

COUNCIL ON EDUCATIONAL SERVICES
FOR EXCEPTIONAL CHILDREN

Raleigh, North Carolina
December 12, 2018
9:32 a.m.

TRANSCRIPT OF QUARTERLY MEETING

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

APPEARANCES

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
BOARD MEMBERS PRESENT:

Leanna George, Chairperson

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

STAFF:

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

VISITORS:

Stephanie Berry

COURT REPORTER:

Rebecca P. Scott

- - - - -

TABLE OF CONTENTS

	<u>PAGE</u>	<u>NO.</u>
Call to Order and Introductions.....	4	
Review of June Meeting Minutes and Agenda.....	6	
Teacher Licensure presentation by Paula Crawford and Carol Moffitt.....	8	
Dispute Resolution Annual Report presentation by Carol Ann Hudgens.....	35	
State Performance Plan presentation by Nancy Johnson.....	75	
Lunch Recess.....	91	
Public Comment summary by Chairperson.....	91	
Annual Performance Report presentation by Nancy Johnson.....	93	
Agency Updates by Carol Ann Hudgens.....	141	
Review of June Meeting Minutes.....	154	
Meeting Adjournment.....	156	
Certificate of Reporter.....	157	

- - - - -

1 Thereupon, the following proceeding was held:

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

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

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

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

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

24 MS. MOOREFIELD: I'm Ginny
25 Moorefield. I have a son with traumatic brain

1 injury who is enrolled in Wake County Public
2 Schools. I'm also an interpreter for the deaf and
3 world language educator.

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

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

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

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

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

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

24 THE CHAIRPERSON: And our guests or
25 staff in the back?

1 MS. MOFFITT: I'm Carol Moffitt. I
2 work for the Exceptional Children Division.

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

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

9 THE CHAIRPERSON: Would you like to
10 introduce yourself?

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

14 THE CHAIRPERSON: Awesome. Welcome.
15 Thank you, once again, for braving the conditions
16 outside and coming. I hope everyone was safe over
17 the storm on Sunday.

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

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

23 MS. HUTCHINSON: Leanna, I have a
24 simple question. I don't have an issue with the
25 minutes, but isn't there an obligation to meet a

1 certain number of times throughout the year? And
2 I know we had our October meeting canceled due to
3 the hurricanes. Do we have to make any of those
4 up to fulfill our obligation?

5 MS. BYNUM: Not that I'm aware of.

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

9 MS. BYNUM: Historically, they have
10 not been made up.

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

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

19 **(No audible response.)**

20 THE CHAIRPERSON: All right. We have
21 a pretty full agenda. Most of our discussion
22 today will be around the State Performance Plan
23 and Annual Performance Review, but we also have a
24 presentations on teacher licensure and the Annual
25 Dispute Resolution Report. One thing I sent out

1 in an email prior to the meeting was a discussion
2 at some point possibly around -- was a discussion
3 around the School Safety Commission with the
4 concerns about school shootings, school crisis
5 plans, with a concern around how it impacts
6 individualized students, to ensure to remember to
7 make a plan to include them whenever possible and
8 what guidance might be needed for the schools.

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

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

17 (Anthony Baker entered the quarterly
18 meeting.)

19 MS. CRAWFORD: Good morning. We
20 received the questions that you-all had posed
21 previously, and I'm not sure which meeting it was
22 since we had a few hurricanes in between, but
23 about adapted curriculum and other EC licensure.
24 So Carol Moffitt, our recruitment and retention
25 go-to person here is with me today, and we receive

1 questions all the time, and you and I spoke on the
2 phone with Carol Ann Hudgens a few weeks ago.

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

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

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

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

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

24 MS. MOFFITT: Carol.

25 MS. MOOREFIELD: Carol. Can you guys

1 just kind of give us just a synopsis of the
2 answers to those questions?

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

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

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

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

1 be adequately prepared through a preparation
2 program to serve in that role.

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

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

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

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

17 MS. MOFFITT: It's called the
18 Licensure Guidance Tool, and it's a visual support
19 for principals and HR departments, and EC
20 directors in the field so that when they have a
21 teacher that they're looking to hire, whether it's
22 in their adapted curriculum or in their general
23 curriculum, then they can see. It has the
24 licensure title, and then it has the areas of
25 handicapping conditions listed under that.

1 And then there is guidance in the
2 paragraph below which is best practice that a
3 teacher -- we know the EC teachers in the field do
4 not have just one student with one handicapping
5 condition in their rooms, and so the Exception
6 Children Division vetted this tool with EC
7 directors and others across the state to come up
8 with this tool to help folks make those decisions
9 for hiring and making sure they get the best
10 qualified people.

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

25 It also gives information in the

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

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

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

20 MS. MOFFITT: Right.

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

23 MS. MOFFITT: So, first, let's look
24 at the top left, which is Special Education
25 Adapted Curriculum. If that's the license that

1 that teacher has, then you'll see under that AU,
2 ID mild. So the teacher's license is in the box
3 at the top.

4 MS. MOOREFIELD: I see. Okay.

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

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

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

22 THE CHAIRPERSON: The specialized
23 areas.

24 MS. MOFFITT: Yeah, are the
25 specialized areas. So take myself, for example.

1 Back in the day, my degree was mentally
2 handicapped K-12. And so then it tells that
3 person that is looking at my license, these are
4 the students that I could teach with my license.
5 And some of these are older licenses on the side
6 over there.

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

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

15 THE CHAIRPERSON: Okay.

16 MS. HUTCHINSON: That was where this
17 issue came in. The young lady that represents, I
18 think, Guilford County brought up the idea that
19 we're really struggling with, in general, adapted
20 licensed teachers being able to pass the Praxis,
21 and the point was that the content covered on the
22 Praxis is not necessarily required to teach within
23 the adapted curriculum, and was there any leeway
24 that was able to be made for those folks that were
25 adapted license and not able to pass the Praxis.

1 Because from their perspective, they
2 were doing a great job within the classroom. They
3 were able to clearly deliver the content, and the
4 material on the math Praxis did not align at all
5 with anything they'd ever have to -- that was the
6 point that originated---

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

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

10 MS. CRAWFORD: Right.

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

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

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

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

25 But I will tell you that within the

1 Exceptional Children Division and within the NCSIP
2 grant, there are two courses that are provided for
3 general ed curriculum teachers. That's the
4 Reading Research to Classroom Practice and
5 Foundations of Math that help teachers to pass
6 those exams.

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

15 Those teachers who are in-state also
16 are available or have an opportunity to take a
17 course that Matthews' group in the Division has
18 created for reading and for math that is
19 specifically addressing the cognitive disabilities
20 area, and he can probably speak more to that for
21 us, but it is in alignment for what is taught in
22 both the Reading Research and the Foundations of
23 Math course, but it is more specific for that
24 population. So those could be helpful for those
25 teachers.

1 THE CHAIRPERSON: Do you any other
2 questions or--- I did not know this was even
3 available. This is very interesting.

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

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

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

24 THE CHAIRPERSON: Do you know what
25 other states are doing in regards to teacher

1 licensure in the hopes of increasing retention and
2 recruitment of special education teachers? Do you
3 know anything special that anyone else is doing
4 that we could possibly include parts of here?

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

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

16 THE CHAIRPERSON: Yes.

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

22 MS. MOOREFIELD: So an obvious
23 solution for retention and support is more
24 funding. What kind of -- what kind of support do
25 you have in the legislature or whoever -- whoever

1 has their hand on the checkbook, what kind of
2 support do you have from them?

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

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

25 MS. CRAWFORD: They're either lateral

1 entry or provisionally licensed.

2 MS. MOOREFIELD: But what support do
3 you guys have -- like financial support to retain
4 the teachers that we do have? Because I know that
5 a lot of them leave because I mean it's a dismal
6 situation. They can't -- you know, they can't
7 provide the equipment. They can't provide
8 communication devices and all that kind of thing.
9 So what kind of financial support do you guys have
10 for the teachers who are currently teaching?

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

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

24 MS. CRAWFORD: Okay. We appreciate
25 that very much.

1 MS. MOOREFIELD: I'm that mom on the
2 state level now. I'll dust off my cape. What do
3 you need?

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

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

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

16 MS. MOOREFIELD: I can do that.

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

19 MS. MOFFITT: The question about what
20 are other states doing, I can address. One of the
21 things that I know that some of our IHE partners
22 are doing in North Carolina is that they have
23 grants so that if a teacher comes to them and
24 she's working on an adapted license and she
25 fulfills that obligation, she's getting money for

1 those courses, and then she comes back or he comes
2 back and fulfills three or four years in an LEA,
3 then that course work is paid for them.

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

9 MS. HUTCHINSON: That's only adapted
10 licensure?

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

19 Well, there's a need in North
20 Carolina for teachers, general curriculum and
21 adapted curriculum, and so if we have incentives
22 or a way that they can go back to school and get
23 that. But some of them cannot financially afford
24 that commitment, and so then, again, LEAs are
25 supporting them when they can, but we know that we

1 have many districts that don't have any funding to
2 do that for themselves.

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

12 So once you're employed by a school,
13 you have to quit your profitable job to go and
14 teach, and then you don't have time to take those
15 classes. So if there were a way for people like
16 myself, who are looking to add a career, and while
17 I have finances coming in, to be able to take
18 those classes before I apply for schools -- I mean
19 not saying that, you know, someone like me should
20 be able to get any of these tuition reimbursements
21 or anything like that, but that would have made it
22 a lot easier for me to go ahead and get those
23 credits when I had the time and the finances to do
24 it rather than try to teach and take those classes
25 and -- you know, and then find money to pay for

1 them and everything as a part-time teacher. So
2 that might be something to look at.

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

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

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

25 MS. MOOREFIELD: Yeah.

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

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

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

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

16 So the finances, I'm not even
17 addressing; just that little piece of allowing
18 someone who wants to change careers to become a
19 teacher to go ahead and start working on the
20 course work, and they may even be able to get
21 like -- instead of doing online courses, which a
22 lot of them are pretty much book reports -- it's
23 not real education -- you know, someone may be
24 able to go in and take really good face-to-face
25 courses.

1 But as it stands now, you have to
2 first be employed by a school and the school has
3 to apply for your licensure to find out what
4 courses you need, which it ends up in just --
5 what's the word I'm looking for? It's just an
6 unending cycle. So if we could just remove that
7 one piece so that an applicant could just say,
8 "Okay. If I were to change careers and become a
9 teacher, what does that look like for me? What
10 courses would I have to take," I think that that
11 would be helpful especially for EC because there
12 are a lot of additional things that you need to
13 know before you go into a classroom with kids who
14 have various disabilities.

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

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

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

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

25 MS. TERHAAR: This is another --

1 another option of avoiding the whole lateral entry
2 conundrum which keeps changing.

3 MS. MOOREFIELD: Where were you five
4 years ago?

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

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

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

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

25 THE CHAIRPERSON: I remember back in

1 the '90s, we had teaching fellows, so---

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

4 THE CHAIRPERSON: Awesome.

5 MS. HUDGENS: We have a question from
6 online.

7 THE CHAIRPERSON: Okay.

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

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

16 MS. CRAWFORD: Right. Each semester
17 with a good lead time, the EC Division sends out a
18 memo to all EC directors in the field with all of
19 that documentation, a memo with the attachments
20 for them to post and share with their teachers.
21 That is related to deadlines for the application,
22 for the documents that show that they have
23 completed the course with a B or better, and the
24 receipt for payment, of course, and then that's
25 processed. Within six to eight weeks after

1 receipt, it's -- it's just a roll from one
2 semester to the next. It happens year-round.

3 (Eric Harbour entered the quarterly
4 meeting.)

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

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

24 MS. CRAWFORD: One other thing about
25 that is that teachers who are fully certified --

1 you have an elementary ed license, for example --
2 if you want to add -- if you're already fully
3 certified and you want to add special education,
4 you can take the assessment and the Praxis to add
5 that.

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

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

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

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

25 MS. HUDGENS: Sure. The question is,

1 do they need to take the practice if they are
2 going to the EC general curriculum to self-
3 contained.

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

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

22 MS. CRAWFORD: Well, it's publicly
23 available on the website, so anyone who has
24 information about that can go to the website. It
25 isn't sent to general education directors. It is

1 sent to EC directors, and we consider them
2 cascading that information on out into the field
3 however they see fit.

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

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

12 **(No audible response.)**

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

20 MS. MOFFITT: Thank you for having
21 us.

22 THE CHAIRPERSON: You're welcome.
23 Thank you.

24 MS. HUDGENS: Ms. George, would you
25 like me to go through the attendees online because

1 I believe you may have a quorum if you want to
2 revisit some of the earlier business.

3 THE CHAIRPERSON: Okay.

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

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

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

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

1 appropriate on the agenda.

2 THE CHAIRPERSON: That sounds good.
3 I know we have a few that need to leave early
4 today as well. So maybe just before lunch would
5 be good for that. Welcome to everyone that just
6 came in.

7 MS. CHILDERS: Sorry.

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

10 **(Pause.)**

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

21 MR. BAKER: That's fine.

22 THE CHAIRPERSON: All right. Thank
23 you very much.

24 **(A brief recess was taken from 10:12**
25 **a.m. to 10:25 a.m.)**

1 THE CHAIRPERSON: Next up looks like
2 the Dispute Resolution Annual Report.

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

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

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

1 each of those.

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

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

23 Their role is to be impartial in
24 those meetings and to help build that agenda, as I
25 referenced earlier. So they will do something

1 like an intake call with the parent to identify
2 the issues of concern that they would like to have
3 addressed during the IEP meeting and will do
4 likewise for the parent -- for the LEA, and why
5 this is particularly helpful is that it helps
6 redirect the conversation of the meeting to the
7 items on the agenda so that an agreement and
8 consensus can be made on the issues in dispute and
9 plans can be altered and more appropriately
10 developed to meet the needs of the student.

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

23 So this school year we had 93 requests
24 for facilitation. When this process is requested,
25 it has to be agreed upon by both parties. We

1 believe that that's essential for it to be
2 effective. We wouldn't want to force somebody
3 into this situation because that can often make a
4 situation worse. We held 50 of those meetings.
5 Sometimes those meetings are withdrawn or canceled
6 because the LEA and the parent are able to work
7 out things before the meeting is scheduled or some
8 other event happens. The parent might decide that
9 he or she has exhausted their ability to talk with
10 the LEA and might choose another mechanism.
11 There's a variety of reasons why those requests
12 are withdrawn or canceled.

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

22 There are sometimes where we might
23 decline the request for a facilitated IEP meeting.
24 Those are extremely rare. The conditions under
25 which we might reject a request might be because

1 the parties are engaged in a dispute and this
2 might be the second or the third time, maybe even
3 the fourth or the fifth that they've requested
4 facilitation, and our thoughts are at that point
5 the disagreement is so great that this mechanism
6 is no longer beneficial to the parties, and so we
7 might decline offering them an opportunity for a
8 facilitator.

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

18 You can see that most meetings are
19 held in one meeting. Sometimes it requires a
20 second session because you're making really good
21 progress or there are multiple issues on the
22 table, and so we have agreed to have that meeting
23 continue on if our facilitator reports back that
24 progress is being made and they see a timely
25 resolution if they had more time.

1 So this is our data on the
2 facilitated request. How they reach consensus,
3 you can see that 98 percent of the time, the
4 parties at least agree on something and resolve
5 something in the facilitated process, and we
6 really like those data. That shows us that this
7 is an effective tool and it helps continue the
8 justification of keeping a nonrequired dispute
9 resolution function active in our state. And you
10 can see that parents and LEAs sometimes submit
11 those requests together, and you can see the
12 breakdown in the data of when those parents and
13 LEAs request individually.

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

23 Sometimes that disability category is
24 not provided. That might be as a result of having
25 gone through the initial referral process and not

1 have been identified as being eligible for
2 services, and so they have requested that the team
3 reconsider that decision, and so a facilitator
4 might participate in the meeting to help guide
5 that discussion.

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

19 Some of the hypotheses, again, are
20 that other mechanisms are being used, and then we
21 always ask the question about whether or not our
22 parents are fully informed of this option being
23 available to them. So we encourage districts to
24 post these mechanisms on their websites or a link
25 to these parent resources on their website so that

1 there are multiple avenues that parents can select
2 in trying to resolve their concerns.

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

8 **(No audible response.)**

9 MS. HUDGENS: Okay. I'll move on.
10 So our next mechanism that we'll describe is
11 mediation, and often we get a question about what
12 is the difference between facilitation and
13 mediation. Well, first, we consider facilitation
14 an informal process that involves the IEP team.
15 The IEP team is still the deciding factor. The
16 decisions made are held within the context of an
17 IEP team decision.

18 When we move on into mediation, we
19 still have an impartial mediator who assists with
20 the parties, but at this point, it could be
21 particular members of the LEA, an LEA
22 representative, and the parent. It could also
23 involve attorneys, although not required.
24 Mediation also has a difference in that its
25 outcome is a mediation agreement which can be

1 upheld by our department versus the IEP, which is
2 also upheld by our department, but the products
3 are little bit different, IEP versus a mediation
4 agreement, and it wouldn't be uncommon that that
5 mediation agreement would have some work for the
6 IEP team to follow up on, but there is a slight
7 difference in those mechanisms.

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

18 A little less than half had
19 agreements reached. We had about that much with
20 no agreement and some partial. Some were -- the
21 mediation was withdrawn or canceled. Again, some
22 of those reasons could be that there was a
23 resolution that was outside a formal mechanism
24 that was provided by the State. It could be that
25 the parents decided that they wanted to proceed

1 with the hearing for due process and did not want
2 to engage with mediation.

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

11 (Jennifer Grady entered the quarterly
12 meeting.)

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

19 When we look at both the mediations
20 that were filed as a result of due process and
21 those not as a result of due process overall, we
22 had a 58 percent rate of meeting agreements
23 through the mediation process. When we look at
24 the three-year trend in mediation, again, if you
25 look at the blue column, that's the number of

1 requests. Over the last three years, those
2 requests have increased. If you look at the
3 orange, you will see that those are the actual
4 mediations that were held.

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

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

19 **(No audible response.)**

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

23 Next we'll move on to our state
24 complaint process. The state complaint process is
25 one in which a family, an advocate, someone on

1 behalf of a student can raise a complaint that a
2 school district was not following the
3 procedures -- the policies and procedures that
4 relate to students with disabilities. We, in
5 general, call this our procedural arm of dispute
6 resolution because it's looking for a particular
7 violation of the procedures.

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

19 And so the rest of the information
20 here, reports completed within the timeline, those
21 are elements that we have to report federally
22 about our timeliness. There's a 60-day turnaround
23 from when the complaint is filed to when we have
24 to issue a letter of findings. Sometimes there
25 are extended timelines, and those are permissible

1 if the parties are engaged in dispute resolution
2 and they're trying to resolve those issues. We
3 certainly want to make time for the parties to
4 engage in that activity before we complete our
5 report.

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

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

22 There are things that are raised in
23 terms of discrimination. Those are things that we
24 can't investigate. Those are typically held by
25 the Office of Civil Rights when it comes to

1 particular allegations of discrimination. And if
2 we are unable to determine that the investigation
3 is sufficient to open, we will provide the person
4 who filed the complaint additional information
5 about how to properly raise that concern through
6 the proper venues.

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

21 And we issued all the complaints
22 within the reporting period. We didn't have any
23 that were filed before we could report our data.
24 So the three-year trend with our data here -- on
25 this graph, the different years are highlighted by

1 color. You can see that we received a whole lot
2 more complaints last year than in previous years,
3 maybe not a whole lot more, but on the graph, the
4 bar chart is taller so it's more. And we
5 investigated more, we found more noncompliant, and
6 we found more compliant, and of course, that is
7 proportional again to the increase that we had
8 with state complaints being filed.

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

12 MS. CARTER: I have a question.

13 MS. HUDGENS: Sure.

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

21 MS. HUDGENS: Just some anecdotal
22 data. We haven't been tracking that with specific
23 data points, but anecdotal data suggests some of
24 all. We have had families try to resolve things
25 locally. They might have tried a facilitated IEP,

1 they might have tried mediation, and just can't
2 seem to come to an agreement, so they'll file a
3 state complaint.

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

16 I will say -- not to steal any
17 thunder from the next part with due process, but
18 related to your question, we are actually seeing
19 or having some anecdotal information to suggest
20 that folks are going to due process a lot sooner
21 than in years past to the exclusion of any of the
22 dispute resolution mechanisms because the level of
23 concern has raised to a point that the person that
24 has the concern is just simply really wanting to
25 have their day in court with a higher authority to

1 make a decision about what's happening for their
2 child.

3 So for due process, it seems like
4 we're leapfrogging over some of the things that
5 they have offered a more timely resolution for the
6 family in favor of more significant activity.
7 Yes, ma'am?

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

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

20 We get more questions around that and
21 more issues raised about the implementation of the
22 IEP because that is a -- typically a broader area.
23 You could have raised a complaint that speech
24 services were not provided or the math goals
25 weren't provided. So there's a wide range of

1 things that fall under the umbrella of
2 implementation of the IEP. Transportation could
3 be one of them.

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

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

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

24 So I'm going to answer that a couple
25 of ways. First thing is that if a parent doesn't

1 have the ability to write a complaint, we have a
2 responsibility to help them put their complaint
3 forward, and we -- as a part of our process, if we
4 have received a written complaint that was poorly
5 articulated, but there seems to be something there
6 that is not right and potentially that we could
7 open an investigation for, we will call the person
8 who raised the complaint to get a little bit more
9 information before we just dismiss it out of
10 pocket as not being sufficient.

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

16 Then a verbal complaint, we get those
17 on a daily basis. We have lots of folks that call
18 us where things are not necessarily going well in
19 the district. We also always provide the
20 information of the dispute resolution mechanisms
21 that we have described today, and we'll assist the
22 parent in engaging one of those if that's what
23 they would like to do. If they don't want to
24 pursue those, we always follow up with the
25 district.

1 We always call the district,
2 specifically the EC director, to make them aware
3 of a concern that has been raised, and if the
4 parent is calling our office, there is likely some
5 action that the LEA needs to take, even if it's as
6 small as reaching out to get clarification about
7 what the concern would be, because clearly there
8 is something that is not being communicated well
9 that may not necessarily be a problem but may not
10 be understood, and so there's an opportunity for
11 clearer communication or problem-solving
12 informally that could occur just as a matter of
13 having a phone call into our office.

14 THE CHAIRPERSON: I have a quick
15 question.

16 MS. HUDGENS: Sure.

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

23 MS. HUDGENS: It depends. Typically,
24 our responders are our dispute resolution
25 consultants, and they will let the parent know

1 that it is our practice to call the LEA because if
2 you think about the problem that is raised, it's
3 usually so unique that the LEA is typically
4 powerless to intervene unless they have knowledge
5 of who the student might be or who -- what school
6 might be having the difficulty.

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

16 Checking for questions one more time.
17 All right. We'll proceed, then, to due process.
18 Due process is typically what we consider our
19 substantive arm of dispute resolution. You may
20 have an IEP that is procedurally developed
21 correctly, but the substance of that IEP is what
22 is in dispute. That while the IEP was developed
23 correctly, it may not be appropriately rigorously
24 calculated to help the child make progress. So
25 that's kind of the biggest difference between a

1 state complaint and due process.

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

14 You'll notice that we had 92 filed
15 last year. When a state complaint -- pardon me --
16 when a due process petition is filed with the
17 Office of Administrative Hearings, there is
18 quickly a timeline that occurs for the parties to
19 engage in a resolution meeting. Now this
20 resolution meeting is titled differently than
21 mediation because it does not require an impartial
22 mediator, if you will. This is for almost like
23 the last-ditch effort between the school and the
24 parent to say, "Can we resolve this without having
25 to go to a due process? What are the key

1 concerns? This is what I can offer to address
2 those concerns. I don't see those concerns the
3 same way, but this is what I'm willing to do in
4 good faith."

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

14 And the reason why mediation is
15 sometimes favored over resolution is because of
16 the fact you have an impartial mediator there to
17 help. If you think about it, people are not
18 getting along in due process. There's a dispute
19 at hand. They typically don't want to work it out
20 just between the two of them because if they
21 could, they wouldn't necessarily be in this
22 particular situation. So resolution meetings are
23 often waived in favor of getting on into mediation
24 so that you can have that impartial person assist
25 you with that process.

1 Written settlement agreements reached
2 through resolution, we did have some agreements.
3 Some folks went back to the table after the
4 petition was filed, and you might say why -- how
5 does that happen when they haven't gotten along to
6 this point, and what happens is that sometimes in
7 the raising of a petition, it more clearly
8 outlines where the problem rests. Sometimes in a
9 dispute there become lots of concerns on the
10 table, and the true issues sometimes become
11 cloudy.

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

24 A question you might have for me is
25 why are these going over a year, for example. The

1 timeline has very definitive benchmarks about what
2 happens when petitions are filed, when resolution
3 and mediation must occur, but once you get into
4 hearing, the Administrative Law Judge can conduct
5 that hearing according to the Administrative
6 Procedures Act, which means that if the parties
7 want to engage in some kind dispute resolution
8 outside of our process, they will suspend the
9 hearing for a while or delay the hearing so that
10 they can do that.

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

20 The next part, looking at expedited
21 due process complaints, expedited due process is
22 only for matters of discipline, and that's because
23 if children are suspended and removed from their
24 placement, you must have an expedited due process
25 because you wouldn't want a child sitting out of

1 school or in an alternate setting for an extended
2 amount of time while hearing is being held.

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

12 And in resolution, you can see,
13 again, related to due process how many meetings
14 were convened, how many had settlements, and then
15 mediation, we repeated that information here. So,
16 again, the different colors represent the years,
17 and you can see we had ebb and flow with our due
18 process trends. It really jumped up this past
19 year, and just anecdotally, based on the question
20 that was just asked by Ms. Carter, we find that
21 that has sometimes been as a result of not wishing
22 to enter into any of the other informal or formal
23 dispute resolution, that families have opted
24 rather -- rather to go straight into a due process
25 hearing.

1 And, again, that data kind goes
2 across over the years, not really -- there are
3 more that are going on into hearing. You can see
4 that in fully adjudicated. Some that are pending
5 for their hearing and outside of the window for
6 the reporting period, but we have had an increase
7 in due process petitions that were filed.

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

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

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

23 Sometimes that's just because of the
24 saturation of LEAs in those regions. If you look
25 at this region North Central, and five, for

1 example, around Charlotte, the concentration of
2 charter schools and LEAs are greater. So it's not
3 a far leap to suggest that they might have more
4 activity in those regions just because the
5 opportunity is there.

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

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

23 And as part of the function of our
24 regional teams, we share that out with our
25 regional planning meetings that we hold here at

1 the Division, and we share the incidents of
2 disputes and what the patterns are so that when
3 our consultants are going in to offer technical
4 assistance, they have some working information
5 about things are -- points that might be
6 vulnerable for an LEA.

7 MS. CHILDERS: I have a question.

8 MS. HUDGENS: Okay.

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

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

25 The other thing you have to consider

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

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

21 MR. BAKER: I think you've kind of
22 answered my question there, but I was really
23 concerned about how that information was
24 aggregated and how then it was disseminated to the
25 various LEAs so that changes could be made and

1 how -- from that point how it was handled through
2 training through professional development. Was
3 this something that was discussed perhaps in the
4 EC conference meetings or just how that
5 information came about?

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

19 So while the aggregate data is
20 important, the real effective data is on the
21 individual level because we're getting
22 specifically into that LEA that had the problem.
23 Where we have in-depth conversation is that if
24 that LEA is not only having a lot of state
25 complaints, they're having a lot of due process

1 petitions, they're having a lot of requests for
2 mediation, they're having a lot of facilitator
3 requests, then we might talk with them about what
4 they believe the root cause might be for that.

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

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

20 MS. CARTER: So I'm curious when you
21 talk about "a lot of" and using that phrase. The
22 numbers actually seem small in each of these
23 categories when you think about the entire
24 population. I know when it's your child, it
25 doesn't matter if you're one of 50 or one of 5000.

1 And I may be just thinking about it
2 from our agency perspective with the complaints we
3 get in child care just overall from families, but
4 are these numbers, when you look at them kind of
5 populationwise, a fairly small percentage of
6 children, it might be indicative in a LEA of a
7 larger problem, as you mentioned, but are -- you
8 know, are we seeing that -- when we look at other
9 states, do we have more or less than other states?
10 And is it maybe because parents don't understand
11 the process? I mean, again, to me the numbers
12 look low, and that can be good or that can be bad.
13 So I'm just kind of curious about that
14 perspective.

15 MS. HUDGENS: So I'll give you a
16 couple of different pieces of information to
17 answer that because there's not one single great
18 answer to respond to you. A couple of things, the
19 facilitated IEP that I mentioned earlier is not
20 required federally, and so not all states engage
21 in that process. And so we do see an increase in
22 the other dispute mechanisms sometimes when
23 there's an absence of the facilitated IEP program,
24 again not a direct correlation, but something of
25 note when you're looking at that state's data.

1 Then when you think about how many
2 children that we serve in North Carolina that are
3 students with disabilities, these are very small
4 numbers when you're looking at our headcount, if
5 you will, statewide. I'll give you an example.
6 The District of Columbia, which is geographically
7 much smaller than North Carolina, is the most
8 litigated area in the country, and part of the
9 reason why is, of course, a lot of attorneys and
10 lawyers live there, and so -- not of course, but
11 it is anecdotal information that typically lawyers
12 like to have their day in court, and so they file
13 more due process petitions.

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

21 What I think that is helpful, again,
22 in our state, and certainly not the only thing,
23 but I think that we've seen some really good
24 results since we started the facilitated IEP team
25 process, and that has been initiated in this state

1 for over ten years. We're one of the longest and
2 one of the first states to ever offer this program
3 across the country, and we feel like it is worthy
4 of the investment, and we are very happy to
5 include that as a part of our mechanism.

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

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

22 Think about this: If there is a due
23 process petition filed because a child has moved
24 from regular ed on the continuum, which means that
25 they have more time with typical peers, to a

1 separate setting where they're educated more of
2 their day with disabled peers, and the petition
3 has been raised on the placement, well, you
4 wouldn't change the placement of a child to
5 separate because the placement is a question. You
6 would remain at the last agreed-upon placement.

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

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

21 MS. HUDGENS: That's correct. That's
22 correct. That's a good question that is raised.
23 Some LEAs will just stay put the entire IEP and
24 just continue to serve that IEP as it was written
25 at the time of dispute, and sometimes the reason

1 that is, is because there's so many issues tied up
2 in due process that the parties believe it would
3 just be better suited to let the judge rule on
4 that before anything further happens.

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

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

17 What we really should be taking
18 data of -- and this is just a little tongue-in-
19 cheek -- is the number of phone calls we get a
20 day. It seems like you call the Department of
21 Public Instruction, and if, in your initial call
22 to the person who answers, that seems like
23 anything that might be related to the Exception
24 Children Division, it gets hot-lined right on up
25 to the sixth floor and my four folks who work in

1 dispute resolution, and that's perfectly fine and
2 that's what we're here to work with.

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

15 MR. BAKER: Well said.

16 MS. HUDGENS: Thank you.

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

21 MS. HUDGENS: We do have the
22 opportunity to help problem-solve, to the extent
23 we can, for issues that sometimes might be general
24 ed, and sometimes we have to help folks understand
25 or connect them to the appropriate person at the

1 local level. So when we get those general ed
2 questions, we usually try to hop on the district's
3 website and see who we might can put them in
4 contact with at the district level. Because
5 sometimes it just depends on how you raise the
6 question for the appropriate resource to be
7 brought into play.

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

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

21 MS. HUDGENS: She is, yes.

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

25 MS. HUDGENS: Okay. So I will be

1 opening up Nancy's mike. Nancy, can you let me
2 know by speaking that I have you miked up?

3 THE CHAIRPERSON: Is your volume up
4 on your computer?

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

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

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

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

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

20 DR. JOHNSON: I'm going to start the
21 slide show, and I know I'm here to talk with you
22 today about our SPP/APR. You are the stakeholder
23 group to give us input before the February 1st
24 implementation, but before I do that and because
25 my time is split, I wanted to start with an update

1 on [inaudible] which is significant
2 disproportionality. You may remember last year
3 there were a couple of different meetings that the
4 advisory council gave me feedback on proposed
5 changes to the requirements for significant
6 disproportionality, and I wanted to give you an
7 update about where things stand with that.

8 After we did all of that fabulous
9 work last year, in June -- June 29th of 2018, OSEP
10 issued a delay to the implementation date until
11 July 1, 2020. They had some questions and felt
12 like they needed to delay it to get more feedback,
13 so they posted that in the Federal Register at
14 that time, and they're allowing states, during the
15 next two years -- and you can see right here on
16 the slide that you could either implement the new
17 regulations and methodology you chose during that
18 year or you could implement the existing
19 methodology that you were currently using or any
20 other methodology that you deemed appropriate.
21 Like we could do a combination. In essence, North
22 Carolina has decided to do a combination, mostly
23 stay with what we're doing currently until this
24 two years passes and make a couple of slight
25 changes.

1 But with that, I want to say that I'm
2 happy that we chose that because we have heard
3 through the grapevine -- so this is just a
4 possibility -- that OSEP will be issuing proposed
5 changes to the regulations, and they may be
6 released -- those proposed changes may be released
7 in February of 2019. So for states who have
8 chosen and changed their work, they're going to
9 have to, possibly, look at some proposed new
10 regulations and either tweak those or make
11 changes.

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

20 So rather than us making changes now
21 for this coming spring, we'll know what all the
22 proposed changes are based on -- if they do
23 release proposed changes in February. And, again,
24 that's just -- I don't want to say rumor. We
25 heard it from pretty good sources, but we haven't

1 seen anything yet and nothing's been announced,
2 but we're anticipating in February that we may see
3 some changes.

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

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

25 So that means we would not have to

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

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

20 You may recall that the advisory
21 council agreed with cell size, N size, and
22 consecutive years, and they requested that we
23 reduce the risk ratio to 2.5. Other stakeholder
24 groups recommended 3.0, and one group of folks
25 actually asked us to increase it to 4.0. We chose

1 not to increase or decrease at this time until we
2 see what OSEP is going to come up with because 3.0
3 has been acceptable, and a lot of states are using
4 a 3.0 risk ratio, which means that a child is
5 three times more likely -- a child of a certain
6 race is three times more likely than children of
7 other races to either be identified or disciplined
8 or whatever that area is you're looking at.

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

17 And then with preschool
18 identification and discipline, we are looking at
19 those things. Vivian James, our preschool
20 coordinator, has worked with the State Board and
21 is working with getting proposed policy changes
22 and legislation changed so that we can collect the
23 discipline data that we would need to do the
24 discipline calculations for preschool children
25 since we don't currently collect that data.

1 Again, right now, we are implementing
2 the existing methodology or any other methodology
3 that we deem appropriate. One thing that we are
4 proposing that we change for this spring, which
5 we'll be doing -- we can do that within this
6 statement -- is that we are going to use a 3.0
7 risk ratio for existing disciplinary actions. We
8 look at three actions that are all in-school
9 suspension and out-of-school suspension for
10 greater than ten days in a school year, and then
11 those that accumulate to ten days in a school
12 year.

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

1 have to make changes.

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

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

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

25 MS. HUDGENS: Nancy, I don't see any

1 questions here in the room or in the chat box.

2 DR. JOHNSON: Okay. Great. Thank
3 you. There will be more to come on that,
4 particularly after February if we get proposed
5 regulations. I think I still have about ten
6 minutes or so before breaking for lunch, so I can
7 get started with the APR, and then I'll be back at
8 1:30 as well to finish the APR presentation. I'm
9 putting the slide show up right now.

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

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

25 I'm going to just do a brief overview

1 of the State Performance Plan due to time and due
2 to not needing input necessarily on some things.
3 Just so you'll know, as we start looking at all of
4 the--- Let me go back to this one first. The SPP
5 and the APR appear as part of our general
6 supervision system, but they depend on other
7 systems: data collection, our dispute resolution
8 system, how we deal with policies and procedures
9 and practices, our monitoring activities,
10 practically everything that the SPP and APR are
11 dependent on.

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

21 But before I do that, I want to
22 explain a little bit about where we might be
23 taking some information. First of all, slides 3b
24 and 3c are participation and proficiency in state
25 assessments. While our state has this data, it

1 doesn't submit and verify the final set of data
2 that goes to the US Department of Education until
3 we submit our Consolidated State Performance
4 Report.

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

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

24 Also, when we look at -- if you
25 happen to look at the slides that have Indicator

1 13 and 14, we are still working with analyzing
2 that data. 13 is our secondary transition, and we
3 get that through monitoring. Our monitors are
4 still working with closing some of the
5 noncompliance out on that, and we really want that
6 information and we need that information to do our
7 final analysis. I don't have that data for you
8 today.

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

19 So the response rate, I know, has
20 been maintaining at the same level, and so as far
21 as I'm analyzing the data, it looks good, but
22 because we have so many responses, it is taking
23 longer to analyze the data than anticipated. So I
24 will have Indicators 3b, 13, and 14, the analysis
25 will be done early in January, and we will be

1 sending that data back out to you in this
2 PowerPoint.

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

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

19 And then related to this data, one
20 other thing I want to mention before I actually
21 get into some of these indicators is that we --
22 each year, this data along with other pieces of
23 fiscal data and some other results from NAEP and
24 different things are used to determine a state's
25 determination, whether we meet requirements or

1 need assistance or need intervention, and we do
2 similar things with LEAs based on our compliance
3 data only currently.

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

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

23 Some indicators are compliance
24 indicators. Examples of compliance indicators
25 are -- one of the suspension indicators 4b is a

1 compliance indicator. Indicators 9 and 10 are
2 considered compliance. Indicator 11, which is our
3 90-day timeline, is a compliance indicator.
4 Indicator 12 is that transition from early
5 childhood to transition; that's a compliance
6 indicator.

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

19 An example of where OSEP has
20 determined what the requirements are, are on the
21 compliance indicators, for example, Indicator 11,
22 our 90-day timeline, we are required to have a
23 target of 100 percent. So those targets aren't
24 things we can change. We have to always shoot for
25 that 100 percent, even though typically states

1 don't meet that for every compliance indicator,
2 but we are working toward that.

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

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

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

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

25 DR. JOHNSON: Okay. I anticipate

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

5 THE CHAIRPERSON: Sounds good. All
6 right. Thank you, Nancy. We'll see you back in
7 about an hour and a half, I suppose, or an hour.
8 1:30.

9 DR. JOHNSON: Great. Thank you.

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

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

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

25 **(A luncheon recess was taken from**

1 11:45 p.m. to 1:15 p.m.)

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

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

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

22 All right. Is Ms. Nancy Johnson back
23 yet? Maybe we can get started a few minutes early
24 and get out of here a few minutes early if she's
25 back. There she is.

1 MS. HUDGENS: She's here. I've got
2 to get her set up again. Nancy, I've opened up
3 your mike. Can you test that for me? Hello,
4 Nancy?

5 (Pause.)

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

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

10 MS. HUDGENS: Yes, we see it.

11 DR. JOHNSON: Okay. Great. Okay. I
12 hope everyone enjoyed your lunch and your
13 committee work, and now we'll get back to the
14 Annual Performance Report. I gave you kind of a
15 general overview and the things that we're going
16 to be doing. One thing I did forget to say, I
17 want you to keep in mind that for right now and
18 until we actually submit the APR February 1st, we
19 consider most of our data to be in draft form
20 because sometimes we find discrepancies with other
21 reports and we have to adjust, or the data that
22 OSEP uploaded doesn't match our data and we have
23 to figure out why and then decide if we're going
24 to override or if they're going to change those
25 data for us [inaudible] requirements and things --

1 and I will point out a couple of those things to
2 you right now -- or where we'll have an LEA make a
3 change that then impacts our data. So we consider
4 this draft until it's actually submitted.

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

15 Cohort graduation rates, we start
16 looking in the ninth grade and look to see did
17 they complete graduation in four years or earlier.
18 And if you remember, I said slippage was one
19 percentage point or more, and in this instance, we
20 are reporting on a year's data lag. So these were
21 kids who entered school year in the year --
22 entered the ninth grad in the year 2013-14 and
23 then finished in 2016-17, and that's how OSEP has
24 us to report this graduation data. And our
25 four-year cohort rate for Indicator 1 is 70.3,

1 which is here in the green, and you can see that's
2 an increase actually, and then our five-year rate,
3 which is for Indicator 17, we're also showing an
4 increase.

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

20 We had a 21 percent increase in the
21 number of students in ninth grade in 2014-15 who
22 had IEPs who could have potentially graduated
23 within a four-year period. That 21 percent
24 increase was 2596 students. Then for graduation
25 rates, we only had a graduation rate increase of

1 19 percent, which was less than the number of
2 student who entered. So while we increased the
3 number of students who actually graduated this
4 past August by 1644, it wasn't a high enough
5 percentage to keep us at 70.3 or above, which
6 means that we dropped more than one percentage
7 point, even though we graduated more students
8 because there were more students to graduate --
9 who could have potentially graduated.

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

21 And maybe by next year, we'll see
22 still an increase in our five-year rate where some
23 of these kids just stayed in school longer and
24 still graduated, and while we don't again have to
25 report anything related to a slippage this year,

1 because this is the number we'll be reporting,
2 that's just something to keep in mind and look
3 ahead toward.

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

16 Just briefly, we had no slippage in
17 Indicator 4a or 4b. These are suspension and
18 expulsion rates. 4a is for all students with
19 disabilities and 4b is by race and ethnicity, and
20 we do look in some way or another at all 287, and
21 this year again was the year data lag so it's
22 2016, but I did want to just take a minute to
23 explain about these because, while we know that
24 discipline and suspension is an issue for some
25 districts, in North Carolina it's kids who are

1 being suspended out of school for short-term
2 suspensions but multiple times to accumulate over
3 ten days in a school year, and that is not
4 considered in these two indicators. That is
5 considered in our significant disproportionality
6 data, but these two indicators are about whether
7 or not there are discrepancies in the data when
8 it's a greater than ten day out-of-school
9 suspension for Indicators 4a and 4b.

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

19 Least restrictive environment, we
20 have pretty much maintained. You can see from
21 years ago, we increased, but we're pretty much
22 maintaining, and that was school-aged least
23 restrictive environment. Preschool, while we have
24 declined a little bit, it is not a one percent --
25 one percentage point discrepancy, so we will not

1 have to explain slippage there because OSEP again
2 feels that you can have different data from year
3 to year.

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

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

1 they're the only ones that are included every
2 year.

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

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

24 So, Carol Ann, I don't know if I can
25 hear you speak on the intercom or not since I've

1 got the mike. I don't know if want to add
2 anything to this one before I move on.

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

6 DR. JOHNSON: Okay.

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

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

1 25 right now.

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

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

14 DR. JOHNSON: Okay. Thank you.

15 MS. MOOREFIELD: Just a comment about
16 those parent surveys. I do usually answer them
17 when they come to me, but they are frustrating
18 because I spend the ten to 15 minutes, whatever it
19 takes, to answer the questions, and then I never
20 hear anything else about it. And that might be
21 one thing that is deterring parents, is -- so
22 like, you know, if we could see, you know, the
23 compilation of that information or if we could see
24 any results from it, because a lot of the parents
25 in the disability community feel like, you know,

1 we keep telling the powers that be what we need
2 and what we think, and nothing ever gets done and
3 it's frustrating.

4 MS. HUDGENS: So I don't necessarily
5 have a comment directly toward that, but just in
6 general, there is a concern about the different
7 times and methods in which parents are surveyed.
8 There are often school improvement surveys that
9 happen for a building. Then there are systemwide
10 surveys that occur for systemwide improvement
11 planning, and then this indicator survey for
12 parent satisfaction with regard to services
13 provided through Exceptional Children.

14 And so part of the activities that we
15 like to engage in when we're reviewing this
16 process is are there other ways that we can obtain
17 this same data and then prioritize the questions
18 that we have to ask through this particular survey
19 and gather the other information through other
20 means that are used across the state. So there's
21 different essential questions, if you will, that
22 are related to this area, certainly wanting to
23 make sure that there is a feedback loop, as you
24 say, to parents for what the purpose is and what's
25 done with that information.

1 And then, Christy, I think you may
2 have had a comment?

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

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

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

21 Another comment? Ashley, did you
22 have a comment.

23 MS. CHILDERS: I was just -- I'm
24 sorry. I totally just lost my train of thought.
25 I'm sorry. I just totally lost my train of

1 thought.

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

4 MS. CHILDERS: Thank you. Okay.
5 Thank you. I think I heard you say that some
6 parents get -- how is that chosen like which
7 parents are receiving these surveys? Is this just
8 through the districts they're sending it through?

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

22 Nancy, did you want to add anything
23 to that?

24 DR. JOHNSON: Yes. When we do the
25 sample and it's calculated -- it goes to our

1 calculator -- and Muhammad Mannan, our
2 statistician, helps us with this, and this has
3 been approved by OSEP. We have to show that the
4 number of responses we're sending out is
5 representative of the state. So that proportion
6 would be determined already for the surveys that
7 go out. We don't have as much control over the
8 surveys that come back, and that's where our
9 response rate coming back has been low, but we
10 also have to make sure that when they come back
11 that our response rate is representative of the
12 state so that we can say that this is accurate
13 data that we're sharing.

14 So in order to address some of that
15 in the past -- and I believe we still continue to
16 do that -- in areas where we've had
17 underrepresentation, we've done what we call over
18 sample by sending extra surveys out. For example,
19 at the high school level, we don't get as many
20 responses as preschool, let's say. So we might
21 over sample high school parents. We'll do the
22 same amount of sample for preschool but might over
23 sample the high school-aged students across the
24 state in order to try to get at a representative
25 response rate.

1 MS. HUDGENS: Okay. And one last
2 comment from our virtual participants. "How it
3 gets out to the parents is important. Does it
4 mail directly or is it being sent through
5 students?"

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

10 Nancy, do you want to add anything?

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

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

22 MS. HUDGENS: No. What happens is,
23 we contract with a vendor to make the survey, to
24 provide the self-addressed, stamped envelope, et
25 cetera. It comes packaged up in an envelope for

1 the district to disburse to the parents. So
2 there's not a watering down of the questions or
3 the format in which they respond. It's a bubble
4 sheet, essentially, so that it can be read and
5 processed by our vendor.

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

11 MS. HUDGENS: Right.

12 MS. CHILDERS: Got you.

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

17 DR. JOHNSON: I'm not going to talk
18 about Indicator 9 and 10, other than to show you
19 this one and explain to you what it is in case you
20 have questions about it later. It is
21 disproportionate representation due to
22 inappropriate identification. Indicator 9 is for
23 all students in special education by race, and
24 Indicator 10 is for specific students -- looking
25 at race but for the six major disability

1 categories including autism, other health
2 impaired, specific learning disabilities, serious
3 emotional disability, speech/language impaired,
4 and ID mild. So those are the six categories for
5 Indicator 10 we look at.

6 Over the years, we have improved this
7 area a lot. This is an area where we look at the
8 3.0 risk ratio that I mentioned earlier with
9 significant disproportionality, but this is
10 different. In significant disproportionality, you
11 just look at data. Here we pull the data of the
12 districts that might have a risk ratio of 3.0 or
13 better, but then we have to look at our compliance
14 data to see if a district was determined to be out
15 of compliance [inaudible] the identification and
16 eligibility process, and that is usually not an
17 issue. In past years, we have had some that were
18 an issue, but most districts follow our state --
19 well, not most districts -- we've found that
20 districts adopt our state policies and follow
21 those policies pretty regularly in terms of
22 meeting requirements as far as eligibility goes or
23 determinations.

24 But as an example, here you'll see 33
25 LEAs in Indicator 10, but we didn't have any that

1 were found to be noncompliant with eligibility
2 determinations, even though we had 33 LEAs in one
3 category of disability that had a risk ratio of
4 3.0. So some of them were in autism for white
5 students. Some of them were in serious emotional
6 disabilities for African-American students, et
7 cetera.

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

1 zero numbers in our APR. But I wanted to share
2 that with you.

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

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

25 But I will tell you, as I've been

1 analyzing the data and looking at where we're
2 having a little bit of slippage, we have -- as we
3 get an increase in the number of charter schools,
4 we have more charter schools now whose rates are a
5 little bit lower. Now they're small numbers, but
6 they still have to meet the same requirements, and
7 we have a few charter schools who we are working
8 with directly to try to get them to correct their
9 issues from a system perspective. They'll have
10 this out of compliance, and they'll correct it for
11 these kids, and then the next year, they'll be out
12 of compliance again.

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

23 And I think Carol Ann may want to
24 briefly address this, but she's organized her
25 monitors to have different monitors focus on

1 different issues, and I work directly with one or
2 two of her monitors on this issue with those
3 districts who are the lowest performing. And when
4 you consider that we have close to 300 districts,
5 we're talking a handful of districts, less than
6 ten LEAs, and like I said, the majority of them
7 are charter schools.

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

18 MS. HUDGENS: The only thing I would
19 offer is that yes, we are working with LEAs who
20 have challenges meeting this timeline. One of the
21 things that is a common thing that we find when
22 we're problem-solving is that the management of
23 their data to accurately report in their data
24 system is sometimes where things have not been
25 either reported accurately or haven't been closed

1 and verified within the timelines specified. And
2 so if the data is not managed correctly, it is
3 going to be reported up as a problem, and so those
4 are some things we look at.

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

14 DR. JOHNSON: And I can give you an
15 example of that particularly with a charter school
16 where they contract for some of their services
17 like speech and where they are in a rural
18 district, and the district -- all the speech
19 therapists who live there work for the traditional
20 school district and that charter school has to pay
21 fairly high hourly rates for a speech therapist to
22 travel an hour to their district and an hour back
23 each time they come to provide services to
24 students. And if that person they contracted with
25 isn't available or something happens and they

1 can't come on the day they're scheduled to and
2 have to reschedule and things like that, it
3 sometimes throws them off.

4 So charter schools struggle possibly
5 more with those things or maybe it's because it's
6 a rural area, but those are things -- while again
7 those aren't -- they are explanations to us about
8 why they're off their timeline, so we have to try
9 to help them come up with ways to resolve those
10 kinds of issues. Again, with charter schools that
11 are small, they may not be able to hire or need a
12 speech therapist full-time because they only have
13 20 EC students altogether, as an example.

14 MS. HUDGENS: Nancy, we have a
15 question.

16 DR. JOHNSON: Yes, ma'am.

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

21 DR. JOHNSON: The 90 percent that I'm
22 referring to a statewide average of students who
23 had a referral, and sometimes students are
24 referred, but there are exceptions where you can
25 subtract kids out. Like if a student starts out

1 and gets referred in one district but moves during
2 that 90-day timeline, [inaudible] to subject out.
3 So, anyway, once we come up with the total number
4 of students referred, which is close to 50,000
5 each year, somewhere between forty-five and 50,000
6 a year, and the number of students who were either
7 determined eligible and an IEP was developed or
8 determined ineligible within the 90-day timeline,
9 and this is the statewide average.

10 We have some districts that are at
11 100 percent, and then we have districts that are
12 everywhere from 100 percent down to below the
13 state average and less than 15 percent of their
14 students, but again, some small charter schools,
15 they might have three students that were referred
16 and one of them was out of the timeline, and that
17 puts them below 50 percent.

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

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

25 MS. HUTCHINSON: In a sense, some of

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

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

21 When I was talking about charter
22 schools, I was talking about more that -- we have
23 more of them that we're working directly with --
24 and, again, it's less than ten LEAs altogether,
25 but we have more of them that we're working

1 directly with to get their system corrected.
2 Because we -- besides looking at the individual
3 numbers and getting those individual students and
4 ensuring that they get evaluated and a
5 determination made, we have to ensure that the
6 district -- that the districts are fixing system
7 issues if they have system issues, and we have
8 found more charter schools -- small charter
9 schools with system issues than traditional LEAs
10 with system issues.

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

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

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

22 MS. HUDGENS: Right. The percentage
23 is weighted based on your headcount. If you're an
24 LEA with two on your headcount and one of them
25 doesn't make it---

1 MS. HUTCHINSON: That 50 percent
2 doesn't equal CMS's 100 percent, which puts us at
3 a 75, when CMS probably did 1000 referrals this
4 year.

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

8 MS. HUTCHINSON: You have to explain
9 the slippage.

10 MS. HUDGENS: Yeah.

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

18 MS. HUDGENS: I think the difficulty
19 rests in how we're required to report it
20 federally. They don't give us a sliding scale for
21 that based on your headcount. So, unfortunately,
22 this is how the data has to be returned. So,
23 yeah, it doesn't account for these differences in
24 population from LEA to LEA.

25 We do have a comment in the message

1 box virtually, and then we have one more comment
2 or question here in the audience. The comment in
3 the question box, "My understanding is that some
4 states require a certain number of school days
5 rather than a 90-day timeline. This would avoid
6 the problems created by unexpected canceled school
7 days and the issues created, as testing and
8 meetings can be difficult to plan during the
9 summer."

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

12 DR. JOHNSON: I can respond and then,
13 Carol Ann, you can certainly follow up with that
14 as well. We are -- just so you know, the actual
15 requirement is 60 days from -- the federal
16 requirement is 60 days from the day the parent
17 refers that the student is evaluated. We in North
18 Carolina have what is considered OSEP approval of
19 our 90-day timeline, and it is a 90 day --
20 calendar days. The other requirement is a
21 60-calendar-day timeline. And so states have a
22 choice of either following the 60-day timeline for
23 the evaluation period or a timeline approved by
24 OSEP.

25 And prior to this requirement several

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

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

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

24 Ashley, did you have a comment you
25 wanted to---

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

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

21 MS. CHILDERS: Yeah. I just wanted
22 to see if there was a way to be able to break --
23 we could submit -- the report to be submitted like
24 that, but underneath it maybe to be able to break
25 it down.

1 DR. JOHNSON: I am actually giving
2 you the rate because that's where we have to
3 report on the slippage or not, but we do
4 actually -- and I can send you more data with
5 this -- we have the actual number of referrals and
6 how many were determined ineligible within the
7 timeline and how many were determined to be
8 eligible within the timeline. We also have the
9 numbers of how many days over they went
10 [inaudible], and they're broken down into four or
11 five categories that we have to report under and
12 whether they went over 46 days or more.

13 MS. CHILDERS: Thank you.

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

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

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

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

25 MS. HUTCHINSON: No, I agree with

1 you. I was just saying it's not half the school
2 year. It's like one quarter because it's 90
3 calendar days.

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

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

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

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

17 DR. JOHNSON: Okay. Now as I talk
18 about Indicator 12, I do want to say that some of
19 the data from Indicator 12 may be impacting our
20 Indicator 11 data because these kids who are in
21 Indicator 12 are kids who are prior to age three,
22 they're in Part C and they're being referred from
23 Part C and have to be determined they're eligible
24 for Part B and have their IEP developed and
25 implemented by their third birthdays, but those

1 same kids have to also meet the 90-day timeline,
2 and you can see we have had a significant drop in
3 this data.

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

14 Our preschool folks are working with
15 them to see if they can figure it out, but change
16 how they were collecting this data or what they
17 were doing somehow with this data, and they had
18 significant drops in their data, which then
19 affected our state data, to a point where we had
20 some districts who had been like at 99 percent
21 last year or the past few years and dropped below
22 50 percent and they had a number of kids, and so
23 that dropped our data really low. So we are still
24 investigating to see exactly what it is that
25 happened to cause this data to drop this

1 significantly.

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

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

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

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

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

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

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

24 DR. JOHNSON: It is possible if a
25 district had funding cut and, therefore, cut

1 personnel that dealt with these issues. That is a
2 possibility. My preschool folks are working with
3 the districts where we have seen the most
4 significant issues. They would certainly look at
5 if it's a personnel issue, if it's how people are
6 allocating their resources to get this done, or
7 what, but these are districts who in the past have
8 had higher rates.

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

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

25 So there's a coordinated effort

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

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

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

19 So I think that's a place we could
20 focus our efforts and figure out -- and maybe it's
21 a data collection issue, maybe it's the
22 communication with private providers. I know that
23 sometimes with two-year-olds and three-year-olds,
24 they are in different types of environments and
25 day cares and communicating with their parents is

1 not as easy as they're coming to a school every
2 day. They could have very diverse environments.
3 But we could probably put some efforts into --
4 that's huge to me. Huge.

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

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

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

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

22 DR. JOHNSON: Yeah. Now I will tell
23 you, though, that this rate is -- again, we have
24 to report, just like we do for Indicator 11, how
25 many days over the timeline they went. So for

1 some districts, we know they may have only gone a
2 few days over the timeline, but they're still in
3 this category.

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

12 And I will tell you for me -- I
13 share, whoever that was talking, their concern
14 that it's one thing if somebody goes over a
15 timeline by five days, but the child still gets
16 placed in the program, and particularly if they
17 were turning three before school started, that
18 kind of thing, but it's another thing if the
19 majority of your kids go beyond the 46-day
20 timeline. We're talking a couple of months of
21 school or close, a month and a half of school, and
22 we still don't have evidence yet if that child's
23 been placed or not or if a determination -- an
24 eligibility determination has been made, and that
25 we would work with the district differently than

1 another district where the data may be low, but
2 they were just missing the timeline by a few days,
3 if that makes sense to folks.

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

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

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

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

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

17 DR. JOHNSON: Now I can hear you.

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

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

24 DR. JOHNSON: There might be with one
25 or two smaller districts, but not with some of our

1 other districts. It's varying from district to
2 district, and that's why we're having to deal with
3 each of them individually because their data is --
4 you know, while they had drops in their data,
5 their data is varying by number of days and
6 reasons why that they -- the reasons they've
7 indicated, at least in data they submitted, but
8 only one or two of the districts that are involved
9 right now would have been significantly affected
10 by the hurricane possibly.

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

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

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

25 MS. MOOREFIELD: Sure. So the kids

1 who either acquire their disability or who are
2 identified with a disability between the ages of
3 three and five, where do they fall?

4 MS. HUDGENS: Nancy, did you get
5 that?

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

8 MS. HUDGENS: Yes. Yes.

9 DR. JOHNSON: They would be in
10 Indicator 11. The children who are younger than
11 at age three who are getting referred, all of the
12 ages three, four, and five fall in Indicator 11.
13 And, Carol Ann, if you are responding to me, I'm
14 not hearing you.

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

18 DR. JOHNSON: Okay. All right.
19 Indicator 13, I had mentioned to you is our
20 transition, and this is done through monitoring,
21 and Indicator 14 are postsecondary outcome data.
22 We're still evaluating the data. Indicator 13,
23 because not only do we look at whether they were
24 in compliance with what needs to be in the IEP
25 about measurable postsecondary goals and

1 transition services, if we have issues in this
2 area, the majority of the time it's related to
3 measurable postsecondary goals, but our monitors
4 do -- they do this through their monitoring visits
5 each year, and so it's different district's data.

6 And they do -- our monitors do a lot
7 of follow-up with this compliance indicator and
8 districts getting this correct, and so we're still
9 working on that data. I don't really see any
10 significant changes from last year. We were at 85
11 percent, but it was a pretty good -- a few years
12 we were lower, and we've been increasing that rate
13 slowly.

14 Indicator 14, I'm not anticipating
15 any slippage in this area, but again, it's taking
16 us longer because we're analyzing their data. We
17 didn't contract that out this year, and again, we
18 have over 1000 responders. I'm still calculating
19 exactly how many responders, which is a great
20 thing because we usually only end up having
21 approximately a little over -- somewhere between
22 2000 and 2500 surveys that are sent out because
23 these are kids who have exited the school system
24 either through graduation or dropout or through a
25 certificate and have been out of school for a

1 year, and then we're looking at whether they're in
2 higher ed or competitively employed or in some
3 other kind of educational program or some other
4 type of employment. So we will have that data in
5 January.

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

20 But, anyway, with these two pieces of
21 data, the resolution sessions and mediations,
22 Indicator 15 is resolution sessions, and we've
23 actually had a pretty good increase in this data
24 for this year where resolution sessions resulted
25 in written agreements -- settlement agreements,

1 and that was an increase of 8.86 percentage
2 points.

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

15 Indicator 16 is about mediations, and
16 this is one where Carol Ann had mentioned we have
17 fluctuating data all the time, and this time,
18 according to OSEP, based on the data we submitted,
19 they said we have had 54.55 percent of our
20 mediations end up in written agreements reached,
21 and they do a combination of mediations that were
22 due process hearing mediations and those that were
23 not a result of due process hearing mediations,
24 and I think I'm correct Carol Ann had said it was
25 at 58 percent. So we'll be checking those more

1 closely to see, but regardless, we will have to
2 explain the slippage.

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

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

1 consider them.

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

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

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

17 All right. With that said, the rest
18 of the slides about Indicator 17, and I'm just
19 going to -- we'll be sharing those with you in the
20 PowerPoint that you can review, and then if you
21 have any questions -- Indicator 17 goes to OSEP
22 April 1st, and we have a large stakeholder group
23 that works with Indicator 17 with the state, and
24 so I'm just going to kind of flip through those
25 slides. Just to say one thing, though, we are --

1 for Indicator 17, our target area is on the five-
2 year adjusted cohort graduation rate, which is the
3 red line, and you can see we did increase that
4 area this past year.

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

16 And so we'll be putting a little bit more
17 information in the form that goes to you about
18 what kinds of information would be helpful for you
19 to give back to us, and we could take it one of
20 two ways or both ways. When I send out the
21 information, I'll be sharing my email address with
22 you so that you can email your forms back to me.
23 You can decide to provide the information as
24 individual members of the advisory council, or if
25 you-all choose as a council that you want to

1 comment as a group back to us, that would be
2 acceptable as well, or you could do it both ways,
3 if you choose to do so. And within that
4 information, I've also got a timeline when I'll
5 need that information back. It will be sometime
6 in January because we have to submit February 1st.

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

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

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

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

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

25 MS. HUDGENS: I do. Thank you so

1 much. I appreciate it.

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

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

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

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

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

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

21 So, first, we'll talk about ECATS.
22 As you know, we had delayed our implementation of
23 ECATS. Most of that was to continue to finalize
24 the specifications to ensure that it is going to
25 do all the wonderful things that we need it to do.

1 And the historical data integration, all of that
2 information coming from CECAS, is going really
3 well. We are currently processing 150 LEAs
4 statewide -- so that's about half of our LEAs --
5 with data that we're working with in the migration
6 point, so that's really good.

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

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

25 At this point superintendent Johnson

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

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

24 Okay. Any questions about ECATS for
25 me? We are looking forward to getting that in

1 place, so more to come.

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

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

15 As we had discussed before at our
16 June meeting last year, or maybe even prior to
17 that, we had agreed that it was pretty important
18 that some parent communication come out from NC
19 DPI directly to families about what to expect
20 during the transition and to reassure families
21 that the data would be transferred in a secure
22 manner. They would virtually see no interruption
23 to the service delivery of their child. It was
24 just a means of migrating into a new and more
25 efficient system to manage student data. And so

1 we will likely issue some similar parent
2 communication ahead of rollout again to reinforce
3 those things and to give them, to the extent that
4 we know from the state level, a what to expect
5 feel at the parent level, which should essentially
6 be very little to no interruption at all.

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

21 So that work has been moving forward.
22 One of the advantages that we have in the EC
23 Division is that we regionalized our services
24 about four years ago, and in fact, we're happy to
25 report that some of the ideas of lessons learned

1 and some of the things that we think are of high
2 value are being considered in how this regional
3 model is being developed moving forward.

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

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

1 coordinate some direct effort.

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

14 So we have a core instructional part
15 of our division included on those regional teams,
16 and then we have our regional coordinators which
17 coordinate activities for our division at large in
18 the region, and so they are the resources that
19 have helped EC directors review their budgets,
20 submit things on time, answer general policy
21 questions, coordinate regional directors meetings,
22 coordinate professional development that we offer
23 in the region. And so those three distinctive
24 groups in our division are already in place and
25 will be scaled up to work collectively with

1 agency's plan to move forward on a regional
2 approach.

3 Any questions there? Yes, ma'am?

4 MS. TERHAAR: Do you think it's
5 likely they'll just keep the same region
6 boundaries that you-all have been working with?
7 Because that seems to be so effective.

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

19 So over the course of retirements and
20 matriculation, I've been able to put those
21 positions back out of the regions, and so that's
22 how that will be taken advantage of. So we fall
23 along the districts and the regions that the State
24 Board has recognized in terms of North Central,
25 Piedmont, and so too will the regional teams.

1 Okay. Any other questions?

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

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

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

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

18 All right. If one of you can serve
19 as my friend and watch this little box right here
20 and see if something pops up that says yes, they
21 can hear me, I'm going to move on with my content
22 for the benefit of this group, and then if I have
23 to repeat for those online, the folks here will
24 have an opportunity to do something different at
25 that point.

1 So the last piece of information that
2 I have to share--- Okay. Good. She's hearing.
3 Thank you.

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

18 Also too, we want to make sure that
19 we have good practices in place. While we would
20 not want to think that this occurs, we can't do
21 the see no evil, hear no evil, but we wouldn't
22 want children's test administration changed for
23 the benefit of having good results. And so the
24 alternate assessment is a very important decision
25 that has to be made.

1 It needs to be messaged pretty
2 clearly as soon as is reasonably possible to do
3 so, so that parents understand that participating
4 in the alternate achievement standards or the
5 extended content standards is not going to lead to
6 graduation with a regular high school diploma, and
7 what does that mean if the child's program is
8 altered perhaps too soon or not soon enough and is
9 it messaged soon enough, and really just trying to
10 hold the high level of rigor to the instruction
11 that children participate in, and that these
12 decisions are made very carefully.

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

1 have appropriate rigor to their program.

2 Any questions here?

3 **(No audible response.)**

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

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

25 And so we're very interested in

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

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

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

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

21 MS. HUDGENS: At this point,
22 applications -- the application process has
23 closed. If I am unsuccessful on Friday in
24 locating a preferred candidate, I will have the
25 option of posting that position again, and so

1 we'll have to see what happens on Friday.

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

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

10 MS. CARTER: Vote on the minutes?

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

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

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

25 THE CHAIRPERSON: Do we want to get a

1 all in favor in here?

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

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

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

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

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

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

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

22 MS. CHILDERS: I'll second.

23 MS. HUDGENS: And I've got a second
24 from Abby. You know, I just transposed that right
25 on into Ashley. All right. So thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE CHAIRPERSON: All in favor---

MS. HUDGENS: All in favor say aye.

(All council members responded aye.)

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

THE CHAIRPERSON: I think that's
everything.

**(At 2:55 p.m., the quarterly meeting
was adjourned.)**

- - - - -

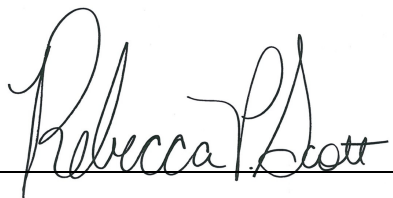
CERTIFICATE OF REPORTER

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

That said proceeding was reported by
me and the foregoing pages, numbered 4 through
156, are a true record of the proceeding to the
best of my knowledge and belief;

That I am neither related to nor
employed by any of the parties or counsel employed
by the parties hereto, nor interested directly or
indirectly in the matter in controversy, and am
not financially or otherwise interested in the
outcome of the action.

Certified this 4th day of January,
2019.


A handwritten signature in cursive script, reading "Rebecca P. Scott", is written over a horizontal line.

Rebecca P. Scott