

**Council on Educational Services for Exceptional Children
Meeting Minutes
December 10, 2008**

Members Present

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| Sonja | Brown |
| Odell | Clanton |
| Curtis | Garland |
| Sally | Hunter |
| Nicole | Jimerson |
| Cathy | Kea |
| Sheila | Knapp |
| Shary | Maskel |
| Teresa | Mebane |
| Doris | McCain |
| Dwight | Pearson |
| Jill | Scercy |
| Jane | Young |

Members Absent

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| Bob | Atwater |
| Jana | Griggs |
| Esther | High |
| Linda | Nelson |
| Laura | Wiley |
| Cynthia | Wilson |
| Mark | Yost |

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DPI Staff / Presenters

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| Tish | Bynum |
| Nancy | Johnson |
| Kate | Neale |
| Pollye | Pruitt |
| Mary | Watson |

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Visitors Present

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| Larry | Coleman |
| Cynthia | Daniels-Hall |
| Eric | Hall |
| Laurie | Jaeger |
| Ellen | Russell |
| Gerri | Smith |
| Lee | Williamson |

Welcome / Review of Agenda / Approval of Minutes

Chairperson Jane Young called the meeting to order. Council members and guests introduced themselves. Chairperson Young acknowledged and welcomed new member, Nicole Jimerson. The Council reviewed the agenda.

Motions were made and seconded to approve the September 24, 2008 meeting minutes.

Review of SPP (State Performance Plan) /APR (Annual Performance Report) Indicators

Nancy Johnson, State Performance Plan Consultant for the Exceptional Children Division, provided the Council a quick general overview of the 20 Indicators within the APR. Previously, Ms. Johnson presented the APR relating to the 2006-07 data for NC. Today she provided the Council with an update and a draft copy of the APR relative to 2007-08 data that is

due Feb. 2, 2009 to US Dept. of Education. The Council will receive an electronic template version of the APR to provide input and comments as a stakeholder. The Council's input and comments are requested by the end of December.

The US Dept. of Education, Office of Special Education Programs (OSEP), indicates NC is doing a good job at data collection and now wants NC to make sure improvement activities align with the data. Improvement activities must be measurable.

Indicator 1 – Graduation Rate – NC made significant progress for 2007-08 and actually exceeded its target. It's not required, but NC is also showing 5-year cohort graduation data to show even more improvement.

There are new graduation requirements taking effect in 2010; therefore, technical assistance to LEAs regarding this requirement will be provided to LEAs this year in order to minimize impact on graduation rates.

The Council requested data for Occupational Course of Study. The Council is concerned that an increase does not occur within the Occupational Course of Study.

Indicator 2 – Dropout – The data for 2007-08 is forthcoming and once analyzed, the Council will receive this Indicator by email for review and input.

Indicator 3 – Participation of Students with Disabilities on Statewide Assessments – This Indicator has three parts.

Part A – districts meeting AYP targets in reading and math – NC does not have complete data yet. The initial data was inaccurate. The target is 35%.

Part B – participation rate – The targets are high; participation for AYP purposes is 95% (lower than target). Initial state baseline was 95% and that was a minimum starting point. NC must show progress each year starting from 95%.

Part C – proficiency rates – NC's proficiency rates in reading are well below the target, due in part to a new reading curriculum. All students, not just students with disabilities, declined in reading proficiency rates. In the past, 5th grade reading scores are the highest level. Another factor in the proficiency rate is that NC's Testing Division changed the cut scores. EC Division has asked for students with disabilities' raw data because the EC Division believes EC students are learning to read more skillfully.

Math scores did make progress but did not meet targets. The math curriculum changed the year before the reading curriculum.

Mary Watson reminded the Council that this is the reality of a NCLB and IDEA balancing act. EC Division strongly believes in assessments of students with disabilities, but it is a difficult balancing act.

Indicator 5 – Free Appropriate Public Education in the Least Restrictive Environment –

Part A – removed less than 21% of the day - NC did exceed the 62.59% target with 64%.

Part B – removed greater than 60% of the day – NC met the target.

Part C – served in separate schools, residential place or homebound/hospital placements – NC had no progress or slippage to report.

Once the Council has time to read the data analysis, there is not a judgement on which setting is better. Sometimes students need a separate setting, but Ms. Johnson wanted to remind the Council there is a wide variance among LEAs, from 30% in regular class to 81% in Part A. The Part B range from LEAs was from 1.89% - 35.71% which is very wide. Eventually NC would like a way to look at data and connect it with each individual child and monitor each child's progress. Once NC has unique child identifiers in the data collection system, this will be possible.

Indicator 8 – Parent Involvement – The response rate from a survey of parents of students with disabilities increased from 6% to 12%. A standard measure score is 600. NC set the target of 28%.

For 2007-08, the survey was reduced from 100 to 25 questions. NC incurred barriers again this year in the distribution of the surveys as well as receiving responses. Even so, the 2007 data indicated that 33% of the parent respondents, with a measure at or above the adopted standard of 600 reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is an increase from 26%.

The majority of responses came under the standard measure of 600. However, the average item was 549 which is very close to the standard.

Overall, parents have a positive response that NC is doing a good job of parent involvement and that they are an important factor in their child's education.

Indicator 9 – Disproportionate Representation of Racial and Ethnic Groups – NC met the target and does not have any LEAs with disproportionate representation that is the result of inappropriate identification.

Indicator 10 – Disproportionate Representation of Racial and Ethnic Groups in Specific Disability Categories – Currently this is incomplete pending record reviews. Once it's complete, it will be sent to the Council for review.

Indicator 11 – Referral and Placement Within 90 Days - This is incomplete pending the data.

Indicator 12 – Transitioning from Part C to Part B – For this compliance Indicator target of 100%, NC had a 13.37% increase from last year to 85.64%. The Council is asked to provide input on this Indicator.

Indicator 16 – Complaints resolved within 60-day timeline - It is a compliance Indicator which has a 100% target. Last year, NC had a record number of state complaints, 115. The compliance rate for completing investigations within 60 days was 95%. This year's number of state complaints is around the same as last years. NC does not have 100% compliance, but we are making improvements annually.

Indicator 17 – Due Process Hearing Requests Adjudicated Within 45-day Timeline - NC met the 100% target.

Indicator 19 - Mediation Resulting in Agreements - NC has a percentage range of 75% to 85% as a target. NC was at 68% for 2007-08. Mediations associated with a due process hearing is only 48%.

An improvement activity is EC Division will provide an effective communication and negotiation skills training for new Directors.

Meetings, Public Relations and Bylaws Subcommittees

Meetings Subcommittee

The day and time has been changed for the March and June, 2009 meetings.

The Council decided to meet on Thursday, Sept. 17 from 9:30 am – 1:30 pm (location tbd – Juvenile Justice a possibility) and Thursday, December 17 from 9:30 am – 1:30 pm (location tbd). Both meetings are to have the capability for conference call.

It was previously discussed that the Council would have a liason to attend the State Board of Education (SBE) meetings. The SBE discussion day is on Wednesday. These are open,

public meetings with no EC voice there other than staff. SBE meeting dates for 2009 were provided.

Bylaws Subcommittee

The Council will receive the proposed new version of the bylaws. The major difference is previous bylaws indicated 23 members. NC General Statute requires 24 members. The subcommittee suggested, a motion was made and the Council approved a general education administrator for the vacant position. Their input could be very valuable since so many students with disabilities are in the general education curriculum. This would be a SBE appointment. The subcommittee also suggested substitutes coming in for absent members as well as allowing participation by conference call.

The complete Bylaws will be presented to the Council at the next meeting.

Public Relations Subcommittee

It was previously discussed to produce a Council brochure to send to parent organizations, schools and other entities as well as posting common acronyms and the Indicators on the Council website. EC Directors could also be invited to attend Council meetings.

An informational session on the Council was presented at the annual EC Conference. Feedback was to continue this informational session.

Pollye Pruitt, Consultant for Dispute Resolution, provided a handout from the federal website regarding state advisory panels and public comments. The time allotted for public comment ranged from 10 – 30 minutes; 3-5 minutes per person. Most states' public comment was the day of the meeting or the night before. Public comment is taken under advisement, not resolved or responded to. The majority of public comments reviewed appeared to be issues that would be resolved at the local level. Topical public comment sessions may be worthwhile. Definite guidelines would have to be put in place and the public would have to be aware of the Council's authoritative powers, ie not able to resolve individual IEP problems. The Council can review draft public comment procedures at the next meeting.

Agency Update

Mary Watson reminded Council members to voice their opinions to their congressional representatives to fully fund IDEA.

This past session the General Assembly passed House Bill 12. This did cause some changes to EC Division *Policies* based on public support. The Council was provided handouts of the effected changes. Homebound placement due to disciplinary actions is not the intent of IDEA. The home placement numbers increased significantly due to incorporating this placement following disciplinary actions. Of these students, a large percentage were learning disabled. EC Division recommended that IEP Teams meet monthly to review placement. However, the SBE changed it to an IEP Team designee or designees to determine the continued appropriateness of the educational services for the homebound students.

As the Council has already been informed, DPI has been under reorganization. Today, the Council was provided current DPI organizational charts. An EC Division organizational chart

was also shared to announce Joe Simmons as Behavior Support Special Programs Section Chief; and Laura Snyder as Assistant Director.

The 58th Conference on Exceptional Children had approximately 3100 participants.

The revision of Essential Standards is now in progress. This in turn will revise the Occupational Course of Study.

A tip sheet for Writing Assessment was provided.

A Q&A handout regarding Future Ready Core was provided. In the past, there have been various career paths. All students will now be participating in the Future Ready Core curriculum that has very rigorous requirements. Students may have opt out opportunities regarding the Algebra I and II requirements. It is really important that LEAs be informed and these requirements not impact OCS. OCS is only for a very limited number of students. It is not for a slow learner. The Council could prepare a position paper not endorsing the new requirements and/or requesting to allow credit for Algebra 1A and 1B.

The Council was provided a handout on new High School Graduation requirements.

Mary Watson thanked the Council members for their time and commitment to the Council.

A motion was made and seconded to adjourn the meeting.