

# Virginia State Special Education Advisory Committee Annual Report

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Prepared for  
Virginia Board of Education

By  
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## **Part I: Mission and Structure**

The State Special Education Advisory Committee (SSEAC) for the Commonwealth of Virginia is organized and functions in accordance with the mandate in the Board of Education's Annual Plan for Special Education and in Sections 300.650-300.653, Rules and Regulations for the Administration of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) 1997. The committee's functions include the following:

1. Advise the SEA of unmet needs within the State in the education of children with disabilities;
2. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
3. Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the Act;
4. Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
5. Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.
6. Advising on eligible students with disabilities in adult prisons who have been convicted as adults and incarcerated in adult prisons;
7. Review the policies and procedures of state operated programs, the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton; and
8. Prepare and present an Annual Report to the Virginia Board of Education and the Superintendent of Public Instruction. This report shall be made available to the public.

## **Membership**

The committee is composed of representatives of stakeholder groups as prescribed by the IDEA. These individuals have a common interest in meeting the educational needs of children and youth with disabilities throughout the Commonwealth. The membership includes eight parents of children with disabilities, two individuals with disabilities, a teacher, a representative of institutions of higher education that prepare special education and related services personnel, a local superintendent, a local special education director, a representative of an organization concerned with transition services, a representative of other state agencies involved in the financing or delivery of related services to children with disabilities, and a representative of a correctional agency. Members are appointed by the Board of Education to a four-year term and are eligible for reappointment for an additional four-year term. Individual citizens and organizations are invited to nominate candidates for appointment to the committee. Terms of membership are staggered to assure continuity. Members are reimbursed for expenses incurred while attending meetings; however, the membership serves without compensation. The committee is staffed by designated liaisons from the Department of Education that are knowledgeable

in the field of special education. The department also provides technical and clerical assistance to the committee.

## **Organization**

The activities of the committee are governed by its by-laws, which were last revised in April 2001. The SSEAC year runs from July 1<sup>st</sup> to June 30<sup>th</sup>. Three subcommittees conduct the work of the full committee. In addition, the SSEAC has a membership subcommittee to assist with the appointment process when vacancies occur within the membership and a special committee to review the policies and procedures of state operated programs and the Virginia Schools for the Deaf, Blind, and Multidisabled. Staff members are available to each of the subcommittees to provide technical assistance, clarification of Department of Education procedures, and background information. Committee members are assigned to one of the three subcommittees to take advantage of each member's expertise, interests and concerns. A member of the SSEAC executive committee chairs each subcommittee. Subcommittees meet independently and report to the full committee, which discusses the issues and topics raised and makes recommendations for further action if it is needed. Such action may take one of several forms: further study, requests for additional information from the Department, or referral to the Board of Education by written communication, oral presentation, or public comment. The three subcommittees this year were:

1. General Supervision,
2. Free Appropriate Public Education in Least Restrictive Environment, and
3. Parent Involvement and Secondary Transition.

These subcommittees were aligned with the federal Continuous Improvement Monitoring Process (CIMP) cluster areas addressed in *Virginia's Special Education Self-Assessment*.

## **Meetings**

The committee meets in regular session four times a year; subcommittees and the executive committee meet as necessary to fulfill their responsibilities. All regular meetings are open to the public, and a public comment period is offered at each meeting.

All meetings in 2000-2001 were held in Richmond. In addition to its four regular meetings, two called meetings were held to work on the federal continuous improvement monitoring process as the Part B steering committee for the state self-assessment. In addition, three subcommittees met for a total of nine times between September and November 2000 to work on Virginia's self-assessment. Department staff was available and provided technical support at each meeting.

## **Part II: Strategic Issues in Special Education**

### **The Status of Special Education in Virginia**

In April 2000 Virginia was notified of its selection for federal monitoring of its Part B special education and Part C early intervention programs by the United States Department of Education - Office of Special Education Programs (US-OSEP). As a first step in the federal Continuous Improvement Monitoring Process (CIMP), the selected state is required to establish a steering committee with broad statewide representation to oversee the required self-assessment. In Virginia, a steering committee with representatives from both Part B (special education) and Part C (early intervention) was established. That steering committee split into two working committees, one for Part B and one for Part C, in order to facilitate an effective self-assessment for each program area. In addition, both committees had members who worked on both Part B and Part C workgroups. The full steering committee met to discuss the findings for the respective programs and begin planning for the improvement phase of the CIMP.

The SSEAC spent the majority of this year serving in the role of the steering committee for the state's special education self-assessment. Data was used from *Virginia's Special Education State Improvement Plan Report 2000* (SIP Report) along with other information from the Department's monitoring, complaints, and due process systems for this purpose. The SIP Report executive summary is attached in Appendix A.

In order to address public awareness of the Part B special education self-assessment and help validate the data used in completing the process, the Virginia Department of Education sponsored focus group interviews and disseminated a survey to the public. Between the focus group interviews (86 participants) and the public survey (741 respondents), 827 stakeholders in Virginia provided input for this self-assessment. The Department submitted Virginia's Self-Assessment for Special Education in December 2000. The Self-Assessment executive summary is attached in Appendix B.

### **Summary of Concerns**

Throughout the year, committee members discussed concerns, which are noted below. No specific recommendations to the Board of Education are included in this report. The committee will continue to seek information from the Department staff to address concerns and make recommendations for improvement as part of the state's improvement planning process.

### Modified Standard Diploma (MSD) Concerns

1. There are confidentiality issues for students receiving the MSD because it is only available to students with disabilities. Thus, noting the MSD on student records is acknowledgement of a disability.
2. There may be disadvantages of selecting a MSD instead of working toward a Standard or Advanced Studies Diploma, or achieving a General Education Development (GED) certificate. The MSD may not be valued by post-secondary training and education institutions for admission. Parents and students need to be cautious to fully understand the implications of exiting school with an MSD and the self disclosure of having a disability by virtue of the diploma types in the student's educational record or transcript. Students should be informed of the impact that exiting school with a MSD may have on them, in terms of their future.
3. The new MSD option will increase pressure on school divisions to identify many more students as disabled, especially without state guidelines for "severe discrepancy between achievement and ability" for determining that a child has a specific learning disability. A related concern is the likelihood that the dropout rate will increase significantly due to the "raising of the bar" to graduate with a Standard or Modified Standard Diploma. The Department should collect data to determine if there is an increase in referrals to special education at the secondary level resulting from the MSD option, and if dropout rates increase.
4. The Department should include information on all diploma options in their next versions of technical assistance documents addressing secondary transition (including the document "Transfer of Rights at the Age of Majority").

### Virginia Alternate Assessment Program (VAAP) Concerns

1. The testing window is spread too far between ages 13 and one year before anticipated school exit (age 21), possibly 7 years if that is the year before exiting school for some students. The timeframe for considering VAAP at the secondary level should be at the 3-year reevaluation of students.
2. There is a lack of feasible progress measurement since the Alternate Assessments are based on individualized education programs (IEPs).

### Licensure and Teacher Shortages

1. Committee members are concerned about the number of special education teachers leaving the field. Committee members are also concerned about the high number of teaching staff in Virginia with conditional licensure. The Committee requested data by school division regarding the number and percentages of special education teachers with conditional licenses.

### Literacy Level of Materials

1. The public survey used for the federal self-monitoring process was written at a high literacy level, which would have made responding impossible for most people who are not college educated. Committee members expressed concern about the literacy level of other materials, including the *Procedural Safeguards* and *Parent Guide to Special Education*.

### Continuum of Placement Options and the Least Restrictive Environment

1. There are school divisions that continue to not be in compliance with having available a continuum of placement options and placement in the least restrictive environment. The Committee requested additional information from the Department on this area before making specific recommendations regarding improvement planning in this area.

## **Part III: Future Issues and Improvement**

Improvement strategies have been recommended by the SSEAC in order to address those areas in the state's self-assessment of noncompliance, areas needing improvement, and areas where additional data are needed. Many of these activities have already begun. Recommendations include the following:

- Improve monitoring, complaint, and due process procedures to ensure that all school divisions are monitored with sufficient frequency that noncompliance is consistently identified and corrected in a timely and effective manner.
- Determine mechanisms for effectively involving parents in the local monitoring process. Such mechanisms should address input from parents who are satisfied as well as those who have concerns about the special education program.
- Increase the collection and use of data on effective practices and model programs for statewide improvement of services to students with disabilities. Increase dissemination of information about: 1) resources for obtaining specialized materials and assistive technology, 2) extended school year services, and 3) positive academic and behavior supports.
- Provide information to parents on opportunities to access information about special education services, and increase joint training opportunities for both parents and school personnel.
- Examine all areas where additional data are needed in order to assess state needs. Where disparate data exists, involve partners to align information needs with data collection efforts.

Over the past few years, Virginia has established broad systemic policies that embrace children and youth with disabilities in the state's education reform effort and accountability system. The strong message sent by the Special Education State Improvement Plan is beginning to put mechanisms in place for local school divisions to build their capacity and maintain effective practices to continually strive for better ways of educating all students, including those with disabilities. Successful initiatives with positive results for children and youth must contain strong partnerships among local school divisions, institutions of higher education, parent centers, and other agencies. The SSEAC looks forward to planning improvement strategies that strengthen existing partnerships and build new ones that are needed for the work that lies ahead.

## **Appendix A**

# **Virginia's Special Education State Improvement Plan Report (August 2000)**

### **Executive Summary**

*Virginia's Special Education State Improvement Plan* is grounded in the Virginia Board of Education's vision, mission, and goals. The SIP Report addressed progress the state has made toward three strategic directions related to student achievement, personnel development, and parent/student involvement. The first report, disseminated in August 2000, was intended to begin and sustain the momentum for other partners to achieve the goals to improve student learning leading to successfully employed young adults. State-funded activities were based on needs in relation to the strategic directions and performance goals for students, parents, and school personnel. The status of the progress made to date toward the three strategic directions is summarized below.

#### Status of Strategic Direction I: School Completion and Graduation

In 1999, more Virginia's secondary school students completed and graduated from school than in 1997. Over those two years, students with disabilities who graduated or completed high school rose from 66.7 percent in 1997 to 75.4 percent in 1999, an increase of 8.7 percentage points. The school completion and graduation five-year goal was achieved; however, the Virginia Department of Education will continue to examine these data to see how the state's education reform initiatives affect the school completion and graduation rates, as the new graduation requirements become effective.

#### Status of Strategic Direction II: Personnel Development

The number of qualified and nonqualified special education professionals increased from 1997 through 1999; the number of qualified personnel grew at a slightly higher rate. During the same time period, the Virginia Department of Education expanded its distance education endorsement program for special educators and increased training opportunities for educational interpreters and speech-language pathologists. While the number of educational interpreters who meet Virginia's qualification standard is growing, there continues to be many more personnel who are not fully qualified for providing interpreting services to students (in 1997, 49 of 249 were qualified; in 1998, 59 of 276 were qualified; in 1999, 74 of 267 were qualified).

The 1999-2000 Teacher Supply and Demand in Virginia survey data, reported by school divisions, indicated that seven of the top ten areas of severe shortage of qualified personnel were in endorsement areas for students with disabilities. These endorsement areas, in order of most severe shortage, were: emotional disturbance, severe and profound disability (severe disabilities), speech-language impairment, hearing impairment, learning disability, mental retardation, and visual impairment. There is a need for additional qualified personnel in these special education endorsement areas.

Many of the state-coordinated ongoing professional development opportunities for personnel on behalf of children with disabilities have been implemented by the Virginia Department of Education's eight Training/Technical Assistance Centers (T/TAC). The T/TAC system has reached to all its jurisdictions and provided services with a focus on capacity building at the local level. In one year more than 4,700 services were accessed by 20,391 people. Additional partners who deliver ongoing personnel development will be reporting data in the future to provide a more complete picture of the status of the personnel development goals. Information will be gathered from local school systems, parent training/information centers, parent resource centers, and the Governor's Best Practice Centers for future reports.

#### Status of Strategic Direction III: Parent and Student Involvement

There has been no systematic method of gathering and compiling data to measure improved meaningful parent and student involvement in special education. To solve that problem, the Virginia Department of Education funded activities to begin collecting this information from a variety of sources, including Virginia's parent training/information center (Parent Educational Advocacy Training Center - PEATC) and local Parent Resource Centers. This information will be compiled, analyzed, and discussed in future reports.

## Appendix B

# Virginia's Self-Assessment for Special Education

### Executive Summary

The four cluster areas identified by the United States Office of Special Education (US-OSEP) that were assessed include: 1) general supervision, 2) free appropriate public education in the least restrictive environment, 3) secondary transition, and 4) parent involvement. Across these four cluster areas, US-OSEP defined 19 components with a total of 93 indicators to assess. Through extensive review of a variety of data sources, areas of strengths, areas needing improvement, and areas of noncompliance were identified. Several of the US-OSEP's indicators could not be assessed due to the need for additional data. Recommended improvement strategies were also generated during this self-assessment to use in the improvement planning phase of US-OSEP's monitoring of Virginia. The need for additional data was addressed in the recommended improvement strategies for use in planning and future self-assessments. The following summary provides an overview of the areas of strength, needed improvements, noncompliance items, and recommendations.

#### Self-Assessment Summary of Areas of Strength

The results of the self-assessment process revealed areas of strengths within Virginia's Part B system. A summary of areas of strength includes the following:

- The special education monitoring system is progressing from episodic procedural monitoring to a system that emphasizes positive results for students with disabilities. The identification of systemic issues has increased through the collection of information from a variety of sources, including local self-assessments. Systemic issues are used to guide the focus of the state's on-site monitoring.
- Information is widely disseminated on Virginia's mediation, complaint, and due process hearing systems. During the first year of implementing a statewide mediation system 131 issues were addressed (78% were resolved within 30 days). The revisions of the state special education regulations (effective January 2001) strengthen these systems, including specific training of mediators and due process hearing officers.

- Virginia's Special Education State Improvement Plan (SIP) is strategically designed to enable children and youth with disabilities to meet performance goals. The SIP is a dynamic plan that contains 28 performance indicators, 16 of which have data that has been collected and reported. Implementing the SIP has increased partnerships that produce coordinated, effective activities that encourage school success for students with disabilities.
- The state special education regulations foster commitment to a free appropriate public education in the least restrictive environment and parent involvement by including provisions for staffing requirements and for Local Advisory Committees (LACs). Various other activities sponsored by the state encourage parent involvement in local and state program improvement efforts, including support for the establishment of local Parent Resource Centers (PRCs). In addition, there is a strong partnership between the state education agency and Virginia's federally funded parent training information center.
- Virginia maintains high standards for licensing teachers and other school personnel, and has aligned preservice teacher education programs with the Standards of Learning (SOL) expectations for students.
- A variety of strategies to ensure adequate numbers of qualified personnel are available which include: distance education training/endorsement programs; interstate reciprocity agreements; personnel development grants to universities and community colleges, school divisions and individuals; coordinated programming to prepare personnel to serve low incidence populations; and a Training/Technical Assistance Center system to disseminate effective practices to school personnel.
- The state's Training/Technical Assistance Center (T/TAC) system has been effective in providing services to a broad range of personnel, including Part C early intervention providers, private providers, and other agency staff on behalf of children with disabilities. The T/TACs have also been effective in reaching all geographic areas of the state. The T/TACs are aligned with the state staff technical assistance specialists who also provide special education technical assistance.
- Eligible children and youth with disabilities, including those in local and state juvenile correctional facilities and jails, are receiving a free (at no cost to parents) appropriate public education.
- Virginia begins the entitlement to special education at age two, a year earlier than the federal requirement. The number of two-year-olds eligible for special education has increased since 1998, indicating that the local child find efforts are coordinated and effective.

- Students with disabilities are included in the state's accountability system and this inclusive philosophy is clearly articulated by Virginia's Board of Education standards and policies.
- The graduation and school completion rate of students with disabilities increased from 66.7% in 1997 to 75.4% in 1999. Likewise, from 1998 to 1999, Standards of Learning (SOL) test scores of students with disabilities increased at a rate similar to students without disabilities.
- The use of interagency agreements as a method for service coordination is increasing. Statewide initiatives are in place, which provide direct support for secondary transition in partnership with appropriate agencies and organizations. Through an agreement with Virginia Department of Medical Assistance Services (DMAS), more of the costs of services provided to children are reimbursed to schools than in 1999.

#### Self-Assessment Summary of Areas Needing Improvement

While progress has been made in areas of the Part B special education system, there are some aspects of the system that still need to be strengthened. A summary of areas needing improvement includes the following:

- The supervision and conflict resolution systems in place need to be strengthened to ensure corrective action takes place in a timely manner. More systematic follow-up and enforcement activity is needed for local school divisions, juvenile and adult correctional facilities, and private facilities.
- There is a need to review the state's general supervision procedures to find more effective mechanisms for involving parents in the state's review and follow-up processes, and to implement a more fluid cycle for monitoring school divisions so that school divisions with persistent documented areas of noncompliance implement effective corrective action and are monitored on a more frequent basis.
- The number of personnel who hold a teaching license with conditional endorsement in the area assigned has increased over the past few years. Although many training activities are implemented, more preservice and inservice opportunities are needed to increase the number of fully qualified personnel. Effective personnel recruitment and retention activities are also needed.
- There is a need for more specialized materials and assistive technology for students with disabilities to be better equipped to access the general curriculum and achieve their individualized goals.
- Widespread dissemination of information to school personnel and parents needs to increase. In addition, the training and dissemination of informational material in a variety of languages, formats, and locations needs improvement.

- Students with disabilities drop out of school prior to completing a program or graduating. There is a need to increase prevention efforts to reduce the dropout rate of students with disabilities.
- Local Advisory Committees request more direction and assistance than what is currently provided by the state to improve their involvement in school planning.

#### Self-Assessment Summary of Areas of Noncompliance

The following aspects of Virginia's Part B special education system were determined, through the self-assessment process, to be areas of noncompliance.

- The monitoring procedures have not been effective to ensure corrective action in a timely manner. Virginia has not consistently imposed enforcement action to address persistent deficiencies. Decisions in complaint investigations, due process hearings, and reviews that result in corrective actions have not been implemented in a timely manner. Due process hearing officers do not make hearing decisions within the 45-day timeline.
- Conducting student evaluations (and reevaluations) within required timelines has been cited as an area of noncompliance through the monitoring process.
- Having extended school year services available across all categories and severities of disabilities has been cited as an area of noncompliance through the monitoring process.
- Having appropriate functional behavior assessment and behavior plans for students with disabilities has been cited as an area of noncompliance through the monitoring and complaints systems.
- Informing parents about parental rights and responsibilities associated with special education and notifying students one year prior to the age of majority of the transfer of rights, have been cited as areas of noncompliance through the monitoring process.
- Having a continuum of placement options available has been cited as an area of noncompliance through the monitoring process.