

# Virginia Board of Education Agenda Item



**Agenda Item:** T

**Date:** October 24, 2013

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| <b>Title</b>     | Annual Report from the State Special Education Advisory Committee (SSEAC)  |              |                |
| <b>Presenter</b> | Mr. John Eisenberg, Assistant Superintendent for Special Education and Student Services<br>Ms. Lori Jackson Black, SSEAC Chair<br>Mr. Darren Minarik, SSEAC Vice Chair |              |                |
| <b>E-mail</b>    | John.Eisenberg@doe.virginia.gov  | <b>Phone</b> | (804) 225-2711 |

**Purpose of Presentation:**

Other initiative or requirement. Specify below:

The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* require that “. . . the state special education advisory committee shall submit an annual report of committee activities and suggestions to the Virginia Board of Education in Virginia.” [8 VAC 20-81-20 15.c(2)]

**Previous Review or Action:**

No previous review or action.

**Action Requested:**

Other. Specify below:

Consider the recommendations of the SSEAC.

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

|   |  |
|---|--|
| x | Goal 1: Accountability for Student Learning                        |
|   | Goal 2: Rigorous Standards to Promote College and Career Readiness |
|   | Goal 3: Expanded Opportunities to Learn                            |
|   | Goal 4: Nurturing Young Learners                                   |
|   | Goal 5: Highly Qualified and Effective Educators                   |
|   | Goal 6: Sound Policies for Student Success                         |
|   | Goal 7: Safe and Secure Schools                                    |
|   | Other Priority or Initiative. Specify:                             |

**Background Information and Statutory Authority:**

Goal 1: The State Special Education Advisory Committee (SSEAC) assists the Board of Education by providing advice on policies and practices that help increase accountability for academic success for students with disabilities.

The SSEAC is mandated by federal and state regulations, thus representing a number of constituency groups that advocate for children and youth with disabilities. The SSEAC provides opportunities for public comment at each of its meetings, as well as inviting presentations about initiatives and programs pertaining to students with disabilities. Over the 2012-2013 year, the

SSEAC met three times. The SSEAC approved the annual report at its September 2013 meeting for submission to the Board of Education.

**Summary of Important Issues:**

Subcommittees addressed student achievement, student outcomes, and policy and regulations. Based on the work of these subcommittees, constituency reports, presentations, and public comments, the SSEAC report includes recommendations dealing with diplomas and assessments, inclusive education, and transition. The report also notes recommendations in the areas of leadership, educational resources, and advocacy.

**Impact on Fiscal and Human Resources:**

The impact on human resources is reliant on any action taken with respect to the recommendations.

**Timetable for Further Review/Action:**

No additional action is required.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education receive this report.

VIRGINIA STATE  
SPECIAL EDUCATION  
ADVISORY COMMITTEE  
ANNUAL REPORT

JULY 2012 - JUNE 2013

# 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 one 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 Advisory 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 members 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 2012-2013 year, the subcommittees were structured as follows:

## STANDING SUBCOMMITTEES

In previous years, the SSEAC committees included both standing and ad hoc subcommittees. At the September 27-28, 2012 meeting, the committee voted to eliminate the current ad hoc subcommittees and to reorganize with five standing subcommittees. These include Executive, Nominating, Achievement, Outcome, and Policy and Regulations. Due to the strides that Virginia has taken in Personnel and Response to Intervention, the SSEAC no longer feels that these are pressing issues and these two previous ad hoc subcommittees were disbanded. The five subcommittees are consistent with the Assistant Superintendent's priorities, and the SSEAC supports the VDOE's focus on these priorities.

SSEAC members are each assigned to an ad hoc subcommittee based upon each member's expertise, interests, and concerns. Each subcommittee is chaired by a member of the executive committee. Subcommittees 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. VDOE personnel serve as consultants to each of the subcommittees, providing technical assistance, clarification of Department of Education procedures, and additional information.

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

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

**Policy and Regulations** - This subcommittee has been a long standing group. It reviews proposed policies and regulations, discusses issues related to policies and regulations, and prepares official comment language for discussion and consideration by the full SSEAC.

**Student Outcomes** - This subcommittee reviews data and other relevant information pertaining to the outcome data generated for federal reporting and makes recommendations to the full SSEAC for discussion and consideration.

**Student Achievement** - This subcommittee reviews data and other relevant information pertaining to the state testing program and the testing results for students with disabilities. Achievement is discussed relative to disability, ethnicity, and other areas which may be available for disaggregation. The subcommittee makes recommendations to the full SSEAC for discussion and consideration.

## **MEETINGS**

The full committee meets in regular session at least four times each year. Subcommittees meet as necessary to fulfill their responsibilities to the SSEAC. Every effort is made to consolidate the work of subcommittees with the regular sessions. All meetings and work sessions are open to the public. The public is offered an opportunity to make comment during a specified time allotted in the agenda at each meeting.

Since the SSEAC has decided to schedule its summer meetings in July, this year's report only includes three meetings. During the 2012-2013 year, meetings were held in the Richmond area on the following dates:

September 27-28, 2012  
December 6-7, 2012  
April 11-12, 2013

The meeting schedule through 2014:

July 18-19, 2013  
September 19-20, 2013  
December 5-6, 2013  
April 3-4, 2014  
July 17-18, 2014  
September 18-19, 2014  
December 11-12, 2014

## **PRESENTATIONS**

Over the past year, the major focus of the committee has been its subcommittee work. Members sought to be more involved in discussions. Consequently, fewer presentations were provided than in previous years. Presentations requested were related to the work of these subcommittees. Presentations were provided by VDOE staff or state funded projects. Topics included:

- Virginia Alternate Assessment Program Revisions
- Annual Report from the Office of Dispute Resolution and Administrative Services
- Presentation from the Aspiring Leaders Cohort
- Annual Plans for State Operated Programs
- Charter School Application
- General Assembly Update
- Standard Diploma Accommodations for Students with Disabilities
- Virtual Schools

## **PUBLIC COMMENTS**

A public comment period was held at each meeting, and the SSEAC members always appreciate the time and effort that it takes to attend a meeting and develop a comment. A written response on behalf of the committee was sent by VDOE staff to each commenter. Further, at each meeting, the full committee reviewed comments from the previous meeting and VDOE staff provided information on the follow-up. During the 2012-2013 year, public comments related to:

- the ESEA waiver request and statewide accountability for students with disabilities;
- concerns about curriculum for students with autism who need skills that will prepare them for employment and independent living rather than exposure to the Standards of Learning (SOL) curriculum; and
- teacher licensure regulations. Two universities commented. One proposed changes that would allow for undergraduate licensure in special education, possibly in specific disability categories; the other, while not opposed to undergraduate licensure, expressed concern with losing the current rigor and by wanting to maintain the general education licensure.

## **ISSUES IDENTIFIED THROUGH CONSTITUENCY REPORTS**

Each member of the SSEAC was provided an opportunity at each meeting to report issues from their constituency groups. The following issues were reported during the past year:

- Achievement and outcomes for students with disabilities;
- Shortening IEPs to alleviate some of the workload of teachers;
- Changes in diploma requirements;
- Refusal by school divisions to do evaluations as requested by parents;
- Bullying (both student to student and teacher to student);
- Sequestration and how funding affects the availability of services;
- Low percentage of postsecondary students with disabilities who are employed;
- Waiting lists for early intervention services which has a cascading effect on school programs and the children and families involved;
- The need for students who are eligible to take the Virginia Alternate Assessment Program (VAAP) to have grade level goals and be tested on their grade level goals rather than their ability;
- Lack of services for students with dyslexia since dyslexia is not a recognized disability label by some school divisions;
- Lack of parent involvement by local SEACs, both as members and attendees at meetings;
- Decreased availability of transition services to students with disabilities due to cuts in funding for the Department for Aging and Rehabilitative Services (DARS);
- Inconsistencies of inclusive opportunities across schools and school divisions;
- Problems with transportation for students with disabilities;
- Inconsistency across school divisions of paraprofessional training for those working with students with disabilities;
- People-first language to refer to people with disabilities is not being used consistently by the schools as it should be; and
- Services in pull-out settings were reported to increase rather than providing supports in inclusive settings to work on gaps in skills.

# **TOPICS ADDRESSED IN SUBCOMMITTEES OF THE SSEAC**

## **Policy and Regulations**

This subcommittee was provided information for consideration on several initiatives that have involved policy and regulations. These have included teacher licensure, changes to diploma options for students with disabilities, changes to consent requirements for Medicaid billing by school divisions, the Family Educational Rights and Privacy Act (FERPA) changes to allow Social Services to have access to student records, a guidance document for military families moving to Virginia, and a document on the use of service animals.

This subcommittee requested that they be updated and be provided additional information, as available, on major initiatives in order to better inform the whole SSEAC. In particular, they are interested in charter schools, laboratory schools, legislation alternate pathways to the standard diploma, and restrictions or guidance on the use of restraint and seclusion.

## **Student Achievement Subcommittee**

This subcommittee has reviewed achievement data and the goals under the state plan for students with disabilities. The group is concerned with the federal and state expectations that result in the same achievement for all students. It is important to set high academic expectations, but also support individualized curriculum that would result in appropriate employment and independent living skills for those students for whom higher education is not realistic. The group plans to stay abreast of the promulgation of teacher licensure regulations revisions, requirements for special diplomas, and policy or legislation on the use of restraint and seclusion.

## **Student Outcomes Subcommittee**

The group has reviewed data relative to the State Performance Plan (SPP) and Annual Performance Report (APR). The committee conducted specific analysis around identified areas of concern including dropout, discipline of students with disabilities and assessment. Graduation rates were compared in conjunction with federal accountability measures regarding school completion that was compared across states. The in-depth analysis led to identifying the need for guidance for parents beginning no later than the second grade and annually thereafter, to understand the ramifications of program decisions and their effects on diploma status. Further recommendations on strategies or resources that will improve outcomes related to graduation, dropout rates and discipline were also discussed.

## **COMMENDATIONS**

The SSEAC wishes to take this opportunity to recognize a number of programs and resources supported by the Board of Education to improve services to students with disabilities. In particular, we would like to commend the Board of Education on the following:

### **Leadership**

The SSEAC would like to applaud several areas of leadership that the committee feels have made a difference to students with disabilities in Virginia. These include:

- The SSEAC would like to recognize Mr. John Eisenberg, assistant superintendent for Special Education and Student Services, for his leadership and commitment to

improving outcomes and achievement for students with disabilities and his continued support for the youth of the I'm Determined Project in their effort to secure a grant for addressing bullying in school. As part of the I'm Determined Project, Mr. Eisenberg also provided students with the opportunity for involvement in developing a video and guidance on anti-bullying.

- The SSEAC would also like to commend Mr. Eisenberg on his leadership in addressing the SEAC's concerns in revising bus driver curriculum and addressing transportation and associated issues.
- The SSEAC would like to recognize VDOE's willingness to pursue innovative approaches to meet the needs of students with disabilities by focusing on employability and independent skills in an inclusive setting. An example is the partnership with Richmond City Public Schools in developing a charter school.
- The SSEAC demonstrated leadership in acknowledging and responding to concerns regarding Private School Special Education Regulations. We commend the VDOE on getting these regulations passed and established.
- The SSEAC commends the VDOE on revising teacher licensure requirements that will allow general education teachers to get an add-on endorsement in special education. We anticipate this will provide students with highly qualified teachers who are both knowledgeable in core content areas and special education pedagogy.

## **Educational Resources**

- The SSEAC is pleased that the VDOE developed guidance related to credit accommodations in order to create opportunities for students with disabilities to earn a standard diploma. Also, the SSEAC appreciates the creation and dissemination of training and resources aimed at parents and families of students with disabilities.

## **Advocacy**

- The SSEAC applauds the VDOE for providing grant funding to the Parent Educational Advocacy Training Center (PEATC) to support their outreach to Latino Families.
- The SSEAC continues to recognize the work of the I'm Determined Project in increasing self-advocacy and public awareness and their continued work at the Summer Summit at their permanent home at JMU in which various self-advocacy issues are addressed.

## **RECOMMENDATIONS**

Based on public comments and reports from members representing their constituency groups, the committee makes the following recommendations to the Board of Education.

### **Diplomas and Assessments**

**Issue:** Although closing the achievement gap will increase graduation rates and reduce the dropout rate, students with disabilities who do not graduate with a standard diploma may not have successful postsecondary outcomes such as less than adequate employability skills and limited independent living skills.

**Recommendation:** The SSEAC recommends that VDOE increase the requirements to obtain the special diploma to better support successful postsecondary outcomes in areas

such as employment, education, training and independent living.

**Issue:** Parents often do not understand the assessments their children are taking and may not understand the impact that IEP decisions about participation in assessments may have on the student (such as alternative assessments and testing accommodations).

**Recommendation:** We appreciate work that has been done on credit accommodation guidance, but continue to recommend that VDOE develop a guide to explain testing and the impact on diploma options. We further recommend that this guide be required to be distributed no later than the second grade and annually thereafter.

## **Inclusive Education**

**Issue:** School culture of inclusive education and universal design for learning presumes that all people belong together in learning communities. Based on the annual performance report, indicator 5 resulted in only 62 percent of all students with disabilities in Virginia spending 80 percent or more of their day in a general education setting. The 2011-2012 goal was 68 percent.

**Recommendation:** To increase this percentage, the SSEAC recommends that the VDOE create a checklist or similar document that identifies exemplary inclusive practices and allows schools to assess themselves in this area.

**Issue:** Although we recognize the state effort to highlight disability awareness by its declaration of October as Disability History and Awareness Month, the use of people first language remains an issue.

**Recommendation:**

We recommend that the VDOE work to ensure that all documents and communication use people first language so that it becomes a model for localities.

## **Transition**

**Issue:** Based on the State Performance Plan (SPP) 2011-2102 data, Indicator 14 - postsecondary outcomes for students with disabilities - has leveled, resulting in concerns regarding successful postsecondary education and employment of students with disabilities.

**Recommendation:** The SSEAC was encouraged to hear about the development of the Center for Transition Innovations at VCU to address this issue. Considering the centralized location of the Center, the SSEAC recommends that the Center address the needs of all regions of the Commonwealth. We also support the need to address transition as early as possible across all areas in a student's school career. We further recommend the exploration of diverse and coordinated fiscal resources in partnership with multiple agencies to support transition.

## **CONCLUSION**

The SSEAC appreciates the opportunity to provide advice to the Board of Education and hopes that the recommendations are implemented without delay. While we recognize the many competing requests for resources, we feel that these requests are reasonable. We look forward to hearing from the Board of Education.

**2012-2013 Virginia State Special Education Advisory Committee  
(SSEAC)**

**Eva Aikins**

(Parent, Region 6 – Roanoke Area)  
209 Cherry Lane  
Danville, VA 24541

**Adam Amick**

(People with Disabilities)  
1528 Chesapeake Avenue  
Chesapeake, VA 23324

**Judy M. Averill**

(Transition/Vocational Education)  
Chesterfield County Public Schools  
4003 Cogbill Road  
Richmond, VA 23234

**Paula Baker**

(Parent, Region 8 – Southside Virginia)  
17045 Clydesdale Road  
Amelia Courthouse, VA 23002

**Cynthia Bauer**

(Foster Care (DSS))  
Senior Permanency Policy Specialist  
Virginia Department of Social Services  
801 East Main Street, 11th Floor  
Richmond, VA 23219

**Lori Jackson Black**

(Parent, Region 3 – Northern Neck)  
P.O. Box 442  
Mathews, VA 23109

**Jusolyn Bradshaw**

(Department of Juvenile Justice)  
Regional Principal  
Division of Education  
1601 Old Bon Air Road  
Bon Air, VA 23219

**Michael J. Carrasco**

(Parent, Region 4 – Northern Virginia)  
119 Normandy Hill Drive  
Alexandria, VA 22304

**Christina Draper**

(People with Disabilities)  
P.O. Box 84  
Fieldale, VA 24089

**Christy Evanko**

(Parent, Region 1 – Central Virginia)  
6106 Havenview Drive  
Mechanicsville, VA 23111

**Jackie Fagan**

(Parent, Region 7 – Southwest Virginia)  
5550 Thornspring Heights Lane  
Pulaski, VA 24301

**Frances B. Goforth**

(Special Education Director)  
Gloucester County Public Schools  
6489 Main Street, Building Two  
Gloucester, VA 23061

**Kathryn Hayfield**

(Department for Aging and Rehabilitative Serv.)  
Assistant Commissioner  
8004 Franklin Farms Drive  
Richmond, VA 23229

**Sandra A. Hermann**

(Parent, Region 2 – Hampton Roads and Tidewater)  
3625 Crofts Pride Drive  
Virginia Beach, VA 23453

**Scott Kizner**

(Local Education Official)  
Division Superintendent  
Harrisonburg Public Schools  
One Court Square  
Harrisonburg, VA 22801

**Alison MacArthur**

(Teacher)  
Frederick County Schools  
1313 Amherst Street  
Winchester, VA 22601

**Darren Minarik**

(Higher Education)  
Special Education Faculty  
Radford University  
P.O. Box 6959  
Radford, VA 24142

**Jennifer O'Berry-Ham**

(Private Schools)  
Minnick Educational Center  
775 Dent Road  
Roanoke, VA 24019

**Jacqui Wilson**

(Parent, Region 5 – Alleghany Highlands)  
942 Grandma's Hill Road  
Amherst, VA 24521