

State Special Education Advisory Committee (SSEAC)

FOLLOW-UP TO PUBLIC COMMENT

October 13, 2016, SSEAC Meeting

1. **Comment:** One member of the public passed out handouts regarding Language Equality & Acquisition for Deaf Kids (LEAD-K). She is deaf and a parent of five children, one with an Individualized Education Program (IEP). “The focus of LEAD-K is to promote language equality, a basic human right for all deaf babies by advocating for deaf children to have access to both American Sign Language and English.” She asks that schools test and screen for language acquisition in the first three years of life and collect the data. Their organization is working with the General Assembly to enact legislation in 2017. She also spoke about Least Restrictive Environment (LRE) and keeping the School for Deaf and Blind in consideration.

Response: SSEAC reviewed and discussed commentary.

Recommendation regarding future follow-up by SSEAC: None

2. **Comment:** A student with Down syndrome made public comment about being asked to do things that are not educational in nature at school. He asks for better education and not to be limited.

Response: This concern was referred to the responsible local education agency (LEA) for their consideration as they deem appropriate.

Recommendation regarding future follow-up by SSEAC: None

3. **Comment:** A mother of a twice-exceptional child spoke about inclusion and quality education. She notes that special education children are often directed to clean the school during the day and that award ceremonies for special education students are not held.

Response: These concerns were referred to the responsible LEA for their consideration as they deem appropriate.

Recommendation regarding future follow-up by SSEAC: None

Comment: A grandmother of four, three of which receive special education services, wants students with disabilities included in general education rather than segregating students from their assigned school/classroom to alternate facilities. She asked the SSEAC to support the allocation of necessary resources to educate all students in the general education classroom in their home school.

Response: It should be noted that the Virginia Department of Education (VDOE), Office of Special Education Instructional Services (SEIS), announced during the March 31, 2017, SSEAC meeting that there will be a three-day inclusive education academy this summer which will include a team of three or more chosen from selected divisions who will be sent back to their divisions with an action plan. SEIS will conduct follow-up in the spring of 2018. Additionally, in cooperation with and through the provision of grant funding to the Partnership for People with Disabilities at Virginia Commonwealth University (VCU), VDOE has completed the following documents related to inclusion:

- *“A Guide to Planning An Inclusion Project”*
- *“The Inclusion Project: Perspectives from Youth, Parents and Agency Representatives”*

Recommendation regarding future follow-up by SSEAC: That the SSEAC request a briefing from the Mr. John Eisenberg, Assistant Superintendent for Special Education and Student Services (SESS), VDOE, on any additional activities within SESS being discussed, under development, or currently being implemented as they relate to inclusive practices.

4. **Comment:** A parent advocate spoke about human rights. She noted that parents do not often understand their rights. It is a requirement that the state recognize parent advocates as a valuable member of the team. The commenter asked the committee to advocate for parent advocates and distributed information.

Response: In response to the statement attributed to the commenter “that parents do not often understand their rights,” it should be noted that this is being actively addressed with parents through trainings conducted by the VDOE, Office of Specialized Education Facilities and Family Engagement (SEFFE), and the Parent Educational Advocacy Training Center (PEATC). The concern expressed about “a requirement that the state recognize parent advocates as a valuable member of the team” is well understood by the VDOE, especially the Division of Special Education and Student Services (SESS), and continues to be addressed on an individual basis when allegations to the contrary arise.

Recommendation regarding future follow-up by SSEAC: None

5. **Comment:** A letter from a student asked for appropriate reading instruction with certified teachers who will deliver the instruction consistently with fidelity.

Response: State regulations require that: “a. each student shall receive special education services from special education personnel assigned in accordance with the Virginia Licensure Regulations for School Personnel (8VAC20-22); b. special education teachers who are the teachers of record shall be highly qualified; c. general education qualified personnel who are knowledgeable about the students and their special education, may implement special education services in collaboration with special education personnel; d. special education services include those services provided directly to the student and those provided indirectly.” (See 8VAC20-18-40.A.2.)

This concern was also addressed with the VDOE reading specialist to obtain additional information and recommendations for future training or guidance document creation.

Recommendation regarding future follow-up by SSEAC: None

6. **Comment:** A letter discussed the read-aloud or audio accommodation and extending that accommodation to more who need it; including for those students who read below grade level.

Response: The determination as to what accommodation(s), including the read-aloud accommodation, a student with a disability should have access to, in order to ensure that he/she receives a free appropriate public education (FAPE), falls to the purview of each student's IEP team. Specifically, the regulations state that, when considering what state and division-wide assessments a child will participate in, the IEP shall include: "*[a] statement of any individual appropriate accommodations or modifications that are necessary to measure the child's academic achievement and functional performance, in accordance with the guidelines approved by the Board of Education, in the administration of state assessments of student achievement that are needed in order for the child to participate in the assessment.*" (See 34 CFR 300.320(a)(6)), and 8VAC20-81-110.G.6.a.)

Recommendation regarding future follow-up by SSEAC: None

7. **Comment:** A letter asked for guidance from the VDOE on how to move to a more inclusive model.

Response: See response in Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in Comment 4 above.

8. **Comment:** A letter from a father of three, one with special needs, praised the reverse-inclusion preschool class his son attended and asked that the VDOE support more inclusion opportunities throughout all schools.

Response: See response in Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in Comment 4 above.

9. **Comment:** A letter highlighted an incident at an elementary school where a child was not included in the award ceremony because of a staffing decision and asked for proactive inclusion.

Response: See response in Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in Comment 4 above.

December 1, 2016, SSEAC Meeting

1. **Comment:** Ms. Beth Haw thanked the SSEAC for supporting dyslexia and literacy efforts.

Response: Ms. Haw was thanked by the SSEAC chair for her comments.

Recommendation regarding future follow-up by SSEAC: None

2. **Comment:** A letter from a school employee was read by a member about parents not being heard in an IEP meeting and often not having views documented. Alternative suggestions are not always addressed in time to take action, even though the parent requested the interventions in the IEP (but was not documented). The letter writer requested guidance and training from the Department of Education.

Response: While it is important to note that federal and state special education laws and regulations require that, “*[i]n developing each child’s IEP, the IEP team shall consider: The concerns of the parent(s) for enhancing the education of their child.*” (See 34 CFR 300.32 4(a) and 8VAC20-81-110.F.1.b.) Federal and state special education laws and regulations are silent as to how, where, or to what extent, if any, parental concerns must be documented in the IEP document or elsewhere in the child’s educational record. However, LEAs are required to provide parents with prior written notice (PWN) of all proposed and refused actions discussed during an IEP team meeting. The PWN must contain, in addition to other requirements: “*d. A description of each evaluation procedure, assessment, record, or report the local educational agency used as a basis for the proposed or refused action; [and] e. A description of any other factors that are relevant to the local educational agency’s proposal or refusal.*” (See 34 CFR 300.503(b) and 8VAC20-81-170.C.2.d and e.) As such, it is the expectation that a description of the parental concerns expressed during the IEP team meeting is referenced as part of the PWN. Furthermore, this issue is being actively addressed with parents through trainings conducted by the VDOE, SEFFE, and the PEATC. During these training sessions, there are discussions regarding parental rights in the IEP process and how parents can work collaboratively with their team to ensure that their concerns are heard, considered, and documented. There is an emphasis on exerting the right to be heard and reviewing the PWN to ensure that there is a reference made to the input provided. As to the request for guidance and training made by the commenter, the VDOE, Division of Special Education and Student Services (SESS), is looking to launch a new “Back to Basics” initiative that will be geared to LEA staff on issues related to the special education process.

Recommendation regarding future follow-up by SSEAC: That the SSEAC request a briefing from the Assistant Superintendent for SESS on any additional activities within the SESS Division being discussed, under development, or currently being implemented as they relate to the announced “Back to Basics” initiative.

3. **Comment:** A letter from the Northern Shenandoah Alliance who are experiencing a rise in mental-health incidents and lack of resources.

Response: The concerns expressed by the Northern Shenandoah Alliance were shared with the VDOE, Office of Student Services, who was tasked with reaching out to them to see how VDOE could assist. The directors of the Virginia Commonwealth University (VCU), Center for Family Involvement (CFI), and the PEATC, whose organizations have mental health specialist on their staff, were also asked to reach out to the Northern Shenandoah Alliance.

Recommendation regarding future follow-up by SSEAC: None

4. **Comment:** A letter from a parent whose child is in a private day placement regarding the lack of inclusion opportunities and the effect on the family.

Response: The issue of providing inclusion opportunities for students with disabilities in private schools will be discussed during the private school conference being planned for September 2017.

Recommendation regarding future follow-up by SSEAC: None

5. **Comment:** A parent made comment after Mr. Eisenberg's presentation about inclusion and English Language Learner (ELL) services. She wants people to stop talking about doing things and actually do some of the things that were discussed.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above.

March 30, 2017, SSEAC Meeting

1. **Comment:** Dr. Mike Asip, President of the Virginia Council of Administrators for Special Education (VCASE), thanked VDOE for their development of the new Indicator 8 Parent Survey.

Response: Mr. Darren Minarik, SSEAC Chair thanked Mr. Asip for his comments. Mr. Asip's comments were shared with the members of the Indicator 8 Parent Survey committee.

Recommendation regarding future follow-up by SSEAC: None

2. **Comment:** Ms. Beth Haw shared information about the Exceptional Eagles Club in Williamsburg-James City County Public Schools. The club was founded as a way to break the stigma associated with special needs and promote inclusive activities. The club presented to their local school board the school banner the club created and passed out bracelets that

said, “Spread the word to end the word” that were designed to help eliminate the use of the “r-word.”

Response: Ms. Haw was thanked by the SSEAC Chair for sharing her community action project.

Recommendation regarding future follow-up by SSEAC: None

3. **Comment:** Commentary received and read from a parent of a child with multiple disabilities who is concerned with research-based instruction methods in reading and math not being used in Norfolk City Public Schools.

Response: This concern was shared with the Special Education Director of Norfolk City Public Schools (NCPS) to be addressed as NCPS deems necessary and appropriate.

Recommendation regarding future follow-up by SSEAC: None

4. **Comment:** One video comment was received from a parent of a child who does not have a disability and how her child was positively impacted by being included in an activity with a child with a disability.

Response: No response was deemed necessary.

Recommendation regarding future follow-up by SSEAC: None

5. **Comment:** One video comment was received from a parent whose children (one with a disability and one without) participated in a reverse program and his positive experiences with that program in Hanover County.

Response: No response was deemed necessary.

Recommendation regarding future follow-up by SSEAC: None

6. **Comment:** Recommendation that VDOE engage an external expert to evaluate the status, trends, needs, and barriers across the Commonwealth to guide the development of an inclusion implementation plan.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above.

7. **Comment:** Recommendation that VDOEs Training and Technical Assistance Center (T/TAC) at Virginia Commonwealth University (VCU) and the PEATC conduct inclusive education symposiums for general and special educators, paraprofessionals, administrators, support personnel (e.g., speech, occupational therapy, etc.), higher education facilities, and

advocates to be presented by established experts on inclusive educational practices. This would be part of an ongoing education series that builds on videos and learning associated with co-teaching demonstration sites with a focus on best practices identified for students with low-incidence disabilities and those on alternative assessments.

Response: See response in the October 13, 2016 remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above.

8. **Comment:** Recommendation that VDOE establish a Virginia Inclusion Center of Excellence similar to the Maryland Center for Inclusive Education (MCIE) or the New Jersey Center for Inclusive Education (NJCIE) to meet the need for capacity building of inclusive education at the local level.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above.

9. **Comment:** Recommendation that VDOE communicate to all local SEACs about: 1) the resources that the *Including Me in Virginia* advocacy group is developing, 2) identifying parent advocates and educators who have inclusive classrooms with the goal of networking them across the Commonwealth with others, and 3) suggestions for forming and executing an inclusive education subcommittee at the local SEAC level.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above. Additionally, the SSEAC membership should review the information provided in response to this comment and bring forth any questions, concerns, or recommendations to the next SSEAC meeting. Furthermore, the SSEAC regional representatives should share this information with their local advisory committee chairs encouraging them to seek feedback from their respective committees and present that information in their next constituency report.

10. **Comment:** Recommendation that VDOE develop inclusion guidance document(s) to clarify:
(i) Least restrictive environment (LRE) decision making, i.e., students would only be removed from LRE setting upon student or parent request, or when meaningful and appropriate supports and accommodations have been provided to allow that student to succeed in the general education setting—academically, behaviorally, and emotionally—and those efforts have failed; (ii) best practices in inclusive education, including gifted students, English language learners, and students with complex and significant support needs, in the general education setting in their neighborhood school, with differentiated or modified instruction for students requiring more intensive supports; (iii) multi-tiered system of services and supports as an essential component to inclusive education; and (iv) how to

critically review and, if necessary, revise the vision, mission, policies, procedures, etc. to encourage and support inclusive education.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above and the recommendation in the December 1, 2016, remarks at Comment 2.

11. **Comment:** Four comments were recorded by the Center for Family Involvement at the Partnership for People with Disabilities conference at VCU, and shared with the SSEAC regarding the need for more inclusion in schools and what inclusion means to them.

Response: See response in the October 13, 2016, remarks at Comment 4 above.

Recommendation regarding future follow-up by SSEAC: See recommendation in the October 13, 2016, remarks at Comment 4 above.