

**VIRGINIA STATE SPECIAL  
EDUCATION ADVISORY  
COMMITTEE ANNUAL  
REPORT**

**JULY 2008 - APRIL 2009**

# INTRODUCTION

The Individuals with Disabilities Education Act (IDEA) requires that each state establish and maintain a state advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. The statute specifies membership and requires that a majority of members be individuals with disabilities or parents of children with disabilities, specifically, the statute requires the following:

- “(i) parents of children with disabilities (ages birth through 26);
- (ii) individuals with disabilities;
- (iii) teachers;
- (iv) representatives of institutions of higher education that prepare special education and related services personnel;
- (v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);
- (vi) administrators of programs for children with disabilities;
- (vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- (viii) representatives of private schools and public charter schools;
- (ix) not less than 1 representative of a vocational community, or business organization concerned with the provision of transition services to children with disabilities;
- (x) a representative from the State child welfare agency responsible for foster care; and
- (xi) representatives from the State juvenile and adult corrections agencies.”

In Virginia the panel is known as the State Special Education Advisory Committee (SSEAC).

# COMMITTEE ORGANIZATION

The activities of the Virginia State Special Education Committee (SSEAC) are governed by the Virginia Board of Education bylaws for advisory committees. The SSEAC year commences on July 1 and ends on June 30 of the following calendar year. An executive subcommittee works with the Virginia Department of Education (VDOE) staff in establishing priorities and agenda items for future SSEAC meetings. The SSEAC delegates various subcommittees to monitor programmatic issues and future items of concern. For the 2008-2009 year, the subcommittees were structured as follows:

## STANDING SUBCOMMITTEES

**Executive** – The Executive Subcommittee includes the Chair, the Vice-chair, the Secretary, and three At-large members. The committee establishes priorities for meeting agenda and provides overall direction to the SSEAC.

**Nominating** – The Nominating Subcommittee is charged with nominating a slate of officers for Executive Subcommittee vacancies.

**State Operated Programs Annual Plan Review** – This subcommittee conducts a review of the annual special education plans submitted by state operated programs and the Virginia School for the Deaf and the Blind.

**Policy & Regulations** – This subcommittee reviews proposed regulations and prepares official comment language for consideration by the full SSEAC.

## ADHOC SUBCOMMITTEES

**Constituency Involvement** – This subcommittee addresses ways to involve parents, students, and other community constituents in SSEAC activities as well as in local special education training and parent involvement activities.

**Response to Intervention (Rtl)** – This subcommittee addresses the process of the Rtl initiatives throughout the state and focuses on its future implementation.

**Personnel** – This subcommittee addresses concerns regarding the availability of fully licensed, highly qualified special education teachers and related service providers, in addition to the caseload requirements of service provision.

Staff members serve as consultants to each of the subcommittees, providing technical assistance, clarification of Department of Education procedures, and additional information.

SSEAC members are assigned a minimum of one standing and one Ad Hoc subcommittee based upon each member's expertise, interests, and concerns. Each executive committee member serves as a chair for a subcommittee. Subcommittees meet independently and make recommendations to the full committee. Such recommendations may result in further study with additional information from the VDOE, presentations to the SSEAC, or inclusion in the Annual Report to the Board of Education.

# MEETINGS

The full committee meets in regular session four times each year, while subcommittees meet as necessary to fulfill their responsibilities to the SSEAC. Every effort is made to consolidate the work of subcommittees to the regular sessions. All meetings and work sessions are open to the public. The public is offered an opportunity to make comment during specified time allotments at each meeting. All regular meetings are recorded to assist with record keeping and the recordings are maintained by the VDOE in accordance with record keeping policies and procedures.

Prior to the 2008-2009 year, two of the four SSEAC meetings were held outside of the Richmond area in various regions around the Commonwealth. Due to the significant VDOE staff travel involved with this arrangement, all meetings are now held in Richmond. During the 2008-2009 year, meetings were held on the following dates:

July 17-18, 2008

October 23-24, 2008

February 5-6, 2009

April 23-24, 2009

Prior to each meeting, the SSEAC distributes a flyer to notify the constituents and stakeholders of the upcoming meeting. Members are given copies for distribution to their constituency groups. In addition, the SSEAC, in coordination with the Virginia Board for People with Disabilities, supports and assists in maintaining a database of constituents interested in special education and information sharing. The information from each flyer is distributed through this shared network, named Virginia Special Education Network (VSEN).

Historically, the SSEAC has conducted evening public forums to generate informal exchange between the public and committee members designated meetings. At the April 2009 meeting, the committee approved a motion to replace the informal forum with an evening public comment period to provide such opportunities for constituents who are unable to attend the meeting during the day. This provision was for three consecutive meetings, beginning July 2009, after which the committee will evaluate this change.

The meeting schedule for the 2009-2010 year is:

July 23-24, 2009

October 15-16, 2009

February 11-12, 2010

April 15-16, 2010

Interest remains with members that meetings be held in locations other than Richmond to provide constituents an opportunity to participate with the SSEAC.

# PRESENTATIONS

During the year presentations were made to the committee by members of the VDOE staff as well as other agencies and organizations. Topics included:

- Status of speech/language services
- Resources for students who are deaf/hard of hearing
- Updates on the Virginia Schools for the Deaf and the Blind
- Programs and services for secondary students with disabilities
- Virginia's Special Education Annual Performance Report
- Inclusion and collaboration initiatives, including those for preschool children with disabilities
- Status of early intervention services
- The state funding process for special education
- The VDOE statewide Effective Schoolwide Discipline project
- Updates on parent involvement activities
- State and local special education data profiles
- The Virginia Grade Level Alternative Assessment
- Disability Navigator
- Update on AIM-VA (Virginia Accessible Instructional materials Center)
- Amendments to the Americans with Disabilities Act

## **PUBLIC COMMENTS**

A public comment period was held at each meeting. VDOE staff members respond to the comments individually according to the subject and the concern. Further, the full committee reviews the previous meeting's comments with the actions of department staff. During the 2008-2009 year, public comments related to:

- lack of appropriate training for school personnel working with students with disabilities
- work being done by local special education advisory committees
- the SSEAC's public comment to the Board of Education regarding regulations revisions
- appreciation for the support of the Parent Education Advocacy Training Center (PEATC) organization
- concerns for provision of a free appropriate public education (FAPE) for the Limited English Proficient (ELP) population
- concerns for the lack of guidance and rules regarding the use of seclusion and/or restraints in public schools
- the educational needs of the twice-exceptional population and a request to the committee to collaborate with the gifted education committee
- clarification of the membership of local advisory committees
- concerns regarding the time necessary to learn the grade level SOL for students with disabilities and requests for the modification of curriculum content to foster mastery of core concepts
- concerns for the students who are not assessed properly, because as their achievement level falls between alternate assessments, and grade-level assessments (i.e., "gap" kids).
- use of the terms emotionally disturbed and mentally retarded as having a devastating effect on young children ages 6-9, believe that the labeling of developmentally delayed more appropriate

# ISSUES ADDRESSED BY THE SUBCOMMITTEES OF THE SSEAC

## PERSONNEL

### Federal and State Supported Grant Activity

Members of the Personnel Subcommittee, not affiliated with colleges or universities, served as proposal reviewers for Traineeships for Education of Special Education Personnel through IDEA Part B Funds. These traineeships are intended to provide resources to special education personnel preparation programs and teacher candidates who are seeking a five-year renewable license in special education: general curriculum. Awards were made to George Mason University and Old Dominion University to deliver statewide licensure programs to teachers of students with disabilities accessing the general curriculum.

Federal grants have been obtained by several Institutions of Higher Education (IHEs) in the state to supplement state funding and Virginia was very successful in obtaining planning grants to produce highly qualified new special education teachers, with Virginia IHEs getting four of nine nationally funded projects.

### Recruitment Initiatives

The Personnel Subcommittee members were asked to recommend strategies for recruiting new candidates for a career in special education. After a discussion of *Teach Virginia* and *Teachers Rock* campaigns, the committee members suggested that new recruitment efforts be focused on college-age students, rather than high school or elementary school students, since college-age students are more likely to make career decisions in the near future. With the current state of the economy and employment problems of current graduates, the committee suggested that the time is right to focus on freshmen, sophomores and juniors in college.

Personnel from the Division of Teacher Education and Licensure and Division of Special Education and Student Services reviewed a draft marketing plan which includes the following activities:

- Coordinate the Teachers Rock campaign with the Teachers for Tomorrow program and strengthen the relationship with high school transition specialists. Teachers for Tomorrow programs offer high school students the opportunities to explore careers in education while in high school.
- Create a stronger alliance with Virginia Associations of Colleges and Employers to explore college options for students with disabilities (including information on Virginia College Quest).

## **Personnel Preparation Initiatives**

The Personnel Subcommittee has worked for several years to promote specialized preparation programs across the state. Two of these programs were implemented during the last year. These programs include:

- The Aspiring Special Education Leaders program started with an initial cohort of 30 school division nominees. Members of the aspiring leaders' cohort were guests of the SSEAC at the February 2009 meeting.
- The Vision Impairment Consortium was initiated with ODU, GMU, NSU, RSU and JMU participating. The formal approved program was submitted and the program of study was approved by VDOE.

## **RESPONSE TO INTERVENTION (Rtl)**

The Rtl subcommittee was formed in 2008 for the purpose of keeping current on the state's implementation of Rtl. Ms. Susan Trulove, Rtl specialist, VDOE, provided an overview of the Rtl framework. She shared copies of Virginia's Rtl guidance document entitled "Responsive Instruction: Refining Our Work of Teaching All Children." A list of the fifteen pilot schools supported by VDOE and a schedule of upcoming Rtl monthly pilot training sessions across the state were also provided. This subcommittee discussed possible ways the SSEAC could help promote Rtl such as sharing information with parents and local advisory committees (LACs).

The subcommittee reviewed and commented on a draft monograph entitled "Frequently Asked Questions (FAQ) Response to Intervention and the Eligibility Process." The FAQ monograph, a supplement to the guidance document, is designed to assist school divisions in their implementation of Rtl as it relates to the special education eligibility process. In addition to the subcommittee's review of the draft document, feedback was sought from other stakeholders as well. The monograph was revised in response to stakeholders' comments. The subcommittee will continue to receive updates and look into how schools that are not pilot sites are implementing Rtl. The subcommittee will be interested in challenges and questions that are confronted when implementing Rtl such as delay of referral for special education evaluation, referrals for special education evaluation when there were no or limited research-based instruction/intervention.

## **POLICY & REGULATION**

In response to the final public comment period for the revisions to state special education regulations, the subcommittee met on April 23 to review the previously submitted SSEAC public comment regarding the proposed revisions. The committee agreed to present two issues to the full SSEAC for consideration of public comment:

## **Age of Eligibility – Developmental Delay: Changes from 2-8 to 2-5**

Supports maintaining language from 2002 regulations, which allow the LEA option for DD for ages 5-8

*Rationale: Moving the mandatory age to 6 reduces the school's flexibility.*

## **Local special education advisory committee composition – LEA staff as voting member**

Support the LAC composition remaining the same as in the 2002 regulations

*Rationale: If a teacher is permitted to be a voting member on LACs, in smaller LAC's, there may be undue influence by people who are paid by the system.*

The SSEAC approved the subcommittee recommendations on April 24 and transmitted the comment to the VDOE.

## **CONSTITUENCY INVOLVEMENT**

Members discussed possible options for future meeting arrangements to involve more constituents. Web conferencing and other options might be available. They also discussed updating contact information and the use of Listservs. The subcommittee recommended that all constituency representatives to the SSEAC utilize the flyer to advertise committee meetings and to take advantage of their networking lists to communicate with their constituency groups.

## **STATE OPERATED PROGRAMS**

The subcommittee met April 30, 2009, to review the annual plans submitted by the state operated programs and the Virginia School for the Deaf and the Blind.

## **OTHER ISSUES**

### **RESTRAINT & SECLUSION**

The SSEAC has addressed the use of restraint and seclusion of students with disabilities and worked collaboratively with the VDOE to prepare the guidelines document issued in 2006. During the 2008-2009 year, the committee expressed renewed interest in this issue and requested and received from the department a status report on the implementation of the policies and procedures recommended in the guidelines.

### **VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND**

Through reports from department staff, the SSEAC monitored the transition of students from the closed Hampton school to the Staunton campus or to their local divisions. The committee was also apprised of the renovations of the Staunton campus.

## **ASSESSMENT AND ACCOUNTABILITY**

The Virginia Modified Achievement Standard Test (VMAST) was introduced to the committee and continues to be monitored as completion and pilot testing proceed. The SSEAC is represented on the steering committee of this new assessment tool. The SSEAC continues to study the reports of the State Performance Plan/Annual Performance Report (SPP/APR), specifically the indicators related to results of assessment for students with disabilities.

## **ACCESS TO GENERAL CURRICULUM**

The volume of public comment directed toward the accessibility of general curriculum in the least restrictive environment prompted several discussions and presentations of inclusive practices throughout the state. The SSEAC will continue to focus on the programming, staff development, and accountability measures to assure access to the general curriculum in the least restrictive environment for students with disabilities. Appropriate accommodations, improved access to instructional specialists, and appropriate assessment are ongoing concerns to be pursued on a regular basis.

## **YOUTH SELF-DETERMINATION**

The SSEAC received an overview of the self-advocacy and self-determination projects being implemented throughout the state. Middle school transition plans were also linked to those projects. The SSEAC continues to support the promotion of the increased involvement of self-advocates. The committee was briefed by VDOE staff that youth leaders with disabilities recently advocated for the Governor to declare October as disability history and awareness month in Virginia.

## **VIRGINIA ACCESSIBLE INSTRUCTIONAL MATERIALS CENTER (AIM-VA)**

The SSEAC was informed of Virginia's initiative to address the federal NIMAS (National Instructional Materials Accessibility Standards) for students with disabilities who require alternate print, Braille, or audio instructional materials. A center has been established at George Mason University to process textbooks and other instructional materials requested by school divisions into various formats including electronic books and Braille. The SSEAC followed the implementation of the center during this first academic year. The SSEAC applauds the state's leadership in establishing AIM-VA.

# **FUTURE ISSUES**

Listed below are areas on which the SSEAC will continue to monitor and advise the Virginia Department of Education and the Board of Education as they work for the families and students of Virginia.

## **SPECIAL EDUCATION REGULATIONS**

The Policy & Regulations subcommittee will be charged to monitor the implementation of the new regulations as the next academic year commences. Specifically, the SSEAC will continue to focus efforts towards parent education and training on the new regulations, in addition to the new Parent's Guide to Special Education. *Reauthorization of the No Child Left Behind Act of 2001* (NCLB) will be monitored as well.

## **BULLYING AND DISABILITY HARASSMENT**

As a result of the changes in the new regulations that require LEAs to have policies that prohibit disability harassment, the SSEAC will be reviewing programs that have been implemented in Virginia and across the country. This has become a national issue and has received much press recently.

## **RESTRAINT & SECLUSION**

The SSEAC will continue to monitor the implementation of restraint and seclusion policies and procedures.

## **SECONDARY TRANSITION and SELF ADVOCACY**

The SSEAC will continue to monitor self advocacy initiatives throughout the Commonwealth and encourage expansion of such programs. The committee will also monitor secondary transition programs and receive reports from the statewide postsecondary outcomes survey conducted by the VDOE as part of the SPP/APR requirements. The SSEAC will follow developments from provisions in the Higher Education Act of 2008 that made students with Intellectual and Developmental Disabilities eligible for Pell grants and work study.

## **ACCESSIBLE INSTRUCTIONAL MATERIALS**

The SSEAC is planning to review and monitor potential expansion of the statewide library AIM-VA services to children under 504 plans as well as students needing accessible instructional materials under their IEPs.

## **SPECIAL EDUCATION TEACHER SHORTAGES**

Due to the continued needs for licensed special education teachers and the fact that they continue to be the top shortage area in the state, the SSEAC plans to research alternatives available in other states to addressing the critical shortage of special education teachers.

## **AUTISM**

The SSEAC will continue to monitor the educational issues related to instructional strategies for students with Autism Spectrum Disorders (ASDs). The committee will request periodic updates from VDOE staff, review updated information, and assist in Virginia's future plans for addressing the educational needs of students with ASD.

## **ASSESSMENT ISSUES**

Based upon the variety of assessment options that have been developed in Virginia for students with disabilities, the SSEAC will study the use of the Virginia Grade Level Alternative Assessment (VGLA) and the Virginia Substitute Evaluation Program (VSEP) in order to address issues that have appeared as a result of public comments and the data presented by VDOE. The SSEAC will also provide feedback to VDOE on the development of the new Virginia Modified Achievement Standard Test.

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