

**EXECUTIVE SUMMARY****Title:** Impact of Possible Revision of K-5 NC Standard Course of Study in Mathematics**Type of Executive Summary:**
 Action     
  Action on First Reading     
  Discussion     
  Information
**Policy Implications:**

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- Constitution \_\_\_\_\_
- 
- 
- General Statute # \_\_\_\_\_
- 
- 
- SBE Policy #HSP-F-002
- 
- 
- SBE Policy Amendment
- 
- 
- SBE Policy (New)
- 
- 
- APA # \_\_\_\_\_
- 
- 
- APA Amendment
- 
- 
- APA (New)
- 
- 
- Other \_\_\_\_\_

**Presenter(s):** Mr. Robert L. Logan (Associate Superintendent, Leadership and Innovation), Ms. Everly Broadway (Section Chief, Middle and Secondary Mathematics), and Ms. Donna Thomas (Consultant, Elementary Mathematics)

**Description:** The *North Carolina Standard Course of Study for Mathematics* was last revised in 2003. A schedule for revision was approved at the State Board of Education meeting in May 2007.

**Resources:** State

**Input Process:**

<u>When</u>	<u>What</u>
Oct-Nov. 2006	Survey regarding 2003 Mathematics SCS
Dec 18, 2006	Review Committee (parents, IHE reps, teachers, curriculum coordinators) recommend revision
January 4-6, 2007	Curriculum Review Team Session 1 (Expert Steering Committee)
January 31-February 2, 2007	Curriculum Review Team Session 2 (Expert Steering Committee) K-5 and 9-12 only
February 17 & 24, 2007	Information and Feedback sessions (3) NCCTM Regional Meetings North Carolina Wesleyan College; Rocky Mount, NC
March 12-13, 2007	Curriculum Review Team Session 3 (Expert Steering Committee)
April 18-19, 2007	Curriculum Review Team Session 4 (Expert Steering Committee)
May 15-16, 2007	Curriculum Review Team Session 5 (Expert Steering Committee) K-5 only
June 14-15, 2007	Curriculum Focus Group
June 30, 2007	<b>DRAFT 1 and Feedback Survey Available on-line</b>
July 1, 2007 – August 15, 2007	Public Review of Draft 1 <ul style="list-style-type: none"> <li>•Website to download draft and survey to collect feedback (K-5, 6-8, 9-12)</li> <li>•Collect feedback at various summer institutes around the state (K-12)</li> </ul>
August 13-14, 2007	Curriculum Focus Group 2
September 18, 2007	<b>DRAFT 2 and Feedback Survey Available on-line</b>
September 18, 2007 – October 19, 2007	Public Review of Draft 2 <ul style="list-style-type: none"> <li>•Website to download draft and survey to collect feedback (K-5, 6-8, 9-12)</li> </ul>
October 10-12, 2007	NCCTM Leadership meeting and State Math Conference: feedback sessions
November 7, 2007	<b>DRAFT 3 and Feedback Survey Available on-line</b>
November 7, 2007 – November 30, 2007	Public Review of Draft 3 <ul style="list-style-type: none"> <li>•Website to download draft and survey to collect feedback (K-5, 6-8, 9-12)</li> </ul>
November 5 & 15, 2007	Meetings with DPI Test Development staff regarding testing implications for K-5
December 10, 2007	Meeting with DPI Test Development staff regarding testing implications for 6-12

More Info at: [http://community.learnnc.org/dpi/math/archives/2007/06/standard\\_course.php](http://community.learnnc.org/dpi/math/archives/2007/06/standard_course.php)

**Stakeholders:** Teachers, administrators, students, parents, college/university professors, community members and Department of Public Instruction staff

**Timeline For Action:**

This item was submitted for discussion at the January 2008 GCS committee meeting, was returned for further discussion in February 2008, and is returned for action in March 2008.

**Recommendations:**

The State Board of Education is asked to grant approval of the proposed revision to the *North Carolina Standard Course of Study for Mathematics K-5*.

The State Board of Education is asked to delay approval of the proposed revision of the *North Carolina Standard Course of Study for Mathematics 6-12* until the State Board of Education takes action on the Blue Ribbon Commission Report.

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Audiovisual equipment requested for the presentation:

Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)  
Specify: \_\_\_\_\_

Audio Requirements (computer or other, except for PA system which is provided)  
Specify: \_\_\_\_\_

Document Camera (for transparencies or paper documents – white paper preferred)  
\_\_\_\_\_

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Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_

Abstain \_\_\_\_\_

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Postponed \_\_\_\_\_ Revised \_\_\_\_\_

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\*Person responsible for SBE agenda materials and SBE policy updates: Amy Betsill, 919-807-3817

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Standard Course of Study

**Policy ID Number:** HSP-F-002

**Policy Title:** Policy delineating the NC Standard Course of Study for, Mathematics, Grades K-12

**Current Policy Date:** 03/03/2005

**Other Historical Information:** Previous board dates: 06/01/1989, 05/07/1998, 06/06/2002, 11/07/2002, 03/06/2003

**Statutory Reference:**

**Administrative Procedures Act (APA) Reference Number and Category:**

Please refer to the insert **NC Standard Course of Study - Mathematics Education K-12 Curriculum**. This Manual is available for purchase from the NC Department of Public Instruction. For price and availability, please call the Publication Sales Section of the Communications and Information Services Division at 1-800-663-1250. Instructions for ordering will be given at that time.

Questions regarding the **NC Standard Course of Study - Mathematics Education K-12 Curriculum**, should be directed to:

NC Department of Public Instruction  
Division of Instructional Services  
Mathematics and Science Section  
6352 Mail Service Center  
Raleigh, NC 27699-6352

Grades K-6: (919) 807-3839

Grades 4-6: (919) 807-3840

Grades 6-9: (919) 807-3841

Grades 9-12: (919) 807-3842

The **NC Standard Course of Study - Mathematics Education K-12 Curriculum** is also available from the following link:

<http://www.ncpublicschools.org/curriculum/mathematics/>

# Impact of Possible Revision of K-5 NC Standard Course of Study in Mathematics

## **Background Information**

The *North Carolina Standard Course of Study for Mathematics* was last revised in 2003. A schedule for revision was approved at the State Board of Education meeting in May 2007.

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## **Guiding Principles**

Factors that support revision:

1. **Globally Prepared Students** [Trends in International Mathematics and Science Study (TIMSS); Programme for International Student Assessment (PISA); Partnership for Twenty-first Century Skills Framework; American Diploma Project (ADP); and numerous other reports]
  2. **Alignment with post-secondary expectations** [Changes in the National Assessment for Educational Progress (NAEP) Framework for Mathematics, Grade 12; importance of alignment K-16]
  3. **Alignment with national curriculum documents** [Curriculum Focal Points published in 2006 by the National Council of Teachers of Mathematics (NCTM); Guidelines for Assessment and Instruction in Statistics Education published in 2005 by the American Statistical Association (ASA); College Board Standards for Success: Mathematics and Statistics (conventional courses document published in 2006, integrated courses document published in 2007) by the College Board]
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## **Input/Review**

During the past 12 months, the mathematics staff has coordinated the review and proposed revision of the North Carolina Mathematics Standard Course of Study. As part of the curriculum review and revision process, committees have included representatives from institutions of higher education, parents, business and industry leaders, district administrators, professional organization leadership, and teachers. Opportunities for input and participation have included:

- Initial survey of stakeholders in Fall 2006
  - Initial revision committee meeting in December 2006
  - Review and advisory panels
  - Textbook publishers
  - Curriculum writing committees
  - Elementary Mathematics/Science Institutes Summer 2007 (3)
  - Meredith Math Institutes Summer 2007 (2)
  - Middle School Mathematics and Science Leadership Institute Summer 2007
  - High School Mathematics Leadership Institute Summer 2007
  - NCCTM Regional Meetings Spring 2007 (3)
  - NCCTM Leadership Meeting October 2007
  - NCCTM Annual Meeting October 2007 (6 sessions)
  - Regional Meetings Middle/Secondary Division Spring 2007 (6) Fall 2007 (6)
  - Listserves and websites administered by DPI staff
  - Feedback survey after each draft (on-line)
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## Impact of Possible Revision of K-5 NC Standard Course of Study in Mathematics

- Outcomes** Two outcomes most apparent in the proposed revision of the North Carolina Standard Course of Study for Mathematics K-12 are
- Alignment with the 2006 Curriculum Focal Points document from the National Council of Teachers of Mathematics
  - Alignment with the College Board Standards for Mathematics and Statistics
  - Deeper refinement of the objectives which allows a focus on big ideas at each grade level, allowing more time for in-depth instruction and teaching for understanding

View the current draft at  
[http://community.learnnc.org/dpi/math/archives/2007/06/standard\\_course.php](http://community.learnnc.org/dpi/math/archives/2007/06/standard_course.php)

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**Uses** The revised *North Carolina Standard Course of Study for Mathematics K-12* will be used for the textbook selections in 2008-2009, ongoing revision and development of support documents in 2008-2009, planning and training in 2009-2010 and the revision of the North Carolina Testing Program for the 2010-2011 administration.

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### Timeline

School Year	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
<b>Content Standards</b>	<ul style="list-style-type: none"> <li>•Review current standards</li> <li>•Write or revise standards</li> </ul>	<ul style="list-style-type: none"> <li>•Present to SBE (Jan.)</li> <li>•Disseminate to schools (spring)</li> <li>•Develop support materials</li> </ul>		<ul style="list-style-type: none"> <li>•Transition year</li> </ul>	<ul style="list-style-type: none"> <li>•Implementation Year</li> </ul>
<b>Textbooks/ Curriculum Materials</b>	<ul style="list-style-type: none"> <li>•Review and adjust textbook criteria</li> </ul>	<ul style="list-style-type: none"> <li>•Textbook Call (Spring)</li> <li>•Textbook Review (Summer)</li> </ul>	<ul style="list-style-type: none"> <li>•Textbook selection by schools</li> </ul>	<ul style="list-style-type: none"> <li>•New textbooks in schools</li> </ul>	
<b>Professional Development</b>		<ul style="list-style-type: none"> <li>•Develop professional development materials and dissemination plan</li> </ul>	<ul style="list-style-type: none"> <li>•Leadership Institutes</li> <li>•On-line professional development modules</li> </ul>	<ul style="list-style-type: none"> <li>•On-going professional development</li> </ul>	
<b>EOG Pre3 through 8 Mathematics Assessments</b>	<ul style="list-style-type: none"> <li>•Current Edition (3<sup>rd</sup> Edition)</li> <li>•(2<sup>nd</sup> year)</li> </ul>	<ul style="list-style-type: none"> <li>•Current Edition (3<sup>rd</sup> Edition)</li> <li>•Begin Item Development</li> </ul>	<ul style="list-style-type: none"> <li>•Current Edition (3<sup>rd</sup> Edition)</li> <li>•Field Test Items Embedded</li> </ul>	<ul style="list-style-type: none"> <li>•Current Edition (3<sup>rd</sup> Edition)</li> <li>•Field Test Items Embedded</li> </ul>	<ul style="list-style-type: none"> <li>•New 4<sup>th</sup> Edition</li> <li>•New Standards</li> </ul>
<b>EOC Algebra I, Geometry, Algebra II</b>	<ul style="list-style-type: none"> <li>•Current Edition (1<sup>st</sup> year)</li> </ul>	TBD	TBD	TBD	TBD

**EXECUTIVE SUMMARY****Title:** 2008 Invitation to Submit Textbooks for Evaluation and Adoption in North Carolina**Type of Executive Summary:**

- Action       Action on First Reading       Discussion       Information

**Policy Implications:**

- Constitution \_\_\_\_\_  
 General Statute #115C-85-86, 93  
 SBE Policy #HSP-H-000, HSP-H-001, HSP-H-006, HSP-H-007  
 SBE Policy Amendment  
 SBE Policy (New)  
 APA #16NCAC 6D.0204, .0205, .0206  
 APA Amendment  
 APA (New)  
 Other \_\_\_\_\_

**Presenter(s):** Mrs. Charlotte Hughes (Special Assistant/Textbook Coordinator, Curriculum and Instructional Services) and Dr. Susan Purser (Chair, N. C. Textbook Commission)

**Description:**

The *2008 Invitation to Submit Textbooks for Evaluation and Adoption in North Carolina* is submitted each year in April to the State Board of Education for approval. The 2008 Invitation is Mathematics K-5, Healthful Living K-12, Career Development 6-12, Health Occupation 6-12 and Trade and Industrial 9-12. The *2008 Invitation* includes rules and regulations based on General Statutes, Administrative Code, and State Board Policy that govern the adoption process. As directed by State Board Policy (HSP-H-007), the *2008 Invitation* has been reviewed by General Counsel to the Board.

**Resources:**

Stipends for evaluators, NC Textbook Commission's expenses

**Input Process:**

NC Textbook Commission, Exceptional Children Division, Educational Consultants from Mathematics, Healthful Living, Career Development, Health Occupations and Trade and Industrial.

**Stakeholders:**

Administrators, teachers, parents and students in public schools, publishers on Publishers Registry

**Timeline For Action:**

Document presented to State Board of Education for discussion in March and action in April. After approval, the *2008 Invitation* will be e-mailed to all publishers listed on the Publishers Registry and posted to the Department of Public Instruction web site.

**Recommendations:**

The Department requests that the Board approve the *2008 Invitation to Submit Textbooks for Evaluation and Adoption in North Carolina* for the curriculum as presented.

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**Audiovisual equipment requested for the presentation:**

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)  
Specify: \_\_\_\_\_
- Audio Requirements (computer or other, except for PA system which is provided)  
Specify: \_\_\_\_\_
- Document Camera (for transparencies or paper documents – white paper preferred)  
\_\_\_\_\_

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Motion By: \_\_\_\_\_ Seconded By: \_\_\_\_\_  
Vote: Yes \_\_\_\_\_ No \_\_\_\_\_ Abstain \_\_\_\_\_  
Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Postponed \_\_\_\_\_ Revised \_\_\_\_\_  
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\*Person responsible for SBE agenda materials and SBE policy updates: Sylvia Moore, 919-807-4009

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Textbooks

**Policy ID Number:** HSP-H-000

**Policy Title:** 16 NCAC 6D.0204 Policy defining the textbook adoption schedule

**Current Policy Date:** 08/03/1998

**Other Historical Information:** Previous board dates: 03/01/1990

**Statutory Reference:** GS 115C-89

**Administrative Procedures Act (APA) Reference Number and Category:** 16 NCAC 6D  
.0204

**.0204 TEXTBOOK ADOPTION SCHEDULE**

To ensure adequate time for the evaluation of textbooks presented to the SBE for adoption for use in the public schools, the Textbook Commission, the department and the SBE shall adhere, to the extent practicable, to the following schedule on and after January 1, 1990:

- (1) January. The Superintendent of Public Instruction will identify for the SBE all textbook contracts scheduled to expire during the next calendar year, and recommend whether such contracts should be renewed or new textbooks adopted the following year.
- (2) March. The Superintendent will present for the SBE's approval a review of the curriculum requirements as prescribed in the Standard Course of Study and Competency Based Curriculum for the areas for which textbooks are scheduled to be adopted that year.
- (3) April. The Superintendent will present for the SBE's approval the call letter and evaluation forms prepared by the Curriculum Review Committee for the textbooks scheduled for adoption that year. The Superintendent will forward approved call letters to publishers listed on the Textbook Company Register and will forward approved evaluation forms to the Textbook Commission.
- (4) June. Textbook publishers will forward textbooks presented by publishers for adoption to the Textbook Commission and other recipients designated in the call letter.
- (5) June 15 to August 1. The Regional Textbook Evaluation Advisory Committees will evaluate textbooks under the direction of the Textbook Commission.

- (6) August and September. The Textbook Commission will review the recommendations of the Regional Textbook Evaluation Advisory Committees, and will prepare its recommendations to the SBE.
- (7) October. The Textbook Commission will present its recommendations to the SBE. The SBE will adopt textbooks.
- (8) November and December. Local school systems review adopted textbooks and identify textbooks to be ordered. Local school systems will place orders before March 1 of the next year.

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Textbooks

**Policy ID Number:** HSP-H-001

**Policy Title:** 16 NCAC 6D.0205 Policy establishing the textbook curriculum review committee

**Current Policy Date:** 08/03/1989

**Other Historical Information:**

**Statutory Reference:** GS 115C-89

**Administrative Procedures Act (APA) Reference Number and Category:** 16 NCAC 6D  
.0205

**.0205 CURRICULUM REVIEW COMMITTEE**

- (a) The Superintendent of Public Instruction shall appoint a Curriculum Review Committee to advise him about criteria to be included in each call letter to publishers requesting submission of textbooks for evaluation and adoption, and the development of forms for evaluation of textbooks presented for adoption.
- (b) The committee shall be organized and selected by the Superintendent of Public Instruction. The Committee should include, in addition to members of the department, representatives from local school systems, the Textbook Commission, and the community.
- (c) The committee shall begin performing its duties at least one year before the issuance of letters to publishers calling for submission of textbooks for evaluation and adoption.
- (d) The committee's responsibility is to help ensure that textbooks presented for adoption are evaluated for their conformity to the Standard Course of Study and the Competency Based Curriculum, and that the textbooks adopted in fact conform to the Standard Course of Study and the Competency Based Curriculum. The committee shall develop criteria to be included in each call letter and textbook evaluation forms that reflect the requirements of the Standard Course of Study and the Competency Based Curriculum.
- (e) The committee shall present the criteria and forms it develops to the Superintendent of Public Instruction for review and approval, and shall then present the criteria and forms to the SBE for review and adoption.

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Textbooks

**Policy ID Number:** HSP-H-006

**Policy Title:** 16 NCAC 6D.0208 Policy and procedure governing the North Carolina textbook company register

**Current Policy Date:** 08/03/1989

**Other Historical Information:**

**Statutory Reference:** GS 115C-89

**Administrative Procedures Act (APA) Reference Number and Category:** 16 NCAC 6D .0208

**.0208 TEXTBOOK COMPANY REGISTER**

- (a) In accordance with G.S. 115C-94, the Superintendent of Public Instruction shall maintain a register of all publishers who submit books for adoption by the SBE. The Superintendent shall prescribe the information required for registration.
- (b) Only registered companies will receive notice of proposed textbook adoptions by the SBE.
- (c) The Superintendent shall remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any kind to adopt its books upon a member of the Textbook Commission, the regional textbook evaluation advisory committees, the curriculum review committee, or the department.
- (d) The SBE shall direct the Superintendent of Public Instruction to remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any form upon a member of the SBE to adopt its books.

**NORTH CAROLINA STATE BOARD OF EDUCATION**  
**Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Textbooks

**Policy ID Number:** HSP-H-007

**Policy Title:** Policy amending the textbook adoption process

**Current Policy Date:** 11/01/2001

**Other Historical Information:** Previous board dates: 02/01/1996

**Statutory Reference:** GS 115C-85 - 102

**Administrative Procedures Act (APA) Reference Number and Category:**

A. The evaluation form used by Textbook Commission members shall be revised to include the following changes:

1. Part I-Compatibility with the North Carolina Curriculum  
Add to Part I-Compatibility with the North Carolina Curriculum a section for comments that will serve as documentation for the member's evaluation of "acceptable" or "not acceptable."  
  
Add to Part I the following directions: "If the evaluation of Part I indicates materials are not compatible with the North Carolina Curriculum, then do not proceed with the remaining portion of the evaluation sheet." This section must receive at least two "yes" tallies in order to be recommended. Supporting documentation must be given in the documentation section.
2. Part II and Part III-General and Specific Criteria  
Add to Part II, Specific Criteria, and Part III, General Criteria, sections for comments to document tallies.
3. Part IV-Overall Analysis  
Each Textbook Commission member will complete their overall analysis of materials being evaluated after the commission deliberates. Part IV indicates each commissioner's vote. A documentation section is also added to Part IV.
4. Scoring
  - (a) Limit all answers to acceptable or not acceptable.
  - (b) Comments should provide documentation for positive or negative tallies.

- (c) Tallies shall reflect the overall recommendation in Part IV.
- (d) Failing Part I eliminates a program from further consideration.

- B. A publisher may submit a title or titles in no more than two subject categories which are outlined in the Invitation to Submit... The submitting publisher shall be responsible for placing titles in the categories.
- C. A period of time shall be set aside for the Textbook Commission to meet and deliberate before a list of textbook recommendations is taken to the State Board of Education for adoption. Prior to the October Board meeting, publishers will have time to present additional information to the commission if their title(s) have been excluded from the list of recommendations. Further, the following policy for reconsideration shall be established.
  - 1. The Textbook Commission shall meet to determine recommendations to present to the State Board of Education and shall complete those deliberations no later than the 10th of September, unless unforeseen circumstances prevent adherence to this deadline.
  - 2. At the conclusion of deliberations, each publisher whose submission(s) have not been recommended will have the opportunity to submit additional information that might assist the Textbook Commission in re-assessing its recommendation. This additional information shall be presented verbally to the Commission. The Textbook Commission will advise publishers who wish to be heard about the format for the verbal presentation. If, after hearing the additional information, the Textbook Commission votes to alter its recommendation, the Commission will advise the publisher as soon as that decision is made and document reasons in support of the decision.
  - 3. All submitting publishers shall be notified by the Textbook Commission about the list of its recommendations on or before the 15th of September.
  - 4. Documentation will accompany reports of "not recommended" titles.
  - 5. If the "not recommended" status is retained after the Textbook Commission has heard the additional information and a publisher has further documentation to substantiate reconsideration, a publisher may complete and file a Publisher's Response Form for Reconsideration of Not-Recommended Materials.
  - 6. Completed forms for reconsideration must be submitted in writing to the State Board of Education, Executive Director, on or before the 22nd of September. The completed form shall be no longer than 2 single-sided pages.
  - 7. Copies of the reconsideration form will be forwarded to the State Board counsel, State Board members, State Superintendent, and Textbook Commission members by the Executive Director.

8. The State Board shall consider each request, with the aid of counsel, and shall inform each publishing company regarding its findings at the October State Board meeting.
  9. A publishing company shall not contact any State Board member personally to discuss the reconsideration of a Textbook Commission recommendation.
  10. All adoption decisions made by the State Board of Education shall be final.
- D. Include in the call letter, the Invitation to Submit Textbooks for Evaluation and Adoption, the following information about contact with State Board of Education members and Textbook Commission members:
1. The Commission may meet publicly with representatives of publishers to discuss the Commission's plans and procedures for adoption of textbooks.
  2. At no time during the adoption process (from the time the State Board approves the call letter in April until the State Board adopts the list of textbooks in October) may the Commission or any of its members meet privately with any publisher's representatives.
  3. The Superintendent shall remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any kind to adopt its books upon a member of the Textbook Commission, the regional textbook evaluation advisory committees, the curriculum review committee or the staff of the Department of Public Instruction.
  4. The State Board of Education shall direct the Superintendent of Public Instruction to remove from the Textbook Company register any publisher whose representatives attempt to exercise undue pressure of any form upon a member of the State Board of Education to adopt its books.

For purposes of restrictions, "undue pressure" means personal contact (other than with the Executive Director of the State Board of Education or the Textbook Selections Coordinator of the Department of Public Instruction), whether in person, or by telephone, that attempts to advocate for the selection of a particular book or series of books. "Undue pressure" does not include social contact or presentations to the Textbook Commission as a whole, and does not include written communication with Textbook Commission members or agency officials following acceptance or rejection of a submission in an effort to seek clarification or reconsideration.

- E. In an effort to insure that the textbook selection process is conducted in an impartial and ethical manner, the following shall be enacted:
1. On an annual basis, the State Board of Education shall devote a portion of its March meeting to review the Board's responsibilities to select and adopt textbooks as specified in GS 115C-85 - GS 115C-102.
  2. At this meeting, the Board shall also review those statutes related to the appointment of the Textbook Commission, the Commission's responsibilities, the

selection of textbooks, and other statutes in GS 115C pertaining to textbooks and contracting with publishers.

3. The members of the State Board of Education shall be informed annually of the legal and ethical considerations of discussions with textbook company representatives during the textbook selection process.
  4. At the beginning of each four-year selection cycle for the Textbook Commission, all members shall receive extensive training regarding rules, regulations, and the textbook selection process as outlined in the law, and in State Board of Education policy. It is recommended that the members also review annually any legal and ethical considerations related to their role, as well as any changes etc. related to the process that might be considered.
  5. The Commission Chairperson shall annually, in June, prior to the hearings for publishers to present the textbooks which will be submitted to the Commission, conduct an information session for all publishers' representatives for the purpose of discussing pertinent issues related to the current adoption.
- F. General Counsel to the State Board of Education shall review and approve the Invitation to Submit Textbooks for Evaluation and Adoption, prior to the call letter being presented to the State Board of Education in March of each year.
- G. By April 1 each publishing company piloting textbook materials being submitted for consideration in the current adoption year shall notify the Textbook Commission, in writing, which materials are being piloted and in which districts materials are being piloted. The Textbook Commission shall notify all local superintendents, involved in piloting textbook materials prior to the end of the textbook selection process, that the materials they are piloting may or may not be accepted by the Commission.
- H. The Textbook Study Committee shall remain as an ad hoc committee to the State Board to reconvene as needed.

**EXECUTIVE SUMMARY**

**Title:** Waiver to Allow Five Pilot School Systems to Replace Present Special Education Identification and Eligibility Procedures with the Responsiveness to Instruction Procedures

**Type of Executive Summary:**

Action       Action on First Reading       Discussion       Information

**Policy Implications:**

Constitution \_\_\_\_\_  
 General Statute # \_\_\_\_\_  
 SBE Policy #HSP-D-000  
 SBE Policy Amendment  
 SBE Policy (New)  
 APA # \_\_\_\_\_  
 APA Amendment  
 APA (New)  
 Other 34 CFR Part 300  
NC 1503-2

**Presenter(s):** Mr. Robert L. Logan (Associate Superintendent, Office of Innovation and School Transformation) and Mrs. Mary N. Watson (Director, Exceptional Children Division)

**Description:**

This request is an amendment of an originally approved wavier.

The Individuals with Disabilities Education Improvement Act (IDEA 2004) (H.R. 1350) was signed into law in December 2004. The Act allows for the use of a process that determines if a child responds to scientific, research-based intervention as part of evaluation/identification procedures. This process is one method for determining if a child is eligible as a child with a Specific Learning Disability and is in need of special education.

The previous wavier was approved November 2005 that allowed pilot programs in 10 schools within five Local Education Agencies (LEAs) to implement fully the Responsiveness to Instruction (RtI) model. The department proposes utilizing Responsiveness to Instruction to identify and determine eligibility, when appropriate, for students with disabilities in the four high-incidence areas of eligibility: Emotional Disability, Intellectual Disability, Other Health Impairment and Specific Learning Disability. This model continues to use the process described within IDEA 2004. The waiver is extended to all schools within the following LEAs: Bertie, Burke, Guilford, Harnett, and New Hanover Counties.

Responsiveness to Instruction is a systematic process emphasizing (a) problem identification, clarification and analysis, (b) early academic and behavioral interventions, and (c) ongoing monitoring and evaluation of intervention effects. The process involves collaboration among general education teachers, special education teachers, school psychologists, other school personnel, and parents. It is anticipated that Responsiveness to Instruction will (1) identify early those children who are at risk for school failure, (2) provide appropriate interventions within general education without having to refer children for special education consideration, and (3) decrease the probability that non-disabled children with academic difficulties will be placed in special education services. Eligibility determination using data gathered during the RtI procedures will complete the process as described in IDEA 2004.

A State Task Force has studied ways to improve the identification and evaluation services for children with disabilities since 2001. The most favorable model to be recommended is the Responsiveness to Instruction model, based upon its use in other states and its allowance under IDEA 2004.

Based upon the evaluation of the Responsiveness to Instruction process in the five LEAs, the Exceptional Children Division will be in a position to recommend changes in Policies Governing Services for Children with Disabilities and advise school systems as to the most effective way to evaluate and identify children with disabilities.

**Resources:**

NCDPI staff in the Exceptional Children Division; NC university personnel; public school personnel in selected LEAs; Mid South Regional Resource Center; Area Education Agency 11 in Heartland, Iowa; and Horry County, South Carolina

**Input Process:**

NCDPI staff in the Exceptional Children Division, university personnel, select Exceptional Children directors, Mid-South Regional Resource Center personnel, and public school personnel in selected LEAs

**Stakeholders:**

Students and families of North Carolina public schools, public school staff, and State university system staff

**Timeline For Action:**

This item is submitted for discussion at the March State Board of Education meeting and action at the April State Board of Education meeting.

**Recommendations:**

It is recommended that the State Board of Education discuss this item in March and approve this item at the April State Board of Education meeting.

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Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)

Specify: \_\_\_\_\_

- Audio Requirements (computer or other, except for PA system which is provided)

Specify: \_\_\_\_\_

- Document Camera (for transparencies or paper documents – white paper preferred)

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Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_

Abstain \_\_\_\_\_

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Postponed \_\_\_\_\_ Revised \_\_\_\_\_

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\*Person responsible for SBE agenda materials and SBE policy updates: Tish Bynum, 919 807-3971

## NC 1503-2 Referrals, Evaluations and Reevaluations

### NC 1503-2.1 Referral

When a teacher, parent, or other involved person suspects that a child may be a child with a disability, he/she shall provide in writing the reason for referral, addressing the specific presenting concerns and the child's current strengths and needs. This referral shall be given to the principal of the school, the child's teacher or other school professional, or the Superintendent or other appointed official of the LEA. For preschool children with disabilities, the referral may also be given to the person designated as the person in charge of services for preschool children with disabilities.

### NC 1503-2.2 Initial evaluations

- (a) General. Each LEA must conduct a full and individual initial evaluation in accordance with NC 1503-2.4 through NC 1503-2.7 before the initial provision of special education and related services to a child with a disability under these Policies.
- (b) Request for initial evaluation. Consistent with the consent requirements in NC 1503-1, either a parent of a child, or an LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability. Upon an oral request for an initial evaluation from a parent, the LEA shall provide assistance, as needed, in completing a written referral.
- (c) Procedures for initial evaluation. The initial evaluation -
  - (1) Must be conducted; eligibility determined; and for an eligible child, the IEP developed; and placement completed within 90 days of receipt of a written referral; and
  - (2) Must determine--
    - (i) If the child is a child with a disability under NC 1500-2.4; and
    - (ii) The educational needs of the child.
- (d) Exception. The timeframe described in paragraph (c)(1) does not apply to an LEA if--
  - (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation;
  - (2) The parent of a child repeatedly fails or refuses to respond to a request for consent for the evaluation; or
  - (3) A child enrolls in a school of another LEA after the 90 day timeline has begun, and prior to determination by the child's previous LEA as to whether the child is a child with a disability under NC 1500-2.4.
- (e) The exception in paragraph (d)(3) of this section applies only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent LEA agree to a specific time when the evaluation will be completed.

(Authority: 20 U.S.C. 1414(a); 34 CFR 300.301)

### NC 1503-2.3 Screening for instructional purposes is not evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

(Authority: 20 U.S.C. 1414(a)(1)(E); 34 CFR 300.302)

### NC 1503-2.5 Evaluation procedures

- (a) Notice. The LEA must provide notice to the parents of a child with a disability, in accordance with NC 1504-1.4, that describes any area in which the LEA proposes to conduct evaluation.
- (b) Conducting the evaluation. In conducting the evaluation, the LEA must--
  - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that

may assist in determining--

- (i) Whether the child is a child with a disability under NC 1500-2.4; and
  - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
- (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
  - (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- (c) Other evaluation procedures. Each LEA must ensure that--
- (1) Assessments and other evaluation materials used to assess a child under these Policies --
    - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
    - (ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
    - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
    - (iv) Are administered by trained and knowledgeable personnel; and
    - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
  - (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
  - (4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;
  - (5) Assessments of children with disabilities who transfer from one LEA to another LEA in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with NC 1503-2.1(d)(2) and (e), to ensure prompt completion of full evaluations.
  - (6) In evaluating each child with a disability NC 1503-2.4 through NC 1503-2.6, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
  - (7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.
- (d) Required screenings and evaluation for eligibility determination.

Emotional Disability.

- (i) Required screenings and evaluations:
  - (A) Hearing screening;
  - (B) Vision screening;
  - (C) Two scientific research-based interventions to address behavioral/emotional skill deficiency and documentation of the results of the interventions, including progress monitoring documentation;
  - (D) Summary of conference(s) with parents or documentation of attempts to conference with parents;

- (E) Communication evaluation;
  - (F) Review of existing data;
  - (G) Social/developmental history;
  - (H) Observation across settings, to assess academic, functional, and behavioral skills;
  - (I) Educational evaluation;
  - (J) Psychological evaluation, to include an intellectual evaluation;
  - (K) Behavioral/emotional evaluation which may include a behavior/emotional skill rating;
- (ii) To be determined eligible in the disability category of serious emotional disability:
- (A) One of the following characteristics must be exhibited:
    - a. An inability to make educational progress that cannot be explained by intellectual, sensory, or health factors;
    - b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
    - c. Inappropriate types of behavior or feelings under normal circumstances;
    - d. A general pervasive mood of unhappiness or depression; or
    - e. A tendency to develop physical symptoms or fears associated with personal or school problems.
  - (B) Additionally, the condition must be exhibited:
    - a. Over a long period of time; and
    - b. To a marked degree.
- (iii) The disability must:
- (A) Have an adverse effect on educational performance, and
  - (B) Require specially designed instruction.

#### Intellectual Disability.

- (i) Required screenings and evaluations:
  - (A) Hearing screening;
  - (B) Vision screening;
  - (C) Health screening;
  - (D) Motor screening;
  - (E) Speech/language screening;
  - (F) When there is no prior diagnosis of intellectual disability, two research-based interventions to address academic and/or functional skill deficiencies and documentation of the results of the interventions, including progress monitoring documentation;
  - (G) Summary of conference(s) with parents or documentation of attempts to conference with parents;
  - (H) Review of existing data;
  - (I) Social/developmental history;
  - (J) Observation across settings, to assess academic, functional, and behavioral skills;
  - (K) Educational evaluation;
  - (L) Adaptive behavior evaluation; and
  - (M) Psychological evaluation, to include an intellectual evaluation.
- (ii) To be determined eligible in the disability category of intellectual disability, a child must demonstrate both:
  - (A) Intellectual functioning well below the mean on an individually administered standardized intelligence test, and the standard error of measurement of that test shall be taken into account in the interpretation of the results. Measures below the mean are as follows:
    - a. Mild: Two standard deviations below the mean plus or minus one

- standard error of measure;
    - b. Moderate: Three standard deviations below the mean plus or minus one standard error of measure;
    - c. Severe: Four or more standard deviations below the mean plus or minus one standard error of measure.
  - (B) Adaptive behavior deficits at or below:
    - a. Two standard deviations below the mean in one domain, or
    - b. One and a half standard deviations below the mean in two or more domains.
- (iii) The disability must:
  - (A) Have an adverse effect on educational performance, and
  - (B) Require specially designed instruction.

#### Other Health Impairment

- (i) Required screenings and evaluations:
  - (A) Hearing screening;
  - (B) Vision screening;
  - (C) Two research-based interventions to address academic and/or behavioral skill deficiencies and documentation of the results of the interventions, including progress monitoring documentation;
  - (D) Summary of conference(s) with parents or documentation of attempts to conference with parents;
  - (E) Observation across settings, to assess academic and functional skills;
  - (F) Social/developmental history;
  - (G) Educational evaluation; and
  - (H) Medical evaluation.
- (ii) To be determined eligible in the disability category of other health impairment, a child must have a chronic or acute health problem resulting in one or more of the following:
  - (A) Limited strength;
  - (B) Limited vitality;
  - (C) Limited alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.
- (iii) The disability must:
  - (A) Have an adverse effect on educational performance, and
  - (B) Require specially designed instruction.

#### Specific Learning Disability.

There are two methods for determining eligibility in the disability category of Specific Learning Disability: the use of discrepancy, which may result in the use of alternative to discrepancy; and the use of a process based on scientific research-based interventions.

- (i) The use of discrepancy.
  - (A) Required screenings and evaluations:
    - a. Hearing screening;
    - b. Vision screening (far and near acuity);
    - c. Speech/language screening;
    - d. Two research-based interventions to address academic skill deficiencies and documentation of the results of the interventions, including progress monitoring documentation;
    - e. Summary of conference(s) with parents or documentation of attempts to conference with parents;
    - f. Review of existing data;
    - g. Social/developmental history;
    - h. Observation across settings, to assess academic, and functional skills;
    - i. Educational evaluation; and

- j. Psychological evaluation, to include an intellectual evaluation.
- (B) To be determined eligible in the disability category of specific learning disability using the discrepancy option, a child must:
  - a. Demonstrate inadequate achievement for their age or to meet State approved grade-level standards in one or more of the following areas:
    - 1. Oral expression;
    - 2. Listening comprehension;
    - 3. Written expression;
    - 4. Basic reading skills;
    - 5. Reading fluency skills;
    - 6. Reading comprehension;
    - 7. Mathematics calculation; and
    - 8. Mathematical problem solving.
  - b. Demonstrate a discrepancy between achievement (as measured by the educational evaluation) and measured ability (as measured by the intellectual evaluation) of at least 15 points. Subscale, subtest, factor or other scores used to estimate intellectual functioning may not be used to determine a discrepancy;
  - c. Exhibit characteristics consistent with the definition of specific learning disabilities.
- (C) The disability must:
  - a. Not be the primary result of:
    - 1. Sensory deficits;
    - 2. Motor deficits;
    - 3. Intellectual disability;
    - 4. Serious emotional disability;
    - 5. Environmental influences;
    - 6. Cultural linguistic influences,
    - 7. Economic influences;
    - 8. Lack of instruction in reading or math; and/or
    - 9. Limited English proficiency.
  - b. Have an adverse effect on educational performance, and
  - c. Require specially designed instruction.

Alternative to discrepancy. If the IEP team determines that the assessment measures obtained in section (i) of this section did not accurately reflect the discrepancy between achievement and ability, the team may consider documentation of an alternative to the discrepancy. The IEP team must: (a) determine that the assessment measures did not accurately reflect the discrepancy between achievement and ability; (b) state in writing the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement; and (c) determine whether a substantial discrepancy in the student's performance is present.

- (ii) The use of a process based on a child's response to scientific research-based intervention. LEAs can utilize a process that determines a student's response to scientific research-based intervention as part of a comprehensive evaluation to determine eligibility in the disability category of Specific Learning Disability. A problem-solving process must be utilized to make educational decisions about a child's responsiveness. The following must occur during the problem-solving process:
  - (A) Tier I –
    - a. Hearing screening;
    - b. Vision screening (far and near acuity);
    - c. Implementation of a scientific research-based intervention;
    - d. Progress monitoring data;
    - e. Documented parent and teacher assessment of the effectiveness of the

- intervention;
  - f. Summary of conference(s) with parents or documentation of attempts to conference with parents; and
  - g. Review of existing data.
- (B) Tier II –
- a. Analysis of Tier I scientific research-based intervention;
  - b. Documented modifications/discontinuation of the intervention or implementation of a new scientific research-based intervention;
  - c. Progress monitoring data;
  - d. Documented parent and teacher assessment of the effectiveness of the intervention; and
  - e. Summary of conference(s) with parents and other school staff.
- (C) Tier III –
- a. Analysis of Tier II scientific research-based intervention;
  - b. Documented modifications/discontinuation of the intervention or implementation of a new scientific research-based intervention;
  - c. Progress monitoring data;
  - d. Documented parent, staff, and problem-solving team assessment of the effectiveness of the intervention;
  - e. Summary of conference(s) with parents, school staff, and the problem-solving team;
  - f. Speech language screening;
  - g. Social/developmental history; and
  - h. Observation by an independent observer for the purpose of intervention and to inform instruction.
- (D) Tier IV –
- a. Analysis of Tier III scientific research-based intervention;
  - b. Documented modifications/discontinuation of the intervention or implementation of a new scientific research-based intervention;
  - c. Summary of conference(s) with parents, school staff, and the problem-solving team; and
  - d. Option 1: Modify Level III intervention (frequency, intensity, duration, or content) and implement the modifications; or  
Option 2: Complete referral for special education. If Option 2 is chosen, receipt of the completed referral for special education by school personnel begins the 90 day timeline, defined in NC 1503-2.2(c)(1), and requires that informed parent consent for evaluation be obtained.
- (E) To be determined eligible for services in the disability category of specific learning disabilities using a process based on a child’s response to scientific research-based interventions, the following criteria must be met:
- a. The child demonstrates achievement that is not adequate for the child’s age or the attainment of State-approved grade-level standards, when provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards, including at least two scientific, research-based interventions in one or more of the following areas:
    1. Listening comprehension;
    2. Oral expression;
    3. Written expression;
    4. Basic reading;
    5. Reading fluency;
    6. Reading comprehension;
    7. Mathematics calculation; and/or
    8. Mathematics reasoning; or

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.

- b. The child does not make sufficient progress to meet age or State approved grade-level standards in one or more of the areas identified in paragraph (a) of this section; or the IEP team determines the child needs an intervention, in order to make sufficient progress, that requires resources beyond what can be reasonably provided in general education.
- c. The child exhibits characteristics of specific learning disabilities consistent with the definition.

(F) The disability must:

- a. Not be the primary result of:
  - 1. Sensory deficits;
  - 2. Motor deficits;
  - 3. Intellectual disability;
  - 4. Serious emotional disability;
  - 5. Environmental, cultural/linguistic influences;
  - 6. Limited English proficiency;
  - 7. Economic influences; and/or
  - 8. Lack of instruction in reading or math.
- b. Have an adverse effect on educational performance; and
- c. Require specially designed instruction.

**Federal Regulations for 34 CFR Part 300, Assistance to States for the Education of Children With Disabilities ...**

**34 CFR 300.530 through 300.536**

Sec. 300.530 General.

Each SEA shall ensure that each public agency establishes and implements procedures that meet the requirements of Secs. 300.531-300.536.

(Authority: 20 U.S.C. 1414(b)(3); 1412(a)(7))

Sec. 300.531 Initial evaluation.

Each public agency shall conduct a full and individual initial evaluation, in accordance with Secs. 300.532 and 300.533, before the initial provision of special education and related services to a child with a disability under Part B of the Act.

(Authority: 20 U.S.C. 1414(a)(1))

Sec. 300.532 Evaluation procedures.

Each public agency shall ensure, at a minimum, that the following requirements are met:

(a)(1) Tests and other evaluation materials used to assess a child under Part B of the Act--

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

(ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

(2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining--

(1) Whether the child is a child with a disability under Sec. 300.7; and

(2) The content of the child's IEP.

(c)(1) Any standardized tests that are given to a child--

(i) Have been validated for the specific purpose for which they are used; and

(ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

(d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or

speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

(g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(h) In evaluating each child with a disability under Secs. 300.531-300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(i) The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(j) The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

(Authority: 20 U.S.C. 1412(a)(6)(B), 1414(b)(2) and (3))

§300.533 Determination of needed evaluation data.

(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall -

(1) Review existing evaluation data on the child, including-

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based assessments and observations; and

(iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine -

(i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;

(ii) The present levels of performance and educational needs of the child;

(iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

(b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.

- (c) Need for additional data. The public agency shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.
- (d) Requirements if additional data are not needed.
  - (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents--
    - (i) Of that determination and the reasons for it; and
    - (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.
  - (2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

(Authority: 20 U.S.C. 1414(c)(1), (2) and (4))

#### Sec. 300.534 Determination of eligibility

(a) Upon completing the administration of tests and other evaluation materials--

(1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in Sec. 300.7; and

(2) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(b) A child may not be determined to be eligible under this part if--

(1) The determinant factor for that eligibility determination is--

(i) Lack of instruction in reading or math; or

(ii) Limited English proficiency; and

(2) The child does not otherwise meet the eligibility criteria under Sec. 300.7(a).

(c)(1) A public agency must evaluate a child with a disability in accordance with Secs. 300.532 and 300.533 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

(Authority: 20 U.S.C. 1414(b)(4) and (5), (c)(5))

#### Sec. 300.535 Procedures for determining eligibility and placement.

(a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under Sec. 300.7, and the educational needs of the child, each public agency shall--

(1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(2) Ensure that information obtained from all of these sources is documented and carefully considered.

(b) If a determination is made that a child has a disability and

needs special education and related services, an IEP must be developed for the child in accordance with Secs. 300.340-300.350.

(Authority: 20 U.S.C. 1412(a)(6), 1414(b)(4))

Sec. 300.536 Reevaluation.

Each public agency shall ensure--

(a) That the IEP of each child with a disability is reviewed in accordance with Secs. 300.340-300.350; and

(b) That a reevaluation of each child, in accordance with Secs. 300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

(Authority: 20 U.S.C. 1414(a)(2))

Additional Procedures for Evaluating Children With Specific Learning Disabilities

# North Carolina Department of Public Instruction

## Responsiveness to Instruction

### Problem-Solving Model Pilot

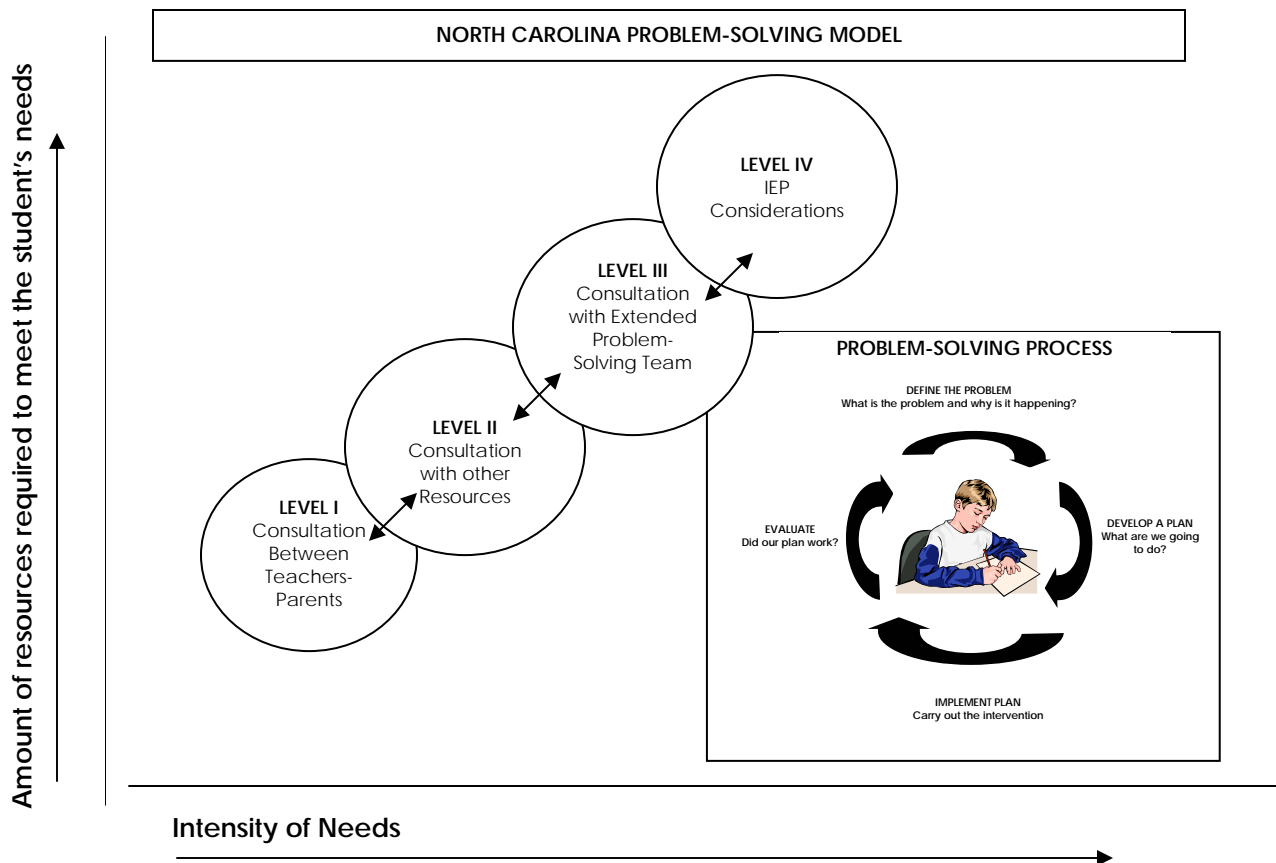
#### The Problem-Solving Process

Problem solving is defined as a process that includes a systematic analysis of a student’s behavior or academic difficulties that uses this analysis, and any assessment activities, to provide the foundation for a planned, systematic set of interventions. These interventions are then monitored and evaluated to determine effectiveness, also as a part of the problem-solving process.

Problem solving occurs within the school setting at various levels, and is more complex as the resources needed to resolve a problem increase, due to the significance of the problem. The intent of the problem-solving process is to resolve the problem using the necessary resources. The end result could be entitlement to special education, but only after a systematic, data-based decision-making process has clearly demonstrated both the eligibility and the need for special education.

The problem-solving approach focuses on how to resolve the difficulties a learner is experiencing. To understand how best to help a student, information is collected from teachers, parents, and others who best know the child. This information is used to determine what the child needs and how best to assist the child. Student progress is measured frequently to determine what is most effective for each student and decisions are based on the results.

The problem-solving approach emphasizes assisting children. It is an integrated conceptual model of assessment and services incorporating general and special education efforts. Concerns may be expressed by parents, teachers, counselors, school nurses, principals, building assistance teams, community providers, or others in direct contact with students. Assistance can occur at four levels. The first level involves parent and teacher collaboration to address problems. At the second level, other teachers provide expertise to solve the problem. At the third level, more specialized staff guides the assistance. The fourth level addresses entitlement to special education.





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\*Person responsible for SBE agenda materials and SBE policy updates: Susan McKinney, 919-807-3293

**NORTH CAROLINA STATE BOARD OF EDUCATION  
Policy Manual**

**Policy Identification**

**Priority:** High Student Performance

**Category:** Course for Credit

**Policy ID Number:** HSP-M-001

**Policy Title:** Policy defining "Course for Credit"

**Current Policy Date:** 02/07/2008

**Other Historical Information:** Previous board dates: 05/05/1988, 08/02/2001, 02/07/2002, 12/05/2002, 07/01/2004, 11/04/2004, 05/03/2007

**Statutory Reference:** GS 115C-81

**Administrative Procedures Act (APA) Reference Number and Category:**

A credit course, one for which credit toward high school graduation is awarded and which qualifies as part of the instructional day:

- must consist of 150 clock hours of instruction in a traditional schedule or
- must consist of a minimum of 135 clock hours of instruction in a block schedule; developed curriculum guides, or Advanced Placement syllabi in which high school students are enrolled; and
- must be directed by a teacher.

Public University, Community College, and Private College Courses

- Courses taken for high school graduation requirements at community colleges and private or public colleges/universities are exempt from the 135 or 150 instructional hours with the exception of the following courses required for high school graduation, which must be taken at the high school or middle school where indicated:
  - English I, II, III, IV;
  - Algebra I, Algebra II, Geometry, and any higher level mathematics course with Algebra II as the prerequisite that will be used to fulfill the fourth mathematics requirement or Integrated Mathematics I, II, III (These mathematics courses may be taken in middle school.)
  - Biology, Earth/Environmental Science, and a physical science course that is used to fulfill the third science requirement;
  - Civics and Economics, US History, World Studies;
  - first year of a Second Language (This Second Language course may be taken in middle school.);
  - second year of the same Second Language (This Second Language course may be taken in the middle school.); and
  - one credit of Health/Physical Education.
- Beginning in the 2007-08 school year, students who pass mathematics or foreign language courses during grade 6-8 that are described in the *North Carolina Standard Course of Study* for

grades 9-12 must achieve level III or IV on an EOC, if available, to meet that high school graduation requirement. High school mathematics and foreign language courses taken in grades 6-8 which do not have an EOC shall use high school course codes and shall be aligned to the *North Carolina Standard Course of Study* for grades 9-12. The courses will count toward graduation requirements, but the students' GPA will be computed with courses taken during the high school years.

- Beginning in the 2008-09 school year, students who pass science courses during grades 6-8 that are described in the *North Carolina Standard Course of Study* for grades 9-12 must achieve the level III requirement. High School science courses taken in grades 6-8 which do not have an EOC shall use high school course codes and shall be aligned to the *North Carolina Standard Course of Study* for grades 9-12. The courses will count toward graduation requirements, but the students' GPA will be computed with courses taken in the high school years.
- Students are encouraged to take three credits in science during the high school years including chemistry, physics, and other advanced courses.
- Laboratory facilities must meet safety requirements and state and national guidelines for laboratory expendables and equipment to allow the same opportunities for laboratory work as the high school laboratory in the local education agency.
- Students are strongly encouraged to complete at least one unit of mathematics credit in their final year of high school.
- Each local superintendent may grant a waiver to allow students to take the courses listed above at the Public University, Community College, and Private College and exempt them from the 135 or 150 instructional hour requirement, if these courses are not available to the student at his or her local high school. Courses taken at a Community College that have a corresponding end-of-course assessment at the high school require that the assessment be taken.
- Each local superintendent shall ensure that all required and elective courses have sufficient rigor, breadth, and depth to be awarded high school credit.

An online course qualifies for course credit if it meets the following requirements:

- The NC Standard Course of Study competency goals and objectives must be adopted, where available. Nationally validated standards for AP and IB must be used, where available.
- In the absence of a Standard Course of Study curriculum, the course must be ~~designed such that a typical student would take 135-150 hours to complete. The principal, in consultation with a teacher certified in that content area, is ultimately accountable for determining whether the course is~~ of sufficient depth and breadth and meets the state and/or nationally developed criteria for awarding credit.
- Where available, end-of-grade tests, end-of-course tests, and post assessment must be used as an indicator of student mastery.
- The student's base school schedules and administers EOC and EOG tests. These scores shall be included in the determination of the base school's ABCs and AYP status.
- Where statewide assessments are not available, the course must be ~~DPI staff and/or peer-~~evaluated and offered by the North Carolina Virtual Public School/Learn and Earn Online (LEO) or evaluated locally before posting.

Credit may not be awarded for school bus driving, office assistance, teacher assistance, or laboratory assistance.

**EXECUTIVE SUMMARY****Title: Carl D. Perkins Career and Technical Education Improvement Act of 2006 Five-Year State Plan****Type of Executive Summary:**

Action       Action on First Reading       Discussion       Information

**Policy Implications:**

- Constitution \_\_\_\_\_  
 General Statute #115C-154  
 SBE Policy # \_\_\_\_\_  
 SBE Policy Amendment  
 SBE Policy (New)  
 APA # \_\_\_\_\_  
 APA Amendment  
 APA (New)  
 Other Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270

**Presenter(s):** Mr. Robert L. Logan (Associate Superintendent, Innovation and School Transformation), Ms. Rebecca B. Payne (Director, Career and Technical Education), and Ms. Elizabeth Brown (Associate Director of Federal Vocational Education, North Carolina Community College System)

**Description:**

The Carl D. Perkins Career and Technical Education Improvement Act 2006 requires states to develop with their stakeholders a five-year (2008-2013) State Plan to meet the performance indicators in the Perkins IV legislation. During the year 2007-2008, the state operated under a Transition Plan approved by the State Board of Education April 2007. During the year 2007-2008, the state gathered input and began modifying the data collection process to meet the indicators. The Perkins State Plan is available at <http://www.ncpublicschools.org/cte/perkinsIV/fiveyearplan.pdf>.

**Resources:**

Federal Career and Technical Education Funds

**Input Process:**

Consultation was held with members of the following groups: Career and Technical Educators and academic teachers, faculty, and administrators; career development coordinators and school counselors; local education agency and community college recipients; charter schools; parents and students; institutions of higher education; state Tech Prep Coordinators and representatives of Tech Prep consortia; related state agencies - Commerce, Labor and Community Colleges; interested community members; representatives of Special Populations; representatives of business and industry; and Governor's initiatives including STEM, Learn and Earn and New Schools Project.

Public hearings for the purpose of receiving comments from stakeholders were held November 28, 2007, in Asheboro and Enka and November 29, 2007, in Greenville. The Career and Technical Education Division also received responses in writing and via e-mail.

**Stakeholders:**

Teachers, students, Career and Technical Education local administrators, local school administrators, community college personnel and economic developers

**Timeline For Action:**

This item is submitted for discussion and will be returned for action at the April 2, 2008, Board meeting with a draft submission to the United States Office of Education April 1, 2008. A State Board of Education approved copy is to be submitted April 7, 2008, for implementation 2008-2013.

**Recommendations:**

The State Board of Education is asked to discuss and provide input to the Carl D. Perkins Career and Technical Education Improvement Act of 2006 Five-Year State Plan at the March Board Meeting.

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Audiovisual equipment requested for the presentation:

Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)  
Specify: \_\_\_\_\_

Audio Requirements (computer or other, except for PA system which is provided)  
Specify: \_\_\_\_\_

Document Camera (for transparencies or paper documents – white paper preferred)  
\_\_\_\_\_

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Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Vote: Yes \_\_\_\_\_ No \_\_\_\_\_

Abstain \_\_\_\_\_

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Postponed \_\_\_\_\_ Revised \_\_\_\_\_

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\*Person responsible for SBE agenda materials and SBE policy updates: Dianne Barnes, 919-807-3818

## 2008-2013 State Plan for Career and Technical Education

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### *Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV)*

**Purpose of Perkins IV** The purpose of the Act is to develop more fully the academic and career and technical skills of secondary and postsecondary education students who elect to enroll in Career and Technical Education programs.

---

**Performance Indicators** Accountability Measures (Performance Indicators)

Secondary	Community College	Measures
X		Academic Attainment – Reading/Language Arts
X		Academic Attainment - Mathematics
X	X	Technical Skill Attainment
X	X	School Completion
X		Graduation Rates
X	X	Placement
X	X	Nontraditional Participation
X	X	Nontraditional Completion

---

**New or Expanded Directions** Perkins IV encourages states to embrace the following initiatives:

- Career Clusters
- Academic integration
- Credential attainment
- Postsecondary credit in high school
- High-skill, high-wage, high-demand current and emerging occupations

---

**Program of Study** The State Board of Education has approved a Future-Ready Core Course of Study beginning with students in the ninth grade class of 2009-2010.

“As part of this core, the State Board of Education recommends that local superintendents assist students in developing a four-course concentration focused on student interests and postsecondary goals. The concentration would provide an opportunity for the students to participate in a rigorous, in-depth and linked study” (NCDPI News release June 8, 2007, <http://www.ncpublicschools.org/newsroom/news/2006-07/20070608-02>).

Career and Technical Education offers students career clusters (pathways) of four related credits, with one being a second level course. Of the 2007 NC high school graduates, 55% completed this sequence of courses and 65% completed four math credits, including Algebra I, Geometry, and Algebra II or Integrated Mathematics I, II, and III. Of the students in the state’s 2007 NCLB graduation cohort who completed four technical credits, 81.7% graduated from high school. Of the students in the 2006 graduate follow up survey, 77.9% continued their education: 30.6% four-year College, 41.3% Community College, 6% on-the-job training (including apprenticeship and military).

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## 2008-2013 State Plan for Career and Technical Education

February 13, 2008

Page 2

- Perkins IV Implications for the Standard Course of Study**
- Curriculum in the Standard Course of Study will need to meet the following guidelines:
- Include academic and CTE content in a coordinated, non-duplicative progression of courses
  - Incorporate and align secondary and postsecondary education
  - Include the opportunity for secondary students to acquire postsecondary credits
  - Lead to an industry-recognized credential, certificate at the postsecondary level, or an associate or baccalaureate degree
  - Identify and address current or emerging occupational opportunities
- 

- Results in Five Years for Students**
- During the five years of Perkins IV Legislation, the law guides states to assist students in the following:
- Graduating from high school
  - Completing a concentration
  - Continuing education
  - Decreasing or eliminating remediation
  - Acquiring industry-recognized credentials or credit
  - Accessing career information for life-long learning
- 

- Results in Five Years for Teachers**
- During the five years of Perkins IV Legislation, the law guides states to assist students in the following:
- Using 21<sup>st</sup> Century themes/all aspects of the industry
  - Improving teaching integrated academics
  - Accessing data to plan
  - Acquiring business/industry mentors
- 

- High School Redesign**
- Perkins IV focuses on Career and Technical Education's leadership and collaboration with high school redesign initiatives, such as:
- College Tech Prep consortia
  - High Schools That Work (HSTW)
  - Project Lead The Way (PLTW)
  - Early/Middle Colleges with career focus
  - Career academies
  - Career-themed high schools
  - Graduation projects to include Advanced Studies
- 

**More Information**

The draft North Carolina State Plan for Career and Technical Education for program years 2008-2013 may be found at <http://www.ncpublicschools.org/cte/perkinsIV/fiveyearplan.pdf>

The complete Carl D. Perkins Career and Technical Education Act of 2006 may be found at <http://www.ed.gov/policy/sectech/leg/perkins/index.html>

**EXECUTIVE SUMMARY****Title:** Performance Audit of Academically and/or Intellectually Gifted Program**Type of Executive Summary:**

- Action       Action on First Reading       Discussion       Information

**Policy Implications:**

- Constitution \_\_\_\_\_  
 General Statute #Article 9B 115 C-150.5-8  
 SBE Policy # \_\_\_\_\_  
 SBE Policy Amendment  
 SBE Policy (New)  
 APA # \_\_\_\_\_  
 APA Amendment  
 APA (New)  
 Other \_\_\_\_\_

**Presenter(s):** Dr. Robert L. Logan (Deputy Superintendent for Innovation and School Transformation) and Mary N. Watson (Director, Exceptional Children Division)

**Description:**

The North Carolina Academically/Intellectually Gifted (AIG) program, under the auspices of the Exceptional Children Division, has been under a performance audit through the NC State Auditor's office from June, 2007-January, 2008. During that time, NC Department of Public Instruction (DPI) personnel and school district personnel have responded to state auditors' requests and provided relevant information and documentation. The purpose of the audit was to identify weaknesses in the monitoring and evaluation of the AIG program in order for DPI to take appropriate corrective action. The audit was initiated by the Office of the State Auditor in response to parent concerns that AIG program funds were being used for other purposes while AIG students are left underserved.

Given the parameters of DPI's current governance allowances within the context of Article 9B, the NC Department of Public Instruction provided responses relative to each finding of the NC State Auditor's report. The Auditor's report and department's responses will be shared.

**Resources:**

NCDPI, Exceptional Children Division staff and other agency personnel

**Input Process:**

NC State Auditor's report, NCDPI staff with the Exceptional Children Division, Institutions of Higher Education, parents/guardians of AIG students, State gifted advocacy associations, local AIG program coordinators, and regional AIG liaisons

**Stakeholders:**

AIG students of North Carolina schools (representing 11% of the ADM)

**Timeline For Action:**

This item is presented for information at the March State Board of Education meeting.

**Recommendations:**

It is recommended that the State Board of Education accept the AIG audit findings and the Department of Public Instruction responses.

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Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)  
 Specify: \_\_\_\_\_

- Audio Requirements (computer or other, except for PA system which is provided)

Specify: \_\_\_\_\_

Document Camera (for transparencies or paper documents – white paper preferred)

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Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

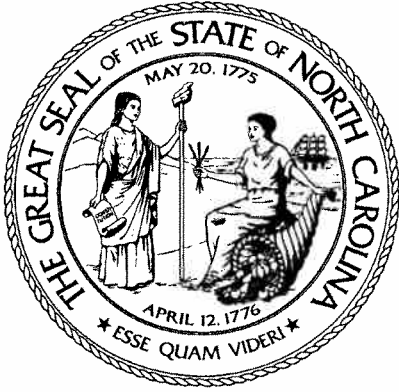
Vote: Yes \_\_\_\_\_ No \_\_\_\_\_

Abstain \_\_\_\_\_

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Postponed \_\_\_\_\_ Revised \_\_\_\_\_

-----  
\*Person responsible for SBE agenda materials and SBE policy updates: Tish Bynum, 919-807-3969



# STATE OF NORTH CAROLINA

## PERFORMANCE AUDIT

DEPARTMENT OF PUBLIC INSTRUCTION –  
EXCEPTIONAL CHILDREN DIVISION

ACADEMICALLY OR INTELLECTUALLY GIFTED  
PROGRAM

JANUARY 2008

OFFICE OF THE STATE AUDITOR  
LESLIE W. MERRITT, JR., CPA, CFP  
STATE AUDITOR

**PERFORMANCE AUDIT**

**DEPARTMENT OF PUBLIC INSTRUCTION –  
EXCEPTIONAL CHILDREN DIVISION**

**ACADEMICALLY OR INTELLECTUALLY GIFTED  
PROGRAM**

**JANUARY 2008**

STATE OF NORTH CAROLINA

Office of the State Auditor



Leslie W. Merritt, Jr., CPA, CFP  
State Auditor

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January 16, 2008

Ms. Mary Watson, Director, Exceptional Children Division, Department of Public Instruction  
North Carolina Department of Instruction  
301 North Wilmington Street  
Raleigh, North Carolina 27601

Dear Ms. Watson:

We have concluded the fieldwork on the performance audit entitled *Department of Public Instruction – Exceptional Children's Division, Academically or Intellectually Gifted Program* and have enclosed a preliminary draft report for your review. Performance audits are reviews of activities and operations to determine whether resources are being used economically, efficiently, and effectively. They are designed to provide discussion of concerns and to provide for consideration and recommendations that address those concerns.

Please review this draft report in preparation for our exit conference scheduled for XX:XX p.m. on Xday, January XX, 2008. At that time, we will discuss any concerns that you have regarding the findings and recommendations in the draft report. After our discussions, you will need to prepare a written response to be incorporated as part of the final report. The purpose of the response is to allow you the opportunity to express reasons for disagreement with our conclusions or recommendations or to comment briefly on pertinent issues not addressed in this report. If during your review you should have any questions or comments related to the draft, we urge you to discuss them with us in detail. We ask that we receive your final response (both hard copy and an electronic file) by 5:00 p.m. on January X, 2008.

Since this report is in confidential draft form, we ask that you help prevent premature release by sharing it only with those staff members whose input is necessary for your reply. Upon receipt and incorporation of your comments, copies of the final report will be issued to you, the Governor, members of the Joint Legislative Commission on State Government Operations, and will be made available to the public.

We appreciate the cooperation extended to us by you and your staff. Should you have any questions, please contact Mr. Kenneth Barnette, Audit Manager, or Mr. Kent McLamb, Audit Supervisor, at 919-807-7500. Mr. Barnette can also be contacted through e-mail at: [Kenneth\\_Barnette@ncauditor.net](mailto:Kenneth_Barnette@ncauditor.net).

Leslie W. Merritt, Jr., CPA, CFP  
State Auditor

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## Summary

### PURPOSE

This audit report identifies weaknesses in the monitoring and evaluation of the Academically or Intellectually Gifted (AIG) Program and makes recommendations so Department of Public Instruction (DPI) management can take appropriate corrective action.

### RESULTS

The AIG Program is not monitored at the State level to ensure that local programs are operated according to documented plans. Also, DPI does not monitor local AIG program expenditures or determine the quality and effectiveness of local programs. As a result, AIG programs may not be operated as planned and academically or intellectually gifted students may not receive the differentiated educational services they need to excel in the classroom.

We conducted a survey to determine parent satisfaction with local AIG programs. Although the majority of parents who responded to our survey were satisfied with the AIG Program, a significant number believed their child did not receive the services intended by the AIG Program, saw no difference in the type of educational services provided to their child since enrolling in the AIG Program, or recognized no improvement in their child's academic performance since participating in the AIG Program. A significant number of parents also said they were not provided information about their child's AIG progress by the school.

State-level monitoring has not been established because the law does not clearly authorize DPI to monitor local AIG program implementation and spending. Current law only requires Local Education Agencies (LEA) to consider comments and recommendations from the State Board of Education and DPI.

### RECOMMENDATIONS

The State Board of Education should establish or clarify authority regarding state-level monitoring of the AIG Program. DPI should develop and implement policies and procedures for state-level monitoring of the AIG Program. DPI should require evidence that differentiated educational services were delivered and AIG funds were used as outlined in local plans. DPI should also establish requirements for demonstrating that appropriate services have been provided before AIG funds are allowed to be used for other purposes.

DPI should establish AIG Program performance standards. The standards should provide the State with an evaluation tool that allows comparison of AIG services across schools and districts statewide. DPI should collect performance data from all Local Education Agencies (LEA) and evaluate the quality and effectiveness of the AIG Program statewide. A comprehensive analysis of data from all 115 LEAs could identify best practices among the individual school systems and result in overall program improvement. Statewide program evaluation should be performed

## **PERFORMANCE AUDIT**

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regularly, and the results should be readily available for public inspection. Parents should be made aware of the standards and provided a method to comment on program results.

### **AGENCY'S RESPONSE**

The Agency's response is included in Appendix B.

## Introduction

### BACKGROUND

In 1996, the Academically or Intellectually Gifted (AIG) Program was separated from its categorization with other special needs children by Article 9B of the North Carolina General Statutes. Article 9B defines AIG students as those that exhibit high academic performance capabilities, but require differentiated educational services beyond those provided by regular educational programs.

The AIG Program is administered through the Exceptional Children's Division of the Department of Public Instruction (DPI). The division provides guidance to the 115 Local Education Agencies (LEA) concerning exceptional children's programs, including the AIG Program. State law requires LEAs to submit local AIG plans to the State Board of Education every three years. DPI provides guidance to the LEAs about the State Board of Education guidelines, reviews local plans, and provides commentary as necessary. An organizational chart showing the lines of authority over the AIG Program is located in Appendix A.

In 2007, 155,221 students were enrolled in North Carolina AIG programs statewide, with a budget of \$58.1 million. Current child count data will not be available until April 2008, but the 2008 budget amount rose to \$63.3 million. As AIG budget amounts are based on enrollment figures, State spending on the AIG Program will continue to increase as the student population increases.

### OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of the audit was to determine whether the Exceptional Children Division of the Department of Public Instruction (DPI) adequately monitors the use of State funding for the Academically or Intellectually Gifted (AIG) Program.

This audit was initiated by the Office of the State Auditor in response to parent concerns that AIG Program funds are being used for other purposes while AIG students are left underserved.

The scope of this audit includes AIG policies and procedures, State laws, and financial and enrollment data maintained by DPI for fiscal years 2003-2008. The scope also includes AIG data maintained by Local Education Agencies (LEA) and information from parents of AIG students enrolled during the 2005-06 school year.

To accomplish our objective, we reviewed State laws, AIG policies and procedures, and State Board of Education guidelines governing administration of the AIG Program. Data were gathered from DPI and LEAs to support AIG funding and expenditure amounts. We also requested LEAs to submit documentation supporting the management of their AIG programs, and DPI personnel and LEA administrators were contacted as necessary through interview, email and telephone.

## PERFORMANCE AUDIT

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We conducted a parent satisfaction survey, in which we selected a random sample of 600 students enrolled in AIG programs. We acquired their parents' names and addresses and mailed a survey to each. Due to the low response rate (24%), the results of our survey may not be representative of all AIG parents. Consequently, we do not project our results to the population. All statements on the results of our survey pertain to the 146 respondents only.

We conducted this performance audit according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

This report contains the results of the audit including conclusions and recommendations. Specific recommendations related to our audit objective are reported. Because of the test nature and other inherent limitations of an audit, together with the limitations of any system of internal and management controls, this audit would not necessarily disclose all weaknesses in the systems or lack of compliance.

We conducted the fieldwork from May 2007 to January 2008. We conducted this audit under the authority vested in the State Auditor of North Carolina by Section 147-64.6 of North Carolina General Statutes.

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## **FINDINGS AND RECOMMENDATIONS**

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### **LOCAL AIG PROGRAM SERVICE DELIVERY AND SPENDING ARE NOT MONITORED AT THE STATE LEVEL**

The Academically or Intellectually Gifted (AIG) Program is not monitored at the State level to ensure that local programs are operated according to documented plans. Also, the Department of Public Instruction (DPI) does not monitor local AIG program expenditures or determine the quality and effectiveness of local programs. As a result, AIG programs may not be operated as planned, and academically or intellectually gifted students may not receive the differentiated educational services they need to excel in the classroom.

#### **Delivery of Planned AIG Services Is Not Monitored at the State Level**

The AIG Program is not monitored at the State level to ensure that local programs are operated according to documented plans. Each of the 115 Local Education Agencies (LEA) is required to develop an AIG program plan based on guidelines from the State Board of Education. The guidelines were developed to “serve as suggestions for best practices” and to “provide some statewide consistency in the education of academically or intellectually gifted students.” The local plans must be submitted to the State Board of Education for review and comment every three years. The State Board of Education guidelines require DPI to determine if LEAs are providing planned AIG Services. However, once the plans have been reviewed and returned to the LEAs, with comments if applicable, no further monitoring is performed at the State level to ensure local programs are operated in accordance with the final plans.

Consequently, AIG programs may not be operated as planned, and academically or intellectually gifted students may not receive legislatively intended AIG services. AIG programs are necessary to ensure that academically or intellectually gifted students receive differentiated educational services to develop and realize their potential. The State currently does not have monitoring procedures in place to ensure that the appropriate quality and quantity of differentiated educational services are delivered at an appropriate frequency to achieve this goal.

#### **Local AIG Program Expenditures Are Not Monitored at the State Level**

Parents have expressed concerns that AIG funds are being used for other purposes while AIG students are left underserved. Parents have asserted that, as schools are faced with tough budget decisions, school administrators are using AIG funds to address other needs viewed as higher priority by the schools or to fill budget gaps. We reviewed documentation for AIG fund transfer requests (ABC Transfers) on file at DPI for the 2006 and 2007 fiscal years. We determined how much of the total AIG allocation was transferred from each LEAs' AIG fund. The results are listed in Table 1 below.

## FINDINGS AND RECOMMENDATIONS

Table 1 – LEA<sup>1</sup> Transfers from AIG Fund

	Total AIG Budget	Amount Transferred Out (In)	Percent Transferred Out (In)
<b>2006</b>			
LEA 1	\$498,833	\$404,515	81%
LEA 2	\$171,606	\$167,825	98%
LEA 3	\$63,997	(\$4,872)	(8%)
<b>2007</b>			
LEA 1	\$526,554	\$384,640	73%
LEA 2	\$182,349	\$182,187	99%
LEA 4	\$339,182	\$500	<1%

Source: DPI

For LEA #1 and #2, the stated purpose of the requests was to allow more flexibility in planned AIG spending. Both of these LEAs used AIG funding to pay salaries and benefits to non-AIG certified teachers. LEA #1 provided a statement that the AIG funds were transferred to pay salaries and benefits for “general education teachers who fall in the lower income bracket” that, “will be responsible for providing some of the differentiated services for identified AIG students.” LEA #2 asserts that its transfers qualify under the provisions of its School Improvement Plan and State Board of Education guidelines, adding that AIG funds were transferred “in order to receive more benefits from all funding sources.” By contrast, LEA #3 shows a county that transferred funds into the AIG program, and LEA #4 transferred out a small amount of AIG funds for classroom supplies.

Table 1 and the related explanations illustrate an environment where AIG funds are managed in significantly different ways among LEAs. North Carolina General Statutes allow AIG funds to be used “in accordance with an accepted school improvement plan, for any purpose so long as that school demonstrates it is providing appropriate services to academically or intellectually gifted students in accordance with the local plan.” Certainly, budget flexibility and educational autonomy are vital to an LEA’s ability to provide educational services to its entire student population. But, in the absence of State monitoring of spending and program delivery, LEAs have the ability to transfer AIG funds out of the program based on documented plans only. At the State level, no one determines that the funds were actually spent to provide appropriate services to AIG

<sup>1</sup> LEA 1 transferred AIG funds both years, as did LEA 2. LEA 3 transferred funds only in 2006, and LEA 4 only in 2007.

## **FINDINGS AND RECOMMENDATIONS**

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students, and no one determines if intended results of the AIG program are achieved. LEAs are left to self-monitor, which increases the risk that any mismanagement of State dollars would go undetected.

We requested documentation from all 115 LEAs in order to gauge availability of information that could be used to monitor the local programs. We received documentation from 114 of the LEAs, but found the information differed significantly in quantity, form and content. Some LEAs provided detailed support for their AIG expenditures, as well as data supporting program results, while others submitted general information or none at all.

### **DPI Does Not Monitor Local AIG Program Evaluations**

DPI does not ensure that the quality and effectiveness of local AIG programs are properly evaluated or that the results are publicly reported. Also, DPI has not established statewide performance standards to evaluate local AIG program quality and effectiveness. North Carolina General Statute 115C-150.7 requires local AIG plans to include “Measurable objectives for the various services that align with core curriculum and a method to evaluate the plan and the services offered. The evaluation shall focus on improved student performance.” DPI reviews the local plans to ensure this component is included, but no one at the State level follows up to ensure that the evaluation is performed or if student performance is improving. Local Education Agencies (LEA) are required to develop performance data, but no one is currently evaluating the quality and effectiveness of the AIG Program statewide. Furthermore, our request for LEA documentation, mentioned earlier, disclosed that at least some LEAs are not developing performance data.

Consequently, AIG Program quality and effectiveness may not be consistent across North Carolina schools. Delivery of AIG services varies significantly among school systems; some school systems have dedicated AIG instructors who conduct AIG classes separate from regular classes, while high schools may simply use advanced placement (AP) courses to deliver AIG services. In the absence of approved standards and statewide monitoring and evaluation, DPI cannot provide assurance that AIG programs across the State are meeting expected, or even minimum, levels of performance. State level monitoring and evaluation would allow DPI to identify school systems that are meeting established performance goals and provide best practices advice to school systems that are underperforming. Implementation of statewide performance standards would also assure parents of AIG students that, no matter which school system their child attends, the State will hold the schools accountable for the quality and results of the AIG programs.

### **Results of Parent Survey**

The level of satisfaction expressed by a program’s participants and stakeholders can serve as an indicator of the quality and effectiveness of the program.

## FINDINGS AND RECOMMENDATIONS

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We designed a survey to solicit feedback from parents regarding their child's respective AIG program. As the students in the AIG Program are minors, we identified the parents as the stakeholder most likely to provide quality feedback regarding the quality and effectiveness of AIG programs statewide. The survey also provided parents with an opportunity to indicate their overall satisfaction with their AIG experience, as well as provide commentary regarding AIG. We only achieved a 24 percent response rate; therefore our results may not be representative of the entire population of AIG parents.

Ample opportunity exists to improve parent satisfaction with the level of services they receive from AIG programs. Overall, 61 percent of responding parents were satisfied with their AIG program. However, 18 percent of responding parents were dissatisfied with the program, and 21 percent were neither satisfied nor dissatisfied. Additionally, of those parents who responded:

- 51 % saw no difference in the educational services received since enrollment,
- 41 % saw no improvement in their child's academic performance, and
- 20 % believe their child did not receive the planned AIG services.

Some parents who had moved from one school district to another expressed differing levels of satisfaction with the respective AIG programs. In addition, levels of satisfaction sometimes changed when the student moved from one school level to another (for example, elementary to middle school).

The parent involvement and public information components of the local plans also need improvement. State law requires the local plans to include a public information component. Of parents responding to our survey, 75 percent were not aware of the State law regarding the AIG Program, which outlines the required components of the local plans. And only 55 percent of parents said they were informed about their child's AIG progress by the school.

### **Authority to Monitor Local AIG Programs Is Not Clear**

A lack of clear authority to monitor the local AIG programs precludes establishing effective state-level monitoring procedures. Article 9B does not include wording that clearly gives the State Board of Education or DPI authority to monitor the local AIG programs.

AIG Program requirements are outlined in Chapter 115C - Article 9B of the North Carolina General Statutes. General Statute 115C-150.6 requires the State Board of Education to "Develop and disseminate guidelines for developing local plans." North Carolina General Statute 115C-150.7 outlines mandatory components of local AIG plans and requires the LEA to develop and submit a plan "to the State Board of Education for its review and comments." However, the law only requires the LEA to "consider the State Board's comments before it implements the plan." Read literally, the law does not require the LEAs to accept the recommendations of the State Board. Based on this interpretation, DPI infers that it has no authority or responsibility to monitor the implementation of the local plans.

## FINDINGS AND RECOMMENDATIONS

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The guidelines published by the State Board, however, state that, “The Department of Public Instruction according to the legislation will monitor the local program plans for academically or intellectually gifted students. The monitoring will determine whether the local plan contains the components required by law and whether the system is providing the services outlined in the plan.” DPI currently monitors for existence of the components within the local plans, but does not monitor whether the system is providing the services outlined in the plan.

Additionally, DPI does not have clear authority to ensure AIG funds are spent appropriately at the local level. State law allows the transfer of AIG funds for other purposes so long as the school demonstrates it is providing appropriate services to AIG students. However, the law does not indicate how and to whom the school should demonstrate that appropriate services have been provided. DPI has not assumed responsibility for making this determination, so what constitutes “providing appropriate services” is left to the discretion of the individual LEA. Parents alleged that schools use the unclear wording of the law as a loophole to divert funding from AIG to other priorities, and DPI conceded this was possible under current policies.

It is noteworthy that State law specifically prohibits transfers from funds allocated for children with disabilities. AIG programs were funded under this law until Article 9B – *Academically or Intellectually Gifted Students* - was enacted in 1996. Language was also added to Chapter 115C to allow for budget flexibility regarding AIG funding. General Statute 115C-105.25 allows LEAs to use AIG funds for other purposes without approval from DPI or the State Board of Education. Administrators at DPI pointed out that the interpretation of the current laws has resulted in an environment considerably different than when the AIG program was covered under the laws for children with disabilities. The funds are not guaranteed to be used for AIG programs as they were when covered under the previous law.

### ***Recommendations:***

The State Board of Education should establish or clarify authority regarding state-level monitoring of the AIG Program. DPI should develop and implement policies and procedures for state-level monitoring of the AIG Program. DPI should also require evidence that planned differentiated educational services were delivered and that AIG funds were used as outlined in local plans. DPI should also establish requirements for demonstrating that appropriate services have been provided before AIG funds are allowed to be used for other purposes.

DPI should establish AIG Program performance standards. The standards should provide the State with an evaluation tool that allows comparison of AIG services across schools and districts statewide. DPI should collect performance data from all LEAs and evaluate the quality and effectiveness of the AIG Program statewide. A comprehensive analysis of data from all 115 LEAs could identify best practices among the individual school systems and result in overall program improvement. Statewide evaluation should be performed regularly, and the results should be readily available for public inspection.

## FINDINGS AND RECOMMENDATIONS

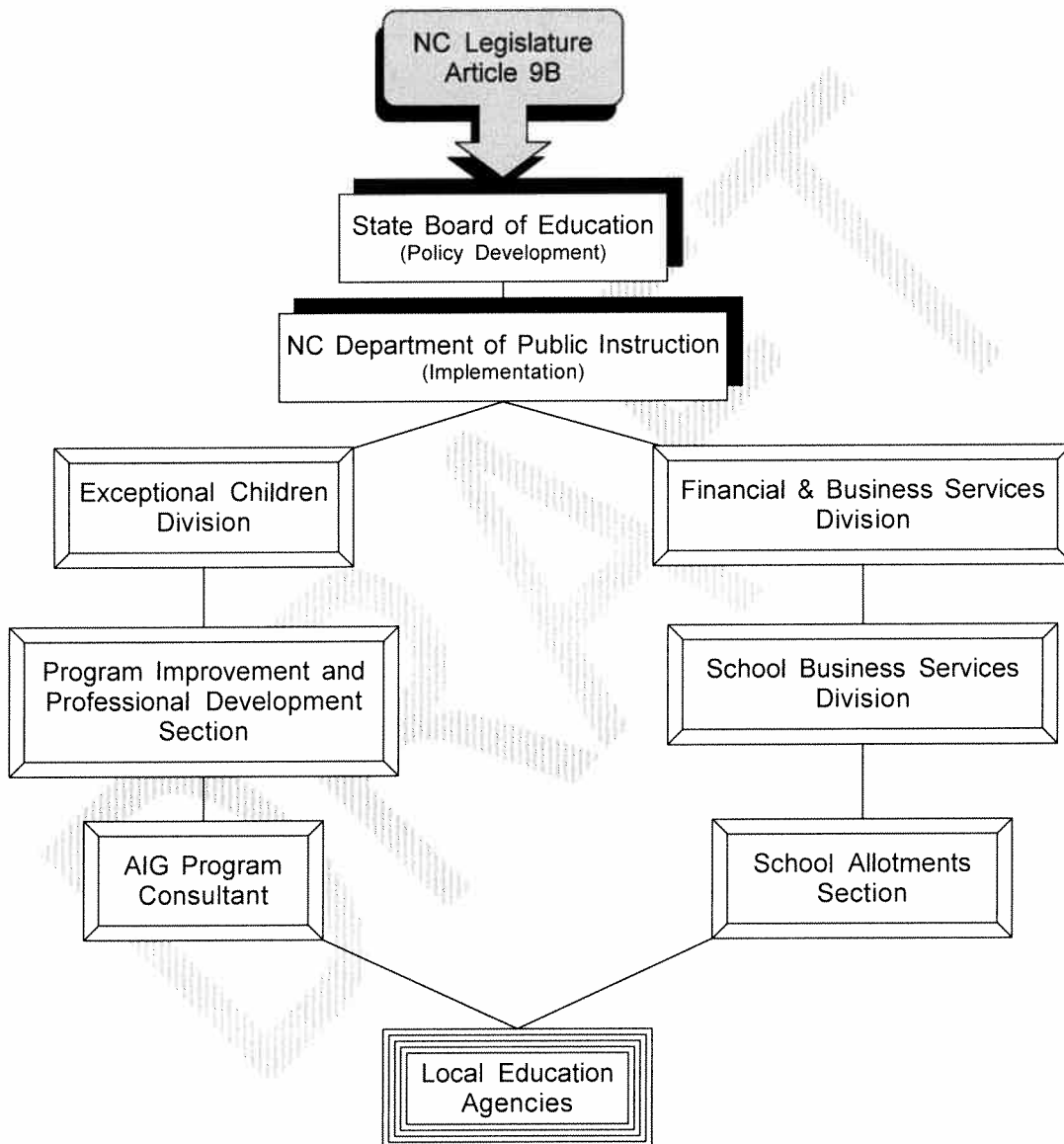
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Parents should be made aware of the standards and provided a method to comment on program results.

# APPENDIX A

## Appendix A - Organizational Chart

The chart below illustrates the line of authority over North Carolina's Academically or Intellectually Gifted (AIG) Program.



Agency Response



## ORDERING INFORMATION

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Copies of this report may be obtained by contacting the:

Office of the State Auditor  
State of North Carolina  
2 South Salisbury Street  
20601 Mail Service Center  
Raleigh, North Carolina 27699-0601

Internet: <http://www.ncauditor.net>

Telephone: 919/807-7500

Facsimile: 919/807-7647

**NC Department of Public Instruction  
Exceptional Children Division  
Program Improvement and Professional Development  
Academically/Intellectually Gifted**

**Performance Audit Response**

**Purpose of Audit**

The North Carolina Academically/Intellectually Gifted (AIG) program under the auspices of the Exceptional Children Division has been under a performance audit through the NC State Auditor's office from June, 2007-January, 2008. During that time, NC Department of Public Instruction (DPI) personnel and school district personnel have responded to state auditors' requests and provided relevant information and documentation. The purpose of the audit was to identify weaknesses in the monitoring and evaluation of the AIG program in order for DPI to take appropriate corrective action. The audit was initiated by the Office of the State Auditor in response to parent concerns that AIG program funds were being used for other purposes while AIG students are left underserved.

**Historical Overview**

North Carolina has had legislation governing gifted education since 1961. In 1974 legislation identified gifted and handicapped children as children with special needs. In 1977, HB 824 was passed to bring into compliance a system of educational opportunities for all children requiring special education. In 1983, SB 127 changed the program title to "Academically Gifted" to emphasize North Carolina's commitment to academic programs and legislated that a student's gifted education program may be described with an Individual Education Plan (IEP) or a Group Education Plan (GEP). The 1993-94 Appropriations Bill, Section 134 (c) required that the N.C. State Board of Education, "reexamine the State's laws, rules, and policies concerning the education of academically gifted children." The legislation required a study of four areas: 1) the need for state criteria for the identification of AG students, 2) the need to establish headcount as part of an annual census, 3) methods to identify and establish performance criteria to evaluate the effectiveness of programs, and 4) methods to ensure that the population of AG children is representative of the population of all students enrolled in North Carolina public schools. As a result of task force recommendations, legislation was passed in 1996, resulting in Article 9B (Article 9B § 115C-150.5 Academically or Intellectually Gifted Students). Article 9B provides a state definition for AIG, and requires the development of three-year AIG local plans with specific components to be approved by local school boards and then to be sent to DPI for review and comment.

**Current Legislation and State Authority**

Pursuant under Article 9B, as outlined in Chapter 115C-150.6 of the North Carolina General Statutes, are the responsibilities of the N.C. State Board of Education for AIG. The responsibilities include developing and disseminating guidelines for developing local plans for gifted education and providing technical assistance to LEAs in the development, implementation, and evaluation of their local plans. In addition, while Article 9B mandates that "each local board of education develop a local three-year plan designed to identify and establish a procedure for

providing appropriate education services to each AIG student,” the statute only requires the Local Education Agency (LEA) to “consider the state board’s comments before it implements the changes.” The law does not require LEAs to accept, implement, or provide evidence of the recommendations provided on behalf of the State Board. Implications of this are that DPI does not have the authority to approve or monitor the effectiveness of local plans for gifted education. In addition, DPI does not have clear authority for the oversight of how LEAs use AIG funds (PRC 034).

Given the parameters of DPI’s current governance allowances within the context of Article 9B the N.C. Department of Public Instruction is providing the following responses to the N.C. State Auditor’s report.

### **Responses to Findings**

The following responses are provided from DPI relative to each specific finding by the N.C. State Auditor’s Office and respond to the overall finding that “Local AIG program service delivery and spending are not monitored at the state level.”

*Finding: Delivery of planned AIG services is not monitored at the state level.*

Response: The department (DPI) recognizes the need to provide monitoring, oversight, and guidance to ensure that services for the gifted are implemented in accordance with each local AIG three-year plan. The department has begun to take steps to ensure the quality of services for AIG through the implementation of a U.S. Department of Education Javits grant, *Project Bright Idea*. This grant through the demonstration sites has had significant results with regard to increasing identification of traditionally under-represented populations in gifted as well as increasing services to gifted students by changing teacher capacity. The department will consider scaling up components of Project Bright Idea state-wide in order to deliver and monitor AIG services.

*Finding: Local AIG Program Expenditures are not monitored at the state level.*

Response: Program personnel within the Exceptional Children Division will initiate discussion with personnel in Financial and Business Services Division for the purposes of establishing internal systems for AIG program expenditures. In addition, DPI will work with the State Board of Education and/or General Assembly as needed to develop more effective allotment policies, ABC transfer provisions, and legislated oversight of AIG program expenditures.

*Finding: DPI does not monitor local AIG program evaluation.*

Response: The department recognizes the need to ensure that the quality and effectiveness of local AIG programs are properly evaluated. The state will review the possibility of developing state performance standards as a way to assess AIG program effectiveness and allow for statewide consistency while still supporting local flexibility.

*Finding: Parent satisfaction regarding their child's respective AIG program was mixed.*

Response: Even though the response rate to the auditor's survey was 24% and cannot be generalized, DPI recognizes the need to increase parent involvement, public information, and customer satisfaction with regard to respective AIG programs. Of the respondents 61% were satisfied with their AIG program; 18% were dissatisfied; and another 21% were neither satisfied nor dissatisfied. Literature reviews on the research of parent involvement in the education of students cite beneficial effects of parent involvement on student achievement, attendance, motivation, and behavior. To that end, the state department will work collaboratively with regional AIG liaisons, local program coordinators, state advocacy associations, institutions of higher education, and other stakeholder groups to develop strategies to proactively involve, communicate, and collaborate with parents in order to raise the level of satisfaction with regard to their child's respective AIG program.

*Finding: Authority to monitor local AIG programs is not clear.*

Response: Article 9B does not require the LEAs to accept, amend, or implement the recommendations and comments provided by the State Board. There is a lack of statutory or policy authority to monitor local AIG programs. The department will work with the State Board of Education and/or General Assembly in consideration of changing legislation and/or board policies to allow for increased authority with regard to monitoring local AIG programs.

## **Conclusion**

The importance of coherent and comprehensive gifted programs cannot be overstated. The structure that holds gifted programs together is nested in the policies, statutes, and guidelines that states have enacted. Local gifted programs, and subsequently the growth of gifted learners, are heavily influenced by the strength of the initiatives emanating from the state level. Moreover, in the absence of federal legislation, state directives are the cornerstone of gifted programming. Therefore, in an effort to strengthen gifted education in North Carolina, DPI is committed to addressing the necessary changes to ensure the AIG students' needs are being met.