

COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

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

TRANSCRIPT OF QUARTERLY MEETING

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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1 Thereupon, the following proceeding was held:

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

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

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

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

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

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

24 Adam, I'm unmating your phone. Good
25 morning, Adam. Adam, we're having a little

1 difficulty hearing you. And so, Adam, I'm going
2 to get you to pause for a minute.

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

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

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

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

25 MS. HUDGENS: We can. Thank you,

1 Adam.

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

7 MS. HUDGENS: Welcome, Adam. Thank
8 you.

9 MR. JOHNSON: Thank you.

10 MS. UTZ: Anthony Baker, we see you,
11 but -- Anthony we see that you are online, but it
12 doesn't look like you have audio. So welcome.

13 And we'll just go to the next one,
14 which is Becky Scott. All right. Good morning,
15 Becky. All right.

16 MS. HUDGENS: Becky, we're having a
17 little bit of difficulty with your audio. So
18 we'll come back around.

19 Cache Owens, if you will introduce
20 yourself.

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

1 MS. HUDGENS: Thank you, Cache.

2 Cameron?

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

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

8 MS. UTZ: All right. Welcome.

9 MR. EDSALL: Thank you.

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

13 Jennifer, I'm unmating you. Go
14 ahead.

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

17 MS. UTZ: Yes, we can.

18 MS. DEGEN: Okay. Good morning. I'm
19 Jennifer Degen. I'm a facilitator at East
20 Mecklenburg High School in Charlotte-Mecklenburg
21 Schools.

22 MS. UTZ: Good morning. Welcome.
23 All right. Kristen, you are unmuted.

24 MS. HODGES: Hi. Thank you. I'm
25 happy to be here.

1 MS. UTZ: Good morning. Welcome.

2 MS. HODGES: Thank you.

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

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

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

10 MS. UTZ: Good morning. Welcome.
11 All right. Next we have Lisa Phillips.

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

16 MS. UTZ: Welcome.

17 MS. PHILLIPS: Thank you.

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

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

24 MS. UTZ: Good morning. All right.
25 And it looks like last on our list is -- is it

1 Sherita?

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

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

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

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

22 THE CHAIRPERSON: Yeah.

23 MS. HUTCHINSON: ---because we don't
24 have control over [inaudible] people that are
25 chairs of committees can't control [inaudible]. I

1 sort of think [inaudible]. I don't know what
2 Sherry Thomas's personal schedule looks like
3 [inaudible].

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

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

19 THE CHAIRPERSON: So---

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

22 THE CHAIRPERSON: So a review of the
23 December meeting minutes. Has everyone had a
24 chance to see the December meeting minutes and
25 review them?

1 MS. HUDGENS: So the question, for
2 those participating virtually, is, have you had an
3 opportunity to review the minutes online. I see
4 that Alexis has brought them up for your review
5 right now. We're making a correction on the date
6 for that document.

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

17 (Pause.)

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

21 (Pause.)

22 MS. UTZ: And, Cynthia, just so you
23 know, I pulled up the comments, and Kristen Hodges
24 and Lisa Phillips also agree to table the
25 committee work.

1 So we have scrolled through -- I have
2 scrolled through the summary of actions. We are
3 in the process of getting it emailed individually,
4 but it has been scrolled through. So, hopefully,
5 everyone was able to at least skim it, as I had it
6 up on screen.

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

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

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

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

23 MS. HUDGENS: I just offered that as
24 a comment. I'm going to ask Christy if you're
25 making a donation that we accept these minutes,

1 and I'm going to repeat that for the group, if so.

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

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

7 MS. HUTCHINSON: Second.

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

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

16 MS. UTZ: And a yes from Kristen.

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

23 She is transcribing this by virtual
24 participation, and we will also be giving her the
25 transcript of this meeting so that she can cross-

1 reference her notes. But oftentimes you're going
2 to hear me repeat just to be sure our online
3 participants can hear.

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

10 THE CHAIRPERSON: Yes.

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

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

18 MS. HUDGENS: Okay. So I am just
19 going to start the conversation, but I know that
20 we had -- many of our council members were present
21 during that opportunity that we had with OSEP, and
22 so I am more than happy to share my perspective
23 from our visit and what they shared with us on an
24 anecdotal basis after -- both during and after the
25 visit.

1 Just as a means of introduction, we
2 had our visit from the Office of Special Ed
3 Programs the last week in January. They initiated
4 this visit as a part of their differentiated
5 monitoring and support model, and there were a
6 variety of reasons that North Carolina was
7 selected. I'm not sure if you recall, but it was
8 2011 since we had our last visit. It's not
9 unusual for a state to have visits from OSEP just
10 as the State, in turn, monitors local education
11 agencies. They determine, through a variety of
12 criteria, what would constitute a need to come
13 visit.

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

23 We also had a number of concerns that
24 have been expressed by some families over the
25 course of the last few years regarding the SLD

1 policy that would be starting in 2020, and so some
2 of the school visits were geared toward asking
3 about the Multi-Tiered System of Support and
4 ensuring that there were no unintended barriers to
5 children being identified -- located, identified,
6 and, if eligible, served under the category of
7 learning disabilities.

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

17 So they randomly selected the
18 locations that they would like to visit. They
19 spoke with both instructional staff at schools,
20 school leadership, district leadership, and DPI's
21 role in those visits were simply just to introduce
22 the school to the OSEP members, and then those
23 conversations were held independent of DPI because
24 we wanted to preserve the opportunity for those
25 individuals to speak to and answer any questions

1 or express any concerns to OSEP in a very candid
2 manner, and if there were anything that we needed
3 to look at with regard to how we operate, we
4 certainly wanted that feedback from that
5 experience.

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

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

23 Sometimes we only see those people as
24 names or as presenters here in the room for the
25 Council, but to see them come together, their

1 teams all together, to answer the questions -- and
2 some of the questions were extremely challenging
3 from OSEP. That was my impression. Diane Coffey
4 was there. Does she want to make any comments?
5 And Cache.

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

9 MS. UTZ: Yes.

10 MS. COFFEY: Sorry. Can you hear me?

11 MS. UTZ: Yes.

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

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

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

25 MS. OWENS: Yeah. I think that

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

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

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

23 MS. HUDGENS: Thank you, Christy.
24 And if I've overlooked a participant that was
25 actually able to attend, please let me know and

1 we'll be glad to hear from you as well.

2 (No audible response.)

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

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

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

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

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

20 And I also was interested in the
21 level of autonomy in some ways that North Carolina
22 had in terms of making some decisions, in
23 particular, the discussion about the timeline and
24 how North Carolina does it in comparison to other
25 states -- the timeline in relationship to when a

1 request for testing is made. So I found it
2 fascinating and wished I could have stayed for
3 more days. Thank you.

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

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

23 I think overall it was an unusual
24 experience because we had probably a membership of
25 about six to eight OSEP individuals that either

1 participated virtually or in-person, and then we
2 had all of the division attend the first day, in
3 particular, because we wanted to show our
4 investment in the work and in the feedback that we
5 were hoping to get through this process so that we
6 can reflect upon those things that we might want
7 to do better.

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

17 I think there was some time for good
18 dialogue in terms of always looking to improve our
19 communication not only from the Department to the
20 EC directors but our partners in general education
21 as well. I think that was a consistent thing that
22 we all got to improve upon. The schools and the
23 LEAs that participated, again, put out the North
24 Carolina welcome and created a space for good
25 dialogue, and our anecdotal feedback from staff is

1 that they enjoyed the opportunity to participate
2 and, from their perspective, that they think that
3 it went well.

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

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

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

19 I will say that -- not to steal any
20 of Sherry's thunder, but they indicated on our
21 informal call that while, of course, any findings
22 are pending their completed activities, they did
23 not immediately see any red flags that would be of
24 great concern requiring immediate intervention.
25 So that was affirming. We do expect that we will

1 have things that we would want to improve upon,
2 and we are welcoming that feedback.

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

6 MS. HUDGENS: Sure.

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

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

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

21 THE CHAIRPERSON: Next is a break.

22 MS. HUDGENS: Okay. So we have the
23 opportunity for a quick break. Would you like to
24 go ahead and take maybe a ten- or 15-minute break,
25 and I will have a text with Sherry to let her know

1 we're kind of moving through the agenda pretty
2 quickly.

3 THE CHAIRPERSON: We'll take a
4 15-minute break.

5 MS. HUDGENS: Okay. So for those of
6 you participating virtually, we're going to take a
7 15-minute break, and so we will be muted here in
8 the room. We have 10:06. So we'll look to come
9 back at 10:21.

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

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

14 THE CHAIRPERSON: AU policy with
15 Carol Ann.

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

20 I have been given an opportunity to
21 share with the Council or otherwise provide an
22 additional clarification around the AU policy just
23 to be certain that our council and families and
24 anyone who is participating understands the
25 requirements and when the requirements go into

1 effect for individuals who are suspected of having
2 autism as a disability or individuals that may be
3 entering into the reevaluation process since the
4 new policies went into effect.

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

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

22 And so the questions that we received
23 from the field was essentially categorized in two
24 ways based on this key point: One, LEAs asked for
25 clarification about whether this meant that if a

1 child had been previously identified as an
2 individual with autism prior to January 1, 2020,
3 did that mean, then, that they had to immediately
4 initiate a reevaluation and obtain the two new
5 evaluations that have been included in the policy.

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

15 And so one of the things that we
16 wanted to clarify with the field is that just
17 because the policy changed in January did not mean
18 now that all individuals with autism had to be
19 retested. That is not accurate. And so those
20 reevaluation decisions and whether or not to
21 conduct additional testing need to come along the
22 natural timeline progression for students who have
23 to be reevaluated. I have some more slides on
24 this a little further along with the slide deck,
25 so I will repeat this multiple times.

1 So one thing we just wanted to make
2 sure is that families understand that this is not
3 intended to create statewide retesting of
4 individuals with autism, but that should just
5 occur with our natural course of business. And
6 this statement in particular for our children that
7 may have already had an identification of autism,
8 when it is time for their three-year triennial,
9 that we want to make sure that IEP teams are not
10 waiting too close to the due date to have their
11 reevaluation meeting.

12 And we're encouraging this planning
13 early ahead of IEP team meetings to be certain
14 that if a parent requests or a school district
15 believes that they need additional evaluation,
16 meaning the motor screening and sensory processing
17 evaluation was not already a part of that child's
18 record, that they had time to talk through what
19 those evaluations would mean with parents, obtain
20 their written permission to conduct those
21 evaluations, then have time to conduct the
22 evaluations, and come back as a team to discuss
23 how that new information could potentially provide
24 more information about how to review and revise an
25 IEP to make sure that all of a child's unique

1 needs were addressed, particularly those through
2 sensory needs and motor needs, in addition to
3 affirming that the child continues to be a child
4 with a disability.

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

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

21 All right. So if you'll move ahead,
22 Alexis, for me. So this is just kind of to give
23 some additional written guidance to the things
24 that I have already touched on. And so, as you
25 are aware through other council meetings and

1 communications that we have provided from the
2 Division, on January 1st, 2020, our autism policy
3 was revised to include two new evaluations, that
4 is, sensory processing and motor screening.

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

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

1 a piece of existing data that we would want the
2 IEP team to consider.

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

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

22 So we'll go on to the next slide, and
23 you can go one more slide. So the tricky part, as
24 I mentioned, is what happens to children who have
25 had an eligibility as autism and have been

1 identified with autism for quite some time. And
2 so for those individual, as I mentioned to you
3 earlier in the presentation, we have to review
4 this every three years to make sure that we have
5 the information necessary to determine that the
6 child continues to be a child with a disability,
7 that we have adequate information to make sure
8 that their individual and unique needs are
9 identified, and that we have developed and/or
10 reviewed and revised the IEP to make sure that the
11 programming is appropriate for their needs.

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

24 An example I use often is a
25 functional behavior assessment. A functional

1 behavior assessment is not a required screening or
2 evaluation for any disability category. However,
3 it is a very important evaluation that sometimes
4 is needed for working with children who have
5 challenging behaviors.

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

16 So you will see here under the
17 reasons for conducting, that I have noted by the
18 policy citation when it could be programming and
19 when it could be eligibility, and I note this
20 because anytime a reevaluation includes an
21 eligibility decision, the team must be sure that
22 they have all the required evaluations and
23 screenings for that eligibility type. That
24 ensures that we have, one, adequate information
25 for determining that there is a disability, and

1 two, as a result of those unique needs associated
2 with that disability, the IEP team can develop an
3 appropriate IEP for the student.

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

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

20 So you'll see here that at any time a
21 child or a teacher could request additional
22 evaluation data if they feel like they need
23 something more to develop the IEP or if they
24 suspect that the eligibility category has changed.
25 For example, we're all familiar with the category

1 of developmentally delayed. That eligibility
2 category is only reserved for our very young
3 children, and it has to be considered before the
4 child turns eight or goes into the third grade.
5 So that would be an occasion in which the IEP team
6 would initiate a reevaluation for both eligibility
7 and programming because the eligibility category
8 is subject to change.

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

17 Other reasons that we might have to
18 conduct a reevaluation is that if we suspect that
19 the child may no longer be a child with a
20 disability. We have to go through the evaluation
21 process -- the reevaluation process to determine
22 that because that would be a change. Not only is
23 it a change for if there is no longer a suspected
24 disability, but as in the previous example, if
25 that disability is suspected to have changed.

1 Paragraph (2) and (3) talk about when
2 children exit from high school either by
3 graduating with a regular diploma or students that
4 have aged out. You don't have to conduct a
5 reevaluation at those points in time. However,
6 again, be mindful of the team's right to initiate
7 that if there are other reasons that they deem
8 appropriate.

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

21 All right. We can move ahead. I am
22 scanning from time to time the question box, and
23 it sounds like folks are following with me along
24 in the question box, and I'm kind of looking at
25 our participants here in case there are questions.

1 So this slide just emphasizes the
2 things that I've already spoken to. Anytime
3 eligibility is a part of a reason why a
4 reevaluation is necessary, we have to be sure that
5 we are reviewing all the data associated with that
6 eligibility category.

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

21 But if you recall, again, a couple of
22 slides back, if there is that decision not to
23 test, the parent still has the right to request an
24 evaluation. And if you move on, Alexis, I believe
25 I've attended to that in the next couple of

1 slides. Actually, if you'll go back for me. I've
2 had several iterations of this presentation, so I
3 apologize. So forward one more. There you go.

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

14 For example, maybe a speech and
15 language evaluation was done some time ago and the
16 parent requests an updated one. They can
17 certainly request that. Or if a parent has a
18 concern about the eligibility category and
19 believes the eligibility category is different or
20 has changed or is not present, any of those
21 reasons can be addressed through the parent's
22 right to continue to ask for an evaluation. Even
23 though the district may not -- may not be
24 recommending that one is necessary, the parents do
25 have the right.

1 I'm going to pause right there in
2 case there are questions from the audience around
3 the parent rights around evaluation and
4 reevaluation. That was a lot of information just
5 kind of front-loaded right there. We have
6 definitely provided this clarification opportunity
7 in multiple formats. We reviewed it again at
8 March Institute. These particular slides were
9 shared during the Director's webinar, and I've
10 just repurposed them for our meeting today so the
11 messaging is consistent.

12 MS. UTZ: We do have a question.

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

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

1 order to make that decision. That is the initial
2 evaluation.

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

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

24 So when we're considering a
25 reevaluation and the timeline associated with it,

1 a couple of things come to mind for me in terms of
2 what technical assistance I would offer for most
3 families and districts. For example, if that
4 reevaluation was initiated for programming, it
5 would certainly make sense that we would consider
6 when that next annual IEP would be due and would
7 we have the results in time to add that to the
8 present levels of performance to make sure that
9 our programing is appropriate.

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

22 For those reevaluations that involve
23 eligibility, any reevaluation, including testing
24 to consider the disability category, it should be
25 done before that eligibility due date expires. In

1 other words, IEP teams should come together in
2 advance of a meeting, proving the point again at
3 the beginning that I offered about planning in
4 advance.

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

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

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

25 (Pause.)

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

6 So if a student has a disability of
7 autism and comes to you anytime now after January
8 1st, you have to look for the review of existing
9 data, as we always would, but this time, in
10 addition to the normal review of existing data, we
11 have to make sure that we have the sensory
12 processing information and the motor screening.
13 If we don't, we have to get consent from the
14 parents to have that, and we have to conduct it
15 and come back to the table before the child's
16 eligibility expires.

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

1 longer.

2 And my response to that is this:
3 Those two new evaluations not only contribute to
4 the eligibility determination, but if you recall,
5 they also can contribute to having an adequate IEP
6 in place for the child. And, as we know, with any
7 process that we engage in, in EC, we have to
8 consider multiple courses of data and we have to
9 look at the whole picture together.

10 I would be concerned if all of a
11 sudden children who have had a history and
12 well-documented evaluation results as an
13 individual with autism all of a sudden became
14 ineligible as a result of the two new evaluations.
15 I would have concerns in two directions: One,
16 would there have been an overemphasis on the two
17 new evaluations to the exclusion of historical
18 information that is necessary to also consider the
19 eligibility; and, two, was the identification
20 conducted properly in the first place, and if it
21 did not have a proper analysis, should the team be
22 suspecting something in addition to or in place of
23 autism.

24 So what I'm trying to kind of allude
25 to here is that there is a fear in the field that

1 all of a sudden children will not become eligible
2 for AU any longer that were previously eligible,
3 and I think that would be extremely rare. There
4 certainly is the possibility out there, but in
5 knowing what we know about autism and our previous
6 required assessments, they were pretty substantial
7 and those decisions have to be carefully made, and
8 so it would be unlikely and unusual and in the
9 extreme for these -- these two new evaluations to
10 adversely impact the child's continued eligibility
11 in the category of autism.

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

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

24 (Pause.)

25 MS. HUDGENS: All right. Well, we'll

1 move on to the next slide. And, again, if the
2 reason involves a reevaluation, this slide is very
3 similar to the last slide. Anything that involves
4 an eligibility decision, you have to look at all
5 of the paperwork and eligibility worksheet for the
6 required evaluations.

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

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

1 to the table for.

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

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

18 And that kind of brings us to the
19 close of my clarification around AU policies, and
20 I'm going to look to Cynthia and Christy. In our
21 planning meeting, I know this was a topic that you
22 guys wanted me to address to make sure our council
23 had a good understanding and had the opportunity
24 to ask any additional questions. I'm going to see
25 if there's anything you want me to highlight or

1 emphasize differently, and I'm going to be taking
2 a peek in the question box also. Now is a good
3 time.

4 MS. HUTCHINSON: [Inaudible].

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

8 MS. HUTCHINSON: [Inaudible].

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

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

23 MS. THOMAS: They're both online.

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

1 been as well.

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

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

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

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

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

21 I'll just also offer that we do have
22 consultants for the area of autism here at the
23 Department, and if you are on our web page and you
24 navigate to the "Division Staff" tab, you can see
25 how our consultants are divided across the state,

1 and so we have a consultant for the area of autism
2 identified for each part of the state.

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

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

11 THE CHAIRPERSON: Thank you, Carol
12 Ann.

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

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

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

20 THE CHAIRPERSON: We can do public
21 comment.

22 MS. HUTCHINSON: We can do public
23 comment first.

24 MS. HUDGENS: I'm comfortable with
25 that, if that's how you guys want to proceed. I

1 don't want us to overlook the opportunity if
2 someone else comes in at 12:30, but if you are
3 ready to have that part of the agenda, I don't see
4 it as a problem.

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

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

9 MS. HUTCHINSON: [Inaudible].

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

11 MS. HUTCHINSON: Alexis is saying no
12 as well.

13 MS. UTZ: No, not to me.

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

17 THE CHAIRPERSON: Yes.

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

1 they are received and all written comments will be
2 documented.

3 As you recall, we just verified that
4 there were no written comments vetted by the
5 Council email, and so we have an in-person guest
6 that we'll acknowledge in a moment. Our public
7 comment is limited to no more than five minutes
8 per person in the first 30 minutes of the
9 afternoon session, and sign-in must occur by
10 12:30. Written comments should be emailed, and we
11 have that information here on our handout, and
12 comments should be focused on relevant topics to
13 the mission of the Council.

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

21 Also, as a reminder to all
22 participants online, all public comments will be
23 taken under advisement by the Council but will not
24 receive verbal or written response either during
25 the public comment or after. Public comments will

1 be summarized in the meeting of the -- in the
2 meeting minutes, and the Council will review
3 public comments and decide on appropriate action,
4 if any, according to the Council's mission.

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

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

25 And so at this time, I'll ask our

1 chairperson if she's ready to acknowledge our
2 public commenter.

3 THE CHAIRPERSON: I am ready to
4 acknowledge, absolutely.

5 MS. HUDGENS: Okay.

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

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

24 Parents are advising this is
25 generally against their wishes, and more often

1 than not, they feel they have not been allowed
2 meaningful participation during the IEP meeting
3 and definitely not an equal member of the
4 decision-making process. It appears children's
5 unique needs -- excuse me -- unique and specific
6 needs are not being met and an appropriate IEP is
7 not being developed. Parents are very frustrated
8 with the process and feel there is little
9 oversight of the LEAs making these decisions.

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

22 We are unsure why this is happening
23 to so many people. A very simple question posted
24 within our group asked how many parents had
25 received an IEP for OHI as the primary category

1 and felt it was inappropriate -- excuse me -- felt
2 it was appropriate. 14 responses were received
3 within two hours of posting the question from
4 families who said that this had been their
5 experience.

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

13 THE CHAIRPERSON: Do we want to move
14 up Sherry?

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

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

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

24 MS. UTZ: Yep.

25 MS. THOMAS: All right. Alexis is

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

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

18 Carol Ann is, I think, now fully
19 staffed. We say that quietly because somebody
20 will leave or retire or find a new opportunity.
21 So for now, Libby Loring has just joined us. She
22 comes from Winston-Salem where she was in a
23 monitor role there, and she's the program monitor
24 for our North Central region and supporting
25 charters. So we're delighted to have her. She

1 started about a month ago, close to that, right,
2 Carol Ann? About a month ago?

3 MS. HUDGENS: Yes.

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

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

24 And then two shifts that we've had,
25 Jennifer Sims and Khaliliah O'Farrow-Boulware have

1 been in our ECATS delivery team and now -- excuse
2 me -- our CECAS delivery team and now our ECATS
3 support team, and they worked previously
4 supporting CECAS and doing training, and they have
5 now shifted over and they are going to be in our
6 Special Programs and Data Section, which is under
7 Amanda Byrd as the section chief, but they will
8 still continue to be doing support.

9 Their titles are user support
10 specialists, and they will continue to be
11 supporting local directors and their teams around
12 ECATS and the implementation of ECATS including
13 training and problem-solving. They will also work
14 with grant support and probably be involved in
15 some of our monitoring activities. Some we're
16 thrilled to have them there.

17 As some of you are aware because you
18 attended with us -- and I was very grateful to
19 have the two representatives from Council with us
20 during our OSEP visit -- we had a five-day visit
21 from OSEP. Three of those days were in our
22 building and two days were out in districts. They
23 visited Charlotte-Meck, East Wake Charter, Wake
24 County, and Wilson County Schools. And in
25 Charlotte and Wake, they visited either a pre-K or

1 an elementary and then a middle and a high school.
2 In Wilson County, they visited, I believe, an
3 elementary or a K-8 school. And then they had
4 conversation with the central office of those
5 districts as well.

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

16 With our visit here in the building,
17 the focus was, again, on our SLD policy and the
18 Multi-Tiered System of Support framework that we
19 have in place across the state, whether there had
20 been Child Find delays due to MTSS or the
21 intervention process, again PRTF. They also
22 looked at our subrecipient monitoring. So this is
23 when we get the IDEA grant from the federal
24 government and then districts complete their grant
25 application, and we fund the state aid from a PRC

1 code back out to the districts as their federal
2 dollars to support special education.

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

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

25 So we're expecting at some point we

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

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

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

20 MS. THOMAS: That's the due process.

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

24 MS. THOMAS: What I'm saying is, we
25 are going to come together to create a structured

1 follow-up process. It doesn't mean we'll do a
2 state complaint after that, but currently, the
3 guidelines do not require us to do any direct
4 follow-up. Although we communicate with the
5 districts and we get the communication from the
6 hearing officer, there's nothing that at this
7 point requires us to do a formal follow-up like a
8 letter. Like when there's a state complaint, we
9 must follow up with a letter, and then we close
10 that out when we know all the compliance has been
11 met.

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

22 Let's go back just for a minute and
23 see if I missed anything. No. I think I got all
24 that. So we've had some heavy traffic to
25 consultants and to both Matt Hoskins, Assistant

1 Director of the Division, and me around the Read
2 to Achieve requirements and, in particular,
3 ensuring that all students with a disability are
4 participating.

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

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

25 It doesn't have to be necessarily a

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

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

23 Some districts are using a curriculum
24 with these students that has a built-in progress
25 monitoring. That's great. Others are doing

1 informal -- informal progress monitoring. My goal
2 is they're looking at that IEP goal around
3 literacy and measuring that goal, and that, in
4 essence, is going to show us if the student is
5 making growth.

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

17 And so it doesn't mean that a student
18 who has met a good cause exemption for the
19 retention part -- because that's all the exemption
20 is good for. It's not about testing. It's about
21 whether or not they must be retained in third
22 grade, but if they meet the qualifiers and good
23 cause exemptions, they are going to be moved to
24 the low priority list for Reading Camp because
25 that has to be accessible to those students who

1 have not met those exemptions and still haven't
2 passed the requirements based on the legislation.

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

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

18 State budget. We didn't get one this
19 year. What we have is a continuation of last
20 year's budget. So everything that we are allotted
21 from a state level has been at the amounts that
22 was in the '18-19 fiscal year budget. So there
23 was no increase in anything. It was maintaining
24 that same budget, and that includes our state aid
25 for students with disabilities that goes out

1 through one of our PRC codes. Federal state aid
2 has been allotted. Our IDEA funds are being
3 allotted or have been allotted, so folks should
4 have funds now.

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

15 And it will pay for them to be a member
16 of the Council for Exceptional Children. It will
17 provide access to some ongoing professional
18 development. We will be creating cohorts
19 regionally across our state that will have
20 resources. They'll get some books. They'll get
21 journals. They will have online resources. They
22 will get some virtual mentorship that may be in
23 the role from DC, that may be from our North
24 Carolina CEC, that may be from North Carolina
25 Council for Administrators of Special Ed, which is

1 CASE, which is the administrators organization as
2 an arm of the Council for Exceptional Children.

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

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

23 So we're going to be getting these
24 teachers that are year one teachers right now
25 started. Those will be the ones getting a little

1 shortchanged, but we'll still make sure they get
2 everything that was in that year one, and then
3 they will roll into year two, and we'll start a
4 new cohort next fall with year one. So we'll have
5 two cohorts running at the same time.

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

18 Because what we find is a lot of our
19 districts may have nothing but EC teachers or a
20 new EC teacher and two lateral entry teachers, and
21 so they don't have anybody to reach out to in
22 their own district -- and I'm saying "district"
23 meaning charter school or traditional school --
24 traditional districts -- to ensure that they've
25 got that collegial support. So we are hoping this

1 will make a difference. Virginia has done this, a
2 couple of others states have done this program,
3 and it's been very effective. And so we've kind
4 of taken what they did and built on it a little
5 more because we built in that mentoring piece as
6 well.

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

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

24 The last good news is that we are
25 moving to a brand-new grant system where the

1 districts apply for that subrecipient IDEA grant,
2 or our federal funding, but included in that now,
3 we will have merged the preschool grant with the
4 K through 12 grant, and so they're going to
5 complete one grant with both components in place
6 which will save time for our directors, I believe.
7 They're not having to repeat information, and it
8 will be very connected and, we hope, very fluid.

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

22 Because now we have a statewide
23 student data system that we can pull information
24 where before we could because the whole state
25 wasn't on the same platform. So we don't need IEP

1 copies to show that there are goals addressing
2 that behavior support if they're applying for risk
3 pool. We'll be able to pull that up
4 electronically. We are getting into the age of
5 virtual work, which is pretty exciting.

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

15 So the rationale, initially when we
16 did this policy back in 2016, is that we need to
17 shift so that our policy doesn't prohibit -- so
18 that our policy prohibits the use of just
19 cognitive discrepancy. There is no longer
20 research out in the field. This was a very old
21 practice that we hung onto for a very long time.
22 It doesn't mean that the cognitive -- IQ score
23 isn't important, but we based solely on that, and
24 we need to be looking at how that student responds
25 to instruction, where they have their gaps, where

1 they are getting really good instruction that
2 we're tracking and yet it's not making a
3 difference and we need to do something different.

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

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

23 So we have a policy that was approved
24 in 2016 by the State Board -- February of 2016 --
25 that goes into effect July 1 of 2020, and there's

1 apparently a buzzword out in the field that's
2 LD 2020, and we didn't put that on it, the field
3 apparently has. And someone in our agency was
4 asked about LD 2020, and they didn't know what
5 they were talking about. So if you hear that,
6 it's about the SLD policy that goes into effect in
7 2020.

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

21 We had in place an opportunity, if
22 districts felt like they were ready to go ahead
23 and move forward with that policy July 1, 2020,
24 they could, and so we had two LEAs who did submit
25 that intent to implement, meaning they are now

1 using the new adopted policy, and that was
2 allowable. They could adopt that policy prior to
3 July 1, and it's Rutherford County and Alexander
4 County.

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

17 So the things that came out of that
18 stakeholder group was basically three acts: to
19 define research intervention or evidence-based
20 research intervention, to put that in the
21 definition so that we are all working from the
22 same place on that definition, to remove the
23 language that was related to group comparisons
24 among culturally and linguistically similar peers,
25 and that's really the one that gave people the

1 biggest heartburn, and it wasn't worth keeping if
2 people feel that that was going to impair students
3 being identified who need to be identified. And
4 then lastly, defining SLD as a disorder because I
5 think we could use the word "disability," but IDEA
6 hasn't been reauthorized since 2004, and it still
7 uses the word "disability."

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

11 MS. UTZ: It's been sent out.

12 MS. THOMAS: It's been sent out.

13 Okay. Great. ---is the changes that we made. So
14 we defined scientific research-based
15 interventions, which we were also calling
16 evidence-based because those two terms have become
17 rather interchangeable out in the field, and so
18 we're trying not to isolate one or the other.
19 We're kind of pulling it all together. I'm not
20 going to read this definition to you, but we feel
21 like this is a very strong but yet clear defining
22 terminology to help people understand what
23 scientific research-based intervention or
24 evidence-based research means.

25 So, in other words, using flash cards

1 working with a student who may have a visual
2 processing difficulty would not really be
3 evidence-based research practice. That's a gross
4 example, but that's where we're going. We tried
5 to define this so that we make sure that the
6 interventions align with the identified needs of
7 the student.

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

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

25 So our process with this is that it

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

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

20 And then the goal is to have that
21 approved by the State Board at the June board
22 meeting, and it will become effective July 1,
23 2020. So it's really the same policy; we've just
24 removed the language so that the cognitive -- the
25 cognitive assessment requirement will still be

1 gone, but it doesn't mean that can't be a part of
2 the comprehensive evaluation, and we have to keep
3 saying that. We have never said that there can't
4 be a cognitive assessment. It just can't be the
5 only piece of information that's used to make that
6 determination.

7 Do you have any questions about any
8 of that information?

9 THE CHAIRPERSON: Thank you.

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

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

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

20 And thank you all for what you do and
21 for being available even virtually. I think we're
22 in a new era right now where we're going to have
23 to do a whole lot of listening rather than visual
24 communication, but at least we have the technology
25 to do that. Thank you all.

1 THE CHAIRPERSON: So I can have a
2 copy of the annual report -- the 2018-2019 -- out
3 to Council by the end of this week for them to
4 review. So we won't be finalizing the 2018-19
5 annual report. We've done public comments, and we
6 decided that committee work would not be
7 appropriate in this kind of venue, that we will
8 move that to our June meeting.

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

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

1 THE CHAIRPERSON: That's agreeable.

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

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

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

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

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

23 MS. HUDGENS: So I can add a little
24 bit of detail to that, and for those of you that
25 are participating remotely, I'll just repeat. We

1 had a question on the table about current
2 membership, to make sure that we have all of the
3 required participants in all the roles still. We
4 will send out an updated membership list. Had you
5 been here today in person, you would have had a
6 hard copy of that, and we're realizing, as we're
7 going through the agenda, that we need to make
8 sure electronic copies are available at every
9 meeting.

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

22 And we have identified some of the
23 regional areas in which we don't have
24 representation. Out west comes to mind as an area
25 that potentially needs to have someone

1 recommended. Now from time to time, the State
2 Board will ask us if we have any interested
3 individuals that have contacted us that would
4 otherwise meet the criteria. They have not asked
5 us for that information at this time, and so we
6 are just continuing to put it before them that we
7 need replacements for those vacancies that we have
8 identified now, and we are planning to get ahead
9 of those terms that are expiring.

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

16 MS. HUTCHINSON: Nope. You answered
17 it.

18 MS. HUDGENS: Okay. And so we are
19 attending to that. I'm not certain that there's
20 any specific action that the Council would need to
21 take other than if you are aware of someone who
22 would meet the criteria for membership on the
23 Council and would potentially ensure that we have
24 adequate representation across the state, I would
25 encourage them to contact the state board member

1 that represents their area and explain their
2 interest in serving on the Council.

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

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

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

22 And so that just comes to mind right
23 away where we don't have an individual
24 represented, and again, the first and foremost
25 criteria that we're looking for is a parent or an

1 individual with a disability to serve in those
2 roles. That would be the primary characteristic.

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

9 MS. HUDGENS: Okay.

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

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

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

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

1 come on.

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

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

21 MS. HUDGENS: We're happy to explore
22 any opportunity available to us, and also, I think
23 that it might be helpful if we perhaps did a
24 little one-pager and maybe provided it to the
25 council membership now so that if you're in a

1 conversation with someone, you'd have a one-pager
2 that you could provide through your contacts. So
3 if that sounds like something you'd like to
4 pursue, just give us a little bit of time to get
5 that together, and we would distribute that to
6 you-all as well.

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

9 MS. HUDGENS: Okay. And so I have
10 11:47. So for the group that is participating
11 virtually, if you can feel comfortable taking a
12 break and then logging right back on or turning
13 your speakers back on at 12:30, we want to make
14 sure that we end our meeting within the protocol
15 and that we have observed our requirements to make
16 public comment available should anyone sign in
17 between now and 12:30. So thank you for your
18 participation. We'll be unmuting the mikes again
19 at 12:30.

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

22 MS. HUDGENS: All right. Good
23 afternoon, Council Members. It's 12:31 and we are
24 coming back together just to determine if we have
25 anything else that we need to discuss and to be

1 certain that we have concluded the Council's
2 business today.

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

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

13 (Pause.)

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

16 MS. UTZ: Yeah, they are.

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

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

22 MS. HUTCHINSON: I'll motion to
23 adjourn.

24 MS. HUDGENS: We have a motion from
25 Christy to adjourn. Do we have a second? Christy

1 Grant is providing the second. Okay. So it looks
2 like we are in agreement that we can adjourn the
3 meeting.

4 THE CHAIRPERSON: Yes, we are.

5 MS. HUDGENS: Okay.

6 THE CHAIRPERSON: Thank you.

7 MS. HUTCHINSON: Thank you.

8 MS. HUDGENS: Thanks, everyone.

9 (At 12:33 p.m., the quarterly meeting
10 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.



Rebecca P. Scott