

**State Special Education Advisory Committee (SSEAC)  
Subcommittee for State Operated Programs' Annual Plan Review**

**Summary of Meeting  
April 30, 2009**

**SSEAC Committee Members Present:** Jacqueline Nelson, Judy Averill, Jennifer O'Berry -Ham

**Virginia Department of Education (VDOE) Staff Present:** Merilee Fox, Melissa Smith, Irene Walker-Bolton, Marianne Moore

**State Programs Representative:** Sharon Trimmer, Department of Correctional Education; Nancy Armstrong, Virginia School for the Deaf and the Blind; Sherwin Davis, State Facilities for Intellectual Disabilities (formerly known as Mental Retardation); Linda Bradford, State Mental Health Facilities; Rachel Potter, Detention Homes; Nate Sparks, Hospital Education Programs; Maggie Clower, Woodrow Wilson Rehabilitation Center

**Public Observers:** Tammy Battista, Janet Wright

All school divisions, state-operated programs, and the Virginia School for the Deaf and the Blind are required to establish eligibility for funding under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). IDEA requires that each local educational agency (LEA), in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State's policies and procedures, which have been established in accordance with IDEA. This Annual Plan process helps ensure the LEA's accountability, and in turn the Virginia Department of Education's accountability, for implementation of the IDEA requirements in providing programs for children with disabilities.

Annual special education plans for State Operated Programs (SOPs) are submitted to establish eligibility to receive Section 611 and 619 funding under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). These documents are collected as a component of the department's overall responsibility to ensure compliance with the IDEA, its federal implementing regulations, and the *Regulations Governing Special Education Programs in Virginia*, effective March, 2002. This funding is made available on the condition that special education policies and procedures are implemented in compliance with applicable legal mandates.

SOPs are not responsible for the development of a local advisory committee, and are not required to complete the local special education advisory committee section of the Annual Plan. Rather, SOPs conduct a review of their policies and procedures with an assigned subcommittee of the State Special Education Advisory Committee on an annual basis on a date designated by the Virginia Department of Education. The regional and

local detention homes do not receive these federal funds and therefore are not required to submit Annual Plans. However, representatives from the detention homes participated in the SSEAC sub-committee review of SOPs. Mental Health programs not serving pre-school age populations are not eligible for 619 funds. In addition, several requirements do not apply to SOPs. These are not included in their Annual Plan documents. In addition to monitoring SOPs, staff at the department work with individual SOPs, including detention homes, to refine areas where the need for modification of the policies or procedures may exist.

The SOP Annual Plans were mailed to the SSEAC sub-committee members prior to the meeting for their review.

The SOP representatives reported that they submitted the assurance document that indicates 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.

1. Department of Correctional Education (DCE)

DCE provides Standards of Learning Testing, and modified, standard and advanced studies diplomas. There is an internal monitoring process as well as monitoring provided by Department of Education. DCE submitted an assurance document that indicates it has made all the necessary changes in its policy manual to be in full compliance with state and federal regulations. The guidance document provided by Virginia Department of Education was used as a reference. DCE provides direct services in all juvenile centers. Of those admitted, 40-43% are students with special education needs. At this time, they do not serve anyone with severe or profound disabilities. An operations manual was devised for all sites. This operations manual should help to maintain consistency of services within the department. Federal funding is used to support personnel such as a teacher consultant, administrative assistants, speech therapist, school psychological services, and staff development activities.

2. Virginia School for the Deaf and the Blind at Staunton

The Hampton School for the Deaf and Blind and the Staunton School for the Deaf and the Blind merged this year, including for the first time, students with intellectual disabilities at VSDB-Staunton. Facilities' construction is ongoing in Staunton. Due to the change of student population, VSDB's policies and procedures were amended and staff was trained in the "Therapeutic Options" method of behavior management. There are currently 5 buses that transport students to and from the facility on the weekend. The number of bus staff has been increased. Part B funds are used to supplement wage positions, provide stipends for the sports program and the required travel, for student tuition to Valley Voc-Tech, contracted interpreting services, and bus aides to enhance the program.

### 3. State Facilities for Intellectual Disabilities

The state facilities for intellectual disabilities, operated under the Virginia Department of Behavioral Health and Disabilities (formerly the Department of Mental Health, Mental Retardation and Substance Abuse Services). Four of the five state facilities for intellectual disabilities (formerly, mental retardation) 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. At this time, these education programs are very small, serving 11 students. Of the 11 students served 6 are educated on campus and 5 are educated off campus. The gradual decrease in the size of these programs over the past 15 years, reflects success in the growth of community-based services for people with intellectual disabilities and local public school special education program. Federal funds are used for a staff position, and educational materials and equipment.

### 4. State Mental Health Facilities

The mental health facilities serve over 2,000 students each year that are hospitalized on an acute basis. They develop one Annual Plan with separate grant applications for the federal funds. The education manuals are designed to be in compliance with IDEA. The education programs offer an array of programs 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 instructional materials, supplies to support access to the general curriculum and students' Individualized Education Program (IEP) goals, technology and staff development.

### 5. 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. When Virginia's regulations are finalized, the policy manual will be reviewed to reflect any changes necessary. The policy manual will now address the Home Language Survey that meets requirements of the Civil Rights Act of 1964. The survey will be administered for all students enrolled in a Detention Home Education Program.

### 6. Hospital Education Programs

The hospital education programs provide services to over 3,000 students with special education needs and 4,000 general education students. 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. The most recent reviews by the Office of Federal Program Monitoring found all hospital programs in compliance with IDEA. Further reviews are conducted by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the hospitals of residence for

each program. These evaluations and reviews reflect adherence to JCAHO standards and the Health Insurance Portability and Accountability Act (HIPAA) and regulations. IDEA Part B funds are used for technology improvement, data collection, and staff development including research-based practices and response to intervention. Early childhood funds are used for assistive technology, “Reach Out and Read” programs, instructional materials and adaptive toys.

#### 7. 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. WWRC serves approximately 500-600 students a year. Approximately 60% of the clients are 18 to 22 years of age and are participating in transition. The Life Skills program will double in size. WWRC assures that all applicable requirements are followed. Recent monitoring found no violations. Funds are used primarily on supporting technology. A new accountability standard set for WWRC is to have 80% clients employed after services have been provided.

The SSEAC committee members and VDOE staff expressed appreciation to the presenters for their assistance. The SOP representatives invited the SSEAC committee members to visit the programs.

No public comment was received.

The meeting was adjourned.