



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

WWW.NCPUBLICSCHOOLS.ORG

April 18, 2018

To: Directors, Exceptional Children Programs
Lead Administrators, Charter Schools

From: William J. Hussey, Director *WJH*
Exceptional Children Division

RE: **Response to the Justification Required For Exceeding 1.0 Percent Participation in the Alternate Assessment Memo**

This memo is in response to voiced concerns related to the issue of Disproportionality referred to in the March 15th memo from the Department of Public Instruction (DPI) Accountability Division (attached) regarding students who participate in the alternate assessment. Disproportionality for the 1% students taking the alternate assessment aligned with the alternate academic achievement standards as defined in Every Student Success Act (ESSA), is not related to Significant Disproportionality identified under IDEA for identification, placement and discipline. The Federal Register on page 88935 states in paragraph (4)(iv)(C) that the state must address, within ESSA, the disproportionality within the percentage tested using the alternate assessment. The Accountability Division at NCDPI has given the responsibility to monitor how the LEAs and Charter Schools address disproportionality to the Exceptional Children Division (ECD).

The ECD has determined the appropriate way to address disproportionality for the identified students is to review and monitor the identification process and internal audit process that the LEAs and Charter Schools use to determine who is administered the alternate assessment. The ECD will determine if these processes are valid and reliable. Though clearly a concern, if students are appropriately identified and meet the criteria of being significantly cognitively disabled, then gender, race or area of disability cannot be considered a deficit issue for the LEAs and Charter Schools.

The first step in the monitoring process is to review the Justification Statements provided by the LEAs Charter Schools. In the review, special consideration will be given to the process of how LEAs Charter Schools determine eligibility to ensure that a student meets criteria, that parents are notified and that the parents agree to the placement and understand the ramifications of taking the alternate assessment. Secondly, the ECD will address how districts define disproportionality and how they justify, with research race, gender and disability concerns. If there is a substantiated rationale as to why a certain group of students are being served and that appropriate measures are identified to demonstrate that the identification processes are valid, then the ECD will not see a need to intervene immediately. If the justifications are not well defined, a technical assistance call will be made to help the LEAs Charter Schools in rewriting their responses.

If a district continues to be disproportionate for two years, the ECD will then conduct a monitoring visit to help the LEAs Charter Schools look at the issues that are leading to ongoing disproportionality and

EXCEPTIONAL CHILDREN DIVISION

William Hussey, *Director* | bill.hussey@dpi.nc.gov

6356 Mail Service Center, Raleigh, North Carolina 27699-6301 | (919) 807-3969 | Fax (919) 807-3243

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

work to address the eligibility question or to help the LEAs and Charter Schools look at the factors concerning gender, race and areas of disability. The ECD will look

for improvement in the total number of students over the 1% but will not, if a valid and reliable process is in place concerning the issues defined in this memo, hold LEAs and Charter Schools as disproportionate.

If you have questions, please contact William J. Hussey (bill.hussey@dpi.nc.gov), [Sherry Thomas \(sherry.thomas@dpi.nc.gov\)](mailto:sherry.thomas@dpi.nc.gov), or Dreama McCoy (dreama.mccoy@dpi.nc.gov).

WJH/ST