

Virginia State Special Education Advisory Committee Annual Report

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**Prepared for
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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 Rules and Regulations for the Administration of Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) 1997 and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. The committee's functions include the following:

1. Advise the state education agency (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 that 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 IDEA 97. 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 1st to June 30th. 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 Multi-disabled. Staff members are available to each of the subcommittees to provide technical assistance, clarification of Department of Education (DOE) 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 may meet independently; make recommendations on issues and topics discussed with recommended action. 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 SSEAC worked with three subcommittees, which were aligned with Virginia's Special Education Improvement Plan (VSEIP) goals. In addition, this year two ad-hoc subcommittees worked to develop products for the state. The subcommittees were:

1. Results for Students,
2. Personnel Development
3. Parent Involvement
4. Ad-Hoc Subcommittee on Restraint and Seclusion
5. Ad-Hoc Subcommittee on Readability

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 2002-2003 were held in Richmond. In addition to its four regular meetings, the Membership committee met once to review the nominations of candidates for a vacancy that occurred on the committee. Additionally, a subcommittee met to review the policies and procedures of the state operated programs and the Virginia Schools for the Deaf, Blind, and Multi-disabled. Department staff was available and provided technical support at each meeting. Another subcommittee was appointed to assist the DOE to develop policy guidelines on Restraint and Seclusion. The SSEAC public comment policy guidelines to ensure that persons speaking before the committee were provided feedback relative to their concerns. These guidelines have further been refined to notify the special education director and the local superintendent of local constituent concerns.

Part II: Priority Issues for the SSEAC

During 2002-2003 the SSEAC continued its role as the steering committee for the federal Continuous Improvement Monitoring Process (CIMP) for federal monitoring of the Part B special education programs in Virginia as outlined by the United States Department of Education – Office of Special Education Programs (US-OSEP). Areas in need of improvement are addressed in the DOE's Virginia Special Education Improvement Plan (VSEIP). The SSEAC meeting agendas included many additional topics related to the educational achievement for students with disabilities.

A. Student Achievement

In its role as the steering committee for special education improvement planning, the SSEAC reviewed the *Virginia Special Education Improvement Plan Report* data and is very concerned about the achievement of students with disabilities. Attached is a copy of the *VSEIP Report Highlights*, which contains several charts illustrating the need for improvement (attached).

The charts show the difference in achievement between students with disabilities and students without disabilities on Standards of Learning (SOL) state tests. Much fewer students with disabilities achieved proficiency on these tests than would have been desired. For example, in 2002, the grade 5 Math SOL test performance shows only a 42% pass rate among the students *with* disabilities who took the test, as compared to a 75% pass rate among students *without* disabilities. Even more students *without* disabilities passed the grade 8 math test (77%) whereas only 30% of the students *with* disabilities passed that test (a requirement of the Modified Standard Diploma, "MSD"). Similarly for the other test required for the MSD, Grade 8 English-Reading/Literature/Research, only 31% of the students *with* disabilities passed, compared to 76% of the students *without* disabilities. The SSEAC realizes that these data reflect the grade 8 SOL test first-time administration for each year and that students who select the MSD as a diploma option would retake the grade 8 SOL test during high school if they had not passed it. Although retaking the tests would help some students graduate with a MSD, the SSEAC is concerned that too many students with disabilities would not receive their diploma if they do not pass one of these tests.

The SSEAC recognizes the importance of including students with disabilities in the SOL achievement measures, and the need to do so in order to assure accountability. However, discussion and public comment have included concerns relating to measuring student achievement as objectively as possible, while not penalizing students through denial of any high school diploma, as schools work to improve student achievement during this transitional period. The SSEAC was concerned that these students would indeed be left behind and essentially drop out of the system and therefore, all forms of accountability. The committee is intensely interested in working with the DOE as they institute current and planned programs and strategies for addressing these concerns.

B. Qualified Personnel

Licensure and Teacher Shortages: Committee members continue to be concerned about the number of special education teachers leaving the field and the high number of teaching staff in Virginia with conditional licensure. The committee is concerned that under the NCLB and its requirements for “highly qualified” personnel the shortage of special education staff in Virginia serving students with disabilities will worsen.

As legislation is drafted under the Reauthorization of IDEA if the definition of “highly qualified professional” is not clarified to include special education teachers the shortages will increase. As the number of students with disabilities are involved in the regular education curriculum and the state assessment program increases, it is vital that staff is available to ensure their academic success. Retention of current staff remains a major concern for localities. Efforts to improve working conditions should be a high priority for local school divisions, state operated programs, and the DOE.

Paraprofessionals: Paraprofessional staff development is critical to the success of all students. As more of our students are involved in the regular education environment, the staff working with them should be highly qualified. The SSEAC was informed about the Paraprofessional Guide that was developed and utilized in the Department’s training sessions throughout the Commonwealth to assist LEA’s staff development. While local educational agencies are developing programs to implement NCLB requirements, technical assistance will be vital as these provisions are implemented.

C. Family Involvement

Literacy Level of Materials: Parent involvement is one of the most important variables determining student success. The SSEAC has worked to improve family involvement in children’s education by producing a Question and Answer Guide to accompany the *IDEA Procedural Safeguards*. The Guide has been accepted by the SSEAC, and will be reviewed and distributed by the DOE.

Additional information for Families: Parent representatives of the SSEAC have decided to publish a newsletter for Parent Resource Centers and Local Special Education Advisory Committees (LAC), and have encouraged the DOE to produce guidelines for LACs.

D. Continuum of Placement Options and the Least Restrictive Environment

Technical assistance should continue to be available to improve student achievement through access to learning in general education classrooms. The SSEAC has recommended that the DOE provide additional technical assistance and information to LEAs about how to provide appropriate supports that will maximize student achievement. Concerns in this area remain, as demonstrated by the public comment the SSEAC received from various parts of the state about lack of access to the general education classroom, and how that relates to children’s achievement.

E. Early Literacy Initiatives

One of the priorities of the SSEAC's Results for Students Subcommittee is teaching reading, and how best to provide early literacy assistance for students.

F. Virginia Schools for the Deaf and Blind:

The SSEAC will continue to be kept informed during the consolidation planning for the two Schools. The SSEAC believes that enhancing parent involvement should become a priority focus of both schools.

G. Students with Disabilities Living in Nursing Homes:

The SSEAC discussed the educational services for students in nursing homes at two of our meetings this year, and heard reports from the DOE's Monitoring Office. Access to educational services and quality of services were the two primary issues of concern.

H. Restraint and Seclusion

A subcommittee of the SSEAC was formed to review concerns expressed about the use of restraint and seclusion in public school settings. A survey is being distributed in order to acquire more information from schools related to policies, procedures, and training on the scope of these issues. The subcommittee will review the responses to make recommendations for state guidance in this area.

I. Medicaid

The SSEAC requests the Board of Education to advocate for more Medicaid waiver slots allocated to the state system so that the number of students on the Medicaid Waiver waiting lists can be reduced.

J. Secondary Transition

The Results for Students sub-committee received a report from the DOE concerning priority projects to address secondary transition services, and will continue to look at how best to prepare students for a future, which prepares them for postsecondary education/training, employment, and independent living.

Part III: Future Issues

Listed below are three areas that the SSEAC will continue to monitor and offer comments as they continue their work for the families and children of Virginia.

A. Reauthorization of the Individuals with Disabilities Education Act (IDEA)

Members of the SSEAC are very concerned about the future of special education and provision of services to maximize independence and success for all students. The SSEAC has requested communication with DOE prior to the department providing advice or taking a position on the federal legislation. The SSEAC will be calling special meetings to discuss the proposals reauthorizing IDEA.

B. No Child Left Behind

The SSEAC will continue to monitor the impact of the No Child Left Behind legislation on students with disabilities in Virginia.

C. Olmstead Plan

The Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services provided information relative to the Supreme Court decision of 1999 (Olmstead v. L.C.) that would affect persons with disabilities in the areas of prevention and transition. The SSEAC received information on the Olmstead Task Force and provided public comment.

Virginia Special Education Improvement Plan Report Highlights

The VSEIP Report Highlights document is attached.