

State Special Education Advisory Committee

Meeting Minutes

December 6-7, 2012

Thursday, December 6, 2012

In attendance:

State Special Education Advisory Committee (SSEAC) Members:

Jackie Fagan, Chair; Lori Jackson Black, Vice Chair; Christy Evanko, Secretary; Sandy Hermann, Parliamentarian; Eva Aikins; Judy Averill; Cynthia Bauer; Jusolyn Bradshaw; Michael Carrasco; Fran Goforth; Kathryn Hayfield; Scott Kizner; Alison MacArthur; Jacqui Wilson

Ex Officio Members:

Heidi Lawyer, Virginia Board for People with Disabilities (VBPD); Irene Moore, Parent Education Advocacy and Training Center (PEATC)

Virginia Department of Education (VDOE) Staff:

Suzanne Creasey, Specialist; John Eisenberg, Assistant Superintendent; Patricia Haymes, Coordinator

Visitors included the Aspiring Leaders Cohort of 2012-2013 who meet monthly to study leadership in special education. The Cohort consists of special education professionals from around the state who aspire to become special education administrators.

SSEAC Members Absent:

Adam Amick, Paula Baker, Christina Draper, Alison MacArthur, Darren Minarik

Call to Order

Ms. Jackie Fagan, Chair, called the meeting to order at 9:02 a.m. The committee members introduced themselves. Members of Aspiring Leaders Cohort and other visitors who were present were welcomed.

Business

Approval of Minutes

The committee was directed to look over the minutes. **Ms. Fran Goforth made a motion to approve the minutes and Ms. Sandra Hermann seconded.** There was no discussion and the motion passed unanimously.

Agenda

It was noted that added to Friday's agenda is time to review the annual plans for state operated programs as required by the regulations. If members are interested in looking at the

individual plans, Dr. Suzanne Creasey has a notebook containing all of them. Ms. Tracie Coleman will present.

Report on Public Comment from the September 2012 Meeting

At the previous meeting, a member of the public made public comment regarding the Elementary and Secondary Education Act waiver and the AMO targets. The Virginia Department of Education (VDOE) sent a letter to that person as a follow-up indicating the SSEAC's appreciation for her comment and providing updated information on the status of the waiver.

Presentation of Annual Report to the Board of Education

Mr. John Eisenberg presented the annual report at the November Virginia Board of Education (VBOE) meeting. Ms. Jackie Fagan, SSEAC chair, and Ms. Christy Evanko, SSEAC secretary, attended the meeting and were introduced to the Board of Education. The VBOE members responded positively to the report and asked Mr. Eisenberg to address the recommendations of the committee. There was one question about inclusion and how the committee came to the recommendation related to inclusive opportunities for students outside the academic setting. Dr. Patricia Wright, Superintendent of Public Instruction, requested the assistance of the SSEAC as it works on diploma options and alternative credits. Mr. Eisenberg informed the SSEAC that Ms. Marianne Moore, the transition specialist at VDOE, is organizing a committee of stakeholders to talk about credit accommodations and alternative pathways to the standard diploma.

Resignation of Jennifer O'Berry-Ham, Private School Representative

Ms. Jennifer O'Berry-Ham has resigned from the SSEAC. She represented private schools and is no longer working for a private school institution. In her letter of resignation, she indicated her appreciation for serving on the SSEAC. The VDOE is going to move forward to assist the VBOE with the recruitment of a replacement.

New Business

There was no new business.

Presentations

Annual Report from the Office of Dispute Resolution and Administrative Services

***Presenter:** Ms. Patricia Haymes, Coordinator
Office of Dispute Resolution and Administrative Services*

Ms. Haymes presented the annual report, as required, on the activity of the Office of Dispute Resolution and Administrative Services over the past year. Requests for due process hearings have decreased, perhaps because administrators are getting better at resolving issues prior to due process. The economy may also play a role since it is costly to both parties to use the due process system to resolve their dispute. In 2012, however, there has been an upswing in the number of cases surrounding least restrictive environment. Over the past few years, the number of complaints has been fairly steady. The data are also consistent in

proportion of compliance to non-compliance. The full annual report can be found at http://www.doe.virginia.gov/special_ed/resolving_disputes/index.shtml where the data are broken down among all eight regions.

One member asked about consequences if an agreement is reached but either party is not following the agreement. Ms. Haymes answered that a complaint could be filed on the original problem. She also said that mediation, which could be initiated by either party, is enforceable in court.

Another member asked if the office ever goes back to the parties to see if issues were resolved. Ms. Haymes answered that there are satisfaction surveys following mediation and there is an independent evaluator for hearing officers. There is no follow-up for complaints. She hopes that by looking at these data, the office will be better able to determine root causes. One member asked if divisions that have Parent Resource Centers have been found to have fewer complaints. Ms. Haymes indicated that it has not been studied, but that may be something to look at in the future.

Assistant Superintendent's Report

***Presenter:** Mr. John Eisenberg, Assistant Superintendent
Department of Special Education and Student Services*

Mr. Eisenberg shared information about the reorganization of the Division of Special Education and Student Services (SESS). This reorganization will help to handle the new demands of the Elementary and Secondary Education Act (ESEA) waiver and address the achievement and outcome gaps. Currently there are 400 schools that did not meet the Annual Measurable Objectives (AMOs) for English or mathematics for special education students. The targets are very aggressive, so it is expected that many schools will have difficulty meeting them. There is a new director of Special Education Program Improvement in SESS who will be charged with leadership for closing the gap. There is a focus on data collection and independent evaluators will be utilized. Positive Behavioral Intervention Supports (PBIS) and Response to Intervention (RtI) or tiered systems of support are going to be combined under one manager. Paul Raskopf's previous duties have been split between two directors. With this reorganization, Mr. Eisenberg is building a new system where all the units can work together and collaborate and utilize cross-unit teams.

The 56 competencies in the *Training Standards for Paraprofessionals Assigned to Work with a Teacher Who Has Primary Oversight of Students with Autism Spectrum Disorders* are currently posted and in the public comment period. There will be a second review at the January VBOE meeting. These guidelines are not binding and each school division may create its own competencies. The law only stipulates that divisions may use the competencies. It is the public's responsibility to make sure the localities are meeting the spirit of the law since the requirements do not dictate specific competencies.

The VDOE has been exploring the issue of the "gap kids" – those who are too advanced for the Virginia Alternative Assessment Program (VAAP) but whose achievement is not to the level of the SOL. When the ESEA waiver process was originally announced, there was public outcry surrounding the lower expectations for different groups of students (including children with disabilities). Because of this outcry and the mandate requiring that children not be tested in alternative ways, the original investigation into the issue of the "gap kids" was

put on hold. Mr. Eisenberg would like some feedback from the SSEAC and the Student Achievement subcommittee was tasked with discussing this in their meeting on Friday.

There has been a lot of public comment asking for more resources and awareness of dyslexia. Mr. Rob Langston, an adult with Dyslexia, is a national speaker on the subject, and has developed the Web site, DyslexiaEd.com. Virginia has entered into a pilot program this year, and every school division will have the opportunity to have access. A superintendent's memo will be published providing information about this. One member asked what was being done about the difficulty in early identification of children with Dyslexia. Mr. Eisenberg answered that the Department is in the process of developing guidelines that will help teachers with identification and instruction.

He wanted the committee to know that the subject of charter schools has been on the Governor's agenda, and other states have utilized them in order to have alternatives in the public school system. Virginia differs from other states in that charter schools are a part of the school division rather than a stand-alone locality. There is more flexibility with charter schools in terms of the days and times that children attend as well as the subject matter. Charter schools, however, still have accountability and regulations to meet. The Governor has directed VDOE to look into the development of charter schools for children with disabilities. Mr. Eisenberg is exploring the idea of creating a school-within-a-school, which would allow for meaningful school-to-work and community experiences so that students will be career ready upon graduation. VDOE is partnering with Dr. Paul Wehman on this venture and is currently working with Richmond City schools while searching for four other sites. One member asked how the VDOE will accomplish the task without resorting back to self-contained classrooms. Mr. Eisenberg assured the group that the VDOE is aware of the issue and feels that the community is the ultimate least restrictive environment and that there will be an individual focus. He indicated that there will hopefully be models by September.

Next, Mr. Eisenberg presented topics for the subcommittees – outcomes and achievements. The achievement goal is to close the performance gap on the SOL for English and mathematics. The outcome goals are to increase the number of students with disabilities who are graduating with diplomas; decrease the dropout rate; decrease the rate of behavioral incidents that are reported on the discipline, crime, and violence report; increase the amount of time spent in the regular education classroom; decrease the number served in segregated placement; and improve postsecondary outcomes. On the VDOE Web site, there is a section entitled "statistics and reports" that houses the Annual Performance Report that includes the 21 indicators reviewed by the United States Office of Special Education Programs (OSEP). Both subcommittees should be familiar with the indicators. Additionally, the VDOE posts a report card for the state and for each division.

Mr. Eisenberg informed the SSEAC that there may be legislation introduced in the General Assembly this winter regarding licensing regulations or training credentials for parent advocates. This move is not generated by the VDOE as some have suggested, but instead is reported to have been initiated by a local school division.

Mr. Eisenberg noted that the proposed Private School Special Education Regulations are now posted on the VDOE Web site, and that they are currently in the public comment period. This is the first time there will be regulations for special education private schools. If members are interested in commenting, he urged them to look over the regulations. The 90-day period will be up before the next SSEAC meeting.

Lastly, Mr. Eisenberg commented on the “fiscal cliff” impact on special education. The federal cuts would be approximately 10 percent across the board. About \$28 million in cuts would be passed along to local education agencies, and teachers and related services likely would be significantly impacted.

The SSEAC adjourned for a working lunch at 12:07 p.m.

The SSEAC members were asked to discuss the reports provided during the morning.

Lunch

The committee reconvened at 1:01 p.m.

Public Comment

A parent of a child with autism from Chesterfield spoke. Her child is in the eighth grade, and she is concerned that her child’s education is not preparing him for employment and independent living because regulations require him to be exposed to SOL curriculum instead of career prep. She feels that this is not an appropriate education for her son.

Presentations

The fifth cohort of Aspiring Special Education Leaders presented to the SSEAC around their six tenets: leading self, leading others, leading learning, leading implementation of policies/laws and regulations, managing operations and resources, and leading by results.

Other Business

Ms. Kathryn Hayfield made a motion that the SSEAC meet quarterly for one day rather than the current day and a half at each quarter. Ms. Christy Evanko seconded. There was discussion surrounding this topic, and a suggestion that the committee wait to see if the second day is more useful with the new organization of subcommittees. A vote was taken and those in favor of the motion included Kathryn Hayfield and Jusolyn Bradshaw. Those opposed included Lori Jackson Black, Michael Carrasco, Sandra Hermann, Jackie Fagan, Fran Goforth, Eva Aikins, Judy Averill, Jacqui Wilson, Christy Evanko, Irene Moore (for Suzanne Bowers), and Scott Kizner. **The motion failed.**

Mr. Eisenberg asked if any members were interested in being on the stakeholder task force looking at alternative credits. The following members volunteered: Judy Averill, Christy Evanko, Jacqui Wilson, Sandy Hermann, Eva Aikins, Michael Carrasco, Jackie Fagan, Lori Jackson Black, Irene Moore, and Fran Goforth.

Constituency Reports

<u>Name</u>	<u>Report</u>
Eva Aikins	A teacher from Westwood Middle School wrote and received a grant to use with her class of students with autism. The funds supported a community awareness project for students and first responders. The students wrote about what they learned, and their writings will be compiled in book form and available to the community. The project

	was a great success.
Judy Averill	No report
Cynthia Bauer	No report
Lori Jackson Black	There were regional activities for Disability History and Awareness Month which were successful. SEACs have continued to have problems with attendance and with getting people to be active members. Regional efforts are being considered.
Jusolyn Bradshaw	No report
Michael Carrasco	Local SEACs in Region 4 are reporting concerns about the new VAAP guidelines. Parents are upset that students who are not functioning on grade level are going to be asked questions on their actual grade level. It is questionable what will be gained by the children being tested on a level that they will not pass rather than being tested on the functional level that would enable you to see growth or regression.
Christy Evanko	<p>In Region 1, many LSEACs are having difficulty with attendance and finding people to serve as chairs.</p> <ul style="list-style-type: none"> • In Prince George County, a parent made public comment regarding the new diploma changes. The school officials indicated that they did not have much time to react to the changes, and this child was affected by the adjustment to new class schedules. The county was interested in hearing if other localities had heard similar stories and if there was further guidance from VDOE regarding the changes. The county also had a speaker from the Special Olympics and had recently sent out a parent survey. • In Hanover County, the LSEAC is hearing comments surrounding Dyslexia. There is concern that some students are not getting the help they need early enough because the disability is not recognized. The thought is that RtI would be beneficial in this area.
Jackie Fagan	A very successful First Annual Disability Awareness Event was held at Thornspring Farms to raise awareness, answer questions, and raise money for Autism awareness. LSEACs are struggling with membership but we are optimistic.
Fran Goforth	Local directors of special education have been busy completing the reports for the December 1 child count. Concerns continue to center around closing the achievement gap for students with disabilities and outcomes for students with disabilities. With the declining enrollment in many school divisions and the fact that this would affect SOQ funding, many directors are concerned about funding for the next two years. Gloucester County Public Schools would like to thank VDOE for sponsoring the training for the second cohort for “traumatic brain injury”. Considering the fact that the goals are education and awareness, presentations have been provided to several target groups within the division. A presentation at the regional level will be provided at Rappahannock Community College in July 2013.
Kathryn Hayfield	<ul style="list-style-type: none"> • In March of 2011, the Division of Rehabilitative Services (DRS) was forced to close all disability categories due to insufficient case

	<p>service dollars to meet the needs of eligible consumers. Following an infusion of monies from the Governor and Virginia General Assembly, DRS was able to open services to clients who are most significantly disabled (MSD). A total of 6,461 individuals who had been placed on the DRS waiting list were notified and over 5,000 of those accepted services.</p> <ul style="list-style-type: none"> • Unfortunately, at the current rate of authorization and anticipated expenditures, DRS would over expend our allocated case service dollars by year's end; therefore, closure of the MSD category is again necessary. DRS closed the MSD category on November 15, 2012. DRS will strategically bring consumers off of the waiting list in the coming months based on availability of funding. Kathy emphasized that DRS is still accepting and processing referrals as usual. She also stated that they hope that the wait for consumers to receive services will not be a long one, such that it will not impact PERT or Project SEARCH services in 2013.
Sandra Hermann	<ul style="list-style-type: none"> • The Virginia Beach SEAC held a successful Regional Disability Resource Fair in November. Approximately 100 vendors and organizations participated, offering a wide variety of resource information for individuals with disabilities in the region. Attendees completed a survey identifying a variety of information, including the needs of their children in Virginia Beach that will be reviewed and analyzed by the SEAC to determine needs of the division. During the fair, People First Language bookmarks, designed by the children, were displayed and voted on by attendees in support of Disability History and Awareness month. • In October, many great activities and events occurred within Region 2 divisions in support of Disability History and Awareness month. These included: <ul style="list-style-type: none"> • Performance with and without children with disabilities at SEAC meetings, • Presentations by I'm Determined alumni, • Book reading and activities by disability organizations for children, • People First Language bookmark contest supported by Kathie Snow and Disability is Natural, • East Coast Crippleers sports exhibition, • Marquees and morning announcements supporting Disability History and Awareness month, • Public service announcement shown at SEAC Meet and Greet, and • Pig and Pansy sale – pansies grown by children with autism. • Common challenges identified by numerous SEACs include: <ul style="list-style-type: none"> • Bullying and harassment of students with disabilities, • Limited divisional resources vs. potential achievement and/or lifespan of children, • Development of measurable IEP goals, • Development of disability history curriculum – Need DOE guidance/requirement, and • SEAC membership/attendance.

Scott Kizner	No report
Heidi Lawyer	<ul style="list-style-type: none"> • The Virginia Board for People with Disabilities continues to be active in various activities relating to the Dept. of Justice Settlement with Virginia and numerous other state task forces and workgroups. We just completed a Board meeting in which the Board approved our next Request for Proposals for competitive grants. That RFP will be released within the next two weeks. Grants will be awarded in June 2013. • We are beginning planning for the 2014 Assessment of the Disability Services System that is required under state statute. Education is a specific chapter in that report and over the next year, we will be reviewing reports and seeking public comment regarding services availability and effectiveness and working with the Department of Education to ensure accuracy in our data and statistics. That report will be issued in June 2014. • We will be working with our advocacy partners during the 2013 General Assembly session on proposed legislation and budget actions that affect individuals with developmental and other disabilities.
Irene Moore	<p>The months of August through September have been filled with the usual calls from parents with questions on evaluations, Section 504 Plans implementation and the “lack thereof,” as well as phone calls on discipline and bullying. There have been a couple of calls that might be the beginning of a trend of schools informing parents that if the parent does not sign the IEP, then the school will implement the IEP “anyway.” However, we’ll be monitoring the calls for a couple more months to be sure this is a trend, and not a random occurrence.</p> <p><u>Outreach Highlights</u></p> <p>The second quarter report on the Virginia Latino grant outcomes was recently submitted to VDOE for July 2012-September 2012. Highlights of the report include:</p> <ul style="list-style-type: none"> • 706 intakes completed with parents and professionals • 17 families served through IEP clinics • 1 cafecito with outreach to 4 families and professionals • 4 workshops to 250 families and professionals • 3 statewide conferences with a total attendance of 97 families • 3 resource fairs with an approximate attendance of 1,850 families
Jacqui Wilson	No report

Jacqui Wilson made a motion to adjourn and Judy Averill seconded. The vote was unanimous in favor and the meeting adjourned at 4:51 p.m.

Friday, December 7, 2012

In attendance:

State Special Education Advisory Committee (SSEAC) Members:

Jackie Fagan, Chair; Lori Jackson Black, Vice Chair; Christy Evanko, Secretary; Sandy Hermann, Parliamentarian; Eva Aikins; Judy Averill; Cynthia Bauer; Jusolyn Bradshaw; Michael Carrasco; Fran Goforth; Kathryn Hayfield; Scott Kizner; Jacqui Wilson

Ex Officio Members:

Heidi Lawyer, Virginia Board for People with Disabilities (VBPD); Irene Moore, Parent Education Advocacy and Training Center (PEATC)

Virginia Department of Education (VDOE) Staff:

Tracie Coleman, Budget Manager; Suzanne Creasey, Specialist; John Eisenberg, Assistant Superintendent; Patricia Haymes, Coordinator; Samantha Hollins, Director

SSEAC Members Absent:

Adam Amick, Paula Baker, Christina Draper, Alison MacArthur, Darren Minarik

Call to Order

Ms. Jackie Fagan, Chair, called the meeting to order at 9:04 a.m.

Presentations

Ms. Tracie Coleman presented information about the annual plans for State Operated Programs. A notebook with all of the annual plans was passed around for the members to peruse. There are 16 programs with Part B 611 (school age) and 3 in Part B 619 (preschool) grants. The awards range from \$400 to \$200,000. The plans detail how the money is proposed for use. A member asked if guidance is provided on how to spend money. The response was that each year a very prescriptive scope of work is provided, and each is given an allocation. This is not an open application and it is consistent over the years. The SSEAC reviewed this information in accordance with state regulations.

Subcommittee Meetings

Members were assigned to one of three subcommittees based on their interests and requests. Pat Haymes, Coordinator with the Office of Dispute Resolution and Administrative Services will be working with the Policy and Regulations subcommittee. Samantha Hollins, Director of Special Education Program Improvement will be working with the Student Outcomes subcommittee. Mr. Jeff Phenicie, Specialist for the Annual Performance Plan and Annual Report, will be working with the Student Achievement subcommittee.

Subcommittee Reports

Policy and Regulations

Lori Jackson Black reported for the subcommittee. The group requested a conference call meeting to update the subcommittee members on the development of alternate pathways to the standard diploma so that the SSEAC has time to make a recommendation to the Board of

Education. Due to the Freedom of Information Act requirements, however, the subcommittee may not meet telephonically.

Possible topics for future agendas include:

- Regulations on virtual schools with the recommendation that Sandra Peterson present to the whole SSEAC at the April meeting. Topics should include extra-curricular activities including sports, etc. and special education responsibility
- Communicating with Community Colleges on changes in the diplomas available to high school students
- Charter Schools
- Laboratory Schools
- Legislation introduced on school discipline
- Federal and state policy barriers that prevent flexibility of assessment choices in relation to the 2% gap kids

While the subcommittee understands it does not have a legislative role, it would like to remain informed of any pending or passed legislation in order to provide advice that may be needed afterwards.

Achievement Subcommittee

Christy Evanko reported. This subcommittee is frustrated with the situation regarding student expectations since they are the same for everyone. The members agreed that it is very important to set high expectations, but as the group heard from the Aspiring Leaders, it is also important to focus on individual strengths – strengths that may not lie in academic areas, as the group heard in the public comment provided. The subcommittee discussed alternative curricula that would truly individualize the child's education. However, the committee understands that alternative curricula are not options for most students. One remedy may be the consideration of additional instruction in augmentative functional curricula on top of but integrated with the regular curricula. This could include hidden curricula needs for children with mild to moderate disabilities, who may need help in functional areas that are not generally addressed in the traditional academic curriculum. This addition could be dealt with through legislative changes that would lengthen the school day and school year.

Student Outcomes

Sandra Hermann reported. The group reviewed a large amount of data and would like more information on the following:

- data on dropouts on alternative assessment track;
- suspension and expulsion data;
- Indicator 5 – which inclusion models exist?;
- Indicator 13 – differences between agencies invited versus attendance; and
- Indicator 14 – what is the definition of transition and post-secondary?

It was suggested that the annual SSEAC report for next year may need to include a recommendation to develop a document to help people understand graduation data.

Mr. Scott Kizner made a motion to adjourn and Ms. Sandy Hermann seconded. The vote was unanimous and the committee adjourned at 11:16 a.m.