

VIRGINIA STATE
SPECIAL EDUCATION
ADVISORY COMMITTEE
ANNUAL REPORT

JULY 2009 - APRIL 2010

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 2009-2010 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 (SOP) 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 (RtI) – This subcommittee addresses the process of the RtI 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 2009-2010 year, all of the SSEAC meetings were held in the Richmond area due to the significant VDOE staff travel involved in meeting around the state. During the 2009-2010 year, meetings were held on the following dates:

- July 22-24, 2009
- October 15-16, 2009
- February 11-12, 2010 (meeting cancelled due to weather)
- April 15-16, 2010
- May 11, 2010 (Subcommittee Meeting Reviewing Annual SOP Plan)

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 an informal exchange between the public and committee members. 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. The committee will evaluate this change in the July 2010 meeting.

The meeting schedule for the remainder of 2010-11 year is:

- July 15-16, 2010
- October 14-15-16, 2010
- February 10-11, 2011
- April 14-15, 2011
- July 14-15, 2011

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 members of other agencies and organizations. Topics included:

- State Performance Plan-Annual Performance Standing Report
- Restraint & Seclusion Sample Training Elements
- Restraint & Seclusion Policy Study Update
- Special Education National View
- State Personnel Development Grant: Literacy in Secondary Schools Update
- State Performance Plan-Annual Performance Report Data Update: Secondary Transition and Post Secondary Outcomes
- Instructional Resources
- Training on the revised *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*
- Joint Legislative Audit Commission Study on Autism
- State Assessment: Virginia Grade Level Assessment (VGLA) Stakeholder Meeting
- State Assessment Update: Use of Alternatives & Audit Findings
- Parent Involvement Survey
- State Discipline Data
- Response to Intervention Implementation

PUBLIC COMMENTS

A public comment period was held at each meeting. The VDOE staff members responded to the comments individually according to the subject and the concern. Further, the full committee reviewed the previous meeting's comments with the actions of department staff. During the 2009-2010 year, public comments related to:

- Seclusion and Restraint
- Change in the age range for children with developmental delays
- Children with autism and training needs for parents
- More training at school and for parents at home
- Fund additional print capacity of parent information
- Suspensions and expulsions associated with students with learning disabilities
- The inclusion of Disability History into Virginia curriculum.

ISSUES ADDRESSED BY THE SUBCOMMITTEES OF THE SSEAC

PERSONNEL

Update on Braille Competence Testing

The Personnel Subcommittee discussed Chapter 202 [H2224] approved March 27, 2009 by the General Assembly, which states that the “Advisory Board on Teacher Education and Licensure, in consultation with the Department for the Blind and Vision Impaired shall make recommendations to the Board of Education and the Chairman of the House committee on Education and the Senate Committee on Education and Health regarding certification of Braille instructors.” The subcommittee discussed what this certification may look like for both pre-service and in-service teachers. The subcommittee reviewed the current licensure requirements for a teacher of visual impairments in Virginia. The Visual Impairment (VI) Consortium requires two Braille courses. The first is a foundation of Braille and the second is an advanced Braille course. These courses have been deemed appropriate for Braille instruction preparation. The subcommittee made a recommendation that these two courses may serve as the certification requirement for pre-service teachers. There was discussion regarding the feasibility of offering these consortium courses to in-service teachers who which to expand their skills in Braille. Grant options or other payment options should be considered so that this course work would be at no cost to teachers. Additionally, it was recommended that at the time of teacher renewal, an on-line course-training option should be considered as a requirement to train and maintain skills in the use of Braille.

The subcommittee made the following recommendations for future issues to be added to the Annual Report:

- Under the heading of teacher licensure, the inclusion of Braille certification, as well as the number of current provisional special education licenses awarded, and continued low numbers of licensed special educators
- Under the heading of assessment issues, the inclusion of VAAP, as well as overuse of VGLA and being given the necessary materials for these assessments in a timely manner

Update on Approved Teacher Licensure Programs

- All 60 of the teacher licensure programs in special education have been approved.
- Tuition assistance for speech and language pathologists, early childhood special education teachers, for para-educators, and for teachers not yet endorsed is available. Applications are coming in and the funding is available on a first-come, first-served basis.
- The Virginia Teaching Scholarship Loan (VTSL) provides funding to colleges and universities to assist with tuition based on critical shortage areas. This is available through university nomination and is available on a first-come, first-served basis.
- The list of the top ten critical shortage teaching endorsement areas has been developed for 2009-10 and includes a number of special education areas.

Update on Autism Initiatives

After a report from the Virginia Department of Education's Director of Instructional Support and Related Services on the "State of the State on Autism Spectrum Disorders (ASD)", the committee discussed the greater need for teachers to have increased access to professional development and pre-service training in effective research-based practices for students on with ASD. An outline of the Joint Legislative Action and Review Committee (JLARC) Report on ASD was presented, including how the VDOE is responding to its key recommendations. The committee discussed some of the challenges in getting teachers more skilled in the leading research-based approach of Applied Behavioral Analysis (ABA). The challenges discussed included a lack of university preparation programs with an ABA focus, the extreme costs of becoming certified in ABA, the time it takes to become certified and the lack of awareness about the benefits of this approach. The presenter noted that there are currently only 120 certified professionals in the Commonwealth with the ABA certification and many of those are only serving the adult population. The committee then discussed some suggestions and strategies for exploring the expansion of ABA services. The recommendations included: 1) Explore new funding options to assist teachers with tuition reimbursement, 2) Develop an university consortium for ABA similar to the Severe Disabilities Consortium, 3) Offer coursework on-line, 4) Expand the Virginia Autism Council Autism Competencies to include more of a focus on behavior services, and 5) Explore the use of a coaching/mentorship "train-the-trainer" model.

Other Personnel Committee initiatives

- Continue VDOE's initiative for the Aspiring Special Education Leaders program.
- Continue VDOE's initiatives to increase the number of Speech and Language Pathologists in the school divisions.

RESPONSE TO INTERVENTION (RtI)

In July 2009, VADOE staff provided an update on the progress with the RtI statewide pilot program. They introduced the 15 RtI pilot divisions, and the criteria for school selection. Two statewide RtI institutes for the selected school divisions met in July 2009 in Roanoke and Williamsburg. In October 2009 members were informed about additional materials posted to the Response to Intervention (RtI) website: <http://www.doe.virginia.gov/VDOE/studentsrvcs/RTI/>. The committee requested that the Virginia Department of Education provide additional information to the entire SSEAC committee regarding the process and data collected with the pilot RtI sites.

At the April 2010 SSEAC meeting, Dr. Dale Mann, Managing Director of Interactive, Inc. gave the Year 1: Summary Report regarding RtI implementation at the 15 pilot schools. His report included:

- 10 schools reported an average of 8 fewer referrals to special education
- 10 schools reported an average of 81 fewer behavior incidents
- 7 out of the 15 pilot schools are both planning and implementing RtI.
- 3 schools are implementing RtI
- 5 schools are in the planning stage of RtI
- The divisions sponsoring the pilot schools intend to add 13 new schools to RtI

Recommendations for year two included the areas for priority attention are math, behavior, and local norming.

POLICY & REGULATION

The major work of the Policy and Regulation Committee was completed during last year when the revised regulations for state implementation for IDEA were completed. The committee continued to review state progress on implementing IDEA requirements through the standing report on policy and data.

CONSTITUENCY INVOLVEMENT

The Constituency subcommittee identified challenges related to communication between regional parent representatives on the SSEAC and the chairs of local special education advisory committee in their regions to determine if there are concerns or issues that need to be brought to the state special education advisory committee. Since e-mail is the most efficient and cost effective way to communicate with local SEAC chairpersons, it was suggested that the Department secure both telephone numbers and e-mail addresses for all local SEAC chairpersons to distribute to each regional parent representative. This information has not been included as a part of the information collected through the Annual Plan process. The Office of Dispute Resolution and Administrative Services has been assigned the responsibility for technical assistance and communication with local SEACs and has requested local e-mail information. Once this information is collected, the parent representatives on the SSEAC will be provided with the contact information for those SEACs in their respective regions. Once the regional parent representatives have this information, they will forward the information announcing quarterly meetings of the SSEAC, as well as other relevant information that they receive both locally and at state meeting to their local SEAC counterparts. The Constituency subcommittee also recommends that the Office of Dispute Resolution and Administrative Services communicate to all SEAC chairs the name and contact information for the SSEAC parent representatives from their respective regions. Due to the importance of effective communication between SSEAC parent representatives and their local counterparts, they recommend that an operational template be developed to guide their interactions and follow-up appropriately with information they receive.

STATE OPERATED PROGRAMS

The subcommittee met May 11, 2010, to review the annual plans submitted by the state operated programs (SOP) and the Virginia School for the Deaf and the Blind.

The SOP representatives reported that they will submit assurances that indicate the necessary changes in their policies and procedures to be in compliance with state and federal guidelines. They also reported on the extent to which the current plan has been implemented. Other information specific to each facility is listed below.

Hospital Education Programs

The hospital education programs provide services to over 3,000 students with special education needs and 4,000 general education students of average age of ten years old. The average length of stay is 4-7 days. In addition to making the required changes in procedures to reflect federal and state guidance, the hospital education programs are evaluated at various times for adherence

to federal and state laws, program effectiveness, and other audits. IDEA Part B funds are used for technology improvement, data collection, and staff development including research-based practices. Early childhood funds are used for assistive technology, “Reach Out and Read” programs, instructional materials and adaptive toys. Issues raised about least restrictive environment (LRE) have been resolved. School divisions are providing transportation from the hospital to public schools where appropriate.

State Mental Health Facilities

The four mental health facilities serve over 2,000 students each year that are hospitalized on an acute basis. The southwestern facility will no longer be serving children under age 18 years old. The education manuals are designed to be in compliance with IDEA. The education programs offer an array of courses including art, music and speech and language services. They use research-based instructional techniques and students are assessed on academic progress. The facilities continue to address challenges in providing the state Standards of Learning (SOL) tests with the shifting student population. Federal funds are used for updating the materials used to prepare students for taking the General Education Development (GED) test, technology and staff development.

State Facilities for Intellectual Disabilities

The five state facilities for intellectual disabilities are operated under the Virginia Department of Behavioral Health and Disabilities. Four of the five state facilities for intellectual disabilities are currently serving school-age children with intellectual disabilities and have education manuals designed to be consistent with IDEA and the guidance document provided by the Virginia Department of Education. The northern Virginia facility does not have children in the education program. The southeastern facility is undergoing renovation to include neighborhood housing, which is scheduled to be open in September 2011. Services to students in the local school divisions are determined on an individual basis. At this time, these education programs have very few children. The decrease in the size of these programs over the past few years reflects success in local public school programs addressing the needs. Federal funds are used for educational materials.

Woodrow Wilson Rehabilitation Center

Virginia’s Woodrow Wilson Rehabilitation Center (WWRC) is one of seven comprehensive rehabilitation centers in the United States. All clients/students attending WWRC have already been identified with a disability. The WWRC serves approximately 500-600 students a year. Approximately 60 percent of the clients are 18 to 22 years of age and are participating in

transition. The WWRC assures that all applicable requirements are followed. Funds are used primarily to support materials and technology.

Department of Correctional Education (DCE)

DCE has 29 facilities. On average 1,500 students are served each year. Approximately 40 percent of the population is identified as needing special education (approximately 42 percent emotional disability, 25 percent learning disability, 20 percent other health impairment, 6 percent intellectual disability). The DCE functions as a public school and students with disabilities are primarily integrated with non-disabled peers in classes. There is a Board that oversees the DCE, which also reviews the Annual Plan. The education program offers the diploma options and was fully accredited this year showing an average 86 percent pass rate on the state Standards of Learning (SOL) tests. Federal funding is used to support personnel to provide special education and/or support services and staff development activities.

Regional & Local Detention Homes

The detention homes are not required to submit an Annual Plan; however they were included in this review process. The detention homes operate under a policy and procedure manual, which is designed to be in compliance with IDEA. The average length of stay varies according to predisposition (15-20 days) or post-disposition, which could range from 4-6 months. The past few years, the facilities are seeing more girls and younger children. Literacy coaches are being used in the school programs. Two of the centers (Shenandoah and northern Virginia) are participating in a federal program that provides for English language learners through the federal Office of Refugee Resettlement Division of Unaccompanied Children's Services. There are challenges to complete ESL testing and teaching of English along with the regular instruction.

OTHER ISSUES

RESTRAINT & SECLUSION

The SSEAC continues to be concerned about policies across the state regarding the use of restraint and seclusion of students with disabilities and has continued to work collaboratively with the VDOE to remind superintendents of the guidelines document issued in 2006.

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 and supports the changes to the Virginia Grade Level Assessment (VGLA) that are planned for next year. The committee will continue to monitor testing results for students with disabilities.

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. The center at George Mason University to process textbooks and other instructional materials requested by school divisions into various formats including electronic books and Braille regularly reports on productivity. The SSEAC continues to follow the activities of the center during the year.

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 and 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 Governing Special Education Programs for Children with Disabilities in Virginia 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 AND 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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