

VIRGINIA'S STATE SPECIAL EDUCATION ADVISORY COMMITTEE (SSEAC)
MEETING MINUTES
JANUARY 9 - 10, 2003

Thursday - January 9, 2003

Attendance:

SSEAC Members Present: Charlene Christopher, Elizabeth Vincel, Anne Fischer, Emily Dreyfus, Heidi Lawyer, David Martin, Michael Wong, Karen Tompkins, Fannie Page, Carmen Sanchez, Pierre Ames (PEATC), Kris Kiley

SSEAC Members Not Present: Sharon Stacey, Eileen Deckard, Leslie Snyder, Rick Richardson, Stan Boren, Kevin Sutherland

VDOE: Pat Abrams, Doug Cox, Steve Sage, Judy Hudgins, Patrick Andriani, Sandra Ruffin, Nate Sparks, Irene Walker-Bolton, Art Stewart

Other: Suzanne Stuart, Williamsburg James City Public Schools Public Schools Parent Resource Center; Alice Farling, Fairfax Public Schools; Glynis Mason, Davina Derouen, Norfolk Parent Resource Center; Maureen Hollowell, Endependence Center

Executive Committee Meeting

Present: Charlene Christopher (chairperson), Anne Fischer, Elizaeth Vincel, Emily Dreyfus, Pat Abrams (staff)

The executive committee met to review the agenda.

Presentations

No Child Left Behind (NCLB) Update – A hard copy of information from the NCLB Web site was provided. Doug Cox discussed the implications of NCLB's Adequate Yearly Progress (AYP) requirements for students with disabilities. AYP for schools, school divisions, and the state will be met if certain conditions are met, including that 95% of each subgroup, including students with disabilities, participate in reading and math state assessment, and performance of those students must meet some prescribed benchmarks. The US Education Department will be issuing notice of rulemaking to provide further detail for addressing alternate assessment, as there is confusion about this area in the NCLB regulations that were issued during the summer and in December. The Board of Education is reviewing the required NCLB "Workbook," which is a more detailed state plan than the state "application" for implementing the regulations. The Workbook will be completed for submission on Jan. 31, 2003. As part of this, states may designate a "small n" (number of students) for statistical significance, to use in calculating AYP. NCLB requires that there be state policy regarding AYP and persistently dangerous schools.

Public School Choice, another NCLB element, is addressed in the Web site draft guidance material. The guidance indicates that a change in the location of the delivery of services to students with disabilities does not constitute a change of placement (if a parent selects to move the child to another school offered by the school district). However, if such a move would change services from those in the IEP, then a new IEP would be developed.

Highly Qualified Personnel requirement in NCLB does not include special education teachers. However, it is inferred that if a teacher is teaching an academic subject listed in the law, that they fall under the same qualification standards, which would be that they hold a license (or endorsement) in the subject they are teaching. Paraprofessional requirements address the literacy skills of those personnel. Local school divisions may develop their own literacy assessment or use the commercial ParaPro assessment that the state will make available.

Individuals with Disabilities Education Act (IDEA) Reauthorization – The House and Senate are working on versions that might be completed by spring 2003.

Assistant Superintendent Report

Substitute Standards of Learning (SOL) Evaluation Program – Doug Cox reported that the Board of Education approved guidelines for the Substitute SOL Evaluation Program, which the SSEAC commented on, at its November meeting. SSEAC members requested copies of the guidelines. A task force will be developing implementation procedures and will meet Jan. 21 & 22 in Richmond. This will be modeled on the approach used in Oregon where they have had eight students use these procedures. The SSEAC members who were asked to participate are not available. Staff will keep SSEAC informed on the progress of the task force, and SSEAC members will be given the opportunity to provide comments on the draft procedures.

The Licensure Regulations are in the revision process.

Modified Standard Diploma (MSD) – The Board and staff are looking at information to review the policy of using 8th grade SOL tests as the literacy and numeracy test for the MSD.

Charlene Christopher asked if VA Alternate Assessment Program (VAAP) would become an annual program when annual testing in certain areas becomes a requirement for NCLB. Doug replied that at this point in time, we believe the IDEA requirements indicate that the state would make alternate assessment occur annually and VDOE is planning for that to happen.

There is one special education bill in the General Assembly (Senate Joint Resolution – SJR 305) requests the VDOE to study school divisions' special education ratios. Doug indicated that he is not sure of the intent and has no more details yet. Staff will keep SSEAC informed on this bill's relationship to VDOE activity related to special education caseload requirements.

Virginia Alternate Assessment Program (VAAP) Validity and Reliability

Nate Sparks provided a handout describing the process being used to determine the validity and reliability of the VAAP. The inter-rater reliability for exact and adjacent scores for the 2002 scoring was 97%. This means that a second reviewer looking at a Collection of Evidence section rates it with either the same number (1, 2, or 3) or an adjacent number as the first reviewer. This rating is considered comparable to the inter-rater reliability range of 99.2% to 100% for the 2001 administration of the SOL direct writing test, which also uses this rating process. The test validity study was conducted during September 2002 by Questar Educational Systems of Measurement Incorporated. The validity study, so far, is using a process to establish whether the VAAP rubric is valid - - how well the VAAP measured against the rubric. The rubric should represent effective programming for these students based on the performance indicators dimension framework. The pass rate increased from 2001 to 2002. Teachers select the goals to be included in the VAAP, as well as help select the evidence for the Collection of Evidence (COE) with the IEP team, the measurement is therefore somewhat subjective.

Nate Sparks addressed questions related to comprehensive student progress tracking. Nate indicated that the validity study is asking the question: "Was it a valid assessment of the goal and evidence selected" based on our rubric, which is based on best practice.

Heidi Lawyer asked if VDOE would be looking at the deeper question of whether VAAP assesses student progress. Nate indicated that program evaluation is a way to study the assessment instrument in terms of its use for student progress. He further commented that how a student accesses the general curriculum (SOL-based) is vastly different depending on his/her disability (needs) as per IEP. These are issues, which prevent having a system of objective standards for every student in the state. Pat Burgess indicated that there are checks and balances in the VAAP system in terms of having parent and administrators involved, in addition to the student's teacher.

Parent Involvement Update

Judy Hudgins provided information. The committee members will receive the current list of Parent Resource Centers (PRC). She distributed a handout of a preliminary outline of the Local Advisory Committee (LAC) handbook. Judy and Anita Swan will be providing, today, a list of the LAC chairpersons. Judy asked for input on keeping up with changes. Discussion included:

1. Charlene Christopher suggested that staff send the file when changes are made.
2. Anne Fischer suggested that the local office of special education is where SSEAC parent regional representatives can get current information. Additionally, the concern about out of date names of chairpersons can be addressed in the LAC Handbook by having LEAs send changes to VDOE.
3. Emily Dreyfus suggested: specifying the Annual Plan review under the section on Purpose of the Committee, covering navigating the system to LAC members by including basic information about how school systems operate, issues around diversity and offering suggestions for how to encourage participation from a variety of people should be addressed.

4. Pierre Ames suggested that PEATC might want to put LAC chairperson listing on their Web site that they can share with parents.
5. Carmen Sanchez followed-up discussion at a previous meeting about a SSEAC newsletter to LAC chairpersons, which could be addressed into the Relationship section to address communication flow. Carmen volunteered to draft a newsletter to send to Pat Abrams and Judy Hudgins for review/revision

Judy Hudgins will continue to receive suggestions from SSEAC. Judy indicated that she would like to have much of the document drafted by the May meeting. She will plan to email a draft to SSEAC members to receive comments back through email.

Judy Hudgins distributed a hard copy of the newly designed Web site for the Division of Special Education and Student Services. She focused on the information accessed by the link for parents. Judy asked SSEAC members to review the Web page and provide suggestions for improvement to her – look for sites that reside elsewhere that should have a link on the Parent page. Charlene Christopher suggested linking the National Center Secondary Education and Transition (NCSET); Sandra Ruffin suggested the Federal Education Rights and Privacy Act (FERPA) site.

Charlene Christopher asked for input from the PRC guests attending the meetings. Suzanne Stuart from Williamsburg James City PRC, requested that a closer communication or relationship be formed between PRC and SSEAC regional parent representatives.

Public Comment

No public comment was offered.

Business

Minutes - October 2002 SSEAC meeting minutes were approved Nov. 1, 2002 by email.

Membership – Pat Abrams reported that VDOE had not received nominations for the region 8 parent vacancy, so the nomination request was sent directly to region 8 local school divisions and the revised form is posted on the Web site for submission by Jan. 15, 2003.

Charlene Christopher will be talking with two members about their attendance problems.

Charlene Christopher raised a concern generated from past public comment to address an area raised by Maureen Hollowell in July 2001. Charlene requested members' input for a letter she will be writing to the Board of Education to advise on Medicaid issues and school divisions (resulting from the October 2002 SSEAC meeting). Maureen Hollowell was asked to clarify the issues. Maureen explained the difference in children served by the elderly and disability waiver and other waivers. She then indicated that in a study of students receiving the elderly/disabled waiver that was conducted awhile ago, members of a random selection of children were not receiving a free appropriate public education

(FAPE), and felt that VDOE monitoring should be picking up these problems. Other waivers were not required to undergo this extensive review.

Reports

Assistant Superintendent –

Pat Abrams indicated that Doug Cox's earlier presentation was the report.

Chairperson –

Charlene announced that the executive committee agreed that the same timeframe will be used at the next meeting – the executive committee will meet at 8:00-9:30 AM, which means that the full committee will convene at 9:30 AM on the first day. The next meeting will be May 1 - 2, 2003.

Constituency Reports –

1. David Martin, Superintendent - All school division superintendents will be meeting for a press conference on Monday Jan. 13 to discuss state funding.

2. Anne Fischer – Anne has made contact with Local Advisory Committees (LAC) in her region. Concerns expressed were: participation in assessments, transportation changes, one person reported a case of staff harassment.

Anne suggested a good web site www.concordspedpac.org generated from Massachusetts.

Anne suggested that the SSEAC public comment policy add that a letter will be sent to address comment and then readdress at a later date to make sure situation was satisfied. Anne expressed concern that at the October meeting the committee received some public comment out of order and took action with commenter in the room, which does not follow our policy. It was suggested to refer this discussion to the next business meeting.

3. Emily Dreyfus received input from a parent in her region that is not, yet, to be considered during public comment session, but wanted to let the committee know the issues: children who are sent home half an hour early via an exit in the back of the building, students who spend many of their school hours cleaning the school cafeteria, students who spend too much time in the special education area of the building, and have inadequate assistive technology. Other themes Emily has heard as issues from parents recently include: secondary transition and lack of mental health services. She reported that a meeting is scheduled for later this month with LAC chairpersons from the Charlottesville area.

Emily requests the SSEAC to ask VDOE to look at deeper question of the use of the assessment for student progress, which was raised in the VAAP discussion earlier today.

4. Charlene Christopher reported that the Virginia Education Association (VEA) was asked to submit to national legislators a change in terminology to disability category

terms “mental retardation” (MR) and “emotional disturbance” (ED). The requester is asking the SSEAC to support her recommendations by adopting her position when the committee comments on the IDEA reauthorization. The SSEAC received the report and suggested that a discussion of that magnitude take place at a later date.

Charlene distributed copies of the resources: *Addressing Over-Representation of African-American Students in Special Education* and *Assistive Technology Consideration* wheels. Sandra Ruffin commented that VDOE will be using the Over-Representation document in the cultural competency training and technical assistance activity.

Subcommittee Status Reports

1. Results for Students – Emily Dreyfus reported that the top priorities selected by the subcommittee are: Free Appropriate Public Education in the Least Restrictive Environment (FAPE in the LRE), Secondary Transition, and Reading Programs.
2. Procedural Safeguards Companion – The subcommittee agreed to develop a one-page Table of Contents guide that “charts the waters” of the Procedural Safeguards document. It will explain the meaning of the section title, and cross-reference to the *Parent Guide to Special Education* and/or VDOE and PEATC Web sites. A draft should be available by the spring SSEAC meeting.
3. Personnel Development – Pat Burgess announced that a call center for personnel recruitment will be provided for VDOE by Teacher-Teacher.com, and guidelines on supervising paraprofessionals are being developed by a consultant. The document may be available on CD as well as on the Web site when completed. There has been an increase in the conditional licenses issued in the state. Another factor involved in the shortage is the retention efforts that need to be in place in local educational agencies. An additional teacher assessment, Praxis II, is not yet required for special education teachers. The state does not track the mastery on the Praxis I assessment but the LEAs do this tracking.
4. Parent Involvement – Anne Fischer reported that this subcommittee’s priorities are LAC Handbook and Continuous Improvement Monitoring Process (CIMP) parent involvement improvement strategies.
5. Restraint/Seclusion – Dave Martin provided a handout summarizing goals of the subcommittee. The VDOE staff liaison (Irene Walker-Bolton) will be asked to coordinate a conference call of the subcommittee members to continue working on guidelines. Pat Abrams stated that the subcommittee would not be producing regulations at this time, rather policy guidelines as indicated in the SSEAC October 2002 minutes.

Business

Students Residing in Iliff Nursing Home - Charlene Christopher asked Sandra Ruffin to provide follow up information to the SSEAC's recommendations in October 2002 that VDOE visit the students living in the Iliff nursing home, since they were denied access during the monitoring visit. Sandra reported that staff reviewed the documents and process of that monitoring review and VDOE staff has decided that another site visit to Iliff is not warranted. Most of the students receive their special education services at Fairfax County Public Schools' Kilmer Center school. The students' IEPs and records were reviewed by the monitoring team. There were three children at that time whose medical condition prevented them from being transported to a school and were receiving special education services at Iliff. Their records were reviewed and teachers were interviewed; they were determined to be providing FAPE at the time of the Fairfax review. Further, VDOE does not license Iliff and would not be monitoring that facility. She stated that the monitoring process includes notification to parents of students in the jurisdiction, including parents of children residing in Iliff, of opportunity to attend public meetings and/or contact monitoring staff to provide input or express concerns. Carmen Sanchez questioned whether every child with a disability actually got the notification to parents. Sandra Ruffin indicated that in a monitoring review scheduled soon for Arlington, where there are some children residing in Iliff being served by Arlington County Schools, the monitoring staff will pay close attention to SSEAC's concerns during this upcoming review.

VAAP Issue – Heidi Lawyer requested that SSEAC formulate recommendation to VDOE for future evaluation of what the VAAP results tell us about the needs and progress of students who are assessed by the VAAP.

Presentation

Mediation

Art Stewart provided handouts and information on the state mediation system. The mediation system has been used in increasing numbers each year. Mediation is voluntary on the part of both parties involved. Mediation does not require a determination, but helps the school personnel and the parents work together, listen, and look at alternatives until agreement is found. Art suggested that mediation is under-utilized to resolve disputes. To date, Art has worked through TTAC to spread the word about mediation. He is finding that not many people are aware of the program. Mediation was highly advertised the first year, but more public awareness is needed. Art asked for suggestions.

Pierre Ames indicated that in his experience, people think that a mediation can only be triggered by a parent's request for a due process hearing. Art clarified that this has never been true and encouraged the request for mediation be made early before spending time in multiple meetings discussing the same problems/conflicting views. The relationship between both sides is strained when differences arise in these tender and high stakes cases.

Charlene asked how many cases went to Due Process hearings after mediation. Art recalled that he knew of two out of 105 cases from last year's data. Charlene asked the VDOE's position on whether issues agreed in mediation can be brought to Due Process hearing as issues. Art replied that the mediation agreement is regarded as a contract and that the due process hearing officer would give it that weight in consideration.

Kris Kiley asked if Art feels mediation creates an adversarial situation as does due process hearings. Art indicated that attorneys are trained to raise doubt such as in a due process hearing, which tends to have a divisive effect on the future relationship. Mediation is different because the mediator is not charged with fact-finding, rather to facilitate people working together towards a solution or agreement.

Anne Fischer asked about mediators' qualifications. Art responded with the VA Supreme Court requirements, in addition the VDOE provides for training and experience with education. Mediators are selected from a pool of applicants based on a variety of factors.

Emily Dreyfus suggested that Art could inform parents about using mediation via the LAC chairperson and PRC lists, as well as presenting at meetings.

Kris Kiley asked about the videotape. Art replied that there are three videos, each about 18 minutes long, which have been disseminated.

Carmen Sanchez suggested that it is a good time to remind parents, LACs, etc. about mediation and suggested re-disseminating the awareness materials.

Subcommittee Group Work – The three standing subcommittees met:

- 1) Results for Students
- 2) Personnel Development
- 3) Parent Involvement

Friday - January 10, 2003

Attendance:

SSEAC Members Present: Charlene Christopher, Elizabeth Vincel, Anne Fischer, Emily Dreyfus, David Martin, Michael Wong, Karen Tompkins, Fannie Page, Carmen Sanchez, Kris Kiley

SSEAC Members Not Present: Sharon Stacey, Eileen Deckard, Leslie Snyder, Rick Richardson, Stan Boren, Kevin Sutherland, Heidi Lawyer, Pierre Ames (PEATC)

VDOE: Pat Abrams, Judy Hudgins, Anita Swan

Subcommittee Work

The chairperson set the agenda for the remainder of the meeting: continued subcommittee work and reports, complete business items, and plan the agenda for the next meeting.

Charlene Christopher asked for subcommittee reports after they met:

1) Parent Involvement – Anne Fischer reported that the subcommittee reviewed the CIMP and identified actions:

- A. Parent Participation in Monitoring Process – VDOE with assistance from the SIP management team to develop a brief questionnaire for LAC/PRC to evaluate the parent participation/review of the local monitoring (i.e., review of corrective action plans, where they are in self-assessment year, procedure for Annual Plans review, etc.). Then take to SSEAC for review.
- B. Parent Access/Participation in Training – VDOE with assistance from the SIP management team is collecting data (what training are going on, who is attending, etc.) The subcommittee will present a data report in July 2003 to show any increase in attendance/participation of parents.
- C. Periodic State Review of Parent Needs/Participation – (Baseline needs/satisfaction was completed 2001-02). The VDOE SIP management team is still exploring next step(s) in obtaining follow up survey. The subcommittee and SSEAC will review this planning process.
- D. Local Advisory Committee (LAC) Guidelines – The subcommittee will assist VDOE in developing the LAC guidelines document. SSEAC will review draft document at May 2003 meeting. The committee request that the document be disseminated as soon as possible to LACs. The subcommittee will forward a list of “tools” for links to the consultant (Anne Fischer to generate). VDOE staff will edit/update LAC chairman list, which was distributed at the Jan. 9, 2003 SSEAC meeting and explore ways to better update the “chair” lists as changes occur.
- E. As part of the parent involvement work to improve communication from parent representatives to LAC chairpersons, there was consensus to draft a SSEAC Family Representative Newsletter. Carmen Sanchez volunteered to draft a newsletter to include SSEAC parent contact information, purpose of the committee, issues/projects SSEAC is working on, and list of helpful resources for parents, including VDOE Websites.

2) Results for Students – Emily Dreyfus reported:

- A. FAPE in the LRE – subcommittee reviewed the compilation sent to them by Pat Abrams and provided feedback to incorporate purpose and more narrative explaining the concepts and tools. They will read a 2nd draft followed by a telephone conference to discuss further refinements in March.
- B. Secondary Transition – Robin Barton (VDOE staff) presented an activity update on the state activity resulting from the improvement plan. The SSEAC subcommittee commended VDOE’s efforts and offered to serve as reviewers of documents, help with the newly developing Transition Outcomes Project, visit the

transition Web site to provide helpful suggestions for improvement, and provide welcome remarks at training events. The statewide activity in this area includes:

- 1) Post School Outcomes - interviews with students 2 years after exiting school, report will be completed in June.
- 2) Secondary Transition Providers – focus group study from providers’ perspective, includes community supports needs information.
- 3) VDOE’s Transition Web page is redesigned and includes information from local and national activity.
- 4) VA Intercommunity Transition Council (VITC) – most recent discussion of the interagency group includes benefits planning and access to information by providers (i.e., school personnel).
- 5) College Guide – the guide is being formatted for printing and dissemination; there will be an interactive Web site for students and parents by VACollegeQuest.org (managed by Candace Cortiello).
- 6) Secondary Transition Outcomes Project (TOP) – state will begin piloting a system in several high schools for self-auditing transition planning and compliance in students’ IEPs. Initial information on the project is scheduled for presentation to local special education directors on Feb. 18.
- 7) Post-secondary Education and Rehabilitation Transition (PERT) and Shenandoah Valley Regional Program (SVRP) pilot – Students participate in vocational evaluation at Woodrow Wilson Rehab Center; SVRP is piloting the delivery of PERT at local/regional level.
- 8) Transition Forum – state conference for transition services information is scheduled for March 2003.
- 9) Council for Exceptional Children (CEC) Division for Career Development & Transition (DCDT) International Conference – VA will be the host state for this conference scheduled for October 2003 in Roanoke.
- 10) Graduation Requirements – during fall 2002 there were regional information sessions, “2+4 in 2004” for school personnel (principals, guidance counselors, directors, superintendents, etc.) explaining the graduation requirements for students in the next 3 years; information sessions are being scheduled for parents.
- 11) Transition Services for Youth With Difficult Challenges – Training is scheduled for spring 2003 for local transition teams to disseminate information on effective practices for transition services for students with additional challenges related to emotional disturbance, mental health, autism spectrum.
- 12) Age of Majority – redisseminate to school personnel and parents information on age of majority requirements in a brochure format (include Web site address and any issues found in compliance monitoring that are not already covered).

3) Personnel Development – Elizabeth Vincel reported that the subcommittee was updated on VDOE activity resulting from the CIMP and the Special Education Improvement Plan (SEIP – formerly “SIP”):

- A. Effective Recruitment/Retention Activities – VDOE supported all LEAs to access Web based recruitment system to locate special educators (Teacher-Teacher.Com), Public Service Announcements (toll-free call center), dissemination of information from National Center for Personnel in Special Education (NCPSE), T/TAC inservice activity, and compiling the local activities addressing the comprehensive system of personnel development (CSPD) requirements. The benchmarks for this activity are: increase the number of qualified personnel, including paraprofessionals; increase retention of personnel in current positions; increase the number of participants (paraprofessionals, parents, administrators, special & general teachers, related service providers); number of approved special education preservice programs, and number of program completers for initial licensure.
 - B. Support of Personnel in Hearing Impairment (HI) & Vision Impairment (VI) Programs – Activity includes: disseminating information on personnel preparation supported programs; recruitment strategies; enforce 40-50% of program budget for student/participant support; explore options for VI licensure program in Virginia. The benchmarks for this activity are: increased number of U.S. Department of Education supported programs; increased number of mentor program participants; increased number of early recruitment programs at middle and high schools; increased number of programs available to paraprofessionals for licensure and highly qualified paraprofessionals. The Special Education Improvement Plan (SEIP) report addresses data across time on qualified and nonqualified personnel; personnel development activities; and programs at colleges/universities.
 - C. Improved Teaching Environment – to include caseload/class size, paperwork, time for collaboration, professional development activities for administrators. It was suggested to identify school divisions with low special education teacher turnover, high statewide assessment and inclusion to share what works (support for teachers, such as tuition for courses). VDOE provide guidance on effective personnel development to include data and identified promising practices.
- The SSEAC subcommittee involvement would be to disseminate information to LACs, continue making recommendations to the state Board of Education, and create a position on VDOE initiatives, including revision to the state licensure regulations.

Future Agenda Items

Presentations:

- 1) Legislative Session Update – VDOE Staff
- 2) Instructional Support Teams - VDOE Staff
- 3) Parent Involvement Update – Judy Hudgins
- 4) No Child Left Behind (NCLB) & Individuals with Disabilities Education Act (IDEA) Updates – Doug Cox

Results Subcommittee - Charlene Christopher delegated to the Results Subcommittee the request to discuss issue raised by Heidi Lawyer addressing what the VAAP results tell us about the needs and progress of students who are assessed by the VAAP.

Old & New Business – to be determined