North Carolina Council of Administrators of Special Education
Comments on the DRAFT NC Part B State Performance Plan for 2005-2010

**Indicator #1 - Graduation Rate**
**Concern:** Data for the graduation rate calculation is different from the way in which it has been reported and maintained by LEAs in the annual End of Year Report. It will be extremely burdensome to identify the information necessary to calculate the rate as defined in the SPP, especially for the baseline-reporting requirement of February 15, 2005. It is highly likely an LEA will report data inaccurately or inconsistently, if left to its own means.

**Suggestion:** Provide each LEA with its graduation rate by disaggregating and recalculating the data upon which the state graduation rate is reported in SPP.

**Comment:** Reporting the graduation in the manner proposed in the SPP creates the perception that graduating from high school in more than four years has limited merit. IDEA entitlement frequently extends beyond the four years of high school. Life long learning within the context of an individual’s particular circumstances is actually of greater value.

**Suggestion:** Develop talking points and targets which reflect life long learning rather than a traditional four-year high school completion rate.

**Concern:** During the development and roll-out of Occupational Course of Study, it was often stated that because of the rigorous work hours requirement, it would be likely students would need more than four years to graduate from high school.

**Suggestion:** Change the OCS work hour requirements to allow for more certain completion in four years or revise the definition of a “standard number of years” to include five years when students with disabilities are concerned.

**Indicator #2 – Dropout Rate**
**Concern:** Data for the dropout rate calculation is different from the way in which it has been reported and maintained by LEAs in the annual End of Year Report. It will be extremely burdensome to identify the information necessary to calculate the rate as defined in the SPP, especially for the baseline-reporting requirement of February 15, 2005. It is highly likely an LEA will report data inaccurately or inconsistently, if left to its own means.

**Suggestion:** Provide each LEA with its dropout rate by disaggregating and recalculating the data upon which the state graduation rate is reported in SPP.

**Comment:** The current definition of "dropout" counts students who were enrolled in school at some time in the previous year and don't show up in the first 20 days even if they were previous dropouts. This results in counting some students as dropouts twice or even more times if they come back and then leave again. As the AYP stakes get higher this could result in schools where attempts to get dropouts to re-enroll are not encouraged.

**Indicator #3 – Participation and Performance on Statewide Assessments**
**Concern:** Measurement B (Participation rate disaggregated by how children are assessed) is reported but no targets are set. There seems to be no point in reporting this information if there is no target. Comparative analysis is offered as the reason for reporting. Without
correlation to the targets, the information is really of little value. Reporting for reporting sake is burdensome and conflicts with outcome based strategic planning principles.

**Suggestion:** Drop the participation measure.

**Concern:** Data for the participation and performance measures calculation is new and this is different from the way the LEA has reported in the past. It will be extremely burdensome to identify the information necessary to calculate the measures defined in the SPP, especially for the baseline-reporting requirement of February 15, 2005. It is highly likely an LEA will report data inaccurately or inconsistently, if left to its own means.

**Suggestion:** Provide each LEA with participation and performance measures by disaggregating and recalculating the data upon which the state measure is reported in SPP.

**Concern:** Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

**Suggestion:** The SPP should only report data required under Sec. 618.

**Indicator #4 – Suspension and Expulsion Rates**

**Concern:** The SPP states that this is a new indicator and that 2005-06 will be provided as the baseline year. Why are LEAs required to report on this on 2/15/05? Baseline and target calculations will have to be redone when the new measure is calculated. This is redundant and burdensome.

**Suggestion:** Move this requirement to fall reporting, as are the other new indicators.

**Concern:** Data for the suspension and expulsion calculation is new and this is different from the way the LEA has reported in the past. It will be extremely burdensome to identify the information necessary to calculate the measures defined in the SPP, especially for the baseline-reporting requirement of February 15, 2005. It is highly likely an LEA will report data inaccurately or inconsistently, if left to its own means. This concern is further exacerbated by the concern stated above.

**Suggestion:** In the summer, provide each EA with suspension and expulsion rates by disaggregating and recalculating the data upon which the state measure is reported in SPP.

**Indicator #5 – Removal**

**Comment:** The measurable and rigorous targets project an increase in Measurement A (21% removal time) and decreases in Measurement B (.60% removal time) and Measurement C (separate and residential schools and home/hospital). Measurement B targets a .5% reduction each year and Measurement C targets a .04% reduction per year. Students identified in Measurement C will likely move to Measurement B. Was the in-flow and out-flow of Measurement B considered when developing the Measurement B targets?

**Indicator #6 – Preschool setting information**

**Concern:** 2004-05 is identified as the baseline-reporting year, yet beginning in 2005-06, reporting will involve different values from 04-05. There is not a one-to-one correspondence between the new values and the former values for preschool settings. Strong strategic planning processes require consistent measures across time.

**Suggestion:** Revise SPP and change the baseline to 2005-06.
**Indicator #7 – Preschool performance information**

Concern: Proposed measures are extremely subjective and do not support the principals of sound strategic planning. The data collection process also will be burdensome. A significant maxim of Total Quality Management (which appears to be a basis for the SPP) uses the metaphor, “Spend more time feeding the cows and less time weighing the cows. The profits will be better.” The proposed preschool performance measure process will require less time for improvement activities and require more time on data collection activities – the value of which is questionable due to the significant subjectivity of the proposed measure. The proposed data collection activity calls for activities at an IEP meeting. This is extremely burdensome. The preschool IEP process is lengthy because of the sensitivity of the information for families with young children.

Suggestion: This indicator needs to be thoroughly re-thought and revamped. Information from the Federal Resource Center describes the approach included in the NC SPP as an example or possible response, which suggests that the USDE is open to some different approaches or ideas. Let’s put the time into doing so.

Concern: Copious process and status data is currently collected on preschool as a part of the IDEA application process and other means. Although important in its time, it is no longer necessary as we switch to an outcome/results oriented process. Maintaining old data collection processes while adding new reporting is burdensome.

Suggestion: Drop all preschool process and status data collection.

Concern: Sec. 616(b)(2)(B)(i) and Sec. 616 (b)(2)(C)(iii) of IDEA 2004 respectively state that data collected for SPP targets must be “valid and reliable information” and “(t)he State shall not report…any information…where the available data is insufficient to yield statistically reliable information.” The proposed measure does not rise to this standard.

Suggestion: This indicator needs to be thoroughly re-thought and revamped.

Concern: Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

Suggestion: The SPP should only report data required under Sec. 618.

**Indicator #8 – Parent Involvement**

Concern: There was major concern with data collection on this indicator in the state self-assessment a few years ago. The ECAC parent survey contracted by DPI was distributed from a representative sample based on frequency of disability in the state child count. The results reported, however, significantly over-represented responses from Caucasian parents and parents of children with autism. There may have been others.

Suggestion: The method selected should provide results from a more representative sample of respondents, not those who took the time to respond or were informed enough to respond.

Concern: Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

Suggestion: The SPP should only report data required under Sec. 618.

**Indicator #9 and #10 – Disproportionality**

Concern: The proposed SPP goes to great length to describe the risk ratio measures, yet the targets are not related to this measure. This issue has been a frequent subject of OCR
investigations in the past decade. In depth analysis by OCR investigators has applied the proposed method and there have been very few findings of discrimination (aka inappropriate identification). Yet disproportionate representation of certain subgroups continues. The proposed method is burdensome (See “Weighing Cows”) and will likely not address this condition. Furthermore, it is well supported that disproportionality is a symptom of the overall achievement gap between minority and majority students, yet this important relationship is absent from the state improvement activities. The improvement activities focus solely on monitoring activities. Improvement activities should focus on the “feeding” not the “weighing.”

**Suggestion:** If our state is serious about addressing disproportionality, rigorous targets should reflect the risk ratio measures and targets. The measures should be base-lined on the current preschool through fifth graders with IEPs when most IDEA evaluations take place. Rigorous targets should be set for this group. Results over the six years of the SPP will better reflect the impact of the improvement activities.

**Suggestion:** Targets and improvement activities should reflect both the overall concern and this symptom (disproportionality and the gap), not just the symptom. Meaningful progress on this issue will be limited otherwise.

### Indicator #11 – Referral to Placement timelines

**Concern:** The indicator mentions both 60- and 90-day timelines. If 90 days is the NC state established timeline, why is 60 days mentioned?

**Suggestion:** Delete references to the 60-day timeline; it’s confusing.

**Concern:** The proposed data collection system will apparently gather data only on those children with IEPs. What about children who are evaluated and not found eligible?

**Suggestion:** Post reporting changes with significant notice to allow for timely gathering and data reporting.

**Concern:** Many of the children currently served in the special education system were identified many years ago. It makes little sense and will be burdensome to go back, locate and report the new data fields for the children currently served.

**Suggestion:** Baseline should be determined based on new referrals for IDEA assessment in 2005-06, once the data system is developed.

**Concern:** Although not clearly stated, the measure suggests that the 90-day clock starts when parental consent is obtained. This has not been the procedure in NC and the way in which dated is typically tracked. It has been based on when the referral is made.

**Suggestion:** Clarify the timeline starting date when the new data collection system is announced. It should be when the parent signs consent for an IDEA evaluation proposal that includes procedural safeguard notification.

**Concern:** Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

**Suggestion:** The SPP should only report data required under Sec. 618.

### Indicator #12 – Part C to Part B transition measures

**Concern:** At the present time collecting data from the CDSA is extremely difficult and this measure requires considerable reliance on this agency to provide the information.
**Suggestion:** It appears that there is a state agency system for gathering this information. To prevent errors, the state-level data should be provided to the LEAs by disaggregating state data by LEA. Until the unfinished, unified CECAS data base is in place and appropriate fields determined, baseline data should be delayed until that time and the SPP should reflect that this is new information and be considered for fall ’06 reporting.

**Indicator #13 – Post-secondary Transition**

**Concern:** The stated measurement contains both qualitative and quantitative aspects. Qualitative data collection is typically burdensome. It’s important to the strategic planning process that established measures are easily quantified. (See “weighing cows”)

**Suggestion:** Establish targets that are quantitative (e.g. student attended IEP or not, IEP content requirements addressed or not). Targets depending on qualitative data should be avoided (e.g. goals and services are reasonable).

**Concern:** Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

**Suggestion:** The SPP should only report data required under Sec. 618.

**Indicator #14 – Post-secondary measures**

**Concern:** The proposed plan states that LEAs will collect data using interviews and surveys. It is assumed that the data collection method will mirror methods used in the recently completed National Longitudinal Study on Transition. At least one North Carolina LEA participated in this study. The data collection process was extremely time and people intensive. Those commissioned to collect the data were trained and paid stipends to perform the survey tasks. Without some method to address the intensity of this method, this data collection will be burdensome (see “weighing cows”). It is somewhat of a concern that it will be extremely difficult to set annual targets by using a method which is longitudinal in nature.

**Suggestion:** Since these responsibilities will be beyond the typical assignment of LEA personnel, the proposed contract with UNC-G should include revenue for intense training and stipends. This will improve the quality of the data collected. It is also suggested that targets be set every three years rather than annually.

**Concern:** Sec. 618(a)(1)(A-H) of IDEA 2004 describes the data each state must annually report to the USDE. This indicator is not included.

**Suggestion:** The SPP should only report data required under Sec. 618.

**Indicator #15 – Procedural non-compliance**

**Concern:** The overview/description states, “If one student record is called out of compliance in a certain area, the entire (school) system is out of compliance in this area.” This is an impossible standard and extremely unreasonable. Evaluation and IEP content requirements, as well as procedural safeguard requirement of the IDEA, are very complex and compliance relies heavily on the interpretation and professional judgment of a single individual. The courts are frequently inconsistent on interpretation of these matters and do not extrapolate in this way because of the individual-centered nature of this law. To extrapolate the results of such a subjective analysis is unreasonable.

**Suggestion:** The subject of indicator information and targets measures should be based on systematically gathered information from multiple sources and based on a preponderance
weighing not a single event weighing. Without more thoughtful analysis meaningful improvement is unlikely.

**Indicator #16 – State Complaint System**
No comment or suggestions.

**Indicator #17 – Due Process Hearing Complaint System**
Concern: Use of the OAH as the method for IDEA due process management in North Carolina is problematic. Because the OAH process requires the use of civil court procedures for conducting hearings, it is virtually a requirement that disputing parties retain an attorney. This is mostly a concern for parents and basically reduces reasonable access by parents to the system. The civil court procedures requirement places parents at a significant disadvantage if they choose not retain an attorney.

**Suggestion:** Remove the OAH as the manager of the IDEA due process system and develop a separate system, like other states, of trained hearing officers who operate in a less formal way. This will improve access for parents and will improve attainment of timeline targets.

**Indicators #18 - #20 – State Administration Issues**
No comment or suggestions.

**Additional Comment**
Concern: Sec. 618 (a)(1)(A)(v) and Sec. 618 (a)(1)(A)(v) of IDEA 2004 identify data that must be collected annually. The data referenced in these sections pertains to removal to interim alternative education setting and expulsion. This information is not included in the SPP. Why not? Sound strategic planning attempts to unify data collection activities that align with improvement activities. If data is collected that is unaligned or misaligned, there is no connection to improvement activities and as such is unnecessarily burdensome.

**Suggestion:** Add these data to the SPP, perhaps as a part of Indicator #4 or #5.