COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina
March 11, 2020
9:32 a.m.

The quarterly meeting of the Council on Educational Services for Exceptional Children was held on the 11th day of March, 2020, in the State Board of Education Boardroom, Education Building, 301 North Wilmington Street, Raleigh, North Carolina, commencing at 9:32 a.m.
APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Cynthia Daniels-Hall, Chairperson
Christy Hutchinson, Vice Chairperson

Anthony Baker (via Webinar)
Diane Coffey (via Webinar)
Jennifer Degen (via Webinar)
Cameron Edsall (via Webinar)
Leanna George (via Webinar)
Christy Grant (via Webinar)
Kristen Hodges (via Webinar)
Adam Johnson (via Webinar)
Cache Owens (via Webinar)
Lisa Phillips (via Webinar)

STAFF:

Carol Ann Hudgens
Danyelle Sanders
Sherry Thomas
Alexis Utz

VISITORS:

Public Speaker 1

COURT REPORTER:

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

THE CHAIRPERSON: So good morning, everyone who's joining us in the room and also who's joining us virtually. We're going to call to order now, and we're going to do introductions.

I'm Cynthia Daniels-Hall. I'm an advocate out of Wake County, and I have children with autism.

MS. HUTCHINSON: Christy Hutchinson, EC Director at Lincoln Charter School.

MS. HUDGENS: Good morning. This is Carol Ann Hudgens. I'm the Section Chief for Policy Monitoring and Audit, and I have the privilege of supporting the Council in its work through my role as EC Division staff.

MS. UTZ: I am Alexis Utz, the Parent Liaison and hopefully running this smoothly.

MS. HUDGENS: So for our attendees that are joining virtually, we're going to call on you one-by-one and unmute your mike so that you can introduce yourself, and we're going to start going down the attendee box in order, and our first participate is Adam Johnson.

Adam, I'm unmating your phone. Good morning, Adam. Adam, we're having a little
difficulty hearing you. And so, Adam, I'm going
to get you to pause for a minute.

And for those of you who are
participating by webinar, if you will look at the
audio tab on your communication screen, you might
want to check to see how you are participating,
either by computer audio, phone audio, or no
audio. And if you are using your phone, there
will be a call-in number and a PIN that will give
you access to the voice control, and that way you
will be able to speak when promoted and when your
mike is unmuted.

So it will be really important that
while you're participating online that you have
your phone muted or we'll get to hear an echo
across the state from everybody's mike. And so I
know that this is a bit awkward since we have more
than usual participating virtually, but I feel
certain we'll all get the hang of it very shortly.

And so, hopefully, I've spoken long
evenough for Adam to check out his audio control and
he is able to introduce himself now.

MR. JOHNSON: Good morning. Can
you-all hear me now?

MS. HUDGENS: We can. Thank you,
Adam.

MR. JOHNSON: Okay. All right. And just as luck would have it, we're apparently testing fire alarms this morning. So sorry. My name's Adam Johnson. I'm the Director of Educational Services with Juvenile Justice.

MS. HUDGENS: Welcome, Adam. Thank you.

MR. JOHNSON: Thank you.

MS. UTZ: Anthony Baker, we see you, but -- Anthony we see that you are online, but it doesn't look like you have audio. So welcome. And we'll just go to the next one, which is Becky Scott. All right. Good morning, Becky. All right.

MS. HUDGENS: Becky, we're having a little bit of difficulty with your audio. So we'll come back around. Cache Owens, if you will introduce yourself.

MS. OWENS: Hi there. Good morning, everyone. My name is Cache Owens. I'm the Parent Training and Information Center Director at the Exceptional Children's Assistance Center also known as ECAC. Hope everyone's doing well today.
MS. HUDGENS: Thank you, Cache.

Cameron?

MS. UTZ: All right. Cameron, you're on.

MR. EDSALL: Hi. My name is Cameron Edsall. I am a research assistant for Representative Blackwell in the General Assembly.

MS. UTZ: All right. Welcome.

MR. EDSALL: Thank you.

MS. UTZ: All right. Diana or Diane, you're unmuted. She might not have her audio. All right. Diane, we'll come back to you.

Jennifer, I'm unmuting you. Go ahead.

MS. DEGEN: Hi there. Can you guys hear me?

MS. UTZ: Yes, we can.


MS. UTZ: Good morning. Welcome.

All right. Kristen, you are unmuted.

MS. HODGES: Hi. Thank you. I'm happy to be here.
MS. UTZ: Good morning. Welcome.

MS. HODGES: Thank you.

MS. UTZ: All right. It looks like, Leanna, you are -- Leanna, can you hear us?

MS. GEORGE: Okay. I think I was muting myself or I was muted on my end as well.

I'm Leanna. I'm from Johnston County. I have two wonderful children on the autism spectrum. And I look forward to participating today.

MS. UTZ: Good morning. Welcome.

All right. Next we have Lisa Phillips.

MS. PHILLIPS: Good morning. This is Lisa Phillips, the State Coordinator for the Homeless Education Program under Federal Program Monitoring and Support at DPI.

MS. UTZ: Welcome.

MS. PHILLIPS: Thank you.

MS. UTZ: All right. Next we have Christy Grant.

MS. GRANT: Good morning. This is Christy Grant, EC Director with Nash-Rocky Mount Schools, and I am the traditional LEA representative.

MS. UTZ: Good morning. All right.

And it looks like last on our list is -- is it
Sherita?

MS. HUDGENS: Sherita, your mike is open if you're ready to introduce yourself.

MS. UTZ: All right. Well, we'll try later. Let me just scroll through really quick to see if anyone else has joined us. It does not look like it, so it looks like everyone has been introduced. So, Cynthia, I think we're good to go.

THE CHAIRPERSON: So I think we're going to do a quick review of the agenda -- today's agenda. We have several items that were group activities. I don't know how we are going to do that. I'm suggesting just moving that to our next meeting in June. I will have a copy -- a draft of the actual report for the Board available probably by the end of this week, if not, early next week. So I can send that out to all the chairs of the committees.

MS. HUTCHINSON: I think the committee time is not going to be effective---

THE CHAIRPERSON: Yeah.

MS. HUTCHINSON: ---because we don't
have control over [inaudible] people that are chairs of committees can't control [inaudible].
sort of think [inaudible]. I don't know what Sherry Thomas's personal schedule looks like [inaudible].

MS. HUDGENS: Yeah. I will be communicating with her to see if she can join us sooner rather than later. And I'm just going to repeat, for those of us online. We're having a brief discussion here regarding the committee work that is planned in the agenda, and because of the virtual visit and the anticipated difficulties with breaking out in groups, it is looking like there is a recommendation from the Chair that we reconsider those group activities for our next in-person meeting.

If there are concerns or feedback from the participants virtually, feel free to let us know through the question or chat box. I'm going to go back to our chair at this time.

THE CHAIRPERSON: So---

MS. UTZ: Can you get closer to your mike?

THE CHAIRPERSON: So a review of the December meeting minutes. Has everyone had a chance to see the December meeting minutes and review them?
MS. HUDGENS: So the question, for those participating virtually, is, have you had an opportunity to review the minutes online. I see that Alexis has brought them up for your review right now. We're making a correction on the date for that document.

It's now displayed on your screen, and so we will gradually scroll upward so that you can see it, and while we're doing that, we'll see if staff can go ahead and attach that to the email that I just sent so you could have a copy at your desk. So we're going to go quiet for just a moment and try to get this document emailed to you while positioning some of it on your screen so you can participate right now while that email is on its way.

(Pause.)

THE CHAIRPERSON: Can we ask if online they have any corrections, additions, or changes for the December meeting minutes?

(Pause.)

MS. UTZ: And, Cynthia, just so you know, I pulled up the comments, and Kristen Hodges and Lisa Phillips also agree to table the committee work.
So we have scrolled through -- I have scrolled through the summary of actions. We are in the process of getting it emailed individually, but it has been scrolled through. So, hopefully, everyone was able to at least skim it, as I had it up on screen.

MS. HUDGENS: All right. So Cynthia has asked us if committee members have either had an opportunity to review the minutes online or now as we've been displaying it on the screen and then also in your inbox is another copy of that that I just sent to the council membership.

And so in looking at the question-and-answer box, I see that one of our members Christy is making a recommendation that if these minutes align with the online copy of the transcript that she has no further concerns.

THE CHAIRPERSON: Is there a motion? Is there a motion?

MS. HUTCHINSON: I don't know if hers was a motion, but I'm happy [inaudible], I would second it.

MS. HUDGENS: I just offered that as a comment. I'm going to ask Christy if you're making a donation that we accept these minutes,
and I'm going to repeat that for the group, if so.

  MS. UTZ: Leanna George is in approval of the minutes.

  MS. HUDGENS: Okay. So we have a motion to accept the minutes as written from Leanna George. Do we have a second?

  MS. HUTCHINSON: Second.

  MS. HUDGENS: We have a second from Christy Hutchinson here in the room, and so for us to verify by membership, if you could just type "yes" in the question box that you agree, and any concerns, please indicate such and we will address them.

  So we have a yes from Christy, a yes from Adam, a yes from Jennifer, a yes from Diane.

  MS. UTZ: And a yes from Kristen.

  MS. HUDGENS: And a yes from Kristen. I'm not seeing any in opposition. I see a yes from Leanna. And a reminder from our court reporter to please use the microphones. You may hear me repeat things for folks, and that's to the benefit our court reporter Becky Scott.

  She is transcribing this by virtual participation, and we will also be giving her the transcript of this meeting so that she can cross-
reference her notes. But oftentimes you're going
to hear me repeat just to be sure our online
participants can hear.

We also have a yes from Lisa and
Cache. It looks like we have significant
representation here to accept the minutes, so I'm
going to ask the Chair and the Vice Chair if they
would like to go ahead and accept the motion and
finalize the minutes.

THE CHAIRPERSON: Yes.

MS. HUDGENS: Okay. So both our
Chair and Co-chair are indicating yes, and so I
believe that concludes our review of the minutes.
And so I will defer back to our Chair for any next
items on the agenda.

THE CHAIRPERSON: So our next item on
the agenda is an OSEP visit debrief.

MS. HUDGENS: Okay. So I am just
going to start the conversation, but I know that
we had -- many of our council members were present
during that opportunity that we had with OSEP, and
so I am more than happy to share my perspective
from our visit and what they shared with us on an
anecdotal basis after -- both during and after the
visit.
Just as a means of introduction, we had our visit from the Office of Special Ed Programs the last week in January. They initiated this visit as a part of their differentiated monitoring and support model, and there were a variety of reasons that North Carolina was selected. I'm not sure if you recall, but it was 2011 since we had our last visit. It's not unusual for a state to have visits from OSEP just as the State, in turn, monitors local education agencies. They determine, through a variety of criteria, what would constitute a need to come visit.

And so a couple of things factored into that. One, we have a new director, so that comes in. Another element is that North Carolina, given its size and its number of individuals with disabilities, we have a large IDEA grant, which also factors in. They want to be certain that we are allocating that grant and monitoring that those funds are being used appropriately on behalf of individuals with disabilities.

We also had a number of concerns that have been expressed by some families over the course of the last few years regarding the SLD
policy that would be starting in 2020, and so some
of the school visits were geared toward asking
about the Multi-Tiered System of Support and
ensuring that there were no unintended barriers to
children being identified -- located, identified, and, if eligible, served under the category of
learning disabilities.

So there were a number of factors. There were just a few more kind of less noteworthy
that prompted their visit. And so they came and
we had three days of interviews with them here at
NC DPI, and then the remaining days, they visited
schools. They visited Charlotte, Wake -- a
charter school in Wake. They also visited Wake
County Schools, Wilson Schools, and Wilson --
Wilson.

So they randomly selected the
locations that they would like to visit. They
spoke with both instructional staff at schools,
school leadership, district leadership, and DPI's
role in those visits were simply just to introduce
the school to the OSEP members, and then those
conversations were held independent of DPI because
we wanted to preserve the opportunity for those
individuals to speak to and answer any questions
or express any concerns to OSEP in a very candid manner, and if there were anything that we needed to look at with regard to how we operate, we certainly wanted that feedback from that experience.

So during the first couple of days during the interview, we had some guests from our council membership here, and I know that Christy participated. I know that Cynthia participated on some days, and I'm going to just pause and look to Cynthia to see if she has any comments or observations about that experience that she'd like to share.

THE CHAIRPERSON: So I had never participated in a visit from OSEP [inaudible] to North Carolina. It was very impressive to see the actual EC Division and all the different pieces and sections come together and answer the questions and provide information to OSEP. That was just amazing for me to see what the work of the EC Division is and to see the people that do the work.

Sometimes we only see those people as names or as presenters here in the room for the Council, but to see them come together, their
teams all together, to answer the questions -- and
some of the questions were extremely challenging
from OSEP. That was my impression. Diane Coffey
was there. Does she want to make any comments?
And Cache.

MS. COFFEY: This is Diane. I echo
what you said. It was very impressive seeing---
Can you hear me?

MS. UTZ: Yes.

MS. COFFEY: Sorry. Can you hear me?

MS. UTZ: Yes.

MS. HUDGENS: Yes, Diane, we can hear
you.

MS. COFFEY: Sorry. Yeah, I couldn't
tell. Anyway, it was very impressive seeing that,
and it was -- also, I was very impressed with how
well DPI handled the days. I know it was tough
for all the staff that was answering the
questions, but I was very impressed with the level
of respect that you gave to OSEP. So it was a
very interesting three days.

MS. HUDGENS: Thanks, Diane. I'm
going look to Cache to see if she has any
observations or contribution she'd like to offer.

MS. OWENS: Yeah. I think that
pretty much covered it. I know that here at ECAC we had spoken to the OSEP folks before the meeting, and I think that they did a really good job of balancing parent concerns that they had heard about and then also, you know, highlighting the things that we're doing really well here in North Carolina. So I thought it was a productive meeting, from what I saw, and I'm excited to see what happens next.

MS. HUDGENS: All right. And then I will acknowledge Christy Grant and see if you'd like to offer any comments.

MS. GRANT: Thank you. I just echo what everybody said. I think I, like I think Cynthia in the room, had never been a part of an OSEP visit before. So we were able to kind of -- the EC directors that were there were able to see a lot of the why behind some of the stuff that is funneled down to us in the policies and procedures that DPI has. So I think it was just an incredible experience, and I just learned a lot just from being there.

MS. HUDGENS: Thank you, Christy. And if I've overlooked a participant that was actually able to attend, please let me know and
we'll be glad to hear from you as well.

(No audible response.)

MS. HUDGENS: Okay. I think we acknowledged everybody both in the room and online that participated.

MS. UTZ: Kristen Hodges said she attended as well.

MS. HUDGENS: Oh, I apologize, Kristen. Let's hear your feedback.

MS. UTZ: All right. Kristen, you're unmuted.

MS. HODGES: Yes. I was only able to attend one day, but the day that I attended, I was impressed as well with the level of in-depth questions that were asked, the information that was provided, the level of respect given to North Carolina. It didn't feel like they were trying to catch them making mistakes. It felt like they were providing resources and support.

And I also was interested in the level of autonomy in some ways that North Carolina had in terms of making some decisions, in particular, the discussion about the timeline and how North Carolina does it in comparison to other states -- the timeline in relationship to when a
request for testing is made. So I found it fascinating and wished I could have stayed for more days. Thank you.

MS. HUDGENS: Thanks, Kristen, and I apologize for overlooking your participation. For all of our council members, thank you for making the time to come and support us and learn more about that process. I will have to echo that that's the first opportunity that I've had on an OSEP visit, and from the perspective of sharing the work that we do in North Carolina, I was appreciative of the format in which they allowed us to do that.

I also appreciated that while we were responding to their questions that there was an opportunity for discussion from both the participants that attended and were more audience-like to those of us that were required to provide responses. I think where it was appropriate to have Council and LEA feedback, we deferred to them and invited our guests to offer any comments that they had.

I think overall it was an unusual experience because we had probably a membership of about six to eight OSEP individuals that either
participated virtually or in-person, and then we had all of the division attend the first day, in particular, because we wanted to show our investment in the work and in the feedback that we were hoping to get through this process so that we can reflect upon those things that we might want to do better.

I think that Sherry is likely to share more details about the outcome of the OSEP visit. I know that we have had -- we have had the opportunity just to have an informal debriefing with them by phone after their school visit, and it was nice to be affirmed in that our school visit shared their knowledge of how processes should work and were able to answer questions provided by OSEP.

I think there was some time for good dialogue in terms of always looking to improve our communication not only from the Department to the EC directors but our partners in general education as well. I think that was a consistent thing that we all got to improve upon. The schools and the LEAs that participated, again, put out the North Carolina welcome and created a space for good dialogue, and our anecdotal feedback from staff is
that they enjoyed the opportunity to participate
and, from their perspective, that they think that
it went well.

And so I'm going to kind of pause and
leave some time for Sherry to add any additional
comments to that this afternoon, and then defer
back to Cynthia for any items next on the agenda
or any questions from the audience that we may not
have addressed.

MS. HUTCHINSON: Carol Ann, we're not
expecting a formal report for like six months to a
year?

MS. HUDGENS: That is correct. And
so for the audience, Christy had asked a question
about when we get a formal report, and they
indicated to us it would be 120 days after their
visit completed, and so that's going to be a
little bit of time for us.

I will say that -- not to steal any
of Sherry's thunder, but they indicated on our
informal call that while, of course, any findings
are pending their completed activities, they did
not immediately see any red flags that would be of
great concern requiring immediate intervention.
So that was affirming. We do expect that we will
have things that we would want to improve upon, and we are welcoming that feedback.

MS. HUTCHINSON: And how is that report -- once it's received, how is that put out to the public or parents or the schools or---

MS. HUDGENS: Sure.

MS. HUTCHINSON: ---or parts of it?

MS. HUDGENS: Sure. I imagine that that report will have a public posting requirement along with it. So I anticipate, one, first and foremost, that we would deliver a copy directly to the Council, and then, second of all, I anticipate in some fashion that it will be posted to our website and will be communicated out, you know, with others to be transparent in what those results were.

All right. I'm checking the question box. It doesn't look like we have any other questions or comments right now. Cynthia, I think if you're ready to move forward---

THE CHAIRPERSON: Next is a break.

MS. HUDGENS: Okay. So we have the opportunity for a quick break. Would you like to go ahead and take maybe a ten- or 15-minute break, and I will have a text with Sherry to let her know
we're kind of moving through the agenda pretty quickly.

THE CHAIRPERSON: We'll take a 15-minute break.

MS. HUDGENS: Okay. So for those of you participating virtually, we're going to take a 15-minute break, and so we will be muted here in the room. We have 10:06. So we'll look to come back at 10:21.

(A brief recess was taken from 10:06 a.m. to 10:22 a.m.)

MS. UTZ: All right. Back on the agenda.

THE CHAIRPERSON: AU policy with Carol Ann.

MS. HUDGENS: All right. Good morning, everyone. We are coming back into our meeting. We did a microphone test, and we're hopeful that you are able to hear us again.

I have been given an opportunity to share with the Council or otherwise provide an additional clarification around the AU policy just to be certain that our council and families and anyone who is participating understands the requirements and when the requirements go into
effect for individuals who are suspected of having autism as a disability or individuals that may be entering into the reevaluation process since the new policies went into effect.

And so one of the things that I wanted to share with you-all is that this opportunity to look at the policies -- it is an opportunity that keeps giving, and we want to make sure that we are clear in what our expectations are and that we are providing folks the details that they need to continue to handle this with care.

One of the key points that we have been clarifying from the tip sheet is number 5, "The scheduling of the reevaluation of children with autism should occur well in advance of eligibility due date to ensure that the parental consent for motor screening and sensory process evaluation, absent existing data, is obtained and evaluations are conducted to ensure the timely reevaluation of children with autism."

And so the questions that we received from the field was essentially categorized in two ways based on this key point: One, LEAs asked for clarification about whether this meant that if a
child had been previously identified as an individual with autism prior to January 1, 2020, did that mean, then, that they had to immediately initiate a reevaluation and obtain the two new evaluations that have been included in the policy.

And the answer to that is no, that individuals with autism who are on their reevaluation cycle, which we also call the triennial, which means that we have to review the eligibility and make sure that we have adequate information for programming, that must occur once every three years unless a parent and the school district believe that they need to initiate a reevaluation sooner.

And so one of the things that we wanted to clarify with the field is that just because the policy changed in January did not mean now that all individuals with autism had to be retested. That is not accurate. And so those reevaluation decisions and whether or not to conduct additional testing need to come along the natural timeline progression for students who have to be reevaluated. I have some more slides on this a little further along with the slide deck, so I will repeat this multiple times.
So one thing we just wanted to make sure is that families understand that this is not intended to create statewide retesting of individuals with autism, but that should just occur with our natural course of business. And this statement in particular for our children that may have already had an identification of autism, when it is time for their three-year triennial, that we want to make sure that IEP teams are not waiting too close to the due date to have their reevaluation meeting.

And we're encouraging this planning early ahead of IEP team meetings to be certain that if a parent requests or a school district believes that they need additional evaluation, meaning the motor screening and sensory processing evaluation was not already a part of that child's record, that they had time to talk through what those evaluations would mean with parents, obtain their written permission to conduct those evaluations, then have time to conduct the evaluations, and come back as a team to discuss how that new information could potentially provide more information about how to review and revise an IEP to make sure that all of a child's unique
needs were addressed, particularly those through sensory needs and motor needs, in addition to affirming that the child continues to be a child with a disability.

And so this statement only meant plan ahead, parents are likely to have questions, School teams are likely to have questions, and you don't want to run the risk of trying to have a reevaluation meeting the day before eligibility expires in the event that you need to do something more.

And so this recommendation would be consistent regardless of what disability category is being revisited at reevaluation, whether autism, traumatic brain injury, specific learning disability, and so forth. Teams should plan in advance of those eligibility due dates to make sure that if tested is needed, it can be conducted and returned to the team before that eligibility expires.

All right. So if you'll move ahead, Alexis, for me. So this is just kind of to give some additional written guidance to the things that I have already touched on. And so, as you are aware through other council meetings and
communications that we have provided from the
Division, on January 1st, 2020, our autism policy
was revised to include two new evaluations, that
is, sensory processing and motor screening.

And so what we wanted to remind LEAs
about and all of our teachers and service
providers is that after January 1 if a child was
referred for the very first time and autism was
suspected as a disability, then they needed to
adhere to the new policy, and I think that most
LEAs and most service providers and families
understand this for new business. And, as I
alluded to on the previous slide, it's when we
have children who have already been identified
that the questions become a little bit more
extensive.

So, again, to reiterate this slide,
it is indicating that if a child is suspected of
autism for the very first time after January 1
that they need to go ahead and use the new AU
policy. Now it doing so, as with any disability
category, an IEP team is required to review any
existing data. So a parent may have a medical or
a private evaluation that they have had conducted
independent of the school district. That would be
a piece of existing data that we would want the
IEP team to consider.

There could be other existing data
that is present for the child that meets the
definition of sensory processing evaluation or
motor screening. And so if there is existing data
and it meets the definition of what those two
evaluations require -- the motor screening and the
sensory processing evaluation -- it has been
reviewed by the appropriate personnel including
the occupational therapist and so forth, then that
existing data can be reviewed by the IEP team.

And if it's determined that is
current and relevant, it can be used for
consideration in eligibility determinations. If
it's not considered current and relevant, then the
IEP team will need to make a recommendation that
those evaluations are conducted, explain the
evaluation to the parent, and make sure that the
parent is able to provide informed consent about
those evaluations.

So we'll go on to the next slide, and
you can go one more slide. So the tricky part, as
I mentioned, is what happens to children who have
had an eligibility as autism and have been
identified with autism for quite some time. And so for those individual, as I mentioned to you earlier in the presentation, we have to review this every three years to make sure that we have the information necessary to determine that the child continues to be a child with a disability, that we have adequate information to make sure that their individual and unique needs are identified, and that we have developed and/or reviewed and revised the IEP to make sure that the programming is appropriate for their needs.

So in moving to the next slide, there are several additional reasons that we might conduct a reevaluation. The previous slide was just the overall definition of reevaluation. And so if you can see on the screen, I have put some notes in here in red regarding programming or eligibility, and just in a brief description, there are times, for example, that the IEP team may initiate a reevaluation that has nothing to do with the child's eligibility category. It may be that the child's unique needs have changed and one formal evaluation might be necessary.

An example I use often is a functional behavior assessment. A functional
behavior assessment is not a required screening or evaluation for any disability category. However, it is a very important evaluation that sometimes is needed for working with children who have challenging behaviors.

And so if a functional behavior assessment was necessary, then a reevaluation would be initiated to obtain the parent's consent to conduct the functional behavior assessment because that information is needed for what we call programming, which is ensuring that the IEP is reviewed and revised, a behavior intervention plan is developed, if appropriate, and the child’s unique needs regarding -- regarding behavior are addressed.

So you will see here under the reasons for conducting, that I have noted by the policy citation when it could be programming and when it could be eligibility, and I note this because anytime a reevaluation includes an eligibility decision, the team must be sure that they have all the required evaluations and screenings for that eligibility type. That ensures that we have, one, adequate information for determining that there is a disability, and
two, as a result of those unique needs associated with that disability, the IEP team can develop an appropriate IEP for the student.

And so some of the reasons for conducting that are included in policy is that anytime a parent requests an additional evaluation, which you see in (a)(2), or if at any time the LEA believes that they need more evaluation to develop the IEP, they can request an evaluation, and that's what I was describing with the functional behavior assessment.

And so when we go a little further under the limitations, it says that we cannot do a reevaluation more than once a year or more often really than the three years unless the parent and the LEA agree otherwise. And most often, if we're doing it sooner than the three-year evaluation, it is because we need an additional assessment to develop the IEP with.

So you'll see here that at any time a child or a teacher could request additional evaluation data if they feel like they need something more to develop the IEP or if they suspect that the eligibility category has changed. For example, we're all familiar with the category
of developmentally delayed. That eligibility category is only reserved for our very young children, and it has to be considered before the child turns eight or goes into the third grade. So that would be an occasion in which the IEP team would initiate a reevaluation for both eligibility and programming because the eligibility category is subject to change.

Okay. So if we look at "Must occur at least once every three years," that is our responsibility to look at both the programming and the eligibility, and as the definition stated on the previous slide, we're looking to make sure that the child is still a child with a disability and that we are, in fact, programming appropriately for that student by their IEP.

Other reasons that we might have to conduct a reevaluation is that if we suspect that the child may no longer be a child with a disability. We have to go through the evaluation process -- the reevaluation process to determine that because that would be a change. Not only is it a change for if there is no longer a suspected disability, but as in the previous example, if that disability is suspected to have changed.
Paragraph (2) and (3) talk about when children exit from high school either by graduating with a regular diploma or students that have aged out. You don't have to conduct a reevaluation at those points in time. However, again, be mindful of the team's right to initiate that if there are other reasons that they deem appropriate.

And then paragraph (e)(3) here simply says that if children are aging out or graduating, we have to do the summary of performance for that child because that summary of performance is a document that enables the child to advocate for himself or herself if they are seeking some accommodations either in the workplace or in secondary, college, university, or otherwise. That summary of performance shares the child's educational background, the accommodations and supports that were necessary to help them access their programs in school.

All right. We can move ahead. I am scanning from time to time the question box, and it sounds like folks are following with me along in the question box, and I'm kind of looking at our participants here in case there are questions.
So this slide just emphasizes the things that I've already spoken to. Anytime eligibility is a part of a reason why a reevaluation is necessary, we have to be sure that we are reviewing all the data associated with that eligibility category.

So, Alexis, if you can move to the next slide. One of the questions we have received is related to when a reevaluation is conducted and perhaps the child has an extensive history of requiring special education and related services, and there is all the information necessary to continue to support that, that is often called a no test reevaluation in which the IEP team, in consultation with a parent, agrees that all the required evaluations are there for the child's disability, and the team believes that they have all the information necessary to develop a good IEP for the student, the IEP team can then decide that they don't wish to test any further.

But if you recall, again, a couple of slides back, if there is that decision not to test, the parent still has the right to request an evaluation. And if you move on, Alexis, I believe I've attended to that in the next couple of
slides. Actually, if you'll go back for me. I've had several iterations of this presentation, so I apologize. So forward one more. There you go.

And so one of the things that I did really want to point out is that at the no test evaluation that, again, the parent has the right to request an evaluation if they disagree with the IEP team's decision that no testing is necessary. So at that point, there will be an opportunity for the IEP team to discuss the parent's request for an evaluation whether it is the request for updated information on one of their particular assessments.

For example, maybe a speech and language evaluation was done some time ago and the parent requests an updated one. They can certainly request that. Or if a parent has a concern about the eligibility category and believes the eligibility category is different or has changed or is not present, any of those reasons can be addressed through the parent's right to continue to ask for an evaluation. Even though the district may not -- may not be recommending that one is necessary, the parents do have the right.
I'm going to pause right there in case there are questions from the audience around the parent rights around evaluation and reevaluation. That was a lot of information just kind of front-loaded right there. We have definitely provided this clarification opportunity in multiple formats. We reviewed it again at March Institute. These particular slides were shared during the Director's webinar, and I've just repurposed them for our meeting today so the messaging is consistent.

MS. UTZ: We do have a question.

MS. HUDGENS: I've got it. And so we have a question from the audience: If a reevaluation is requested, is there a time frame that the reevaluation should be completed by? And so this is an excellent question, and I'm going to give you a lot of information in answering the question.

First, I will kind of orient us back to what the regulations and the policies require. So the regulations and the policy require, for an initial evaluation, meaning the first time that a child is ever suspected of a disability, that there is a 90-day timeline in North Carolina in
order to make that decision. That is the initial evaluation.

So as we come to the question about a reevaluation timeline, the reevaluation, as you know from our previous conversation on this topic, is not the first time that a child has been evaluated. It will be the first time that they are reevaluated after the initial. And so the question here is, is there a timeline for that, and the response is the regulations say reasonable. They don't provide us a specific timeline in which that reevaluation is to occur.

Now I believe I understand why this question is so important, is that there have been times where reevaluations have been initiated and families have experienced a prolonged amount of time before they have received the results, and that is not what DPI would be considering as reasonable. And so while each situation is unique in and of itself, one of the things that I will just kind of comment, generally speaking -- generally speaking--- We had a little bit of extra noise here, so I paused.

So when we're considering a reevaluation and the timeline associated with it,
a couple of things come to mind for me in terms of what technical assistance I would offer for most families and districts. For example, if that reevaluation was initiated for programming, it would certainly make sense that we would consider when that next annual IEP would be due and would we have the results in time to add that to the present levels of performance to make sure that our programing is appropriate.

Because if a team is initiating a reevaluation sooner than the three years, clearly, it has a concern for new data. And so the level of concern for that new data should be -- should be balanced across when the IEP is due to be revised or when it should be revised. So in the example of a functional behavior assessment, unless we start evaluating and intervening on problematic behavior, things could get a whole lot worse. So there are a lot of reasons that a reevaluation should be expedited and attended to in a timely fashion.

For those reevaluations that involve eligibility, any reevaluation, including testing to consider the disability category, it should be done before that eligibility due date expires. In
other words, IEP teams should come together in advance of a meeting, proving the point again at the beginning that I offered about planning in advance.

So if my reevaluation due date -- my eligibility due date was May 1st, it might be reasonable that I have a meeting about now to understand if we have what we need, and if we don't, we have time to get what we need in terms of evaluations and come back together before that eligibility expires on May 1st.

So, Diane, I took a long winding road to answer your question. Just to kind of summarize, there is no regulatory timeline for when reevaluations must be completed, with the exception that we have to do it once every three years. And so after it's been initiated, there is no timeline for that, but all the extra information that I gave you in my response are things that I would hope that IEP teams would consider when addressing the timely results that reevaluation may be initiated for.

So I'm going to pause right there and see if there's any follow-up questions to that.

(Pause.)
MS. HUDGENS: All right. So we will just continue to move on. So now I'm going specifically back to individuals suspected of autism because this is where we were asked for clarity regarding the reevaluation.

So if a student has a disability of autism and comes to you anytime now after January 1st, you have to look for the review of existing data, as we always would, but this time, in addition to the normal review of existing data, we have to make sure that we have the sensory processing information and the motor screening. If we don't, we have to get consent from the parents to have that, and we have to conduct it and come back to the table before the child's eligibility expires.

These are just some reminders that I have included here about the three-year clock, the triennial date when we'd have to consider these things. One of the things that I also wanted to draw emphasis to is that we've had questions from families and school districts about the two new evaluations and would those two new evaluations potentially render an individual with autism as someone that could not qualify for services any
longer.

And my response to that is this:

Those two new evaluations not only contribute to the eligibility determination, but if you recall, they also can contribute to having an adequate IEP in place for the child. And, as we know, with any process that we engage in, in EC, we have to consider multiple courses of data and we have to look at the whole picture together.

I would be concerned if all of a sudden children who have had a history and well-documented evaluation results as an individual with autism all of a sudden became ineligible as a result of the two new evaluations.

I would have concerns in two directions: One, would there have been an overemphasis on the two new evaluations to the exclusion of historical information that is necessary to also consider the eligibility; and, two, was the identification conducted properly in the first place, and if it did not have a proper analysis, should the team be suspecting something in addition to or in place of autism.

So what I'm trying to kind of allude to here is that there is a fear in the field that
all of a sudden children will not become eligible for AU any longer that were previously eligible, and I think that would be extremely rare. There certainly is the possibility out there, but in knowing what we know about autism and our previous required assessments, they were pretty substantial and those decisions have to be carefully made, and so it would be unlikely and unusual and in the extreme for these -- these two new evaluations to adversely impact the child's continued eligibility in the category of autism.

MS. HUTCHINSON: I don't want to [inaudible], but from somebody who [inaudible] more than anybody because [inaudible] but I just think it gives you more information to set those [inaudible] service plan or whatever it is, it gives you more information to develop a well-developed IEP.

MS. HUDGENS: Thank you, Christy. I appreciate that. Are there any other comments kind of on this slide? I'll give a minute in the question box and see if anyone types in anything, either a comment or add-to.

(Pause.)

MS. HUDGENS: All right. Well, we'll
move on to the next slide. And, again, if the reason involves a reevaluation, this slide is very similar to the last slide. Anything that involves an eligibility decision, you have to look at all of the paperwork and eligibility worksheet for the required evaluations.

For the purposes of the different audiences I work with, this is why we went very specific in these slides. I think for the purposes of this group, I think we've kind of reiterated again the differences between children with existing eligibility and children who might be referred for the very first time. So you certainly have these slides in your slide deck that I provided to you by email.

If you'll click on through. The difference with this slide is that, as I mentioned earlier in the example of functional behavior assessments, if we're not dealing with eligibility for a child with autism and you're only looking at programming, maybe it's not the three-year date, maybe I just need a functional behavior assessment, then you don't have to also get the sensory processing and motor screening because that's not really your purpose that you're coming
to the table for.

However, this slide says that you can. If you're getting a functional behavior assessment and you just want to go ahead and collect the sensory processing and motor screening to develop a really good IEP, the IEP team can do that. They still have to deal with eligibility when the triennial comes, but of course, according to the policy, if a parent or teacher asks for a reevaluation ahead of that time, they can do so.

And one more going forward. And so this is just a slide left over from March Institute where I asked them if they wanted to have more information after the webinar, and they did and so I presented at March Institute last week on the topic again just to be certain everyone has a clear idea.

And that kind of brings us to the close of my clarification around AU policies, and I'm going to look to Cynthia and Christy. In our planning meeting, I know this was a topic that you guys wanted me to address to make sure our council had a good understanding and had the opportunity to ask any additional questions. I'm going to see if there's anything you want me to highlight or
emphasize differently, and I'm going to be taking
a peek in the question box also. Now is a good
time.

MS. HUTCHINSON: [Inaudible].

MS. HUDGENS: Katie Holler? She's
not able to continue with the Council at this
time, so she's not participating.

MS. HUTCHINSON: [Inaudible].

MS. HUDGENS: Oh, sure. Sure. We
have different individuals. So I have a question
from Cameron here. And so, yes, PLAFP does
indicate the present level of academic achievement
and functional performance. So thank you for
calling me out on our acronyms.

And have the AU guidance documents
been completed and published. I believe that I
have previewed those materials and provided any
feedback and comments to those. I believe that
our parent communication has gone out. I'm kind
of looking across at Sherry to help me recall
about our AU guidance documents. I believe our
parent information---

MS. THOMAS: They're both online.

MS. HUDGENS: ---has been translated
and provided online, and our other documents have
been as well.

And thank you, Alexis, for navigating there. That's our homepage of the EC Division website, and that's where you can find some supplemental materials there.

MS. UTZ: For anyone that wanted to see it.

THE CHAIRPERSON: Carol Ann, I think Cameron was asking for an explanation of what PLAFP stands for.

MS. HUDGENS: Yes. And I'm affirming that he -- his clarification is correct. It is the present level of academic achievement and functional performance.

All right. I'm more than happy to address any questions. You are very welcome to email me afterward if something occurs to you when you're reviewing the slide deck or something has occurred to you after we meet. I'm happy to respond to any questions.

I'll just also offer that we do have consultants for the area of autism here at the Department, and if you are on our web page and you navigate to the "Division Staff" tab, you can see how our consultants are divided across the state,
and so we have a consultant for the area of autism identified for each part of the state.

I'm not exactly sure how they have that broken up, but we have several consultants that are able to assist if you have additional questions. And Alexis is taking you there to the directory, and you can see there how they are divided up, and their area of expertise is right there up at the top.

Okay. That's all I have. Thank you.

THE CHAIRPERSON: Thank you, Carol Ann.

MS. HUTCHINSON: Do you want to go ahead and change our agenda [inaudible]?

THE CHAIRPERSON: I wanted to make sure that Sherry had time.

MS. HUDGENS: Yes. She just had to step out for a phone call, and so if we--- Pardon me?

THE CHAIRPERSON: We can do public comment.

MS. HUTCHINSON: We can do public comment first.

MS. HUDGENS: I'm comfortable with that, if that's how you guys want to proceed. I
don't want us to overlook the opportunity if
someone else comes in at 12:30, but if you are
ready to have that part of the agenda, I don't see
it as a problem.

MS. HUTCHINSON: There's no public
comments [inaudible]?

MS. HUDGENS: None that am aware of,
no.

MS. HUTCHINSON: [Inaudible].

MS. HUDGENS: I'm not aware of any.

MS. HUTCHINSON: Alexis is saying no
as well.

MS. UTZ: No, not to me.

MS. HUDGENS: I'm looking to the
Chair. Would you like me to review the guidelines
for our public comment portion?

THE CHAIRPERSON: Yes.

MS. HUDGENS: Okay. Just as a
reminder to our council and any guests that we
have in the audience today, our guidelines for
public comments or public input are -- just the
following reminders: Public comments can be made
in person or in written form. Priority will be
given to in-person comments. Written comments
will be read by the Chairperson in the order that
they are received and all written comments will be documented.

As you recall, we just verified that there were no written comments vetted by the Council email, and so we have an in-person guest that we'll acknowledge in a moment. Our public comment is limited to no more than five minutes per person in the first 30 minutes of the afternoon session, and sign-in must occur by 12:30. Written comments should be emailed, and we have that information here on our handout, and comments should be focused on relevant topics to the mission of the Council.

No solicitation is allowed. The public comment opportunity is not a forum for vendors to market goods or services. It is for individuals to share concerns and successes that can help shape future direction in the accomplishment of the Council's mission, which is stated below.

Also, as a reminder to all participants online, all public comments will be taken under advisement by the Council but will not receive verbal or written response either during the public comment or after. Public comments will
be summarized in the meeting of the -- in the meeting minutes, and the Council will review public comments and decide on appropriate action, if any, according to the Council's mission.

And so when making a comment in person, we have the sign-in. When we invite the individual making public comment, if you would, please give us your name, your county of residence, and the subject matter of your public comment. And then comments should be factual, objective, and related to the mission of the Council. We request that confidentiality and privacy standards are maintained and that personal names of students or school staff are not mentioned.

Members of the Council will not interrupt the speaker during the allotted five minutes of time. The Chairperson may interrupt the speaker if there is a concern that public comment procedure and/or privacy or other laws are being violated. And so that is just our general reminders around public comment. A copy of these guidelines are provided to those seeking public comment when they sign in.

And so at this time, I'll ask our
chairperson if she's ready to acknowledge our
public commenter.

THE CHAIRPERSON: I am ready to
acknowledge, absolutely.

MS. HUDGENS: Okay.

PUBLIC SPEAKER 1: Good morning. I'm
[name redacted] and I'm from Wake County. I am
also a member of the Triangle Area Dyslexic
Advocacy Group. I'm also a parent of a child with
dyslexia and dysgraphia. We had to remove him
from the Wake County Public School System after we
were refused an evaluation for testing for a
suspected learning difference.

I wanted to come here today to give
feedback from a growing number of parents who are
telling us that their children are being placed
onto an IEP under a category that they feel is
inappropriate. Many children who have been
formally diagnosed with a specific learning
difference, for example, dyslexia or dysgraphia,
are then being given eligibility under other
health impairment. OHI is usually the primary
with SLD [inaudible].

Parents are advising this is
generally against their wishes, and more often
than not, they feel they have not been allowed
meaningful participation during the IEP meeting
and definitely not an equal member of the
decision-making process. It appears children's
unique needs -- excuse me -- unique and specific
needs are not being met and an appropriate IEP is
not being developed. Parents are very frustrated
with the process and feel there is little
oversight of the LEAs making these decisions.

One particular [inaudible] other
health impairment eligibility as the primary
category has recently been invited to a reading
camp. This child has a formal diagnosis of
dyslexia or dysgraphia and is on an IEP. His
parents fought hard not to have OHI as the primary
category. However, they were told during the
eligibility process that the particular label
would not matter. The parents feel their child's
needs are not being met appropriately, and now to
be invited to a reading camp as a struggling
reader is particularly frustrating.

We are unsure why this is happening
to so many people. A very simple question posted
within our group asked how many parents had
received an IEP for OHI as the primary category
and felt it was inappropriate -- excuse me -- felt it was appropriate. 14 responses were received within two hours of posting the question from families who said that this had been their experience.

It's a disturbing trend that is wholly inappropriate. It fails to meet the child's unique needs. We should always be at the forefront of the decision-makers on the IEP team. It also defeats the purpose of serving a child with learning differences if those interventions are not going to be appropriate. Thank you.

THE CHAIRPERSON: Do we want to move up Sherry?

MS. THOMAS: I'll do whatever you need me to do today.

THE CHAIRPERSON: Well, we'd like move your comments and your updates up to now.

MS. THOMAS: Okay. Sure. Good morning. This is Sherry Thomas, Director of the Exceptional Children Division, and I'm delighted to be with you today. And are you going to be my driver?

MS. UTZ: Yep.

MS. THOMAS: All right. Alexis is
going to drive. So I do have some updates. I have some slides, and I apologize. I was working late into the night last night trying to make sure we had staff protocols in place and some cancellations that we needed to cancel because of the state of emergency that's now been imposed on us. And so I didn't get this to Carol Ann till this morning, but I'm sure we'll send it out. So thank you for your patient. If you're online, you should be able to see it.

Some exciting news, and Christy, I apologize because you were at March Institute, and some of this is going to look like old hat to you because these were some of the updates I shared with directors last week. But I also thought they were pertinent to share with Council as well. So we have some new staff in place.

Carol Ann is, I think, now fully staffed. We say that quietly because somebody will leave or retire or find a new opportunity. So for now, Libby Loring has just joined us. She comes from Winston-Salem where she was in a monitor role there, and she's the program monitor for our North Central region and supporting charters. So we're delighted to have her. She
started about a month ago, close to that, right, Carol Ann? About a month ago?

MS. HUDGENS: Yes.

MS. THOMAS: Adam Parent has joined us as an IDEA fiscal monitor. He was previously the assistant director in Henderson County -- the assistant EC director there. I don't dare go back into that county anytime soon because we yanked two really good people out of that district, and now they're now state employees. But we're thrilled to have him, and he will be serving the northwest and the western part of our state doing fiscal monitoring, supporting the grant application from our districts, and he'll be working with both traditional and charter schools in those two areas.

And then we have Bridgette LeCompte, and Bridgette is our brand-new occupational therapy consultant. She was in North Carolina, did some work here with the schools here, moved to Virginia, and so we got her back in North Carolina to work with us, and she started about a month ago as well.

And then two shifts that we've had, Jennifer Sims and Khaliliah O'Farrow-Boulware have
been in our ECATS delivery team and now -- excuse me -- our CECAS delivery team and now our ECATS support team, and they worked previously supporting CECAS and doing training, and they have now shifted over and they are going to be in our Special Programs and Data Section, which is under Amanda Byrd as the section chief, but they will still continue to be doing support. Their titles are user support specialists, and they will continue to be supporting local directors and their teams around ECATS and the implementation of ECATS including training and problem-solving. They will also work with grant support and probably be involved in some of our monitoring activities. Some we're thrilled to have them there.

As some of you are aware because you attended with us -- and I was very grateful to have the two representatives from Council with us during our OSEP visit -- we had a five-day visit from OSEP. Three of those days were in our building and two days were out in districts. They visited Charlotte-Meck, East Wake Charter, Wake County, and Wilson County Schools. And in Charlotte and Wake, they visited either a pre-K or
an elementary and then a middle and a high school. 

In Wilson County, they visited, I believe, an elementary or a K-8 school. And then they had conversation with the central office of those districts as well.

Particularly in the district visits, OSEP was looking at learning disabilities and, in particular, has there been a delay of referral or eligibility determination due to a Multi-Tiered System of Support or an intervention process that was delaying those referrals to happen as well as looking at private psychiatric residential treatment facility placement, if schools have been engaged in that process, if they've had any interaction with those areas.

With our visit here in the building, the focus was, again, on our SLD policy and the Multi-Tiered System of Support framework that we have in place across the state, whether there had been Child Find delays due to MTSS or the intervention process, again PRTF. They also looked at our subrecipient monitoring. So this is when we get the IDEA grant from the federal government and then districts complete their grant application, and we fund the state aid from a PRC
code back out to the districts as their federal
dollars to support special education.

   It looked at how we notify them, how
we -- what the review process is like, and then
how we monitor the use of those federal funds.
They also looked at how we do our program
monitoring, how we're looking at compliance. We
talked about state complaints and, in particular,
any state complaints around Child Find, due
process corrective actions, how we follow up not
only our state complaints, but if we do follow up
on due process, how that is occurring.

   We did have a debrief with OSEP
representatives last week regarding just the visit
to LEAs. I am happy to report that at this time
they reported no red flags to us in those
conversations with the district, which was around
the SLD policy or MTSS. So that was good to hear.
They have told us we will have a report within 120
days from their visit. I'm not going to commit
that we will have that because other states -- one
state, in particular, I know had a visit in May
and they still don't have their report, and this
is March.

   So we're expecting at some point we
will have a report, and we will be following up on actions, but true to discuss with OSEP over those three days, we also came to the determination, based on some of the questions they asked, that there are some areas that we can go ahead and start enhancing, tweaking, doing maybe a little better or a more thorough piece of work around.

For example, with due process, there's no requirement that we do that actually, but we want to be good faith partners and ensure that we are supporting districts and parents in a due process complaint to ensure that corrective action is in place. So Carol Ann and her section and I are going to be working together to create something we're to go ahead and put in place. It would be nice for them to come back with a report and us already have all those things in place.

MS. HUTCHINSON: That's the due process---

MS. THOMAS: That's the due process.

MS. HUTCHINSON: ---already requested it and following up with a monitoring visit after the due process?

MS. THOMAS: What I'm saying is, we are going to come together to create a structured
follow-up process. It doesn't mean we'll do a state complaint after that, but currently, the guidelines do not require us to do any direct follow-up. Although we communicate with the districts and we get the communication from the hearing officer, there's nothing that at this point requires us to do a formal follow-up like a letter. Like when there's a state complaint, we must follow up with a letter, and then we close that out when we know all the compliance has been met.

We've been removed because we believe that system removes us, but we also got the impression that OSEP feels like we need to be a little more engaged to ensure that districts are following up on their due process corrective actions. So even though we haven't leveraged the action, they're wanting us to oversee it. So we're going to come up with a way that we hope will be palatable to all entities and be able to check that off the list immediately.

Let's go back just for a minute and see if I missed anything. No. I think I got all that. So we've had some heavy traffic to consultants and to both Matt Hoskins, Assistant
Director of the Division, and me around the Read to Achieve requirements and, in particular,
ensuring that all students with a disability are participating.

There had been some previous guidance that removed students on our Extended Content Standards from that requirement which did not come from our division and did not come from Accountability. You know, sometimes things get started, and it becomes reality rather than a theory or belief, and I believe that's what happened to this.

We sent out a memo around guidance for this January the 29th. So just in a nutshell, all students with disabilities shall participate in Istation. If that's not appropriate, then the team should look at an assessment from the alternate list that's been approved by the State Board. If that's not appropriate -- and, in particular, students on the Extended Content Standards -- then the IEP team needs to determine an appropriate measure to look at literacy growth and progress for students on the Extended Content Standards.

It doesn't have to be necessarily a
formal measure. It has to be some type of
progress monitoring that they should be doing
anyway to measure the growth on the IEP goals. So
we don't feel like we're asking folks to do
something that is different. It's not a set
assessment for the Extended Content Standards.
And for some of the students, there may be items
on that alternate list that's been approved that
would be appropriate. There's a paper-pencil
option there, for example, that some of the
students might be able to respond to.

The goal is to get data through a
progress monitoring process to ensure that we are
monitoring growth on IEP goals and looking to see
how that student is increasing their literacy
skills even on the Extended Content Standards. So
we did a lot of guidance around that. I'm still
clarifying that question for people because there
is not an appropriate or approved alternate list
for Extended Content Standards students for this
assessment. That really has to be an IEP team
decision.

Some districts are using a curriculum
with these students that has a built-in progress
monitoring. That's great. Others are doing
informal -- informal progress monitoring. My goal is they're looking at that IEP goal around literacy and measuring that goal, and that, in essence, is going to show us if the student is making growth.

Reading Camps. There's a lot of discussion about Reading Camps right now and just some clarifications I put forth with the directors last week. That third-grade students who meet the good cause exemption will become a low priority for Reading Camp because the goal of Reading Camp is to increase that student's knowledge so they can meet that target and not be retained. That's the purpose of the Reading Camp. It's not Extended School Year. It can't be used as Extended School Year.

And so it doesn't mean that a student who has met a good cause exemption for the retention part -- because that's all the exemption is good for. It's not about testing. It's about whether or not they must be retained in third grade, but if they meet the qualifiers and good cause exemptions, they are going to be moved to the low priority list for Reading Camp because that has to be accessible to those students who
have not met those exemptions and still haven't passed the requirements based on the legislation.

We are also trying to give guidance around the appropriateness of a student on the Extended Content Standards and going to Reading Camp. It doesn't again mean that they can't be invited. They are going to be low priority because they've already met those exemption criteria through good cause exemptions.

This is becoming apparently a factor apparently in thinking about first- and second-graders who are on the Extended Content Standards, but again, they are going to be low priority because they are already on an extended track, not on a diploma track, not following that guideline or hitting those requirements for retention. And, again, it can't be ESY for those students as well.

State budget. We didn't get one this year. What we have is a continuation of last year's budget. So everything that we are allotted from a state level has been at the amounts that was in the '18-19 fiscal year budget. So there was no increase in anything. It was maintaining that same budget, and that includes our state aid for students with disabilities that goes out
through one of our PRC codes. Federal state aid
has been allotted. Our IDEA funds are being
allotted or have been allotted, so folks should
have funds now.

Now good news. Some folks don't like
some downer news. We have been talking about this
for about a year and a half, but we finally got a
contract approved to work with the Council for
Exceptional Children's national office to develop
a supporting new teachers in special education
program, and this is to support those first year
teachers of exceptional children, not lateral
entry at this time, but certified teachers with a
first year in the classroom experience.

And it will pay for them to be a member
of the Council for Exceptional Children. It will
provide access to some ongoing professional
development. We will be creating cohorts
regionally across our state that will have
resources. They'll get some books. They'll get
journals. They will have online resources. They
will get some virtual mentorship that may be in
the role from DC, that may be from our North
Carolina CEC, that may be from North Carolina
Council for Administrators of Special Ed, which is
CASE, which is the administrators organization as an arm of the Council for Exceptional Children.

So they'll get a full membership to CEC, they'll get the publications that come out, "Teaching Exceptional Children" and "Exceptional Children," which is more of a research-based periodical that comes out. They will get those webinars, as I talked about, with peer support. They'll get a weekly email that gives updates on special education today, news, projects, legislation. It's just a wealth of information, and they'll be connected again to that national mentoring program with CEC. So that's year one.

In year two, they will get all those things again plus have free access to two CEC webinars and High Level Practices -- Leverage Practices in Special Ed, which is an online book. We're also trying to work out a strand that they would be able to participate in at our conference in November, so probably not this coming conference but the following conference in 2021. And every year we will plan to start a cohort.

So we're going to be getting these teachers that are year one teachers right now started. Those will be the ones getting a little
shortchanged, but we'll still make sure they get
everything that was in that year one, and then
they will roll into year two, and we'll start a
new cohort next fall with year one. So we'll have
two cohorts running at the same time.

They have to commit to doing all
those things like attending the webinars and
participating in cohort collaboratives, virtual
meetings, things like that, and each EC director
will also sign off on that just as an assurance
that we all know they're getting that support.
But we're doing this as part of our recruitment
and retention, and the directors were really
excited about it last week. They felt like this
would make a difference just to get them to the
forefront to realize there are a lot of people
here to support them.

Because what we find is a lot of our
districts may have nothing but EC teachers or a
new EC teacher and two lateral entry teachers, and
so they don't have anybody to reach out to in
their own district -- and I'm saying "district"
meaning charter school or traditional school --
traditional districts -- to ensure that they've
got that collegial support. So we are hoping this
will make a difference. Virginia has done this, a
couple of others states have done this program,
and it's been very effective. And so we've kind
of taken what they did and built on it a little
more because we built in that mentoring piece as
well.

My goal is that we'll be able to
expand this because my next approach is going to
be looking at those high-needs teachers in our
low-incidence populations, but that are critically
diverse in their skill set and greatly needed like
teachers of the hearing-impaired, teachers of the
visually-impaired, and even autism in some of its
phases, and moving towards some of that regional
support we've been talking about.

So that's kind next on the list, and
then with that our related service providers
because we don't have enough school psychologists,
we don't have enough speech pathologists in some
places or occupational therapists or physical
therapists or audiologists. So we've got some
work to do, but that's a real focus for me and for
our team.

The last good news is that we are
moving to a brand-new grant system where the
districts apply for that subrecipient IDEA grant, or our federal funding, but included in that now, we will have merged the preschool grant with the K through 12 grant, and so they're going to complete one grant with both components in place which will save time for our directors, I believe. They're not having to repeat information, and it will be very connected and, we hope, very fluid.

But also all of our special programs grants. So when we do risk pool or developmental day or special state reserve, those grants have been, up to this point -- up until this year, they have been paper and pencil. This year we moved them into an electronic format. Starting next year, they will be in the grant system so that a director would not have to input again every bit of information in these grants individually, but it will pull from that grant platform they've already opened up, saving them time, saving them a lot of resources, and saving us a whole lot of paper and expense of mailing those pieces in.

Because now we have a statewide student data system that we can pull information where before we could because the whole state wasn't on the same platform. So we don't need IEP
copies to show that there are goals addressing that behavior support if they're applying for risk pool. We'll be able to pull that up electronically. We are getting into the age of virtual work, which is pretty exciting.

So I have a couple -- one last update and it's around our SLD policy, our specific learning disability policy, and I think Matt shared some of this with you back in December when you met. If you'll excuse me, I'm going to apologize. I need to grab my water. I'm losing my voice. I do not have coronavirus. I have asthma. I feel like I need to wear a tag around my neck.

So the rationale, initially when we did this policy back in 2016, is that we need to shift so that our policy doesn't prohibit -- so that our policy prohibits the use of just cognitive discrepancy. There is no longer research out in the field. This was a very old practice that we hung onto for a very long time. It doesn't mean that the cognitive -- IQ score isn't important, but we based solely on that, and we need to be looking at how that student responds to instruction, where they have their gaps, where
they are getting really good instruction that we're tracking and yet it's not making a difference and we need to do something different.

So the reasons are up there of why this cognitive discrepancy is not the best model to use because we've waited for them to fail dramatically, and by that, I mean, if we did an evaluation and the student only had a 12-point discrepancy between their IQ and their academic performance, they didn't qualify. We had to wait till that gap got so big that it hit that 15-point discrepancy mark, which was what our state had adopted.

So those psychometric reasons -- it really was not identifying students with SLD using that model until really typically after third grade because that's how long it took for that gap to get wide enough. There's a lot of research that's been done on this, but there is no empirical evidence that that cognitive assessment alone informs the instruction or the need for services.

So we have a policy that was approved in 2016 by the State Board -- February of 2016 -- that goes into effect July 1 of 2020, and there's
apparently a buzzword out in the field that's LD 2020, and we didn't put that on it, the field apparently has. And someone in our agency was asked about LD 2020, and they didn't know what they were talking about. So if you hear that, it's about the SLD policy that goes into effect in 2020.

But in December, we pulled again -- because we had multiple stakeholders over the last probably -- probably going back into 2014 where we started pulling stakeholders together to do this work to look at changing our policy. We pulled another stakeholder group together with statewide representatives, but we also had some national representatives there from LDA and some other groups that had a different lens for us because we were getting still comments, concerns, letters to OSEP, letters to us about some of the language that was in the proposed -- or not proposed -- the adopted policy that was to take effect July 1.

We had in place an opportunity, if districts felt like they were ready to go ahead and move forward with that policy July 1, 2020, they could, and so we had two LEAs who did submit that intent to implement, meaning they are now
using the new adopted policy, and that was allowable. They could adopt that policy prior to July 1, and it's Rutherford County and Alexander County.

So we pulled the stakeholder group together in -- I don't know -- it was November or December -- actually, I think it was December, but we pulled this group together. We had an internal meeting in November and then pulled this group together to start looking at the language that was problematic and see what we could do to make that more palatable to get that additional feedback on and not change again the intent of what we are doing with the policy that takes effect on July 1, but that it doesn't create problems or barriers that were unintentional.

So the things that came out of that stakeholder group was basically three acts: to define research intervention or evidence-based research intervention, to put that in the definition so that we are all working from the same place on that definition, to remove the language that was related to group comparisons among culturally and linguistically similar peers, and that's really the one that gave people the
biggest heartburn, and it wasn't worth keeping if people feel that that was going to impair students being identified who need to be identified. And then lastly, defining SLD as a disorder because I think we could use the word "disability," but IDEA hasn't been reauthorized since 2004, and it still uses the word "disability."

What you see here, if you can see this -- and if not, you will have this slide if you're online and just on the phone---

MS. UTZ: It's been sent out.

MS. THOMAS: It's been sent out.

Okay. Great. ---is the changes that we made. So we defined scientific research-based interventions, which we were also calling evidence-based because those two terms have become rather interchangeable out in the field, and so we're trying not to isolate one or the other.

We're kind of pulling it all together. I'm not going to read this definition to you, but we feel like this is a very strong but yet clear defining terminology to help people understand what scientific research-based intervention or evidence-based research means.

So, in other words, using flash cards
working with a student who may have a visual
processing difficulty would not really be
evidence-based research practice. That's a gross
example, but that's where we're going. We tried
to define this so that we make sure that the
interventions align with the identified needs of
the student.

This was the language that was in the
current policy that's online that was to go in
effect July 1 or will go in effect July 1, and
this is where we struck the language that folks
asked us to change. And here is where we have
replaced disorder with disability and again
cleaned up some of that language and, hopefully,
met the needs and the concerns of the field.

One place we had a lot of discussion
is under that (ii), disability is not included
because it says, near the end, "or of
environmental, cultural, or economic
disadvantage," but that is language directly from
IDEA. So while that cultural piece was
concerning, we felt we had to align back with IDEA
as closely as we could, and so that's what we've
done.

So our process with this is that it
will go to the State Board to our rules committee. Anything that is a policy change has to go through rules to make sure that it aligns with all policies by the Board prior to it going to the Board for approval. We are probably putting that then back out in April. I don't -- I don't foresee any hiccups or holdups from the rules committee that would prevent us from doing it.

We'll have another 30-day public comment period on the changes, and then our plan is to go back to the Board with this language change in May and in June. We're trying to be totally transparent. There's some question as to whether what we're doing is really technical changes or if it's really changing the policy because what we're doing is really fixing the language, but to be totally transparent to the field, we're going to go back out with public comment.

And then the goal is to have that approved by the State Board at the June board meeting, and it will become effective July 1, 2020. So it's really the same policy; we've just removed the language so that the cognitive -- the cognitive assessment requirement will still be
gone, but it doesn't mean that can't be a part of the comprehensive evaluation, and we have to keep saying that. We have never said that there can't be a cognitive assessment. It just can't be the only piece of information that's used to make that determination.

Do you have any questions about any of that information?

THE CHAIRPERSON: Thank you.

MS. THOMAS: I told you more than you wanted to know probably, but I hope it was helpful. Are there questions online?

MS. UTZ: Not yet. None are popping up.

MS. THOMAS: If there are questions later on, I'm happy to take those. If they'll just email them to me, I'm happy to do that and give a response to Alexis to send that back out to everyone. Thank you.

And thank you all for what you do and for being available even virtually. I think we're in a new era right now where we're going to have to do a whole lot of listening rather than visual communication, but at least we have the technology to do that. Thank you all.
THE CHAIRPERSON: So I can have a copy of the annual report -- the 2018-2019 -- out to Council by the end of this week for them to review. So we won't be finalizing the 2018-19 annual report. We've done public comments, and we decided that committee work would not be appropriate in this kind of venue, that we will move that to our June meeting.

MS. HUDGENS: May I make a recommendation? We do have lunch here for our council members that are participating in person, and because we have a public comment period that is open until 12:30, meaning those individuals wishing to address the Council should sign in by that time, I would suggest that we take a lunch break.

And at 12:30 if those of our members that are participating virtually can log back in or attend to the screen at 12:30, we'll provide an update regarding whether or not anyone else has signed up for public comment, and then at that time, I'll defer to the Chair and the Co-chair about whether it would be appropriate to adjourn the meeting at that time, providing no one else has signed up. Is that agreeable?
THE CHAIRPERSON: That's agreeable.

MS. HUTCHINSON: I just wanted to [inaudible]. Do we want to look at the June, September, and December 9th dates just to double-check [inaudible]? When do we do our new members? Is that June? Maybe I'm asking a bad question.

MS. HUDGENS: I just had to think a moment because I think the new term begins July 1, but technically, I think we do our orientation in September.

MS. HUTCHINSON: Okay. Okay. So we can probably [inaudible]. I just was thinking with new members on, look at those dates real quick to make sure that that works for the vast majority of folks.

THE CHAIRPERSON: In the September meetings, we usually do a 30-minute, before the meeting, new member orientation.

MS. HUTCHINSON: So maybe in June with the items that we talk about or prior to June [inaudible].

MS. HUDGENS: So I can add a little bit of detail to that, and for those of you that are participating remotely, I'll just repeat. We
had a question on the table about current membership, to make sure that we have all of the required participants in all the roles still. We will send out an updated membership list. Had you been here today in person, you would have had a hard copy of that, and we're realizing, as we're going through the agenda, that we need to make sure electronic copies are available at every meeting.

Regardless, in looking forward, we want to make sure that we have all of the vacancies filled, and the priority in filling those vacancies are parents or individuals with disabilities. We want to make sure that those are the majority. What I can share with you is that the State Board of Education is the entity that appoints those individuals, and I do know that at the last two State Board meetings, if I'm not mistaken, that Sherry has requested or provided a reminder that we have some vacancies that they need to appoint.

And we have identified some of the regional areas in which we don't have representation. Out west comes to mind as an area that potentially needs to have someone
recommended. Now from time to time, the State Board will ask us if we have any interested individuals that have contacted us that would otherwise meet the criteria. They have not asked us for that information at this time, and so we are just continuing to put it before them that we need replacements for those vacancies that we have identified now, and we are planning to get ahead of those terms that are expiring.

With regard to the legislative appointments, Sherry has been working with the appropriate agency liaison on both sides of the table to encourage them to either fill that position or renew a term. I'm sorry, Christy. You had a question?

MS. HUTCHINSON: Nope. You answered it.

MS. HUDGENS: Okay. And so we are attending to that. I'm not certain that there's any specific action that the Council would need to take other than if you are aware of someone who would meet the criteria for membership on the Council and would potentially ensure that we have adequate representation across the state, I would encourage them to contact the state board member
that represents their area and explain their interest in serving on the Council.

And, typically, what is asked of them is that they provide a resume and cover letter explaining why they would like to participate on the Council and how they meet the criteria for meeting the membership, and I know that's a lot of details to remember. You can connect those individuals with myself, Alexis, or Danyelle, and we can walk through all those particulars, if you can just identify someone that might be willing to serve.

MS. HUTCHINSON: And the areas you mentioned are currently the west?

MS. HUDGENS: I see the west. If you look in the parentheses by those numbers, those are the old -- by their names, that's the old district numbers. We don't have anyone in District 8, which I believe is the western, and then 2, we don't have a representative, and that's [inaudible].

And so that just comes to mind right away where we don't have an individual represented, and again, the first and foremost criteria that we're looking for is a parent or an
individual with a disability to serve in those roles. That would be the primary characteristic.

THE CHAIRPERSON: So Diane Coffey and I had a conversation, and we thought that Alexis would be a good person -- a point person to talk with the various special education advisory committees in the areas that we don't have representation.

MS. HUDGENS: Okay.

THE CHAIRPERSON: Diane, if you're on---

MS. COFFEY: Yes, I'm still here.

MS. HUDGENS: Thank you, Diane. Go ahead.

MS. COFFEY: Yeah. I was just going to say what she said. Definitely, I think we need to make sure we're covering areas that we don't have representation in. I know I'm the northwestern part, but you know, there's a lot of rural areas besides my area that I feel like we don't have as much representation. So we can definitely be looking and talking to maybe some of the parent councils -- advisory councils in those LEAs would be great, I think, to look for some people that would be possible potential parents to
come on.

MS. HUDGENS: So we'll be happy to work towards that end through Alexis's role. She's reinstating the parent cohort, the collaborative piece [inaudible] communication opportunity. Additionally, we're happy to provide something through the parent listserv. I think we discussed that before. The only limitation there is if we don't have individuals that have signed up for the listserv, that communication is going to be somewhat limited, but that's certainly an avenue we can explore. And then we can talk to our partners and have [inaudible].

MS. HUTCHINSON: And I don't know about everybody, but I know that we -- I put out like a director's message in our weekly communication, and if you're able to reach out to like Mike or somebody up in that Region 8 -- I think he's Region 8 -- they might have a directors advisory council that they have [inaudible].

MS. HUDGENS: We're happy to explore any opportunity available to us, and also, I think that it might be helpful if we perhaps did a little one-pager and maybe provided it to the council membership now so that if you're in a
conversation with someone, you'd have a one-pager that you could provide through your contacts. So if that sounds like something you'd like to pursue, just give us a little bit of time to get that together, and we would distribute that to you-all as well.

THE CHAIRPERSON: Yes, we'd certainly like that.

MS. HUDGENS: Okay. And so I have 11:47. So for the group that is participating virtually, if you can feel comfortable taking a break and then logging right back on or turning your speakers back on at 12:30, we want to make sure that we end our meeting within the protocol and that we have observed our requirements to make public comment available should anyone sign in between now and 12:30. So thank you for your participation. We'll be unmuting the mikes again at 12:30.

(A lunch recess was taken from 11:47 a.m. to 12:31 p.m.)

MS. HUDGENS: All right. Good afternoon, Council Members. It's 12:31 and we are coming back together just to determine if we have anything else that we need to discuss and to be
certain that we have concluded the Council's business today.

So there have been no additional individuals signing in requesting the opportunity to deliver public comment, and so I'm going to give it back to our chair Cynthia Daniels-Hall and look to her guidance for how she would like to continue this meeting.

THE CHAIRPERSON: So I'd like to know if any council members have anything else they want to talk about or add before we close out the meeting or any questions?

(Pause.)

MS. HUDGENS: I think all of these responses are up-to-date.

MS. UTZ: Yeah, they are.

THE CHAIRPERSON: So if there's nothing else on the council agenda, I ask that we take a motion to close the meeting.

MS. HUDGENS: Okay. Do we have a motion to adjourn?

MS. HUTCHINSON: I'll motion to adjourn.

MS. HUDGENS: We have a motion from Christy to adjourn. Do we have a second? Christy
Grant is providing the second. Okay. So it looks like we are in agreement that we can adjourn the meeting.

THE CHAIRPERSON: Yes, we are.

MS. HUDGENS: Okay.

THE CHAIRPERSON: Thank you.

MS. HUTCHINSON: Thank you.

MS. HUDGENS: Thanks, everyone.

(At 12:33 p.m., the quarterly meeting 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 90, 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 24th day of March, 2020.

[Signature]

Rebecca P. Scott