
3 bit of time on that because there's a subtle --
4 there's a change in what, of course, is in the
5 regulation, but it's not a change to what we do in
6 practice in North Carolina. So I want to spend a
7 little bit of time being explicit on that.

8 And then scientifically-based
9 research, ESSA has favored the definition or the
10 use of the term evidence-based research, and
11 essentially, what has happened is that they are
12 just vacating defining scientifically-based
13 research. If you -- there is a lot of ways to
14 describe the research that is used as the basis
15 for the education that we provide students.
16 There's evidence-based. There's scientifically
17 research-based.

18 There's a lot of different
19 descriptors out there talking about and trying to
20 describe the research: Is it peer-reviewed; has
21 it been implemented over time with a set number of
22 students. All of that is kind of common in our
23 field to define the level of research that has
24 been done on the instructional practices that we
25 provide.

1 This is an example of the feds
2 walking away from defining that because, in
3 addition to that, it raises the question if this
4 is scientifically-based research and you have a
5 textbook, you know, how does it match up with the
6 definition of scientifically-based research. And,
7 you know, South Carolina do have a scientifically-
8 based research threshold that this textbook
9 matched, but North Carolina does not.

10 So that's a real tortured explanation
11 to say that they don't want to define that too
12 tightly, and the terminology that they are
13 choosing to use is evidence-based research, but as
14 sometimes when we get gifts from the feds, it's
15 not really a gift because they didn't define
16 evidence-based either. So how would you like for
17 us to proceed? So, you know, it's just one of
18 those -- one of those things; the gift that really
19 didn't give anything.

20 So you will still see scientifically-
21 based research in our policies because, again,
22 just because the feds didn't choose to define it
23 does not mean that the term cannot be used, and
24 states are defining that as it is appropriate
25 relative to their instructional practices.

1 MS. HOLLER: I just have a question
2 real quick about the [inaudible] on having highly
3 qualified special education teacher removed from
4 that because they're special -- like you would
5 want a highly qualified special education teacher.

6 MS. HUDGENS: It really didn't go
7 away.

8 MS. HUTCHINSON: Semantics.

9 MS. HUDGENS: It's just words.

10 MS. HUTCHINSON: It didn't change
11 anything.

12 MS. HUDGENS: And I'm going to get to
13 that because that is a really good question, and I
14 have about four slides -- keep your thoughts in
15 mind because if I don't get it, I want you to come
16 back to me, okay, because---

17 MS. HUTCHINSON: Your children are
18 still being taught by highly qualified people.

19 MS. HOLLER: It just sounds like --
20 why would they---

21 MS. HUTCHINSON: It's semantics.

22 MS. HUDGENS: Right. So I'm just
23 going to address that in a basic way. Even though
24 the federal regulations had highly qualified as a
25 special ed teacher, there wasn't really a property

1 right associated with the words "highly
2 qualified." It was just additional descriptors.
3 Now you had to have, under personnel
4 qualifications, a special ed teacher which, of
5 course, is licensed by the State, you've had to
6 have a program of study, you actually have to have
7 the ability to work with students with
8 disabilities. So the highly qualified was
9 intended originally to put some extra emphasis
10 behind certification of teachers to teach students
11 with disabilities.

12 So those qualifications under highly
13 qualified, it was under its own section of the
14 regulations, but they've moved those requirements
15 under the personnel qualifications. So they
16 didn't really go away; they just moved over into
17 another section in the regulations and some of the
18 terminology like highly qualified as adjectives
19 kind of moved away. And I'll get there in a
20 minute to show you what is or isn't there because
21 it's like a little shell game, and you know, it
22 really doesn't change what we do in practice in
23 the state. Okay?

24 All right. The other thing that was
25 done is to clarify the guidelines for children who

1 are taking the alternate assessment to measure
2 their academic progress. In other words, what
3 this did is put a little bit more language around
4 students that are taking the alternative
5 assessment to ensure that it's really just used
6 for those children who have the most significant
7 cognitive disabilities and that are participating
8 on alternate achievement standards, which in North
9 Carolina would be the extensions.

10 And it's really making sure that
11 states are really carefully looking at how they
12 make decisions for this assessment because it
13 impacts children in their four-year plans, the
14 rigor of their program, and it's a very serious
15 decision that when you are contemplating this as
16 an appropriate method to evaluate students and to
17 provide instruction for students, do parents
18 understand that that is not going to lead to a
19 regular high school diploma and what does that
20 mean and when is the best time to make those
21 decisions and how do we appropriately maintain the
22 rigor of the educational program that the child is
23 experiencing so that we are ensuring that they're
24 getting every opportunity possible to have a
25 program that leads to a diploma.

1 All right. Looking at requiring the
2 state to provide technical assistance regarding
3 comprehensive and targeted support to improve
4 activities based on consistent underperformance of
5 children with disabilities in desegregated
6 subgroups. In other words, this is kind of
7 related to significant disproportionality. What
8 we are doing -- what are we doing for kids that
9 require additional supports because they are
10 underperforming as a group. Again, this is
11 intended to raise the rigor of what we do for
12 students with disabilities in the instruction that
13 we offer.

14 The other update that we have is
15 relative to Rosa's Law, and that was an update in
16 July 11th, 2017, and essentially, it just ensured
17 that every federal document, even those related to
18 students with disabilities, that the term mental
19 retardation was replaced with intellectual
20 disability or intellectual disabilities. I don't
21 know about you guys, but I kind of took a deep
22 breath. I thought that had been handled a long
23 time ago, but you know, evidently, there was some
24 terminology in federal documents that needed to be
25 updated, and you know, we certainly went through

1 our process to make sure our language was updated
2 as well to reflect the terminology correctly.

3 So then we get into policies -- our
4 policies governing children with disabilities --
5 and I still haven't forgot about the highly
6 qualified because I'm going to show you in this
7 section. So keep me honest, Katie, okay?

8 All right. So what does that mean
9 for our policies. You know, that's all the
10 federal stuff. So how did that look like in North
11 Carolina policies? Well, one thing about North
12 Carolina policies is essentially verbatim what the
13 federal regulations say.

14 The major differences in North
15 Carolina policy is that we have a class size
16 requirement. That is not a federal requirement.
17 That is a state requirement. We also in this
18 state look at 90 days from the referral to
19 placement if the child is an eligible child, and
20 the feds look at 60 days from the date of consent
21 to placement. So North Carolina elected to go a
22 little bit beyond that and scoop in from when the
23 child was referred all the way through placement
24 so that we can keep things moving at a reasonable
25 pace to identify students.

1 And then in transition, we have some
2 required transition activities that we ask LEAs to
3 engage their IEP teams in at age 14, and
4 federally, it's required at age 16. And so those
5 are just some examples of where differences are,
6 but essentially, we have adopted pretty much
7 letter for letter the federal regulations. I mean
8 we have to accept them in. I guess what I'm
9 trying to say is there's very little that we have
10 either added to or expanded upon, and I just kind
11 wanted to pull that to your attention.

12 So this will be helpful if you ever
13 wanted to compare the old and the new. This is
14 just where I walked through with LEAs previously
15 about where you could find the old information, on
16 what pages, and what pages they are in the new
17 book, and again, that's just a show where we
18 adopted in the new language and where it appeared
19 from the federal regulations.

20 Here is the information from ESSA.
21 Again, as I mentioned earlier, it only amended the
22 authority citation to reference ESSA. The
23 definition had a reference to the High School and
24 Secondary Act, and so that was an update there.
25 We talked about English learner. I've highlighted

1 here on the slides the different places where
2 those changes had to occur.

3 Then in looking at the regular high
4 school diploma, the section that reflected where
5 the federal changes were is under 1501, the
6 limitation exception for FAPE, and here is where I
7 highlighted that for you. If you look at in Roman
8 number II or ii, rather, that paragraph is the one
9 that had to be amended -- so that's why you see
10 the strikethrough -- just only because it was
11 easier to see in the bottom paragraph what
12 language was new. So it took that paragraph and
13 added the underlined part.

14 So if you see that regular high
15 school term means the standard high school
16 diploma, it added some extra language here saying
17 "awarded to the preponderance of students in that
18 state," in other words, the high school diploma
19 that most children receive in the state, and then
20 it just had some extra language about what a
21 regular high school does not include, and again,
22 it was just some sort of descriptive language
23 about equivalents, diplomas, completion,
24 certificate of attendance, those things that do
25 not constitute a definition of a regular high

1 school diploma. So that's an example of the
2 minimal changes, just some extra descriptors that
3 were added in as a result of ESSA. So, again,
4 these are items that were removed and these are
5 the locations under which the location was and
6 where it disappeared from.

7 And now we're back to highly
8 qualified special education teacher. So the
9 highly qualified special education teacher --
10 these are the parts that were under that section
11 in the regulations just before they were changed.
12 So this is the old information, so I wanted to go
13 through that first.

14 So this part of the regulation talked
15 about teachers that are teaching the core academic
16 subjects, what kind of credentials did you have to
17 have if you were a special ed teacher, what kind
18 of requirements did you have to have if you were
19 teaching alternate standards, and if you are
20 following along here with me, this is where our
21 state looks at general curriculum for EC teachers
22 and adapted curriculum for EC teachers, and this
23 was the regulatory language that we based those
24 two types of licensure on. Okay?

25 Then it had the requirements for

1 special ed teachers teaching multiple subjects.
2 For example, the teacher of record, did they have
3 the appropriate content area of specialty in
4 addition to their special ed licensure. Also,
5 there was a matrix called the HOUSSE standard. I
6 can't remember what all those wonderful letters
7 mean, but it was a matrix in which teachers could
8 demonstrate how, through their professional
9 preparation and any kind of other college work,
10 work experience, teaching assignments, that they
11 could have that highly qualified status added on
12 to their license.

13 And I'll just give you a personal
14 example of that. I used the HOUSSE assessment
15 when I was a special ed teacher at the middle
16 school level, and this was in another state so
17 just kind of bear with me. I had a license in
18 K-12 special ed, but I taught a separate setting
19 for students with disabilities at the middle
20 school. So, therefore, I was the teacher of
21 record for not only the special ed services but
22 also for their core content areas, and because I
23 had been a biology major and had done other things
24 in college, I was able to demonstrate my college
25 preparation work to be highly qualified in the

1 core content areas for math, science, social
2 studies, reading, on all of those areas. So
3 that's what teachers had to do to demonstrate
4 their highly qualified status. They had to
5 demonstrate that they had experience to be able to
6 add on those other areas. Okay?

7 So, essentially, these were all the
8 areas that either were adjusted, removed, or moved
9 over to personnel qualifications, and so those
10 kind of went away. So, again, I was talking to EC
11 directors, and as they were about to fall out, I
12 was like, "Okay. This does not mean the world as
13 we know it has changed, okay? We still have
14 requirements for teachers. No creative use of
15 staff is permitted."

16 Because we have those special
17 education adapted curriculum and general
18 curriculum licensure tracks for a reason because
19 we want people who are teaching our children to be
20 able to do so and be effective at what they're
21 doing and be able to effectively design
22 instruction and make recommendations about the
23 least restrictive environment for our students.

24 So guess what? It didn't go away
25 from North Carolina at all, okay, because we do

1 have State Board of Education policy that names
2 out these licenses. Now what we do want to do is,
3 some of that language that went away under the
4 highly qualified about children who were on
5 essentially the adapted curriculum standards or
6 those extensions, we want to take some of that
7 language and recommend to the State Board that we
8 add those right on over into the personnel
9 requirements because that is the expectation in
10 the state and that is what we require when we go
11 and visit. But we also understand that we need to
12 have the policy guidance to support that. Even
13 though it's in State Board policy and other
14 places, we want to make sure it's a little bit
15 more specific. So it has not changed. Are you
16 with me, Katie?

17 MS. HOLLER: I'm with you.

18 MS. HUDGENS: Anybody else have any
19 questions? Any of our higher ed folks or anybody
20 else want to ask any questions around this? So
21 you have to have a license to teach special ed.
22 It's not the wild, wild West.

23 MS. GRANT: Carol Ann, I think the
24 one thing to note about that is that we are held
25 accountable by that on the human resources side

1 because if our teachers' licenses don't match the
2 children that they teach, then we have an audit
3 exception, which could be pay back money to the
4 State. So we are highly monitored with what
5 license we have.

6 MS. HUDGENS: Thank you, Christy. So
7 those guidelines haven't changed because we have
8 removed the two words "highly qualified." The
9 licensure requirement still lives and breathes.
10 Okay? So those qualifications moved under
11 personnel qualifications. You still have to have
12 a license to teach, and this is just the citations
13 where you can find that information about how it
14 moved.

15 I had a little Q&A breather here.
16 Anybody have anything they want to ask about the
17 federal changes before I slide on over to some
18 other things? Yes, ma'am?

19 MS. VLASATY: I actually had a
20 question about the teacher qualifications.

21 MS. HUDGENS: Sure.

22 MS. VLASATY: So there are still
23 situations where there are EC teachers that aren't
24 qualified or have licenses, that they're going to
25 school, lateral entry, or whatever it's called.

1 So could you talk a little bit about that?
2 Because I do know of parents that -- you know,
3 coaches have been hired to teach in the classrooms
4 and they have absolutely no academic experience
5 whatsoever. And, again, recognizing the climate
6 that we're in, there is tremendous shortage of
7 teachers, so I know they're trying to get people
8 in.

9 But how does that process work?
10 There are also, you know, hiring a TA who might be
11 going for her test and then, you know, your child
12 is going to have this TA all year, and I know of a
13 specific example where then she failed the test
14 and decided, "Well, I'm just going to stay a TA."
15 So how does that fit in the whole process?

16 MS. HUDGENS: So I am not the
17 licensure expert, but I do monitor licensure for
18 the purposes of programs for students with
19 disabilities, and so I will give you a variety of
20 information, and hopefully, that will be enough to
21 kind of get to where you're going here. For us,
22 it is an exception, meaning like Christy's example
23 is an exception to the audit, if we go in and the
24 teacher does not have a license for exceptional
25 children. That's not appropriate.

1 So what is difficult about answering
2 your question is LEAs make assignments of teachers
3 based on the information in their review of the
4 teacher's credentials. So there is the lateral
5 entry license, which means you have a license of
6 some type to get a lateral entry license, and then
7 there are teachers like the coach who might be
8 doing an add-on to add on special education.

9 And so, to me, that -- I laughingly
10 told somebody yesterday that we have some places
11 that lateral entry is a state of mind because it's
12 a license. You can't just say I'm lateral entry.
13 It is a license that has been issued. And so --
14 and then there's the add-on. Well, the add-on is
15 great, but it's not going to buy you a special ed
16 teacher unless it's in hand. So it can't be a
17 state of mind about licensure when we go in and
18 look for the credentials of special ed teachers.
19 Our expectation is that it's a licensed EC
20 teacher. Did I get somewhere close?

21 MS. VLASATY: Uh-huh.

22 MS. HUDGENS: Anybody from an LEA
23 that want to add anything to that?

24 MS. GRANT: I would just say they
25 still have to meet qualifications to even be given

1 a lateral entry license, and the State still has
2 to approve that lateral entry license. Such as
3 going into an adapted classroom for the extensions
4 to the standard course of study, the teacher has
5 to pass the Praxis prior to going into the
6 classroom, and then there's a plan of study that
7 our LEA has you -- we have to have a plan of study
8 in hand, knowing how you're going to get there.

9 And that keeps us, actually, from
10 having substitutes in a lot of our classrooms
11 because of the shortage of teachers that we have.
12 I have a lot of lateral entry teachers, and then I
13 have some teachers who are -- who have been
14 regular ed or another -- in another field and can
15 just take a Praxis and add on an EC degree. We
16 have recognized that there's a lot of support that
17 we have to provide our lateral entry and BTs,
18 beginning teachers, but we know that and we
19 address that up front through a teacher support
20 program in our district.

21 So I will say that they are licensed.
22 If they weren't licensed, then they had to be a
23 substitute teacher basically -- I know in our
24 district that's how that works -- for the children
25 that they serve.

1 MS. HUTCHINSON: I think there's some
2 distinction between, you know, adapted curriculum
3 and the standard curriculum and special education,
4 and I could be a special ed teacher for 20 years
5 and have a general ed curriculum license, and if I
6 have a student that comes to me who needs the
7 adapted curriculum, that doesn't mean that I'm
8 still not a great teacher, but I have to go back
9 to school and pass the Praxis to get full other
10 license to teach that student.

11 So that puts really small districts
12 in quite a bind, but that doesn't make you an
13 incapable teacher. That means you just have to do
14 additional things to have a student who's on the
15 adapted curriculum, but you are not qualified to
16 teach that student if you have a general
17 curriculum. So it's kind of specific at times.

18 MS. HUDGENS: I'll go back and
19 reference one thing that I kind of skipped over on
20 this particular slide. There was a licensure
21 guidance tool that we issued for all the LEAs in
22 August of 2015, and it does a correlation with a
23 general and adapted because, as we know, our
24 workforce has come through schools and been
25 licensed at different points in time so their

1 licensure might say different things but are
2 equally appropriate as long as it's based in
3 exceptional children. So that's a little
4 crosswalk.

5 It also indicates a way that the
6 teacher can -- the LEA can look at the composition
7 of that teacher's classroom and match it
8 appropriately to the students' disabilities in
9 that classroom and then further on to the
10 appropriate licensure. So there's a couple of
11 things that come into play: the student's
12 disability category, again, and then the program
13 of study that the students are working toward. So
14 those are some tools that LEAs use to make sure
15 that they are assigning their staff appropriately.

16 MS. MOOREFIELD: And I just have one
17 question about licensure. I'm not sure if anybody
18 can answer this. This is a loophole that we fell
19 into in the World Languages Division. If a
20 teacher is part-time, they are not required to
21 have a license in order to teach, so that's
22 happened to us a lot with the languages, that
23 schools, instead of hiring a language teacher,
24 they'll hire somebody part-time so that they don't
25 have to get the license.

1 Is there -- is there any possibility
2 that we could have a special ed teacher who was
3 part-time, like if you just got kids who were
4 pullouts, and would that same loophole happen?

5 MS. HUDGENS: Yeah. I'm not familiar
6 with that animal or that loophole. So that means
7 that I don't think that that's kosher, but I don't
8 know the particulars of that situation, the
9 teacher's credentials, how that LEA has chosen to
10 make that job assignment. So I'm a little bit at
11 a disadvantage to speak to that more thoroughly,
12 but you've got to have a license to teach whether
13 it's general ed or special ed.

14 MS. MOOREFIELD: I just didn't
15 want -- like I don't even know if there is such a
16 thing as a special ed teacher being part-time, but
17 if there is, that loophole does exist, and it
18 might need to be something that we look into.

19 MS. HUDGENS: So the only thing that
20 I would offer to that is, if you had a teacher
21 part-time, I would still be looking for the EC
22 licensure for that person.

23 MS. GRANT: And, Carol Ann, we do --
24 we have part-time teachers actually and they are
25 still required to have licensure anytime EC

1 children -- they are serving EC children. So they
2 have -- I have never heard of a loophole because
3 it would come up as an audit exception from the
4 human resources side and from the EC Division.

5 MS. HUDGENS: And from my office.

6 MS. MOOREFIELD: I was the loophole
7 for the World Languages because I was only
8 part-time, so I was not required -- I wanted my NC
9 license, but they said, "Oh, you don't have to
10 have one because you're part-time." So I just
11 wanted to make sure, like nobody knew that that
12 was in there either, so if it really is in there,
13 then I want to make sure that that's closed for
14 our kids.

15 MS. HUDGENS: Well, and there's also
16 the semantics of part-time equaling substitute
17 equaling different ways to split hairs on that,
18 but I don't know World Languages in particular.
19 So I would hesitate to offer any kind of feedback
20 on how they chose to do that.

21 MS. MOOREFIELD: Okay. I didn't know
22 if the EC Department was different or whatever. I
23 just know that that one existed wanted to make
24 sure that we don't come across that in the future.

25 MS. HUDGENS: It could be, but I'm

1 going to stay in my lane on this one.

2 MS. MOOREFIELD: I don't blame you.

3 MS. HUDGENS: So are there any other
4 questions before I move on to some other parts of
5 this presentation? Anything else? Yes, ma'am?

6 MS. SIMMONS: Carol Ann, one of the
7 subjects you covered about the policy book, you
8 mentioned class-size requirements, and in my eight
9 years on this Council, that's one of the questions
10 I sought the most that I want to share with
11 you-all.

12 In this policy book, there are a
13 couple of pages -- I want to say it's page 139 and
14 page 140. There's a very important chart. It'
15 says, "Class-Size Requirements." It doesn't say
16 class-size suggestions. It says requirements.
17 And it talks about the number kids that a teacher
18 can have in the classroom and the supports that
19 are needed as far as a teacher assistant.

20 And that would be a really important
21 document to make sure it's highlighted with
22 teachers so they know for themselves as well as
23 the supervisors of EC teachers.

24 MS. HUDGENS: And I'll just add a
25 little bit to Vicki's comments. Earlier when we

1 started this part of the presentation, we talked
2 about different catalysts of change and what
3 creates change in policy. We just talked about
4 the federal ones, and you actually gave me a
5 perfect segue in terms of the legislature requires
6 us to do activities as well.

7 And so the class-size policy was a
8 directive of the legislature that we had to adopt
9 into policy as is the House Bill 149 for dyslexia.
10 So, again, I think to Vicki's point or maybe not
11 her point, but her urging you to consider that, if
12 that is an area that you think is not working well
13 or could stand some more clarity, that's a place
14 where this Council could advocate with the
15 legislature about any kind of recommendations that
16 you might have as far as what needs to be
17 considered in that area.

18 Because I will also add that that was
19 legislatively required, but funding was not
20 adjusted to accommodate those requirements. So
21 that is another challenge with that. So anything
22 else you want to add to that, Vicki?

23 MS. SIMMONS: I think you do a great
24 job. You always make things sound prettier than
25 they really are.

1 MS. HUDGENS: Well, I have picked up
2 skills along the way.

3 All right. So House Bill 149
4 regarding dyslexia. So we had this bill from the
5 General Assembly, and basically, it was to respond
6 to concern from parent advocacy groups and other
7 groups relative to the appropriate delivery of
8 students who may have dyslexia, and we've actually
9 kind of talked in this Council over the years
10 about different experiences families that you have
11 worked with have had regarding ideas that we don't
12 test for dyslexia or we don't provide education
13 for dyslexia. And, certainly, we've issued things
14 to the field to say dyslexia is an okay word, you
15 know.

16 And so dyslexia is one of those types
17 of learning disabilities that must be addressed,
18 if appropriate, with specially designed
19 instruction through special education or other
20 means in core, if that's more appropriate for the
21 child to receive adjustments in their core
22 education. So the General Assembly elected to
23 assist in the effort of helping people understand
24 dyslexia is not a bad word or it's not a word that
25 we don't address and it's not something that we

1 don't attend to if that describes a student's
2 unique needs.

3 And so where it is organized into is
4 essentially four parts. The first part directly
5 impacts our policy in that we had to adopt a
6 definition of dyslexia, and I'm going to show you
7 that on another slide. The other three parts are
8 different things that we have to engage in to
9 support LEAs in the identification. So what do
10 we, as a state, do to help LEAs have appropriate
11 assessment tools and look at appropriate
12 strategies for addressing this issue; how do we
13 help LEAs appropriately identify those unique
14 needs that may be related to dyslexia or
15 dyscalculia; and then what resources are available
16 to parents, educators, and other groups.

17 And then part four is local boards of
18 education had to review their own tools and
19 screening instruments and make sure that they have
20 those multiple sources of data that we talked
21 about a little bit earlier to ensure that children
22 were appropriately being identified and, if
23 identified, were having their needs met
24 appropriately.

25 So we've lived with this for a little

1 while now, and I think I can anticipate a question
2 about what do we do about it. So we hosted a set
3 of webinars, and I'll get there in a minute. I
4 forgot I made a slide for it. So let me back up.
5 So this is the definition of dyslexia that we
6 adopted into our policy book, and it's on page 8
7 there.

8 And then what we did to make tools
9 available to both parents and teachers or
10 information available to parents about what we did
11 to support teachers and LEAs, we hosted a series
12 of webinars that we recorded, and we made those
13 slides available to LEAs to redeliver at the local
14 level with the facilitator notes, the slides, and
15 the legislation for references. And so on this
16 slide, you'll see that hyperlink there that can
17 take you to these materials so you're able to hear
18 that same information that was delivered and the
19 technical assistance, any kind of resources or
20 explanations that were offered as a result of the
21 requirements laid out in that legislation.

22 So before I go any further, any other
23 questions about dyslexia?

24 (No audible response.)

25 MS. HUDGENS: Okay. It's close to

1 lunch and you've had enough Carol Ann time, I can
2 tell.

3 All right. So then the next group is
4 changes that we initiated at the EC Division. We
5 also believe that if we ask LEAs to continually
6 examine what they are doing that we should do it
7 ourselves, and one of the things that we took a
8 closer look at, and we have had in place for some
9 time, is the LEA self-assessment. That was
10 formerly related to a plan that had already been
11 in place called a Continuous Improvement
12 Performance Plan that LEAs had to submit and
13 outline their plans for improvement at the local
14 level.

15 As we began the work with LEA
16 self-assessment, we acknowledged that we needed to
17 update our terminology in the policy to reflect
18 that, and the additional pieces that you'll see in
19 blue essentially are, of course, making sure the
20 terminology is consistent -- is consistent, but in
21 part C, we actually spell out the required
22 components of that, which looks at the current
23 status of the four elements. So policy,
24 compliance, all of those pieces of those core
25 elements, IEP implementation, engagement, all of

1 those levels are there.

2 Then the LEA has to do an analysis of
3 their implementation and look at their data and
4 that they have a plan to improve areas that they
5 have identified as needing to be strengthened in
6 their delivery of services for students with
7 disabilities. And so this is just all the
8 different places. It's under class size as well
9 that we could look at class size through their
10 Continuous Improvement Performance Plan, but
11 again, the terminology just needed to be updated
12 for the self-assessment.

13 And then the next one was related to
14 how we engage in the process for identifying
15 students that may be suspected as having a visual
16 impairment, and the reason we did this is that the
17 Office of Special Ed Programs did release a memo
18 in May of last year that essentially started out
19 with "it has come to our attention," and that's
20 when we know we're in trouble, but it wasn't just
21 to us, so it was nationally issued, that from time
22 to time, we have to reevaluate our practices in
23 how we are engaging in identification.

24 And, essentially, what the
25 observation was, is that in the area of visual

1 impairment, many states had elected to put in
2 criteria that essentially defined how poorly
3 sighted you were before you could be identified as
4 a student with a visual impairment. Well, the
5 reason why that causes a problem is, if you look
6 in the regulatory language about the definition of
7 visual impairment, which is the very last bullet
8 here, it says, "Any impairment in vision,
9 regardless of severity, must be included in the
10 State's definition provided that the impairment,
11 even with correction, adversely affects the
12 child's performance and requires special education
13 and related services."

14 So one of the first questions that we
15 got is, "Oh, my goodness, does that mean every
16 student who wears glasses now is eligible for
17 special education," and our response to that would
18 be, "It depends, okay, because a child who wears
19 glasses, those glasses are the correction, but
20 that's only one piece of the puzzle for
21 eligibility."

22 There is that three-prong test for
23 eligibility for any eligibility category. It's
24 not only do you have a disability, but it's got to
25 adversely affect your performance and it adversely

1 impacts your performance to such a degree that you
2 have to have special education and/or related
3 services in order to make progress.

4 So the eligibility requirements are
5 still there, but states should not and must not
6 put an acuity range or some kind of parameter on
7 how poorly sighted an individual is before they
8 engage in the process of considering eligibility
9 if someone suspects that that child has a visual
10 impairment that may be in need of special
11 education.

12 So what that looks like is that in
13 North Carolina, we were one of those states that
14 put in some restrictions here that unnecessarily
15 tightened the meaning of the definition of visual
16 impairment. So we had to really walk away from
17 that, and rightfully so, because we could have,
18 unfortunately, overstated the federal definition
19 to restrict it too far for identification.

20 So in the first part in our
21 definition, we had added -- everything you see
22 there by number 14 that is not crossed through
23 mirrors the federal definition exactly. North
24 Carolina added the last sentence that was crossed
25 through that says "A visual impairment is the

1 result of a diagnosed ocular or cortical
2 pathology." Well, that unnecessarily restricts or
3 it could. So in order -- so what we're trying to
4 accomplish here is that we don't make a number be
5 the one thing that prohibits a child to be
6 eligible. If all the other areas are met, then
7 that child should be considered as a child with a
8 disability if they're meeting the three prongs of
9 eligibility.

10 And what, unfortunately, that this
11 could do is that this child could meet everything,
12 but they may not have the acuity range you see the
13 below part of 20/70 or 20/200, and someone could
14 inadvertently say that they're not eligible
15 because they didn't fall in this range of acuity.

16 Now people take a big gasp here and
17 are like, "Oh, my gosh. We have this whole
18 population of students in North Carolina that were
19 not appropriately identified." It's not likely
20 because remember the policy has always existed
21 that your decision has to be based on a
22 preponderance of data. So if there is a
23 preponderance of data from multiple sources of
24 data, then children should have been identified
25 appropriately.

1 But, Carol Ann, what if they didn't
2 get it right? So if anyone suspects that there is
3 a child with a visual impairment that has an
4 adverse effect to their educational program or --
5 and, rather, needed special education, then they
6 need to suspect a disability and refer the child
7 for an evaluation. The other thing is, is that
8 typically when students are suspected of a
9 disability -- maybe not typically, but you can
10 suspect more than one disability at a time. So
11 children with visual impairments or suspected
12 visual impairments might be suspected of other
13 things. But regardless, if they are identified or
14 not through special education, they still have to
15 be provided an appropriate education through
16 general education and still may have accessed
17 services through a Section 504 plan, if they need
18 some level of accommodation or so forth.

19 And this is the low-incidence
20 population in our state, so the big story here is
21 that we did a lot of training around this in terms
22 of putting some information out there to make sure
23 directors were aware, teachers of the visually
24 impaired have had some subsequent information from
25 our content specialists, and just really

1 calibrating about what it means to suspect a
2 student of a visual impairment and how we should
3 engage in that eligibility process for them.

4 Questions for me?

5 (No audible response.)

6 MS. HUDGENS: Okay. So the resources
7 that we made available here are we did a policy
8 spotlight on this topic as well where we did a
9 virtual webinar, and here are the materials. You
10 see when it was delivered, the resources there,
11 frequently asked Q&A. So all the support
12 materials that accompanied that change and that
13 messaging to folks, that's where you'll find it.

14 And I can release you from hearing me
15 drone on and on and on, unless you have
16 questions. That concludes the changes to our
17 policies over this past year.

18 (Applause.)

19 MS. HUDGENS: I definitely earned my
20 keep today. Be sure to tell Bill.

21 THE CHAIRPERSON: Thank you very
22 much, Carol Ann. So who all is hungry? Well,
23 then, let's go ahead and break for lunch.

24 **(At 11:59 a.m., a lunch recess was**
25 **taken and committees met, and the meeting**

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reconvened at 1:20 p.m.)

THE CHAIRPERSON: Why don't we first hear from the agency updates.

MS. BYNUM: She is here. I think she just stepped out in the hall to finish a call.

THE CHAIRPERSON: Okay. Well, then, we'll move on and go ahead and go through public comments, if Diane Coffey wants to give us an overview of the comments that came in for this meeting.

MS. COFFEY: We had four letters come in this time comment-wise, and I'll just start trying to paraphrase through all of them.

The first letter is an [redacted] child. IEP -- the parent had been told that the IEP committee would perform the evaluation of their son, but she states, in fact, it only happens once or twice in an academic year. The child is nonverbal. Within the IEP, there are some medical issues obviously going on too. There's stuff about needing to make sure he gets enough liquid and enough activity during the day, and that is not being met currently according to the parent.

And then so during IEP meetings --

1 this is her statement -- lots of suggestions will
2 be given by several members about doing different
3 increases of physical therapy, occupational
4 therapy, or speech therapy so that immediate
5 results can be seen, but the school tells a
6 different story as we do not have staff and these
7 kids do not need it more than two days a week. So
8 their request is that we look closer at IEPs, are
9 they being followed through. So that's that
10 parent.

11 The next letter, the parent is
12 basically saying that she's noticed EC teachers
13 spend a lot of time in IEP meetings during the
14 school day. This means that the EC students are
15 being taught or monitored by aids or assistants.
16 I don't believe that these people are required to
17 read the IEP for each student so they are not
18 necessarily informed about the students they serve
19 to the level that the EC teacher is.

20 And she goes on to talk basically to
21 the fact that she's not advocating for EC teachers
22 to do meetings outside of school, but that we need
23 to look at solutions, hopefully, to allow who is
24 working with the students to have more knowledge
25 of what they need to be working -- about that

1 particular student.

2 The third letter, parent has a child
3 that an IEP was in place. Well-meaning teachers
4 did what they could throughout elementary school.
5 His special ed team was exceptional with keeping
6 my son engaged in the subject matters and studies,
7 but now that in middle school, seems to be falling
8 behind.

9 Mainstream teachers -- feels like
10 mainstream teachers are not--- Sorry. Trying to
11 paraphrase and read at the same time doesn't
12 always work. Mainstream teachers worked on them
13 as a class, but there wasn't a push from
14 specialized teachers to help him with this. And
15 she talks about social interaction and subject
16 matter was focused on. She's talking about each
17 child's [redacted] is different, it's true,
18 although it's pretty clear that as the number of
19 [redacted] cases grow, the schools should be
20 creating services that strengthen every aspect of
21 the child's development.

22 And it goes on, my child is lucky
23 that I have fought for other services outside the
24 classroom. It's still not enough to keep him from
25 failing seventh grade, though. And just goes on

1 to state that we need to be looking at more --
2 advocate for holistic approaches to teach these
3 kids. They need help.

4 And then the fourth one, the parent
5 is--- Sorry. This one's in small print so I'll
6 have to read closer here. Beginning in 2015
7 school year, she reached out to school personnel
8 before school started to try and be proactive,
9 requested meetings that never occurred. I was in
10 communication almost every day and very open with
11 medication management and his therapy
12 appointments.

13 Behaviorally, he was constantly
14 sitting in halls and being suspended, a total of
15 ten days. Received phone calls almost on a daily
16 basis to come and pick him up. The school
17 resource officer told me to drug him up like a
18 zombie. Another teacher said for me to give him
19 medication.

20 She basically goes on -- I'll
21 paraphrase this one because a lot of repetitive
22 stuff, but it goes on to this kept continuing year
23 to year till, currently, he is in a state facility
24 in state custody so that she could get him the
25 residential treatment he needed behaviorally.

1 Her request is that we look at more
2 following IEP -- that IEPs are legal documents and
3 the cases need to be followed and that -- and, of
4 course, she does go on to blame the school system
5 that he's where he's at and that if she had gotten
6 help earlier on that he might not have ended up
7 where he was at. So that's paraphrasing that one
8 down to the best I can paraphrase. And that's the
9 last one.

10 THE CHAIRPERSON: Thank you, Diane.

11 All right. And are we ready for the
12 agency updates now?

13 MS. THOMAS: Sure. Good afternoon.

14 I'm Sherry Thomas. I am the Assistant Director of
15 the Exceptional Children Division, and so I am
16 here on behalf of the Division. Bill sends his
17 regards and will see you next time.

18 I have a few updates for you, not
19 probably a lot from -- from what you heard the
20 last time. Probably the biggest piece of news is
21 around the Medicaid legislation, and I believe
22 Bill has talked about that over the last couple of
23 probably council meetings that you've had, the
24 work that's been going on with some of our local
25 directors, with DMA, and with folks in the

1 legislature to try to open up Medicaid, and that
2 seems to be happening, and to expand Medicaid
3 billing.

4 So I've got some notes, if you'll
5 bear with me. I'm not going to read, but I want
6 to reference that so I can make sure I give you
7 all the information. So in working with the
8 Division of Medical Assistance, or DMA, there was
9 approval with the legislative committee that was
10 working on this to expand Medicaid funding, and to
11 quote Bill, "They came out with everything we had
12 asked for."

13 So able to include students with 504
14 plans that may have OT or PT or speech. Expanding
15 the services to include, hopefully,
16 transportation. That one is still being worked
17 out because to document that is a little tricky,
18 but that is -- that is on the table to continue.
19 Looking at screenings, both evaluative and health
20 screenings that could be covered by Medicaid as
21 well or could be billed for.

22 Looking at the roles of school
23 counselors and psychologists as they're providing
24 counseling and therapy that would be able to be
25 billed for Medicaid if the students were Medicaid-

1 eligible. I talked about the transportation.
2 Billing for individual health plans, and like I
3 said, 504 -- Section 504 plans and even looking at
4 behavioral intervention plans. So it really is
5 broadening the scope for what could be billed for,
6 which means more dollars back in our LEAs, and as
7 you know, all Medicaid billing that comes back
8 into the LEA goes back to special education, and
9 that is a good thing.

10 Getting all the wrinkles worked out
11 and the details finalized will be happening, we
12 probably think, over the next couple of months,
13 but that's where things are headed. And so that's
14 a thumbs-up. That's a good win for everybody,
15 especially with the big move around the school
16 mental health and those services and being able to
17 bill for that counseling will be huge for school
18 systems to be able to offer day treatment or
19 mental health counseling in the schools. So it's
20 huge. So stay tuned. We'll keep you posted.
21 Again, the transportation is kind of on the side.

22 As far as the mental health bill, the
23 legislation that's out there right now being
24 bounced around in the legislature is mirroring
25 pretty close to the State Board policy that was

1 passed last year around school mental health
2 services. We had a hiccup last week where it
3 looked like it was going away, but it's back. And
4 with the focus so much on school mental health --
5 and it's awful to think that every time we have a
6 shooting, that heightens it, but that seems to
7 heighten the awareness. And so we have our
8 fingers crossed and strong hope that that's going
9 to move forward.

10 The agency in collaboration with that
11 mental health stakeholder group that we've had
12 going on over the last two years applied for a
13 very large grant with the federal government
14 submitted that last week, and so with that, would
15 provide some staff in-house to coordinate that out
16 in the LEAs. It would build some capacity in LEAs
17 to kind of pilot a program around support and
18 training, which aligns back with the State Board
19 policy and with that legislation. So it will be a
20 beautiful thing if that comes through, and we felt
21 like it was a very strong proposal, and so we're
22 keeping our fingers crossed. I don't think we'll
23 hear until about September on that.

24 Bill was in a joint study
25 legislative -- it was a joint legislative

1 oversight committee meeting, and someone here, he
2 thought, might have been in that committee meeting
3 as well on Monday or Tuesday. Was someone here---

4 MS. HUTCHINSON: It might have been
5 Mr. Blackwell. He left.

6 MS. THOMAS: It might have been.
7 They're doing a joint study through DHHS and DPI
8 looking at students K-12 with disabilities and
9 some overlapping services and looking at kids with
10 more significant disabilities and access and
11 opportunities, and so more to come on that. He
12 just had the first meeting with that committee,
13 but he just wanted to make sure I mentioned that
14 and he was hoping that someone else that was here
15 would be able to tag onto that.

16 As you probably have seen in the
17 budget -- I don't know what's happened today, but
18 I'm assuming that it's been fully approved now. I
19 haven't looked at news all day. There is a \$5.1
20 million cut to DPI. Pretty much all operations
21 that could be cut have been cut over the last
22 couple of years with all the other cuts. We
23 anticipate this is clearly going to affect staff
24 again. It's getting harder and harder and harder
25 because the needs are greater out in the field.

1 We have more schools to support. Schools have
2 less funds, and now we have less support.

3 I don't know if you guys talked about
4 the Ernst & Young report. So the legislature last
5 year approved up to \$1 million for there to be an
6 efficiency study of DPI, and Ernst & Young
7 conducted that study and they finished in April.
8 I think we got the report the first of April. I
9 think that's when it was. The first of April or
10 first of May, I can't remember which. In that,
11 they -- the recommendation was not about positions
12 but about functionality, integration of services,
13 collaboration. So anywhere they could talk about
14 divisions working together, they did. They see
15 that collaboration is a huge piece of improving
16 the efficiency.

17 A lot of things that they brought up
18 that they saw as positives, we feel like we're
19 already connected to. For example, we created
20 that PD calendar that lays out all the PD we have
21 available that folks have now connected back to
22 their LEA self-assessment, and that catalog is
23 made available updated, and they talked about
24 that. You know, those kinds of things are what
25 they're looking at, is how are you providing that

1 information and outreach to schools.

2 One of the recommendations they
3 did -- and I think it's online now so, if you want
4 to see that, or we can send it to you, if we need.
5 It was published. It's now public record because
6 it went through the State Board. They talked
7 about IT services in particular. That was a big
8 piece. Have any of you read that? I don't want
9 to bore you with lots of details if you're
10 familiar, but talked about outsourcing and so not
11 having IT in the building but contracting out for
12 that support, they saw as an efficiency move.

13 Within that, they made the
14 recommendation that if you're using a system, a
15 platform to do some piece of work and it has
16 pieces built in it, that you don't have to
17 replicate it, DPI. You should do that. And so a
18 prime example is, as we're moving through ECATS,
19 we've had here the remedy, which was the help desk
20 ticket. So literally in this building, if the
21 toilet won't flush, if the lights won't work, and
22 if you can't access your IDEA grant, you go
23 through the Remedy Help Desk. I mean all things
24 fall under that remedy.

25 ECATS with PCG, they have Zen Desk

1 that we used during the pilot, which is a help
2 desk that's within the system, and so taking that
3 recommendation, we are moving away from doing
4 in-house tier 1 support when ECATS rolls out and
5 it will all go through Zen Desk. So that's like
6 the first example of adhering to that policy of if
7 a system or a platform has a function, we don't
8 need to replicate that in-house. Does that make
9 sense? So we'll be the test case. That seems to
10 be frequent for us, but we'll be the test case to
11 see how that rolls out agency-wide. So, of
12 course, now we've got lots of -- lots of eyes,
13 lots of watching eyes on us to see how that's
14 going to roll out.

15 And speaking of ECATS, we're still
16 projecting to go dark on Friday at 5 o'clock with
17 CECAS, and the projection is to come up live July
18 11th. We have four primary -- well, one system
19 that has a majority of year-round schools, and
20 that's Wake, and so trying to get them up soon
21 after they open, trying to work with three other
22 districts that have an MTSS platform through PCG
23 already. We've got other LEAs who have year-
24 round. So trying to slowly bring folks on knowing
25 that the bulk is going to come up in August unless

1 folks are just dying to get in there and have that
2 extra IEP meeting. So we are keeping fingers and
3 toes crossed that we're still moving forward and
4 things are good, and it, you know, hasn't been
5 smooth sailing, but nothing this large ever could
6 be or would be. So we will keep you posted on our
7 target dates, and if there's any change or if
8 there's any hiccup or anything new, we'll
9 certainly keep you posted on that.

10 But those were really the updates I
11 had. Any questions for me, I'll be happy to try
12 and answer those. Yes, ma'am?

13 MS. HOLLER: So Bill's retiring in
14 August. What is the---

15 MS. THOMAS: Bill is retiring
16 November 1---

17 MS. HOLLER: Okay.

18 MS. THOMAS: ---as of today.
19 That is his projected retirement date.

20 MS. HUTCHINSON: Ask him on Saturday
21 when CECAS goes down.

22 MS. THOMAS: Yeah, ask him on Monday.
23 His intent -- actually, when we hoped CECAS [sic]
24 was going to come up in January, his intent was
25 July 1. He is committed to staying here, to

1 seeing up and moving, and so right now we're
2 hanging on to November 1. I keep nudging him.
3 You know, we could do December. It would be okay.
4 So we'll see. His wife retired in May, and I
5 think that makes it even harder because, you know,
6 they've got a lot of things they want to do.

7 So the plan, to get back to your
8 second part, is typically what happens in the
9 agency when a director retires, of course, it's
10 posted. Don't know when they'll do that, how soon
11 they will do that. They typically will appoint an
12 interim. Who knows? Who knows? That's what
13 happened when Mary Watson left, but who knows. So
14 I'm not going anywhere for a while. That's
15 usually the second question. When's Bill leaving
16 and when are you going? So I'm here for a few
17 more years. Other questions?

18 (No audible response.)

19 MS. THOMAS: Okay. Thank you all
20 for -- thank you for adjusting because I've got a
21 2 o'clock ECATS meeting I need to get to. But I
22 want to personally thank you. Some of you are
23 new, I know. Thank you for being willing to serve
24 on this really important vital group that we have,
25 this stakeholder group. We value your input and

1 your feedback to us, and thank you for being here.

2 THE CHAIRPERSON: Thank you, Sherry.

3 All right. Let's move on, kind of rearranging the

4 schedule here a little bit, to committee reports.

5 Let's see. Do you want to start with Unmet Needs

6 and their committee reports for today? Anything

7 that you're working on?

8 MS. COFFEY: We are still trying to

9 figure out ways to get data in. That's our

10 biggest thing right now, is just being able to get

11 data to where we can get a census of what is our

12 biggest unmet needs at this point. So that is

13 really where we're at. I have been able to get

14 some data -- it did not come in until late

15 yesterday evening so I was not able to crunch

16 it -- from ECAC as far as [inaudible].

17 So we've got some things we're

18 working on, but at this point, that is our biggest

19 need, is just finding a way to get continual data

20 in that we can be able to figure out what we need

21 to work on.

22 MS. DANIELS-HALL: Have you reached

23 out to other disability organizations?

24 MS. COFFEY: In the process. In the

25 process. Just have not been able to actually get

1 it yet.

2 MS. MOOREFIELD: Are you looking for
3 like a way to survey families or---

4 MS. COFFEY: Well, we've got the
5 public comments and the letters. So that's --
6 we've had that a little over a year and probably
7 less than 12.

8 THE CHAIRPERSON: We've got some of
9 that going on. We've got access to like dispute
10 resolution. That's a great way of finding out
11 unmet needs, but there's some other agencies who
12 we can probably reach out to. ASNC maybe because
13 I'm sure you get a lot of calls at least from
14 autism families needing support here and there, if
15 there's any kind of documentation talking about
16 what kind questions and concerns they're having.

17 MS. HUTCHINSON: Couldn't we reach
18 out -- because Carol Ann Hudgens does a report --
19 you can certainly chime in for us -- at the Spring
20 Institute of the number of dispute resolution
21 cases and---

22 MS. COFFEY: We got that information.
23 What we don't get is specifics like what were the
24 issues surrounding the cases.

25 MS. HUTCHINSON: She didn't break out

1 for you---

2 MS. COFFEY: No.

3 MS. HUTCHINSON: They did for us,
4 yeah.

5 MS. MEBANE: Okay. So if we could
6 get that, that would be really helpful.

7 MS. GRANT: What the topic was.

8 MS. HUTCHINSON: And I think it was
9 a -- it was either a written presentation or a
10 PowerPoint, we certainly got, and she would go
11 through like if it was a compliance issue or a
12 referral issue or---

13 MS. MOOREFIELD: Because we got a
14 great survey from [inaudible] and Wake County
15 asking about getting transportation feedback, and
16 that was a SurveyMonkey or a Google survey.

17 THE CHAIRPERSON: And reaching out to
18 any county or local special education advisory
19 councils would be another great way to go about
20 it.

21 MS. MOOREFIELD: But I mean like you
22 could send that straight out to the parents of --
23 it would have to go to each county, and that
24 county could send it out to parents with kids in
25 EC.

1 THE CHAIRPERSON: Yeah. Or bring any
2 data you-all have that you would be willing to
3 share that we could present as this is -- may be a
4 concern. If we see it popping up in other
5 reports, that justifies that it might be more
6 systemic than just this Wake County issue. As we
7 were alluding to earlier, transportation is quite
8 possibly a wide area issue, not just Wake County.
9 So---

10 MS. HUTCHINSON: In the transition to
11 ECATS, we were talking about in our committee --
12 and I'm just kind of jumping ahead, but you know,
13 we could do our sort of due diligence and civic
14 duty in responding to parent need and parent
15 training for the transition to ECATS because the
16 more knowledgeable we can allow them to be, the
17 better served all IEP teams will be.

18 So if there's -- I mean I think
19 that's a huge unmet need. Certainly, DPI is going
20 to, you know, contract with ECAC, but you know,
21 there's not too much information that can be
22 provided to parents.

23 THE CHAIRPERSON: At this point,
24 yeah. True. Do you want to report back on
25 Reports and Data?

1 MS. DANIELS-HALL: So what we're
2 going to do is we're going to take a look at some
3 of the reports and some of the data that's
4 developed by DPI online there. We're looking at
5 the end of the year disability report, so the
6 number of children with disabilities from December
7 to December and April to April. So we're going to
8 look back at April 2017 and December 2016 to
9 compare.

10 When we looked at April 2018 numbers
11 from December 2017 numbers, we have a 1.86 percent
12 increase in students with disabilities. We're
13 going to look at the number of graduates from the
14 May/June 2015, and we're also going to look back
15 for more data on that one -- the graduates that
16 are happening.

17 The LEAs -- we're going to look at
18 the LEAs that are requesting technical assistance
19 from DPI, and specifically, we're going to look at
20 the type of assistance that they are requesting.
21 We are also going to -- for our ongoing project,
22 we're doing disproportionality reporting. So even
23 though the federal government hasn't decided how
24 disproportionality is going to be reported out
25 from the states and if it's going be reported out,

1 we don't have that information, but we're going to
2 continue with what we're doing on that.

3 We're going to collect or look to see
4 if DPI is still collecting postsecondary outcome
5 data because they used -- I think you said in
6 2015-2016 was the last?

7 MR. JOHNSON: I think it was back
8 before that.

9 MS. DANIELS-HALL: So we're going to
10 see if they're still collecting that data, and if
11 they are, we're going to get that data and use
12 that as part of our report to the Board, and we're
13 also, finally, going to look at the one percent
14 alternative assessment. School districts had to
15 report that out to DPI, but we're going to look to
16 see if we can get ahold of that data so that we
17 can look at what the total was of the number of
18 students that are going to be affected by that one
19 percent alternative assessment and what the total
20 was and also what number of districts are over the
21 one percent because we did get the waiver for the
22 one percent from the federal government. So
23 that's what we're doing.

24 THE CHAIRPERSON: Sounds good.
25 Policies and Procedures, we are in our infancy of

1 meeting, and it's one of our -- one of the biggest
2 concerns that were discussed circles around
3 transportation needs, inadequacies,
4 inconsistencies between contract bus services,
5 what's available for them versus what the
6 regular -- regular service buses are. We have
7 concerns about buses that have students who have
8 cerebral palsy and seizure conditions not being
9 adequately heated or cooled, especially during the
10 summer. Concerns around safety as far as passing
11 stopped school buses or nonschool-bus school buses
12 that transport students with disabilities.

13 And, basically, one of our ways of
14 doing that is to see if we can't get a
15 presentation based on what is currently in our
16 state policies concerning transportation, EC
17 transportation, and maybe make some
18 recommendations for changes to the State Board of
19 Education concerning enhancing those areas if we
20 need to.

21 MS. HUTCHINSON: You might reach
22 out -- instead of the EC Division, you might reach
23 out to -- like I know that we have to report --
24 our school buses report to the Division of
25 Transportation. So there's some really

1 interesting guidelines about stop arms and
2 [inaudible]. So they might actually have more
3 information than---

4 MS. MOOREFIELD: That's where I got
5 the information from, and it's totally legal to
6 pass one of our school buses.

7 THE CHAIRPERSON: But the thing was
8 like make sure that -- contract buses are not
9 required to have all the same equipment on it, and
10 what designates that school bus as being a school
11 bus was like three or four things. And if this
12 contract bus doesn't have those three or four
13 things, they can be passed, and that's where the
14 discrepancy is.

15 Another thing that some discussion
16 around was around EC representation on school
17 safety advisory committees, while we were
18 discussing all these situations with shootings,
19 not necessarily a severe crisis, but just routine
20 fire alarms and stuff like that, how do we make
21 sure that every student, especially those with
22 severe and profound challenges, are appropriately
23 evacuated and provided services for and monitored
24 during these situations. You don't want to take a
25 child that's prone to eloping just outside and

1 leave unsupervised and he ends up somewhere else
2 completely out of the ordinary. So just make sure
3 all of these students are covered even if there's
4 a substitute in the classroom. So just something
5 else that we want to look at with the Policies and
6 Procedures.

7 MR. BAKER: Could I add one thing to
8 that too? One of the things in general to kind of
9 look at, as just a good thing to do as good
10 practice, is just make sure your school
11 improvement team -- that you also reach out to a
12 parent with a student with disabilities as part of
13 the school improvement team.

14 THE CHAIRPERSON: Yes.

15 MR. BAKER: That's one of the things
16 we added to our team to make sure that we could
17 look at all those things and that we have a
18 representative for all of our students.

19 THE CHAIRPERSON: And that might
20 actually be a good recommendation to possibly go
21 ahead and make to the State Board this year in our
22 annual report, is to encourage all schools to have
23 an EC parent -- EC parent and/or EC teacher
24 involved in a school improvement team because each
25 principal selects their own team for that, from

1 what I understand, and that voice is vital, I
2 think.

3 All right. Moving into the annual
4 report, that's a lot of what this was about that I
5 had given out earlier. My goal -- a lot of what
6 the annual report is going to be is going to
7 maintain the same as far as the listing of
8 membership, an overview of what we've done, but
9 this year is where I was really wanting to get
10 information from what the different committees
11 have been doing this past year so that we can make
12 it more about what you guys are doing in trying to
13 move toward making more recommendations.

14 Would we like to go ahead and
15 consider any recommendations for this coming
16 annual report such as possibly the inclusion of
17 either a special education teacher or special
18 education parent on school improvement teams? I
19 see a lot of head nodding.

20 MS. HUTCHINSON: I just think with
21 the mental health stuff coming forward -- and
22 Sherry referenced it -- and there's money being
23 put aside now for school nursing and mental
24 health. We just got a notice yesterday that there
25 was some money approved. I also think that -- you

1 were speaking of evacuating students with special
2 needs. I think that's a really different animal,
3 and we're all required as an LEA to have a tiered
4 system of mental health supports.

5 So I think an element of that could
6 be referencing those students with -- we'll just
7 say dual exceptionalities for the purpose of these,
8 you know, mental health needs and special ed
9 needs in that tiered system of support that we're
10 required to provide to the State.

11 THE CHAIRPERSON: [Inaudible] toward
12 that recommendation just yet.

13 As far as this the school improvement
14 team, is there a consensus -- because I think
15 every principal has to have one in their school.
16 So that's one way of making sure that EC parents'
17 voices are heard. Is there a motion -- is there
18 agreement? Is there any discussion around that
19 that you would like to pursue at this time?

20 MS. GRANT: I think -- I do agree
21 with you, but I think it needs to go farther too.
22 There are a lot of districts that have parent
23 advisory committees to the superintendent, and I
24 think that needs to be a recommendation as well,
25 that that happens at the district level, parent

1 committees, as well as the school level.

2 THE CHAIRPERSON: Yeah. So a
3 recommendation that the school district
4 improvement teams include representation from
5 both -- or parents of special education students
6 and/or teachers?

7 MS. VLASATY: Well, I think it should
8 specifically state parents, not and/or because I
9 think the parent voice is -- needs to be
10 represented.

11 THE CHAIRPERSON: Okay. Do I hear a
12 motion for that?

13 MS. MEBANE: I make that motion.

14 THE CHAIRPERSON: Second?

15 MS. VLASATY: Jennine, I'll second
16 it.

17 UNIDENTIFIED FEMALE: Did you include
18 teachers on there too?

19 THE CHAIRPERSON: Both a special
20 education teacher and a special education parent
21 on both.

22 MS. MEBANE: We don't want teachers
23 to get steam rolled either.

24 MS. HUTCHINSON: I think you have to
25 be just a little bit careful requiring a special

1 ed teacher because in some districts, they might
2 only have one special ed teacher in a school, and
3 if that one special ed teacher is the person that
4 has a caseload of 30 or 35 students, I just
5 think -- I'm not saying their voice isn't
6 valuable, but also could potentially be your coach
7 of this and you do that dance, and this is the
8 only one within that school many times. So I just
9 think we have to be a little careful. Now there
10 will be more than one parent of students with
11 special needs.

12 THE CHAIRPERSON: Yeah. On a school
13 level, but also on the district level, at least
14 one.

15 MS. HUTCHINSON: That's a different
16 situation.

17 THE CHAIRPERSON: Of course, then
18 you've got your charters. That might be a gray
19 area, but---

20 MS. HUTCHINSON: I think the district
21 level is a really different thing than the
22 individual school level. There's some small
23 schools, especially out by the coast and such,
24 that might -- many of them might have one special
25 ed teacher. And so we're going to hire you for

1 this job, and as part of your responsibility, you
2 have to serve -- I think the "have to serve" is
3 not always [inaudible].

4 THE CHAIRPERSON: The recommendation
5 is one parent of a student with special needs.

6 MS. SIMMONS: Leanna, there was a
7 kindergarten teacher mentoring in a meeting one
8 time, and she said, "Okay. During a fire drill
9 with my kindergartners, we have a shared teacher
10 assistant, so she could be somewhere else. Now do
11 I get in front of the line and guide the students
12 on the fire drill, or am I at the back of the line
13 to make sure I've got all my kids?" So if there's
14 a teacher in the room, they may can give you some
15 of those kinds of insights. What was the answer?

16 MS. HODGES: The back of the line.
17 You've got to make sure they're all out. You
18 practice it so they're familiar -- practice so
19 they're familiar, but you have to be the last one
20 out.

21 THE CHAIRPERSON: Both situations get
22 complicated. If you've got kindergartners, they
23 can run like squirrels when they get outside on
24 the playground.

25 MS. MOOREFIELD: Or give them a rope

1 and everybody's got to hang on to the rope.

2 THE CHAIRPERSON: Yeah, got to love
3 the jump rope. So I've got all school-level
4 improvement teams include one parent of a student
5 with an IEP, all school districts include -- or
6 school district advisory committees --
7 superintendent advisory committees---

8 MS. HUTCHINSON: Can we say students
9 with special needs and not necessarily a student
10 with an IEP? Because I think there are students
11 of parents that have 504s that could provide the
12 same insight and give you more diverse
13 perspectives.

14 THE CHAIRPERSON: All school district
15 parent advisory -- I'm trying to figure out how --
16 advisory groups? All school district advisory
17 groups -- district-level advisory groups. I'll
18 send this out before we send it for a final to the
19 annual report just for clarification because
20 actually I think all school districts need to have
21 a group or body like this.

22 A lot of them are starting to have
23 one. I think Durham just -- I heard Durham just
24 opened up one. Wake County has had one for years.
25 Cumberland County has one. Greensboro has one --

1 Guilford County, but as far as a body like this.

2 Is there any other recommendations
3 that we think should be made based on the
4 discussions we've had this year or personal
5 experience that should be discussed and possibly
6 added to this year's annual report that we come
7 into agreement with?

8 MS. MOOREFIELD: Did you put the part
9 about dealing with transportation equitable -- I
10 heard you say it out loud, but I wasn't sure if
11 that was part of a recommendation or not.

12 THE CHAIRPERSON: I think we'll work
13 on a recommendation for next year. Let's get our
14 body of evidence together to make the case. I
15 think this year things are more along the lines of
16 already accepted as best practices in other areas,
17 but I totally agree with you. We need to address
18 the transportation issue, but I think we just need
19 to be able to be ready to build a case to say this
20 is why.

21 First of all, our kids are being
22 treated inequitably. That's here in Johnston
23 County -- or not Johnston County -- Wake County.
24 We need to make it more -- sure that it's a
25 systemic issue, not just a Wake County issue.

1 Does that make sense?

2 MS. MOOREFIELD: Yes.

3 THE CHAIRPERSON: Okay. That's where
4 my concern is.

5 MS. MOOREFIELD: I forget that not
6 everybody lives in Wake County.

7 THE CHAIRPERSON: I know. But I
8 agree. It's definitely an issue because a lot of
9 counties use that kind of transportation system
10 for their---

11 MS. MOOREFIELD: And just to make
12 sure that the safety equipment is on all buses if
13 they are contracted or county-owned.

14 THE CHAIRPERSON: Yeah. But that's
15 definitely something I would recommend that the --
16 Wake County start working toward with their
17 special education advisory committee as far as
18 that and petitioning for -- because you-all have
19 how many representatives in the House and Senate
20 over there?

21 MS. MOOREFIELD: They don't listen to
22 us. I don't know.

23 THE CHAIRPERSON: You make it real,
24 they'll listen. I mean when you -- take a picture
25 of it. We've seen it happen before where regular

1 school buses are getting passed. Guess what
2 happened? They started putting cameras on those
3 buses because nobody wants to see that. You have
4 a little kid about to cross the street in his
5 wheelchair and here comes a vehicle.

6 You know, you don't want to set that
7 up, but that's the reality of what could happen,
8 you know, whether it's in a wheelchair or a
9 walker. You know, I've had my bus driver reroute
10 his bus route so that he comes on my side of the
11 street versus the other side of the street so we
12 could keep from having to walk across the street
13 because we have a curve, and that was a public
14 school and that's not a private bus. But, anyway,
15 I digress there. But I definitely agree with you.

16 And I'm hoping that -- if Tish
17 doesn't forget and I don't forget -- that we can
18 contact either DOT here, the Transportation
19 Department here, or whoever we need to contact to
20 find out what those regulations are and what
21 regulations we might need to create that parity
22 between what is currently required for school
23 buses and what is required for contracts for
24 transportation, if that makes sense.

25 MS. GRANT: I think that's something

1 the data team might can gather, is the number of
2 districts that have contracted versus, you know,
3 the regular transportation because not all
4 districts have contractors.

5 THE CHAIRPERSON: No, they don't. Or
6 some districts will have just parent contracts,
7 and that's a whole other set of weeds to dig
8 through.

9 MS. MOOREFIELD: And I would like to
10 also find out like which districts have the
11 security cameras on their bus as well as the
12 location---

13 MR. MONTGOMERY: The GPS?

14 MS. MOOREFIELD: Yeah, the different
15 GPS---

16 THE CHAIRPERSON: The GPS, yeah.

17 MS. MOOREFIELD: ---kind of
18 monitoring things like that too.

19 MS. VLASATY: And it's important to
20 differentiate too like we're talking about vendor
21 transportation; we're not talking about like the
22 yellow school buses.

23 MS. MOOREFIELD: Well, I'm talking
24 about them too, like which---

25 MS. VLASATY: So you want the data

1 for both?

2 MS. MOOREFIELD: Yes. Well, like the
3 data on which counties provide cameras and GPS
4 tracking for their county buses for regular
5 transportation as well as the counties -- I think
6 there's like five or six counties that do
7 contract -- which ones of those counties also
8 require that their contracted transportation have
9 the same features.

10 THE CHAIRPERSON: Yeah. I mean,
11 individually, we may not be able to get that
12 information. I think, as a body or through DPI,
13 we can get that information from the vendors, so
14 we can contact the school personnel for that. So
15 just send me that comparison and research. We
16 have a just reason why we're concerned about that.

17 MS. HUTCHINSON: I think that calling
18 to light in students with special needs or
19 students not with special needs, we have these
20 challenges across the state with every single bus
21 that drives. You know, how many of us have, in a
22 school system, not gotten a call that this car
23 just flew past -- I mean in our own parking lot
24 when we have 50 school buses sitting there, we
25 have that same challenge.

1 MS. MOOREFIELD: But it's legal to
2 pass our bus. There's nothing that law
3 enforcement can do. We can at least -- law
4 enforcement can do something if we catch somebody
5 passing the big yellow bus, but it's more of a why
6 is my kid not as---

7 THE CHAIRPERSON: Protected?

8 MS. MOOREFIELD: ---important and
9 safe and why are you not taking as good of care of
10 my kid as you do these other kids. It's more
11 about that than -- because you're right. I mean
12 people are going to pass no matter what. But
13 it's -- yeah, it's more about, you know, you
14 are -- you are challenged and you are -- you know,
15 I'm trusting you to protect my child.

16 MS. HUTCHINSON: Well, and the reason
17 that a child would have specialized transportation
18 is there's a physical need to have that. It's not
19 just a luxury.

20 THE CHAIRPERSON: No, it's not.

21 MS. MOOREFIELD: Right.

22 MS. CHILDERS: Is that not a county
23 thing? Like can counties not make that legal or
24 not legal kind of thing?

25 MS. MOOREFIELD: No. Because North

1 Carolina state law, for a bus to be considered a
2 bus, it has to have official school transportation
3 on three sides of the vehicle, it has to have a
4 flashing light, and it has to have the swing-out
5 stop sign. And if it has two of those things but
6 not the third, it is perfectly legal to pass it.
7 It's not treated as a school bus.

8 THE CHAIRPERSON: And passing a
9 stopped school bus is a much higher offense
10 than -- well, I don't know if it's a much higher
11 offense than actually hitting one of our kids
12 accidentally, you know, but it's still---

13 MS. MOOREFIELD: It is the highest.
14 The last time I checked, it was seven points for
15 passing a school bus. It was the highest, you
16 know, point thing that you could do.

17 THE CHAIRPERSON: Short of causing
18 bodily injury. There might be something there,
19 but you don't want that to ever be an option.

20 MS. MOOREFIELD: Right. I don't want
21 to get there.

22 THE CHAIRPERSON: You don't want to
23 get there.

24 MS. MOOREFIELD: I don't want to get
25 to that point.

1 MS. VLASATY: So that's something
2 you're going to work on?

3 THE CHAIRPERSON: Yes, that's
4 something that we're going to work on this
5 upcoming year. That's one of our group level
6 goals.

7 MS. VLASATY: So back to the
8 recommendations, were we going to -- like June
9 Atkinson used to have a parent advisory council,
10 and she did -- myself and another mom sat on that
11 council as EC parents. It might be nice to
12 recommend that if Mark Johnson could also
13 reinstate a parent advisory council that
14 included---

15 THE CHAIRPERSON: State
16 superintendent?

17 MS. VLASATY: The state
18 superintendent level, right. ---a parent advisory
19 council that included EC parents.

20 THE CHAIRPERSON: Includes at least
21 one EC parent or two?

22 MS. VLASATY: At least one, yeah. At
23 least one. We don't want to be greedy.

24 MS. SIMMONS: I think it's great the
25 Council is considering inviting a member of the

1 Department of Transportation up here to really
2 talk with our Council and let's hear from that
3 person and get our questions answered. I went to
4 an amazing workshop several years ago. I think it
5 was DPI, Tish, and it was a physical
6 therapy/occupational therapy workshop, and they
7 had the bus people there showing how to put the
8 car seats in, all the straps, I mean all the
9 safety kind of stuff, and it was really -- I was
10 an adapted PE teacher, but I still -- you know, we
11 load kids every day, but just to open people's
12 eyes at how every strap has to be---

13 THE CHAIRPERSON: Just right.

14 MS. SIMMONS: Yeah. And you've got
15 to lock it down, and the position you're in is not
16 very graceful, but you've still got to lock things
17 down.

18 MS. MOOREFIELD: The strap was hard
19 to get to is not a reason to leave a child
20 unbuckled down.

21 THE CHAIRPERSON: Yeah, unsecured.

22 MS. SIMMONS: But DPI has an amazing
23 professional develop EC conference in November,
24 and every year they invite every one of us in our
25 group to go for free, and I have taken advantage

1 of I think almost every year, Tish, to go and be a
2 part and listen to things that I really wouldn't
3 have gone to ordinarily, but it was amazing to
4 hear people from other disciplines speak.

5 And I wonder if that couldn't, Tish,
6 be a session in the EC conference for
7 transportation for questions to be answered, and
8 there to be demonstrations of how to buckle? And
9 the PTs and OTs would probably have information
10 about who they talked with. Because it can't just
11 be a transportation person. It's got to be
12 somebody that knows EC.

13 MS. MOOREFIELD: The issue -- the
14 issue that we're facing, the one I know about, is
15 that there is -- so all of the transportation --
16 and, again, this is for Wake County. I don't know
17 how it works everywhere else, but all of the
18 transportation is under our school transportation.
19 So EC, regular transportation, everything is under
20 that one department, but they send out these
21 contracts to four or five different companies,
22 different transportation companies. Everything is
23 spelled out in these contracts, but there's no
24 oversight. There's no accountability.

25 So once these contracts get signed

1 and they go into working order, there's nobody
2 from the County or the State that spot-checks or
3 that makes sure that these buses are in good
4 working order.

5 I was telling the subcommittee about
6 [name redacted] who is in high school. He went
7 for two days with no AC on his bus, and his
8 15-minute ride home was in seizure or pre seizure
9 both days. His core temperature, coming off the
10 bus, was 101. It took his mother three hours of
11 having him completely undress, wet clothes, fans
12 blowing straight on him just to get his core
13 temperature down to 99. [Name redacted] goes into
14 seizures if he gets hit with rain.

15 So it's not -- I mean like there's
16 nobody who is checking on this. We've had buses
17 come to pick up my son with various things hanging
18 off of it or -- I mean it just -- and there's
19 nobody at the county or the state level that,
20 after these contracts get sent out, checks on any
21 of this. If there is a substitute bus driver,
22 they don't know anything about my kid. They don't
23 know that he could have seizures and this is what
24 causes them. They don't know that he can
25 aspirate. They don't -- they don't know any of

1 that.

2 And it's very simple fixes, and it's
3 all lined out in the contracts that they're
4 supposed to know that, but it's up to the company
5 to train their drivers and to set up these -- you
6 know, these follow-throughs, and sometimes they do
7 and sometimes they don't, but there's nobody from
8 the education -- from the school side to make sure
9 that the companies have trained their employees on
10 things like, you know, locking down wheelchairs
11 and buckling in car seats and things like that.

12 So [name redacted] -- they had to
13 pull his bus over because his wheelchair had
14 walked out of its slot because they didn't have it
15 buckled down because the buckles were too hard to
16 get to. So that oversight is what we're missing.
17 There's no accountability.

18 THE CHAIRPERSON: Have you called
19 your county or your school district
20 transportation? I'm sure you have knowing you.

21 MS. MOOREFIELD: I have called the
22 County. I have called the State. I'm telling you
23 I am that mom.

24 THE CHAIRPERSON: Yeah, I'm sure you
25 have.

1 MS. MOOREFIELD: I'm that mom.

2 THE CHAIRPERSON: What option -- the
3 only option that comes to mind is, okay, if the
4 County once a year before the school year starts
5 says, okay, your drivers -- one or two days,
6 however long it takes for your contracted drivers
7 that are doing this service in training to go
8 through on how -- so that the County can be
9 assured that they have had the training. Whether
10 or not it's implemented, the County -- you know,
11 but still.

12 MS. MOOREFIELD: That's where it
13 stops.

14 MS. HOLLER: Wouldn't it be a
15 violation of FAPE, though, seeing as
16 transportation is a related service and it's not
17 being properly monitored---

18 THE CHAIRPERSON: Yeah.

19 MS. HOLLER: ---because in reality if
20 they're not -- I mean I'm not trying to stir
21 the -- I'm just saying---

22 MS. MOOREFIELD: Well, I mean that's
23 what it's going to take, though. It's going to
24 take the threat of a parent. I mean that's what
25 it's was going to take.

1 MS. HOLLER: Well, like here's the
2 thing, okay, so worst-cast scenario you say, "All
3 right. I'm going to file -- I'm going to file a
4 formal complaint," what will happen is the
5 district would have to put in place a plan of
6 corrective action that would likely specifically
7 go into training and what kind of oversight. That
8 might be what you're option is for it to be
9 formally handled in that way, but I don't know.
10 And I'm not trying to be a troublemaker. I'm just
11 trying to be a problem-solver.

12 MS. MOOREFIELD: If stirring up
13 trouble is how I get it fixed, I'm all for it.

14 THE CHAIRPERSON: Exactly.

15 MS. MEBANE: That may work on the
16 local level, but I think she's looking at the
17 bigger picture.

18 MS. MOOREFIELD: You know, and that's
19 the thing that I -- you know, we have since moved.
20 So we're now in a neighborhood where we're on a
21 cul-de-sac. Nobody's passing his bus now, but I
22 can't drop it just because it's not a problem for
23 us anymore. There are kids who live on main
24 roads. People are flying around their buses like
25 they would pass my -- my son's bus while he was on

1 the lift in mid air, and they're passing his bus.

2 And I've called the police. There's
3 nothing they can do. So I can't drop it just
4 because it's not a problem for us anymore, and who
5 else is going to come home on a bus that's
6 registering at 105, 106 degrees, and their kid is
7 going into seizure. I mean we can't -- you can't
8 just drop this because somewhere else in the state
9 this is happening.

10 MS. VLASATY: What about Disability
11 Rights North Carolina; have you talked to them?

12 MS. MOOREFIELD: I have not.

13 MS. VLASATY: They might be a good
14 group to contact because this is just [inaudible].

15 MS. CHILDERS: Have you -- I don't
16 know if you've -- when you said they do the
17 contracts out for other companies, have you looked
18 at those contracts and read them to see if it
19 states---

20 MS. MOOREFIELD: I have asked if they
21 have public knowledge, and I can't -- I asked that
22 in the middle of that meeting, and I can't
23 remember if they -- I want to say that they said
24 no, but it seems like somebody said---

25 MS. CHILDERS: That they wouldn't

1 give it or that it's not in---

2 MS. MOOREFIELD: That it's -- I don't
3 think it's like out there public knowledge. I
4 think if you know who to ask, you can get a copy
5 of them, but I don't---

6 MS. VLASATY: The contracts?

7 MS. MOOREFIELD: Yeah.

8 MS. VLASATY: Yeah, you can request
9 them from the county public school.

10 MS. CHILDERS: So I would request
11 that contract, and when you look at it, if it
12 doesn't have it in it -- or I should say, if it
13 does have it in it and they're not following it,
14 then that's when you can -- which, like she said,
15 you don't want to stir the pot, but you can have
16 them sent -- you can have an attorney send a
17 letter, for example.

18 MS. MOOREFIELD: But just for you
19 guys to take back to your districts, one of the
20 things that I did and [name redacted]'s mom did is
21 that we had their doctors write a letter of
22 medical necessity that they had to be transported
23 in a vehicle with air-conditioning and that they
24 were not to be in a bus for more than 45 minutes.
25 But some schools have told parents, "Oh, you can't

1 put that in an IEP," and some parents don't know
2 that you can put that in an IEP.

3 So spread that word that if -- you
4 know, if anybody is having concerns about
5 transportation, there are things that can be
6 written into the IEP because that is one of the
7 contract regulations, is that they have to have a
8 copy of the transportation portion of the IEP.
9 They don't get the kid's entire thing; they get
10 the transportation part and they are supposed to
11 be familiar with it. Every driver is supposed to
12 be familiar with the IEPs that are on their bus,
13 but there again, supposed to be and are, are two
14 different things.

15 THE CHAIRPERSON: And one other
16 recommendation, we look more on state-level
17 systemic issues. You'll find the same thing with
18 Disability Rights. However, depending on what
19 was in that report -- you said it was pretty
20 egregious -- the survey results from Wake County
21 from your Special Education Advisory Council --
22 Disability Rights won't take a one of, but you
23 present that and if it presents as a systemic
24 issue in the county, they might investigate it
25 further. So be sure to---

1 MS. MOOREFIELD: Jennine's group
2 is -- you know, you-all put out the survey, right,
3 and you said that there is---

4 MS. VLASATY: The purpose of the
5 transportation -- it was a survey. So the purpose
6 of it was to gather data to work with Wake County
7 Special Ed Services and Wake County
8 Transportation. So the intent is to have a
9 collaborative approach to address those. So there
10 isn't any intent to escalate or take action. It's
11 like, okay, we've identified areas of concern.
12 Now what can we do to work collaboratively to fix
13 it.

14 THE CHAIRPERSON: Okay. That's
15 great. That's great. That sounds exactly like
16 what needs to be done because that's one thing
17 when you start dealing with your state-level
18 organizations, they don't take so many of your
19 one -- this one child situations.

20 MS. MOOREFIELD: Right. Right.

21 THE CHAIRPERSON: They want things
22 that are systemic, and you know, that's why I said
23 we're not putting it down this time for the
24 recommendations, but if we find evidence that this
25 is systemic and this is, you know, something that

1 needs to be addressed, and I agree, if it comes
2 back and it's systemic, well, here are cases here
3 and there, you know, of it, especially your larger
4 areas that do a lot of the contract, you know,
5 that it's a concern. So we've had cases I know
6 out of state where kids have been hit by cars
7 passing one of these contracted school buses, and
8 this is tragic. I think it was like Tennessee --
9 one of those states next door to us. And so we
10 don't want that for any of our kids.

11 MS. MOOREFIELD: And I hope it
12 doesn't -- we don't have to get to that point
13 before something is done about it.

14 THE CHAIRPERSON: Exactly. Let
15 somebody else be the red flag that we react to.

16 All right. So I've got state
17 superintendent parent advisory council includes at
18 least one EC parent.

19 Any other recommendations for the
20 annual report that we would like to make this
21 year? Because that's one thing they specifically
22 asked Bill last year is if we had any
23 recommendations.

24 MS. SIMMONS: Leanna, I was going to
25 save this for my "end of the eight years speech,"

1 but I'll give it to you now. I think one of the
2 last unresolved issues for me, after eight years
3 of being on the Board or the Council, is students
4 with significant cognitive need appropriate and
5 meaningful assessments, and what we have now does
6 not work for with kids significant cognitive
7 disabilities.

8 And I personally wrote a letter to
9 several people at DPI when they asked for comments
10 and spread my letter around, thinking that was the
11 answer, and I probably should have gone through
12 the Council because I think the Council could have
13 had more power than just me as an adapted PE
14 teacher. So that would be a recommendation that I
15 would share. I would be glad to share the letter
16 with you.

17 THE CHAIRPERSON: And if we can hash
18 out -- I mean appropriate and meaningful
19 assessment -- do we want to request right now
20 research into what that means? Because with
21 Andrew, as Carol Ann was alluding to, what is a
22 reasonable assessment that we can use on multiple,
23 across-the-board? Is it the, what, D Maps---

24 MS. SIMMONS: Dynamic Learning Maps.
25 I think I might have sent you a copy of the

1 letter.

2 THE CHAIRPERSON: Yeah. I've heard
3 it from you for like the last three years. Love
4 you, lady. But I mean especially now in light of
5 Endrew -- and I'm so glad Representative Blackwell
6 was here this morning and that he heard the Endrew
7 case and, you know, what all that involved and
8 millions of dollars of funds spent on legal issues
9 which could have gone to providing the services to
10 not just the Endrew family but other families in
11 that district. You know, it's a waste of money.
12 It is sad that our school districts do that to us,
13 in my opinion.

14 But, definitely, I'm going to put
15 that down, but just how do we want to -- I can say
16 "appropriate and meaningful assessments," but
17 okay, well, what is that? You know, what are we
18 asking for as a recommendation?

19 MS. SIMMONS: Let me send you an
20 updated letter and that would have all the
21 research in it that I have.

22 THE CHAIRPERSON: Okay. We will
23 maybe like "see addendum" or "attached letter" or
24 something like that. I might kind of reword,
25 rewrite the letter from the Council, but still

1 have you sign off on it as your letter as Vice
2 Chair as your parting shot.

3 MS. MOOREFIELD: I wonder just about
4 that -- about the appropriate assessments -- I
5 don't know if this would fit or not. Something
6 that we piloted in the World Language Division was
7 the Analysis of Student Work, the ASW process, and
8 it was -- like because we moved more towards a
9 proficiency-based evaluation process for language,
10 and the way that worked was teachers had to submit
11 two points in time of evidence.

12 So like if I was working on this
13 particular standard, I would submit what the
14 student could do like right before I began
15 teaching that concept and then what they could do
16 when I finished teaching that, you know, so at a
17 later point in time. So it was evidence
18 submission based on, you know, specific standards.
19 So I wonder if that might be a way to assist
20 students with severe cognitive disabilities, if
21 instead of having a standard test, which doesn't
22 work for anybody, if more of an evidenced-base,
23 you know, by requiring a couple of points in time
24 to show progress, if that's something that we
25 could maybe think about using.

1 THE CHAIRPERSON: Maybe look at
2 getting together -- it might be already being done
3 here at DPI -- I don't know -- a commission made
4 up of parents, special education teachers, OTs,
5 speech therapists.

6 MS. HUTCHINSON: Who's the individual
7 that works for DPI EC Division that [inaudible]
8 Extend 1 and that's her whole entire role?

9 MS. GRANT: She's gone. We
10 participated in a pilot for new high school
11 courses that are fixing to roll out, and my
12 understanding was they are fixing to get ready to
13 redo the Extend 1 and kind of going back to the
14 old portfolio. So we might want to get an update
15 from DPI on where they are in that process.

16 MS. MOOREFIELD: There's new
17 standards too.

18 MS. HUTCHINSON: Yeah, they're going
19 to be changing all the standards.

20 MR. BAKER: So are they going back to
21 the AAAI?

22 MS. GRANT: Kind of sort of. It was
23 more of evidence of work throughout the year which
24 made a lot more sense than the way [inaudible].
25 So we might just want to get an update from them

1 on where they are, are they still considering that
2 or -- because I know we talked about that last
3 year with the new standards and reviewing the
4 assessments.

5 MS. MEBANE: Do you remember the name
6 of that person's position?

7 MS. GRANT: Rhonda Layman's. It's
8 Matthew -- Matthew Martinez is that now, but --
9 it's Dreama McCoy.

10 THE CHAIRPERSON: I'll keep it in
11 there under recommendations, but it might kind of
12 fall more into future plans to work toward, but
13 whether it's a commission to look at it, but we
14 definitely need to do something about assessments,
15 especially in light of Endrew. Endrew gives us a
16 great catalyst and reason to say, "Look. This is
17 just past --" you know, that's my opinion anyway.

18 MS. HUTCHINSON: [Inaudible] talking
19 about it, not necessarily just those -- I mean the
20 percentage of students -- I don't disagree with
21 you -- with significant cognitive disabilities,
22 but there's a lot of students in between that the
23 standard assessment of [inaudible] work great for
24 me [inaudible] an Extend 1 kid.

25 So there's a gigantic -- and I don't

1 know exactly what our numbers were of students
2 that were on the Extend 2, but several -- tens of
3 thousands of students were on that Extend 2, and
4 then just one day we walked in and the very next
5 day---

6 MS. GRANT: [Inaudible].

7 MS. HUTCHINSON: Right. And I know
8 that was certainly not something that our Testing
9 and Accountability Division was jumping up and
10 down and super excited about because I felt like,
11 from the presentations from Lou Fabrizio at the
12 time, we were kind of leading the way in the
13 nation having diverse assessments to be able to
14 follow the federal guideline of No Child Left
15 Behind at the time, but that has not ever been
16 replaced with anything.

17 MS. MEBANE: The feds don't want it
18 replaced.

19 MS. HUTCHINSON: It's a bigger
20 picture than just significant cognitive
21 disabilities, you know. Even applying for ACT and
22 SAT accommodations for students, many times
23 there's more opportunities for accommodations than
24 even just on our state standardized [inaudible].

25 THE CHAIRPERSON: And that might

1 be [inaudible] talking about that as far as what
2 are appropriate -- what was the word? --
3 accommodations -- meaningful accommodations for
4 testing like EOG purposes. Because there are so
5 many apps out nowadays that can make a big
6 difference on how a student scores because they
7 can read their handwriting versus they can't read
8 their handwriting when they're doing math. That's
9 my son. But, yeah, so I'm with you there.

10 Another question I have is I heard
11 from a parent whose son just graduated with the
12 occupational course of study, but now she's
13 concerned that he's graduated, which makes him
14 ineligible for services, but he isn't quite there
15 yet. So I mean -- if you follow what I'm saying,
16 he's not quite there yet as far as having the
17 skills he needs to actually get a job and do what
18 he needs to do with it, but he wanted to go ahead
19 and graduate because, guess what, all of his
20 buddies are graduating.

21 And, you know, that's just -- so I
22 really would like to see if we can find some data
23 about postgraduation specifically geared toward
24 the occupational course of study kids, if there's
25 any way we can get information on how they have

1 done after graduating with that diploma program.

2 MS. GRANT: And how many graduate
3 with a diploma versus a certificate?

4 THE CHAIRPERSON: Yes. How many
5 graduate with a diploma versus a certificate, but
6 especially with this particular group because
7 we're talking about the Extend 2, those are the
8 ones that are not quite -- you know, they're not
9 going to go to college most likely. If they get
10 into a trade like electricians, they may be do
11 okay and they may do really well because some of
12 these trades are really, really good and strong.

13 But, you know, just are they equipped
14 to be able to go into those when they come out and
15 do they have the skills they need, whether it's
16 social skills or something else, but they pass the
17 course work to graduate.

18 MS. SIMMONS: Just so you know,
19 that's one of Mark's big things, is working
20 [inaudible] Mark Johnson.

21 THE CHAIRPERSON: So future work
22 assessments. Anything else that we want to look
23 at next year for future work with the idea of
24 hopefully making a recommendation next go-round?

25 MS. HUTCHINSON: I want to go back to

1 that---

2 THE CHAIRPERSON: Yes.

3 MS. HUTCHINSON: I think it was not
4 appropriately placed, but the idea that---

5 THE CHAIRPERSON: I'm sorry. I go on
6 tangents a lot.

7 MS. HUTCHINSON: The idea that all
8 LEAs are now required to provide a tiered system
9 of mental health support for students, and this is
10 the -- it's due in August or maybe it's July 30th.
11 This is the first time there's been that kind of a
12 push. There's also money now coming from the
13 State, not specifically for that, but it's needed.
14 And nowhere in that obligation does it address
15 specifically students with disabilities. So one
16 would suspect that we have a higher rate of
17 students with---

18 THE CHAIRPERSON: Mental health
19 challenges.

20 MS. HUTCHINSON: ---needs, whether it
21 be students with autism, students with
22 intellectual disabilities, whatever, you know,
23 there's a mental health component to having a
24 disability, and that's not a subset of that plan
25 required. So I wonder if---

1 MS. MEBANE: That's interesting.

2 MS. HUTCHINSON: It would be nice to
3 have districts think about and articulate how are
4 we going to address these needs of students with
5 special needs. It doesn't have to be
6 significantly different than those students
7 without special needs, but it would be nice to
8 call it to the forefront to make them think
9 through that process because you're going to have
10 students with significant cognitive impairments
11 that might not fit the tier 3 support that they
12 have planned because of the service providers they
13 have or---

14 THE CHAIRPERSON: Under the
15 recommendations?

16 MS. HUTCHINSON: So the plans are due
17 now right now here in next month or so, but I
18 think if we were going to make a recommendation,
19 this would be a really great time to make a
20 modification. They're getting the first round of
21 plans in. They could look at those and say, "Hey.
22 This is one element we could add to it."

23 THE CHAIRPERSON: Yeah. Because this
24 would probably go in like August or October,
25 something like that. I still have to work that

1 out with Tish, I think. That's the timeline of
2 this actually being -- ideally, I'm hoping and
3 praying to get everything done in time for it to
4 be presented in October, which is Special
5 Education Awareness Month. So that's my goal.

6 MS. HUTCHINSON: And I know like our
7 Division -- or EC Division at the State Department
8 had a strong, strong hand in moving forward that
9 mental health reform. That is not their job, but
10 surely, our students all benefit from that. And
11 so there's no venue available.

12 THE CHAIRPERSON: If one or two of
13 you can help frame a sentence or two toward that
14 recommendation and send that to me.

15 MS. HUTCHINSON: Just email it to
16 you?

17 THE CHAIRPERSON: Yeah.

18 MS. HUTCHINSON: I can do that.

19 THE CHAIRPERSON: I don't know every
20 detail of every subject in special education.
21 I'll be open and honest with you. So, you know --
22 so I appreciate it definitely.

23 MS. GRANT: This is a different one,
24 but one thing that I have a big concern with that
25 I've really seen this year was the new requirement

1 that beginning teachers pass the Pearson
2 assessments, and so we've got a lot of teachers
3 with the adapted curriculum license who are in my
4 multi-handicap classrooms and working on the
5 extended content standards, but they're required
6 now to pass the same curriculum assessments in
7 multi-subject math and reading as regular ed
8 teachers that teach those subjects.

9 And I think there's -- at some of the
10 HR conferences across the state, that has been a
11 big -- I mean like I have two teachers that are no
12 longer going to be allowed to come back in the
13 classroom. They've met all the course work, they
14 passed all the EC things, but they cannot pass the
15 Pearson math test. Because of that one test, I
16 lose two teachers, and I don't have a line of
17 teachers lined up to go in with an adapted
18 curriculum license.

19 So I just think the Pearson
20 assessments for that particular license---

21 MS. HUTCHINSON: And they're never
22 going to teach that level of math.

23 MS. GRANT: No. ---should not be the
24 same as a regular ed teacher who is responsible
25 for that math content, that reading content at

1 that level. That's their focus. I just think
2 there needs to be a release -- and that was a
3 state policy. There needs to be a release on the
4 Pearson curriculum assessments.

5 I agree wholeheartedly with the EC
6 Praxis and all the requirements there, but not
7 Pearson subject area assessments for adapted
8 curriculum licensed teachers, and I think if we
9 gather data on the number of teachers who are not
10 allowed to return to the classroom because they
11 could not pass the Pearson test, then it would be
12 alarming.

13 THE CHAIRPERSON: That's an
14 excellent---

15 MS. HUTCHINSON: You were nodding
16 your head, but I think that's an institute of
17 higher ed problem. The percentage of students
18 that are graduating that in the previous years
19 have walked out and had a contract sitting on
20 their desk and they're very employable,
21 outstanding teachers with the BT program and now
22 are completely unemployable.

23 MS. TERHAAR: It's a topic of
24 discussion in every IHE meeting, and people from
25 historically black colleges have real concerns

1 about---

2 MS. HUTCHINSON: Cultural bias of the
3 tests.

4 MS. TERHAAR: ---cultural bias of it,
5 and what's so disconcerting about it is that
6 students are allowed to take the test as many
7 times as they want. So there is -- Pearson is
8 making a lot of money.

9 MS. GRANT: They're paying a lot of
10 money out of pocket for those tests.

11 MS. TERHAAR: And if you're in the
12 special ed general curriculum, you still have to
13 take the ETS tests, so three tests for my
14 students. And we have had some of our best
15 graduate students continue to fail the math in
16 particular. The reading is not a problem because
17 the Reading Researched Classroom Practice training
18 that DPI puts together is fantastic preparation.
19 It is so closely aligned. But when you look at
20 that math test -- and I'll be honest. I took it
21 because whenever they come out with new testing
22 requirements, I believe the best way to prepare my
23 students is take it myself.

24 THE CHAIRPERSON: Take them yourself.

25 MS. TERHAAR: I didn't do too well,

1 and I won't tell you what my score was, but it was
2 not very good. But it is disconcerting that I see
3 it as a way for Pearson just to continue to make
4 money.

5 MS. CHILDERS: What was the motive
6 for that? I mean, was there any motive to make
7 this -- like to make that a requirement?

8 MS. HUTCHINSON: I don't know if
9 there's a way to answer that nonpolitically.

10 MS. TERHAAR: It's a requirement for
11 licensure in our state.

12 MS. GRANT: But they blanketed it. I
13 mean they like made it the same for everybody.

14 MS. HUTCHINSON: I think that there's
15 got to be -- we're talking -- this is the year
16 2020, you guys. People will get a master's in
17 school administration and produce evidences and
18 artifacts of almost every public and private
19 school in the state of North Carolina and receive
20 a graduate degree in school administration and
21 licensure and never take a test such as you're
22 speaking of, and these are our leaders in our
23 schools.

24 Yet, we're holding our 21-year-old
25 college students to a very different standard, and

1 we're all sitting here talking about as adults how
2 are we going to assess our students in more
3 authentic ways, but yet, on the very next hand, we
4 just stated that we are assessing our college
5 graduates on three assessments to see if they'll
6 be good in the classroom when you have
7 professionals observing these people in the
8 classroom and saying that was an awesome teacher,
9 and because of one test on one day, she's losing
10 that teacher. I think that's a little---

11 THE CHAIRPERSON: Yeah.

12 MS. TERHAAR: In an area where we
13 have such a shortage.

14 MS. HUTCHINSON: I'm not saying lower
15 the standards; I'm saying look at the authentic
16 way to -- authentic way to evaluate a person in
17 their job.

18 MS. TERHAAR: And we have an
19 authentic way of doing it in higher ed because
20 we're also required to have anyone who doesn't
21 have initial licensure -- so that's our undergrads
22 as well as our MAT graduates -- to take this
23 evidence-based test/assessment. We at Meredith
24 have adopted the PPAT, but then the people in the
25 other IHEs who are the state ones, they've got

1 their version.

2 And it's much more authentic. It's
3 actually videotapes of your teaching, and you have
4 to analyze it. And guess what? The major
5 emphasis is on assessment. So you assess your
6 students, you come up with a lesson plan based on
7 that, you collect assessment data, you make
8 changes to justify it. Now that's the real
9 world -- the real work of teaching.

10 So we in higher ed are trying very hard
11 to get the message up the food chain that that in
12 itself should be what licensure -- you know, you
13 do well on that and then you get your teaching
14 license. So we're hoping that that works over
15 time, but we have organized ourselves and that's
16 our main message, that this is a much better
17 representation. And we are not lowering the
18 standards.

19 THE CHAIRPERSON: I haven't even
20 heard that concern. I mean I know we have a
21 special education teacher shortage, but as far as
22 that being one of the concerns of why,
23 unfortunately, that may be a reason why we're
24 losing teachers in the state. So thank you for
25 that information.

1 That might be an easy one for them
2 to -- limiting it just to the adapted or do you
3 need adapted and general content?

4 MS. GRANT: Right now it's just an
5 issue for me for my adapted teachers, and I think
6 it's because we're just seeing the effects now of
7 something that when it was implemented, this is
8 the year if they haven't passed it by. So it's
9 going to continue every year from now on out
10 unless that's changed.

11 But my general teachers, for the most
12 part, are in co-teaching or doing pull-out and
13 they're responsible for content. I think the
14 Pearson math -- I know in our district it's not
15 just EC teachers it's affecting; it's a lot of our
16 teachers across multiple subjects.

17 But for me, it's we don't have
18 enough -- I think I have interviewed 25, 27
19 teachers, and I've had two that are adapted and
20 one that's getting out of adapted. She doesn't
21 want to go in. So, technically, only one out of
22 all those applicants. The shortage is there's
23 just not enough teachers graduating. You know, if
24 you look at the graduates coming out of the
25 colleges now, the number has significantly dropped

1 for adapted classrooms.

2 So that should not be a barrier when
3 they have gone through for four years, they have
4 done everything we have asked them to do, passed
5 every test, and this one Pearson math exam is
6 causing them to have to leave the classroom.

7 THE CHAIRPERSON: And I wonder if
8 this is another area where we can collect data as
9 far as -- I mean if we can figure out what data
10 sources we need for those potential teachers that
11 have been let go because of not being able to pass
12 this.

13 MS. HUTCHINSON: I think it's a small
14 population, though, because you're really looking
15 at only first-year -- second-year teachers
16 really---

17 MS. GRANT: Second now.

18 MS. HUTCHINSON: ---now second-year
19 teachers in adapted curriculum, and so how
20 many -- so I'm not saying it's not a problem. It
21 is a problem, but I just don't know if like the
22 data is going to support the reality of the
23 significance of the problem because the numbers
24 are pretty small. It's almost like Carol Ann's
25 presentation on the vision impairment. It's such

1 a small incidence population; however, for those
2 that it's impacting, it's very significant.

3 MS. GRANT: There are some other
4 districts that have some general curriculum that
5 can't pass -- that haven't passed it.

6 MS. TERHAAR: I know the EC Division
7 keeps track of data with the higher ed in terms of
8 what every private and state IHE has with their
9 rates in passing.

10 THE CHAIRPERSON: This is a barrier
11 to be able to provide the teachers that we need in
12 our classrooms, and this definitely needs to be
13 addressed. We hear so much concern about not
14 having enough special education teachers. If this
15 is a barrier, then it's a barrier, and it should
16 be an easy one to remove. But, of course, I say
17 that, and you know how hard anything is to get
18 passed by Congress.

19 MS. GRADY: Is this a test that's
20 used nationally -- the Pearson test?

21 MS. TERHAAR: Yes.

22 MS. GRADY: So I wonder what other
23 states are experiencing?

24 MS. TERHAAR: They're struggling with
25 it as well in Massachusetts, but Massachusetts

1 educational system is very different [inaudible].
2 So it was based on that, and then Pearson took up
3 with it, and then it became very attractive to
4 politicians once Pearson -- and Pearson did a very
5 good job recruiting politicians to support that.
6 It's been interesting.

7 MS. HOLLER: Is this the same Pearson
8 that does like everything?

9 MS. GRANT: Yes.

10 MS. HOLLER: Power School.

11 THE CHAIRPERSON: It sounds almost
12 like they're money hungry.

13 MS. HOLLER: [Inaudible] the other
14 day at a meeting where -- and I didn't realize
15 this, but you have to go through kind of their
16 policy and procedure for test administration. I
17 mean I know that that's kind of commonplace and
18 everyone knows that, but if you are reported by,
19 let's say, a family or someone who thinks that the
20 test was not given, you know, per the guidelines,
21 then Pearson can like ban you from using their
22 stuff. So maybe there you go. Maybe that's your
23 answer. I'm just kidding. The testing place
24 would have kind of their own---

25 UNIDENTIFIED FEMALE: Kill switch.

1 THE CHAIRPERSON: Remember everything
2 is being transcribed.

3 MS. HUTCHINSON: If we're looking --
4 like we all just had a conversation about
5 authentically assessing students---

6 MS. MOOREFIELD: Can you speak up a
7 little bit?

8 MS. HUTCHINSON: We were all just
9 having a conversation about authentically
10 assessing students, and yet, she brought up the
11 point that we are not at all authentically
12 assessing our teachers, and you have a
13 professional educator evaluating those teachers in
14 the classroom, and yet, a math test is preventing
15 them from providing that service for our students.
16 It's problematic.

17 MS. MEBANE: Math at a level that
18 they're never going to do the instruction.

19 MS. SIMMONS: Christy and Christy---

20 MS. HUTCHINSON: That sounds like a
21 law firm.

22 MS. SIMMONS: ---do your teachers
23 ever talk to you about the teacher evaluation form
24 and the adapted curriculum teachers, that it
25 really doesn't match in several areas what they

1 actually do with kids and will never be
2 accomplished at some of the areas that they're
3 asked to do well in?

4 MS. HUTCHINSON: I have a different
5 answer.

6 MS. GRANT: You go ahead first.

7 MS. HUTCHINSON: Your answer's going
8 to be really different. So charter schools aren't
9 required to use the NCEES evaluations, so we've
10 developed our own evaluation tool, and we have our
11 own evaluation tool for teachers---

12 MS. MOOREFIELD: The transcriptionist
13 can't hear you.

14 MS. HUTCHINSON: So charter schools
15 aren't required by law to use the state-provided
16 NCEES or teacher evaluation tool. So the purpose
17 of charter schools is to align with your mission,
18 so we've developed an evaluation tool that aligns
19 with our mission at our school, and we have
20 diverse components of it for different people like
21 guidance counselors and teachers of students with
22 special needs.

23 So I don't have -- I don't have a
24 good answer for you because that's not what I
25 hear, but that's not the tool that they are

1 currently being evaluated on. In years past when
2 they were evaluated on that, yes. So I'll let
3 Christy answer it better for you.

4 MS. GRANT: Well, I think there are
5 definitely -- I mean, as you know, those areas
6 where it is going to be very difficult, and so we
7 have gone into all the different areas on the
8 teacher evaluation tool and put possible areas
9 that can be matched and looked at because a lot of
10 the times, our administrators don't -- they don't
11 really know how to evaluate adapted classrooms.

12 So we've had to do a lot of training
13 with our administrators on this is what this
14 means, these are the standards, this is what you
15 should look for. We have pacing guides in the
16 classroom. We have our own report cards. We use
17 the instructional framework. We expect the rigor
18 to be there. Don't just walk in and think -- like
19 if a movie is showing in one of our classrooms
20 like something that shouldn't be, like I need to
21 know about it because that's not rigorous enough.
22 That was back a long time ago.

23 And so just getting them to that
24 point of understanding those observations and what
25 they should be looking for was critical for them.

1 Then moving to the evaluation tool, it was kind of
2 easier when you took it and put this is what this
3 would look like in an adapted classroom and this
4 is what this standard would look like.

5 But some areas, it's a stretch, and I
6 was working with -- DPI has a person who is kind
7 of like a liaison between Licensure and the EC
8 Division. That person left, but we were working
9 together trying to get some things in place coming
10 out from Licensure about working -- you know,
11 doing the NCEES evaluation with adapted curriculum
12 teachers because there really isn't. It's the
13 same for everybody else, and it's very different.
14 But, yeah, I totally agree [inaudible] for our
15 teachers' sake.

16 MS. SIMMONS: Maybe you-all could
17 share your possibilities with other counties.

18 THE CHAIRPERSON: Is there any other
19 discussion for recommendations of future work next
20 year? Because what we're doing right now is
21 taking ideas of what presentations we're having
22 next year as well that you guys are interested in
23 doing because this is your Council. I'm here, but
24 it's---

25 MS. GRANT: I do feel like when the

1 threat assessment legislation and the new school
2 safety stuff comes out, I do think some
3 presentations from somebody on that and how -- I
4 know I and -- I want to say it was Rockingham
5 County, Director Winton -- talked with them about
6 threat assessments, and the piece of legislation
7 and how that aligned like what do we use in our
8 district and how do we fit in students with
9 disabilities versus -- you know, and our regular
10 ed kids. And it was very interesting. It's going
11 to be interesting to see kind of how that plays
12 out and what they will allow when that legislation
13 is actually passed, but that's a pretty big --
14 pretty big deal.

15 THE CHAIRPERSON: Yeah. And that's
16 why we're already saying we need to make sure we
17 have EC input in the advisory councils and stuff
18 like as they plan these -- make these plans for
19 these things we hope never ever happen, but we
20 live in 2000 -- you know, we live after year 2000
21 and these things sadly occur.

22 MS. GRANT: Exactly.

23 MS. MOOREFIELD: I don't know if this
24 is big enough to be a goal, but I wouldn't mind
25 hearing from whoever is kind of over Power School

1 to see if there is not something simple that we
2 can put into Power School or even another platform
3 if we have one or if there's like a free one out
4 there where -- something that would be easy for
5 teachers in self-contained classrooms like with
6 our more severe students to be able to communicate
7 with parents more efficiently and in a more
8 detailed manner about what they're working on in
9 the class.

10 You know, every day I get little
11 smiley face sheet where pretty much all they have
12 time to do is circle a couple of things and send
13 it. But if -- you know, they only work with one
14 or two kids at a time, and if maybe just -- just
15 something that is simple that they can, you know,
16 click on or just put a note or two on about what
17 they are working on so that a parent can log in
18 and see this goal was hit today. You know, they
19 worked on this goal today, just so, you know, you
20 could see a little bit -- kind of like
21 Representative, was it, Blackwell was talking
22 about, just a little bit more detail but that
23 would not take up a huge amount of the teacher's
24 time.

25 THE CHAIRPERSON: I'm not so sure

1 about that one. I think we might be able to do
2 something through ECATS, but I think Power School
3 is a vendor product.

4 MS. MOOREFIELD: You know, any sort
5 of platform that we could use that would be kind
6 of, you know, general for across the state that
7 would be simple, something very easy to make that
8 communication a little bit more easy.

9 THE CHAIRPERSON: There might be
10 something hidden in some of the Google things or
11 maybe in ECATS, but Power School specifically
12 is---

13 MS. MOOREFIELD: Well, I know that
14 like Canvas is what North Carolina purchased to
15 use as their LMS. Schoology is free and Noto is
16 free. Things like that that would allow for
17 better communication for teachers.

18 MS. CHILDERS: I know that -- just to
19 kind of go -- I mean I would like -- I think the
20 Power School is a good idea too. I know that I
21 just had Amy come and she's one of the consultants
22 for the State over ECATS, and she gave us like a
23 whole -- she did a whole presentation. It was a
24 really great presentation actually. So in the
25 ECATS, there is going to be a place where you can

1 message and you can kind of go back and forth.

2 You know, granted, like we said, our
3 teachers are so busy so, you know, bothering them
4 every single day with something, but putting
5 those -- and there's also like a place, I think,
6 for notes and that kind of thing so you can be
7 ready for the IEP before walking in and be able to
8 put all that stuff in, and then the teacher knows
9 also what you're really wanting to talk about, you
10 know, goal-wise or this is something I'm seeing
11 that's not good, you know, concerns, anything. So
12 there will be a place for that in the ECATS.

13 MS. MOOREFIELD: Do we have this Amy
14 person coming in to talk to us about what ECATS
15 will look like?

16 THE CHAIRPERSON: I'm sure that can
17 be arranged. I mean ECATS has been Bill's baby
18 for a long time. So---

19 MS. BYNUM: Was it Amy Jablonski?

20 MS. CHILDERS: I think so. I didn't
21 write her name down.

22 MS. MOOREFIELD: But that would be
23 great for us to be able to see what it's going to
24 look like.

25 MS. CHILDERS: I have her

1 information. I can get it to you.

2 MS. MEBANE: I think that would be
3 helpful.

4 THE CHAIRPERSON: It's almost ready
5 to -- actually, yeah, I think it is about at
6 roll-out. So, yeah, that would be fantastic.

7 MS. CHILDERS: I know that CMS -- the
8 reason she came to us was CMS is also looking at
9 buying -- there's an add-on that you can purchase,
10 and it's where we could do -- all the parents
11 could do like the electronic signatures for the
12 meeting invites and all that kind of stuff. So
13 that's why we -- that's why she came. She was the
14 consultant for the State is what her title is.
15 That's just what was on her badge.

16 THE CHAIRPERSON: If you'll email --
17 if you can find out who it was, maybe you can
18 email us and pass it along, and we'll figure out
19 what kind of program we'd want to put together,
20 like a nuts and bolts ECATS for administrators and
21 parents.

22 MS. MOOREFIELD: Just what can it do.

23 THE CHAIRPERSON: Yeah. Look at all
24 the bells and whistles.

25 MS. HUTCHINSON: Those bells and

1 whistles come with additional costs. That's a
2 consultant for PCG.

3 THE CHAIRPERSON: Yeah. That sounds
4 like another good topic for a meeting.

5 Is there anything else?

6 MS. DANIELS-HALL: Lisa Phillips is
7 not here, but she and Sara Bigley talked about
8 foster care and having someone come to do---

9 MS. BIGLEY: Yes.

10 THE CHAIRPERSON: Yeah. We talked
11 about that last meeting, that we'd like some
12 information on that.

13 MS. BIGLEY: We'd be happy to do
14 that. Would love to share anything.

15 THE CHAIRPERSON: Awesome. Are
16 you---

17 MS. BIGLEY: It's okay. I'm new,
18 so -- I'm new.

19 THE CHAIRPERSON: We were talking
20 about concerns around situations where parents
21 still want to be involved but for whatever reason,
22 whether they in a group home like my situation or
23 incarceration or whatever the situation happens to
24 be, the direct involvement with the parent isn't
25 as easily feasible, you know, because of geography

1 or just -- so---

2 MS. MOOREFIELD: Do we have any data
3 on how like our homeless students and like
4 students who are in foster care or who are in
5 nontypical family settings -- do we have like any
6 kind of information about how they are being
7 served and if they are being served?

8 THE CHAIRPERSON: That would be
9 Carla.

10 MS. BIGLEY: Lisa and I can talk
11 about that. They get served very differently in
12 different counties for McKinney just based on
13 their plan, and foster is so new under the School
14 Stability for Children in Care, we're really just
15 getting that out and getting the information out.
16 It very much mirrors McKinney-Vento with what the
17 requirements are, and so it's -- it's been a good
18 year and we still have a lot to do.

19 But, again, they can get served in a
20 lot of different ways within different districts
21 based on their district plan and their data. We
22 have just finished a data share, an MOU, with DHHS
23 to share the information about our children in
24 care, and we'll meet federal requirements with
25 that. There's more long-term data with our

1 McKinney kids because that legislation has been in
2 place a lot longer.

3 MS. MOOREFIELD: And do you just do
4 foster or do you also do homeless and shelters as
5 well?

6 MS. BIGLEY: So I specifically do
7 foster, you know, and sometimes our kids are in
8 care and then they might become homeless and vice
9 versa; they may be homeless and then come into
10 care at some point. And Lisa does the homeless
11 piece -- the homeless education piece.

12 MS. MOOREFIELD: Okay. I'm going to
13 want to talk to you afterwards.

14 MS. BIGLEY: Sure. Sure. Love to.

15 THE CHAIRPERSON: Gee, I think,
16 except for one thing, we're probably about done.
17 This was our last meeting for two very exceptional
18 individuals, and I hate to have to say goodbye.
19 It's not goodbye. I still have your email, and
20 you have my phone number apparently.

21 But Dale Carpenter, I think he's
22 already left us today and Vicki Simmons, who I
23 have -- you know, was one of the first people to
24 talk to me when I started attending as a parent,
25 not even on this committee, just in the back with

1 half of these others right now on this committee.
2 Go figure. And Tim as well. He already left.

3 MS. SIMMONS: Oh. Hi.

4 THE CHAIRPERSON: But we're
5 presenting her with a beautiful plaque.

6 MS. SIMMONS: Thank you. Thank you
7 very much and our undying appreciation for all
8 these years of service.

9 (Applause.)

10 MS. SIMMONS: I want to thank
11 everybody so much. I've learned so much from
12 everybody, and I actually think this last hour and
13 a half, when there wasn't anybody like Sherry or
14 Bill or Carol Ann, that the dialogue was really,
15 really, really good, very powerful, and I'm glad
16 you took such good notes.

17 In my eight years serving on the
18 Council, one of my favorite memories was the field
19 trip we took to my school Haynes-Inman Education
20 Center in Jamestown. I bothered people for months
21 and months, Tish, to try and get you-all to come
22 to my school for you-all to see it for yourself.
23 Guilford County is much blessed to have four
24 public separate schools for children with
25 significant cognitive disabilities and children

1 with autism, and I teach at two of those four in
2 adapted PE.

3 Of course, to move our stuff all the
4 way to Haynes-Inman to have a meeting was a huge
5 undertaking for Tish to move all the stuff instead
6 of having it just up the steps, but thank you,
7 Tish, for pulling that off, and I think it was a
8 very meaningful time for those who attended. And
9 this is an invitation for you-all to do another
10 field trip and come back to Haynes-Inman. It's in
11 Jamestown just on the other side of Greensboro.

12 One of things that we do at Haynes-
13 Inman that I think is really extraordinary is work
14 with UNC Chapel Hill with a program called Project
15 Core, and our students with significant cognitive
16 disabilities are using picture vocabulary with
17 text to understand communication better. It's
18 only 36 words on -- a core board is what they call
19 them, and they have them and they can access them
20 in the cafeteria, media center, PE, anywhere. So
21 when you-all come to visit, we can show you our
22 core vocabulary. I would like to make that
23 recommendation.

24 One of the really neat parts of being
25 on the Council -- and you don't know it if you're

1 new because when you're new, you're just kind of
2 trying to figure out who you can trust and who
3 your little buddies are and who you want to sit
4 with at lunch.

5 MS. MEBANE: Just like the first day
6 of school.

7 MS. SIMMONS: And you look back and
8 it's absolutely amazing how a little teacher from
9 a little school in a rural area in Guilford County
10 has access to the EC Director for all of North
11 Carolina. Bill Hussey -- I talk to him. I can
12 talk to Tish. Carol Ann, I know her phone number.
13 Sherry Thomas. They know me and "Hey, Vicki" and
14 "Hey, Bill." It's really neat that you can talk
15 to them. If you don't have the courage to be on a
16 council like this and spend time with the
17 leadership -- I say leadership, but you-all are
18 the leadership.

19 You bring your hearts and your
20 passions and what can we do for all our different
21 situations. Then you find out about other
22 people's situations, and North Carolina's bigger
23 than just Haynes-Inman. It's huge and we have all
24 kinds of needs, and that's why the Unmet Needs
25 Committee is so important and the Policies and

1 Procedures Committee so important and the
2 Executive Committee is so important--- What's the
3 other committee I left off?

4 THE CHAIRPERSON: Reports and Data.

5 MS. SIMMONS: Reports and Data.

6 ---to make this Council one time every three
7 months of great value.

8 One of the things I've also learned
9 is that the General Assembly is right there. It's
10 100 yards away, a football field away. That's
11 where the decision-makers are. Hugh Blackwell,
12 I've taken a little folder to him every time after
13 our meetings, and Chad Barefoot. I write a
14 personal note---

15 THE CHAIRPERSON: With smiley face
16 stickers.

17 MS. SIMMONS: "Hi, Representative
18 Blackwell [smiley face]. Thank you so much for
19 being so supportive of our EC students. We
20 appreciate your being a voice for EC students in
21 our NC House of Representatives. Our Council on
22 Educational Services for Exceptional Children was
23 thrilled that you joined us today. We hope that
24 you are able to join your new Council friends on
25 September 12th," and I signed my name and email

1 and that kind of thing, not that I'm going to be
2 on here.

3 But I'm hoping that somebody will
4 catch this fever and that you'll be the next one
5 to walk across as you leave here and take these
6 folders, and Tish always has some extra ones over
7 there, so I snatch them. This one is for Chad
8 Barefoot. He's also on our Council. He hasn't
9 come and he hasn't sent anybody in the last
10 several months, but I still write him a note and
11 put that smiley face on there. "Thank you so
12 much. We met today and here's some of the info we
13 talked about. With much appreciation, Vicki
14 Simmons."

15 So I'm going to take these across the
16 way and take them to their offices. The LA, the
17 legislative assistant, is crucial. They are the
18 gateway to the legislators. So you make friends.
19 "Hi, my name is Vicki. Here's my business card,"
20 and you talk to them. And you're not making
21 friends for yourself; you're making friends for
22 the kids that cannot speak for themselves.

23 So I encourage all of us to build
24 bridges with the legislators that we see and the
25 ones that we don't, even if they're unfriendly to

1 public education, because remember in November --
2 I mean like, you know, you build bridges and you
3 look ahead, and they're -- hopefully will receive
4 the bridges that we're building.

5 I also encourage you to take
6 advantage of the EC Conference in November. It's
7 in Greensboro. It is the center of the state.
8 People come from all over. 3000 people, Tish?
9 Every year, parents, teachers, administrators,
10 everybody comes, and there are at least 100
11 sessions that you can choose from, and they send
12 us for free. You fill out a little paperwork for
13 Tish, and she says you're confirmed, and it's a
14 wonderful opportunity.

15 MS. BYNUM: I'm the gateway.

16 MS. HUTCHINSON: So you've got to
17 make friends with Tish too.

18 MS. SIMMONS: This is my last thank
19 you and I really appreciate it, and I treasure the
20 plaque, Tish, and thank you so much for all you've
21 done for me and encouraged me to think and make
22 plans for our kids, and I hope you'll let me be a
23 part of you as things change. If anybody would
24 like to walk with me to the legislature.

25 MS. MOOREFIELD: I'll go with you.

1 Show me where their office is.

2 MS. SIMMONS: Oh, yeah. If you've
3 never been to the legislative building, it's
4 really a neat place, and when you watch TV and you
5 see those red steps in the background and you
6 wonder where those red steps are, and you get to
7 see them for yourself. You know, they have metal
8 detectors now. You get wanded. Right, Tish?

9 One more thing, make friends with
10 your teachers. I mean like not just talk to them
11 but like, "I go to this EC Council and they talk
12 about concerns about teachers. Is there anything
13 I can share with them that you are concerned
14 about?" When you build bridges with people and
15 make connections and relationships, it just --
16 you're really doing it for the students that we
17 serve. So thank you very much.

18 THE CHAIRPERSON: So who's going to
19 take over Vicki's spot?

20 MS. MOOREFIELD: I'll do the
21 legislative stickies. I've got glitter stickers.

22 THE CHAIRPERSON: Yeah, glitter
23 stickers. All right. That sounds awesome. Thank
24 you.

25 I think we do have one more last

1 piece of business. Vicki has been our Vice Chair
2 forever. I know we have at least one nomination
3 for Cynthia for vice chair. Would anyone else be
4 interested in running for vice chair? I hear
5 crickets. You're interested, Diane?

6 MS. COFFEY: (Nods head up and down.)

7 THE CHAIRPERSON: Okay. So we have
8 Diane Coffey and Cynthia. Okay. How do we want
9 to go about doing this?

10 MS. BYNUM: I do have some ballots if
11 you want to use those.

12 THE CHAIRPERSON: That sounds
13 fantastic. So just kind of a secret ballot and we
14 will figure it out and, hopefully, adjourn pretty
15 early.

16 MS. BYNUM: How about nomination
17 speeches?

18 THE CHAIRPERSON: Yes, nomination
19 speeches. Yes, go ahead.

20 MS. DANIELS-HALL: I've served on
21 this Council for about four years. I love the
22 children. I am a parent of children with
23 disabilities. I've been doing this for many, many
24 years, an advocate across North Carolina, and I
25 believe that I could serve the Council well.

1 MS. COFFEY: I am new -- well, one
2 year into the Council, but I have been working
3 with people, not just children, but adults and
4 children with disabilities probably for better
5 than 15 years in different advocacy ways, and
6 currently even work with special needs families in
7 three different counties right now leading parent
8 groups. So I do feel like I, hopefully, have a
9 perspective that I can bring to the Council in
10 that aspect.

11 THE CHAIRPERSON: All right. When
12 you're ready to -- when you've written down the
13 name you want to write down, just pass -- fold up
14 your ballot tiny -- I'm trusting you guys not to
15 peek -- and pass them over to me. We're very
16 formal here, okay?

17 (Pause.)

18 All right. So do I have everybody's
19 little slip of paper? All right. Of course,
20 these are private ballots. Don't know whose
21 handwriting is whose.

22 I've got one for Cynthia, two for
23 Cynthia, three for Cynthia, four for Cynthia, five
24 for Cynthia. Don't take it personally, Diane.

25 MS. COFFEY: Oh, I don't.

1 THE CHAIRPERSON: All right. Six for
2 Cynthia, seven for Cynthia, eight, one for Diane,
3 nine for Cynthia, ten, 11. Congratulations,
4 Cynthia.

5 (Applause.)

6 THE CHAIRPERSON: Thank you,
7 everybody, for your participation today. Thank
8 you, Diane, for all your hard work and I know
9 you're going to continue. Of course, there's
10 always next year. I may not last forever. Who
11 knows.

12 But thank you for all your support
13 and I look forward to working with you-all next
14 year.

15 MS. BYNUM: For the new folks, if
16 you-all could come see me before you-all leave, I
17 just want to give you-all some reimbursement
18 instructions and that kind of thing.

19 THE CHAIRPERSON: And I'll try to
20 have some information out with a draft of the
21 annual report, hopefully, by the first of July.
22 Okay. Sound good, everybody?

23 (At 3:06 p.m., the quarterly meeting
24 was adjourned.)

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CERTIFICATE OF REPORTER

I, REBECCA P. SCOTT, State-Certified
Verbatim Reporter, do hereby certify:

That said proceeding was reported by
me and the foregoing pages, numbered 4 through
192, 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 5th day of July, 2018.



Rebecca P. Scott