

*State Special Education Advisory Committee (SSEAC)*  
**Meeting Minutes**

**Thursday, October 13, 2016**

**Members Present:** Mr. Jack Brandt, Dr. Jeffrey Cassell, Ms. Christy Evanko, Mr. Damon Garrison, Ms. Christine Germeyer, Ms. Catherine King, Mr. Matt Luther, Ms. Alison MacArthur, Ms. Tashue Mason, Ms. Erica Midboe, Mr. Darren Minarik, Ms. Lisa Richard, Ms. Lora Smith, Mr. Brian Summo, Mr. Wyllys VanDerwerker, Ms. Jacqui Wilson

**Members Absent:** Mr. Adam Amick, Ms. Jill Becker, Ms. Joan Sumner

**Ex-officio Members Present:** Ms. Suzanne Bowers (PEATC), Ms. Heidi Lawyer (VBPD)

**Office of the Attorney General:** Ms. Mona Siddiqui

**Virginia Department of Education (VDOE) Representatives Present:** Dr. Suzanne Creasey, Mr. John Eisenberg, Ms. Pat Haymes, Ms. Kathy Harris

**Call to Order**

Mr. Darren Minarik, called the meeting to order at 9:01 a.m. The committee members introduced themselves.

**Business Session**

**Approval of Agenda**

The committee was asked to review the proposed agenda. Ms. Alison MacArthur made a motion to approve the agenda and Ms. Erica Midboe seconded. The motion was approved unanimously.

**Approval of Minutes**

The minutes were distributed electronically prior to the meeting and members were encouraged to come prepared with any changes. Ms. Christine Germeyer noted that the public comment on twice-exceptional students was missing. Mr. Brian Summo made a motion to approve the minutes with changes. Ms. Catherine King seconded the motion. The motion passed unanimously.

**Report Follow-up to Public Comment from Previous Meeting**

Department staff followed up on written comments and informed that their comments will be considered for the next annual report. Those who spoke in person may not have been contacted

and if they did not receive a letter, they should contact the Department of Education. Ms. Beth Haw indicated that she did not receive a letter for her comment.

### **Statement from Mr. John Eisenberg regarding a presentation at the last meeting:**

“At our last meeting, you heard a presentation on the Department of Education and Department of Justice’s Joint Guidance on Effective Communication. The presentation was intended to make you aware of the guidance and of some of the issues that have been raised in the field.

- VDOE in no way intended to suggest that any school division failed to comply with the Joint Guidance.
- Some students may have rare or idiosyncratic methods of communication that are effective for that particular student, but those methods may not have been the subject of academic study.
- Not all forms of communication that involve pointing to letters are either Rapid Prompting Method or Facilitated Communication.
- The presenters at the previous meeting have not been directly involved with any particular individual case or speech-language pathologist or other practitioner.”

### **Determine Meeting Dates for 2017**

The following dates were offered and approved by the committee, taking into consideration Board of Education meetings as well as national holidays and personal preferences: March 30 – 31, 2017; July 20 – 21, 2017; October 5 – 6, 2017; December 7 – 8.

### **2016 SSEAC Report to the Board of Education**

Mr. Darren Minarik and Ms. Alison MacArthur presented the SSEAC Annual Report to the Board of Education at their September meeting. The video of the meeting was not shown to SSEAC members due to technical issues, but Mr. Minarik and Ms. MacArthur shared the highlights of the presentation and noted that the Board asked many questions and had a good discussion. The Board recognized the work of the SSEAC. They were particularly interested in the information regarding preparation of teachers, the statewide IEP being considered, communication of testing options and impact on diploma, and Universal Design for Learning.

### **Assistant Superintendent’s Report**

*Mr. John Eisenberg, Assistant Superintendent, Division of Special Education and Student Services, Virginia Department of Education*

Mr. Eisenberg discussed current issues on which his department is working.

- Restraint and Seclusion Public Hearings – Three were conducted across the state (Stafford, Botetourt, Hampton) including a round table discussion where organizations could nominate representatives to participate. Mr. Eisenberg and Ms. Pat Haymes first presented the draft for discussion and then received input including lots of strong suggestions about changes that can be made (e.g. focus on prevention, reporting

timelines, types of data reported, parent access to data, the consideration of medical fragility, etc.). A second draft of the regulations will be delivered to the Board of Education that focuses on the areas of agreement, and then another draft will take into consideration the comments where there was not wide agreement. All public comment will be shared with the Board with pros and cons provided, allowing the Board to direct the Department of Education. The Board will then vote and the regulations go to executive review. There will be more public comment and reviews. It was noted that there is conflict between the 15 principles and the corporal punishment statute. Changes were made to the regulations to rectify the conflict. Another way to address this is to seek a legislative fix, but that cannot come from the Department of Education. Copies of the matrix (with respect to 15 principles) and the draft regulations were distributed to the committee.

- Aspiring Leaders began its 9th cohort. There were over 60 applicants and 30 participants were chosen. This group will join the SSEAC in December.
- There are 23 administrators participating in the New Special Education Directors Academy that is provided by the state.
- The Department of Education continues to focus on inclusion and is using the data from a recent stakeholder meeting to develop plans. Training in co-teaching and collaboration continues. Sites have been identified as best-practice sites in inclusion and the Department is facilitating visits to those sites. The Department recently held a stakeholder group about barriers to serving students in their home divisions and will deliver a recap to the Commission on Youth. Mr. Eisenberg will also share that information with the SSEAC.
- Training resources for standards-based IEPs are revised and available on the VDOE web site. The Department is in the final stages of determining a vendor for the statewide IEP. Divisions will be phased in on a volunteer basis and dependent on current contracts. 8 districts have been chosen to start the process. There will be a report in the future when the vendor has been selected and work begun.
- A bill was passed that required teachers to learn about dyslexia via a one-time module. The Department with the State Council of Higher Education to offer that information to teachers-in-training. Ms. Kim Bausum-Brown was hired as the state specialized reading and dyslexia specialist. This will free Theresa Lee to focus on Inclusion more and the Department is excited about the initiatives they are developing.

## **Presentations**

### **Report on Dispute Resolution Activities**

*Ms. Pat Haymes, Director, Office of Dispute Resolution and Administration Services*

The data are not yet available for distribution and will be presented in the December meeting. A member asked if data could be distributed about the complaints that were not accepted or those that were closed and the reasoning behind it (administrative, etc.). Ms. Haymes indicated that she would look into doing that. State Complaint Findings are not public record due to privacy concerns. There does seem to be a new trend of not filing an official complaint, but managing disputes through the press, which brings up concerns regarding privacy. For example, a reporter was brought recently to an IEP meeting. Another approach seen is going after licenses. With respect to local SEACs, the guidance is to go to the School Board Counsel to receive direction with regard to reporters or recording of meetings. PEATC will provide guidance and members are asked to send suggestions. There was a recommendation that PEATC send regular reminders and information about running SEACs. The VDOE will work with PEATC to develop a guidance document for school personnel, as well.

The VDOE is ready to move forward on facilitated IEPs – a concept used in many states where a facilitator is brought in to run an IEP meeting; it is similar to mediation but is aimed at developing an IEP rather than to resolve a dispute.

The Department is also exploring use of a State Dispute Resolution Advisory Council consisting of varied stakeholders including school professionals, counsel, and advocacy groups. The Council would look at trends to try to improve processes and has been successful in Wisconsin. Ms. Haymes notes that there are 3 cases accepted by the US Supreme Court with regard to Special Education. The Department will report back to the SSEAC once these are heard and there are findings.

### **Working Lunch**

The committee adjourned at 11:58 a.m. for a working lunch and reconvened at 1:00 p.m. Members were asked to discuss the morning presentations.

### **Public Comments**

Public comments were received as follows:

One member of the public passed out handouts regarding Language Equality & Acquisition for Deaf Kids (LEAD-K). She is deaf and a parent of 5 children, one with and IEP. “The focus of LEAD-K is to promote language equality, a basic human right for all deaf babies by advocating for deaf children to have access to both American Sign Language and English.” She asks that schools test and screen for language acquisition in the first three years of life and collect the data. Their organization is working with the General Assembly to enact legislation in 2017. She also spoke about Least Restrictive Environment and keeping School for Deaf and Blind in consideration.

A student with down syndrome made public comment about being asked to do things that are educational in nature at school. He asks for better education and not to be limited.

A grandmother of four, three of which receive special education services wants students with disabilities included in general education rather than segregating students from their home school. She asked the SSEAC to support the allocation of necessary resources to educate all students in the general education classroom in their home school.

A mother of a twice-exceptional child spoke about inclusion and quality education. She notes that special education children are often directed to clean the school during the day and that award ceremonies for special education students are not held. She is the mother of the student who spoke earlier.

A parent advocate spoke about human rights. She noted that parents do not often understand their rights. It is a requirement that the state recognize parent advocates as a valuable member of the team. COPA (Council of Parent Advocates) will be in Richmond to hold focus groups on October 22. She asked the committee to advocate for parent advocates and distributed information.

A letter from a student asked for appropriate reading instruction with certified teachers who will deliver the instruction consistently with fidelity.

A letter discussed the read-aloud or audio accommodation and extending that accommodation to more who need it including those who read below grade level.

A letter asked for guidance from the DOE on how to move to a more inclusive model.

A letter highlighted an incident at an elementary school where a child was not included in the award ceremony because of a staffing decision and asked for proactive inclusion.

A letter from a father of three, one with special needs, praised the reverse-inclusion preschool class his son attended and asked that the VDOE support more inclusion opportunities throughout all schools.

### **Assistant Superintendent's Report *continued***

Updates from the office of Program Improvement.

- The department is providing input on the EESA application from Virginia and specifically implications for the students-with-disabilities subgroup. The Department is looking at further accountabilities including focusing on suspensions by subgroup including race. They are also highlighting the effects of chronic absence (10% of days) and seeing disproportionality among students with disabilities, African-American students, and students in a low socio-economic status. They are also looking at a way to measure school climate. Virginia needs to adopt a fifth method (in addition to the four that the federal government requires) of measurement and may choose one of the three just mentioned.
- Results Driven Monitoring was completed last year and the Department is looking at this year's schools who will receive reviews.
- The Department is reviewing at secondary transition initiatives including Project Search (employment) and Start on Success (college).
- The Department is providing technical assistance to those identified for school improvement. 1482 out of 1800 are fully accredited. The others are in other stages and receive assistance depending on their needs. These data on the accreditation tab of the state report card page on the DOE Web site. Accreditation is based on SOL pass rates and the graduation and completion index. Note that legislation was passed that allows schools that have been accredited for 3 years to be rated as accredited for another 3 years.

The schools still submit data but aren't required to get assistance if they do not meet the levels in those three years.

- There is a change in how Braille is taught and the Department has a Unified English Braille (UEB) Update Implementation Plan. This will occur over the next five years.
- The Applied Studies Diploma curriculum map was just approved and there is a plan for dissemination. More information will be presented in the future.
- State law requires that the Department provide resources to parents who have children who are hearing impaired and visually impaired so that they know about the school for the Deaf and Blind as

an option.

Mr. Eisenberg is looking forward to releasing more information on Disability Awareness and recognized the work that Mr. Jack Brandt is doing with I'm Determined. There should be a superintendents' memo and a press release by the end of the month. The information will be housed on a Web site that is available for all.

## Constituency Reports

### Name

Mr. Adam Amick  
*People with Disabilities*

### Report

No report

Ms. Jill Becker  
*Juvenile Justice*

No report/Absent

Mr. Jack Brandt  
*People with Disabilities*

No report

Dr. Jeffrey Cassell  
*Local Education Officials*

No report

Ms. Christy Evanko  
*Parent Representative, Region 1*

Chesterfield County SEAC has heard concerns regarding special education transportation (long bus rides, many children not scheduled for bus pickup at the beginning of school) and access for students with higher support needs (especially those not receiving a standard diploma) to Tech Center courses. Three Chesterfield County Schools - Cosby High School, Manchester High School, and Swift Creek Middle School - joined "Sparkle Effect" cheerleading. This inclusive program brings together students with and without disabilities, showcasing a loud and public acceptance of all individuals and forever changing a school's culture to one that values diversity and kindness.

New Kent County SEAC has a great lineup of presentations planned for the coming year with topics including dyslexia, guardianship and financial planning, ADHD, in-school therapies (SLP, OT, PT), assistive technology, and transition. A resource fair is planned for January 2017. They are also working with the county to offer kids who receive special education some additional social opportunities with their peers. Thus far, they have coordinated with the New Kent County Parks and Recreation department to offer a "Sensory Playdate" for elementary school-aged kids that incorporates sensory activities in a relaxed social setting.

o They partnered with the College of William & Mary to offer a Home Football Game that has handicap accessibility and a designated room for the day if anyone who needs a "quiet area" during the event. The kids will also have the opportunity to come early and have snacks with the W&M cheerleaders and watch the cheerleaders, dancers, and special events that are lined up prior to the start of the game.

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**Name**

Mr. Damon Garrison  
*Parent Representative, Region 2*

**Report**

o Finally, they are working on a "FriendsGIVING Dance" that is open to all grades in the county and admission will be school supplies. During the event there will be a drawing for the school supplies that will go to one of the special education departments in the county.

Henrico County has concerns about students in special education who do not qualify for VAAP because their IQ is between 56 and 80 but who consistently do not pass the SOL or reach the 375 score and get the verified credit. What can be done to help these students get a standard diploma?

Ms. Christine Germeyer  
*Parent Representative, Region 4*

Concerns have been heard have been about the need to increase inclusive options for students with disabilities.

Frederick County SEAC is planning its 4th *I'm Determined* Youth & Parent Mini Summit, March 25, 2017. They anticipate 100 exceptional students, K-12, and their family members to attend. Orchard View Elementary School has been chosen to be a co-teaching

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Christine Germeyer made a motion to adjourn and it was seconded by Erica Midboe. The meeting adjourned at 3:37 p.m.

## **Friday, July 29**

**Members Present:** Ms. Christy Evanko, Mr. Damon Garrison, Ms. Christine Germeyer, Mr. Matt Luther, Ms. Alison MacArthur, Ms. Tashue Mason, Ms. Erica Midboe, Mr. Darren Minarik, Ms. Lora Smith, Mr. Brian Summo, Ms. Jacqui Wilson, Ms. Lisa Richard, Ms. Catherine King

**Members Absent:** Mr. Adam Amick, Mr. Jack Brandt, Ms. Jill Becker, Mr. Jeffrey Cassell, Ms. Joan Sumner

**Ex-officio Members Present:** Suzanne Bowers - PEATC, Ms. Heidi Lawyer - VBPD

**Virginia Department of Education (VDOE) Representatives Present:** Dr. Suzanne Creasey, Mr. Jeff Phenicie

### **Call to Order**

Mr. Darren Minarik, called the meeting to order at 9:03 a.m.

### **Subcommittee Meetings**

The subcommittees met to look at the bylaws and propose changes and to brainstorm topics with DOE representatives for upcoming meetings.

The Committee went through the bylaws and made proposed changes. The Department of Education staff will review and identify requirements related to Board committees. The Committee tabled discussions on an orientation packet, public comment guidelines, and information to be distributed on the Web site (including Contact info).

### **Public Comment Review**

Members discussed the public comment. E-mails will be sent to those who commented, thanking them for their comments and informing them that their comments will be used to inform plan recommendations.

### **Future Meeting Agenda Discussion**

Suggested agenda topics include:

- State and Federal update on Accreditations and ESSA (Oct)
- Update on CSA workgroup (Dec)
- Statewide IEP update (Dec)
- (WIOA) Workforce Investment Opportunity Act briefing (March)
- Legislative Update (March)
- New Dyslexia Person? (March)
- Dispute Resolution Update (Dec)
- Aspiring Leaders (Dec)
- Report on revisions to braille – Wanda Council (Dec)
- Inclusion Data (March)

## **Adjourn**

Ms. Erica Midboe made a motion to adjourn the meeting and Ms. Alison MacArthur seconded. The meeting adjourned at 12:05 a.m.

### **Future Meeting Dates:**

- December 1-2, 2016
- March 30-31, 2017
- July 20-21, 2017
- October 5-6, 2017
- December 7-8, 2017