

**State Special Education Advisory Committee  
(SSEAC)  
Marriott Fairfax at Fair Oaks  
July 12-14, 2006**

**MINUTES**

**Wednesday, July 12, 2006**

Public Forum

**Thursday, July 13, 2006**

**Committee Members Present**

Mike Behrmann, Mary Ann Discenza, Emily Dreyfus, Stacie Ellis, Anne Fischer, David Martin, Cindy Mills, Rick Richardson, Carmen Sanchez, Peter Squire, Tamara Temoney

**Committee Members Absent**

Susanne Conroy, Sharon Duncan, Jacqueline Nelson, Michael Wong

**Department of Education Staff**

Pat Abrams, Judy Douglas, Judy Hudgins, Cathy Pomfrey, Paul Raskopf, Melissa Smith

**Guests**

Dr. Pat Addison, Dr. Jack Dale, Cherie Takemoto, Marsha Goldberg, Heather Brunner, Debra Wilson, Mary Childerston, Jackie Simchick, Laura Nelson, Joyce Knight, Connie Lorenzen

**Call to Order**

Ms. Anne Fischer, Chair, called the meeting to order. She introduced Dr. Jack Dale, Superintendent of Fairfax County Public Schools who welcomed the committee to Fairfax.

**Agenda**

Several adjustments were made to the agenda.

**Business**

Ms. Anne Fischer declared a quorum.

**Minutes**

The minutes were approved with no changes.

## **Committee Bylaws**

**Ms. Carmen Sanchez moved that the Bylaws be adopted. Dr. David Martin seconded. The motion was passed to accept the Bylaws as written.**

## **Operational Procedures**

Ms. Carmen Sanchez suggested that a running list of dates when changes are made be added to the second page of the Operational Procedures (adopted at the April 2006 meeting).

Ms. Sanchez stated that she had developed a tracking log which she would continue to monitor, of tasks set forth at each meeting. So that committee members would be notified of their responsibilities, it was decided that the log would be mailed as a separate document to members along with the draft minutes. As this is a new procedure, members agreed to decide at the next meeting whether to add to the operational procedures.

Dr. Mike Behrmann said that discussion of issues to be addressed by ad hoc subcommittees needs to be added. It was decided to revisit the topic at the next meeting.

## **Bylaws**

Members requested that the date the Bylaws are adopted be added to the last page.

## **Meeting Locations**

Ms. Anne Fischer asked if members wished to make any changes in meeting locations or dates for the schedule as previously set. It was decided to look at dates and locations again at the January meeting.

## **Public Comment Guidelines**

The Public Comment Guidelines were reviewed at the April 2006 meeting. Ms. Cherie Takemoto, Executive Director of PEATC, questioned statement Number 6 regarding the meaning of the word “consult” saying the statement is not clear to members of the public.

The statement was reworded to read “Virginia Department of Education staff members serve as consultants to the SSEAC. If the public comment involves student- or school-specific information, staff will contact the speaker to determine appropriate follow-up.”

**Dr. Rick Richardson moved to accept the guidelines with revisions. Ms. Stacie Ellis seconded. The guidelines were accepted.**

## **Format of Public Notification Brochure**

Sample templates were distributed for review by members. Ms. Anne Fischer recommended that the Constituency Involvement ad hoc committee work on Thursday evening and bring back recommendations to the committee. Suggestions were made for consideration by the subcommittee.

## **Public Forum Issues**

Questions were raised about SSEAC members' roles and responses at the public forums. There was some discussion.

## **Subcommittee Assignments**

Ms. Anne Fischer named members to chair the Subcommittees.

Policy & Regulation – Ms. Emily Dreyfus

SOP Annual Plan Review – Ms. Jacquelyn Nelson

Nominating – Ms. Stacie Ellis

Personnel – Dr. Mike Behrmann

Data & Reports – Ms. Carmen Sanchez

Constituency Involvement – Mr. Peter Squire

Autism – Ms. Suzanne Conroy

The question was raised as to whether minutes should be taken at subcommittee meetings and members were told that a summary of the meeting should be provided.

## **Break**

## **Annual Report**

Dr. David Martin commended Ms. Anne Fischer for her work to this point in drafting a document that combines member comments and suggestions. Discussion followed on document organization and the items that should be included and what should be rewritten. It was suggested that an executive summary be included at the beginning telling what the SSEAC has worked on during the past year and a summary of motions passed during the past year be added as an appendix to the annual report. Ms. Fischer suggested that the Executive Committee review and make needed changes before the end of the meeting on Friday.

## **Public Comment**

Ms. Emily Dreyfus read two comments. The first was from Eric and Stephanie Bridge in Roanoke regarding their son who has severe autism. Their issues involved FAPE/ LRE and the inadequate addressing of his autism. The second was from Courtney Pugh in Salem whose son has been diagnosed with Pervasive Developmental Delay. She also had issues involving FAPE/LRE.

Ms. Cherie Takemoto, Executive Director at PEATC stated that many of the comments made at the public forum on Wednesday evening were consistent with the calls received by PEATC. Some concerns mentioned included eligibility issues, no diploma, post-secondary education, alternative dispute resolution, support for teachers, reaching the ESL community, and the need for clear regulations.

Debbie Wilson from Fairfax had issues concerning ADD/Asperger's. She is frustrated that the schools do not use the tools available. The IEP has great potential and offers information that can be carried over from year to year, but they don't keep track of what has been done. The schools use the word "services" and are not specific enough that the parent knows what is meant. The schools also need to use Functional Behavioral assessments more effectively so a workable Behavioral Plan can be implemented. The IEP is not being used effectively.

Cherie Takemoto read a statement from Nathan Murray, a nine-year old who attends schools in Fairfax County. He attended the public forum on Wednesday evening but was not able to talk. He had ESY issues and transportation problems to his summer program

Carmen Sanchez read comments received from Cathryn Rice in Loudon County. Issues mentioned included ESY eligibility concerns, a lack of funding, transition for high school students, twice exceptional (definition and recognition), resource staff and successful implementation of remediation.

Peter Squire read a letter from Tim Moore in Rockville, Virginia. He has issues regarding diplomas for students with disabilities known as "GAP Kids" or "Gray-Area Kids."

### **Annual Report** (continued)

Ms. Emily Dreyfus asked about attaching a membership list, possibly as Appendix A. Discussion included adding an Appendix B to contain future issues.

**Dr. Mike Behrmann moved that the full committee approve that the executive committee complete the edited annual report to be submitted to the Board of Education. Ms. Emily Dreyfus seconded and the motion passed.**

### **Lunch**

### **The Regulations Revision Process**

Dr. Judy Douglas, Director Office of Dispute Resolution and Administrative Services (ODR/AS)  
Melissa C. P. Smith, Coordinator of Administrative Services

### **Summary of Court Decisions**

In response to the SSEAC's request, Dr. Judy Douglas presented an update on court cases involving VDOE and other significant cases, since her last report to the SSEAC in January 2006. Dr. Douglas also reviewed a Virginia Federal District Court decision involving a child with

autism and the Court's affirmation of the hearing officer's decision in favor of the parent's private placement. Dr. Douglas concluded this review with a summary of a recent U.S. Supreme Court decision in which prevailing parents in IDEA proceedings may not recover expert fees.

### **Regulations Revision Process**

In response to the SSEAC's request, Dr. Judy Douglas and Ms. Melissa Smith gave a four-part presentation:

- (a) A review of the process to revise Virginia's special education regulations. A full presentation of this process was given to the SSEAC at its January 2006 meeting. The presentation is available on the website of the Office of Dispute Resolution/Administrative Services.
- (b) A review of this year's Annual Plan section on policies and procedures, identifying those areas in which the IDEA '04 mandates permit flexibility, and how school divisions are implementing these mandates. Dr. Douglas and Ms. Smith were asked to identify school divisions relative to the use of IEP short-term objectives and benchmarks and secondary transition. ODR/AS will develop a report on all the identified areas for both SSEAC and the Special Education Directors' Council.
- (c) A review of the Virginia specific requirements, identifying those areas in Virginia special education regulations that exceed the federal requirements. This document was sent to the school divisions and SSEAC in February 2006. It is available on the ODR/AS website.
- (d) A review of VDOE's efforts to date to develop a reader-friendly version of the Procedural Safeguards Document. Ms. Emily Dreyfus reviewed the chart she had sent members prior to the meeting. The chart identified a review of other States' PSDs according to reader-friendly criteria. ODR/AS will contact the 25 SEAs identified as having reader-friendly documents to determine which documents have been OSEP approved. ODR/AS will develop a report on their findings to the Standing Committee on Policy and Regulations.

**Ms. Carmen Sanchez moved that ODR/AS contact the states with readable procedural safeguards documents worth emulating, as determined by the Just Children research, to determine if those documents serve as the OSEP-approved procedural documents for those states. Ms. Emily Dreyfus seconded. The motion carried.**

Ms. Anne Fischer requested that information be reported back to the committee.

## Constituency Reports

Name	Report	Comments
Mike Behrmann	Oral	Higher Education – VA put out an RFP to develop planning grant visual impairments – seven universities
Susanne Conroy	Absent	
Emily Dreyfus	Oral	<ol style="list-style-type: none"> <li>1. A constituent reported that scores from the Virginia Substitute Evaluation Program were not received in time to determine whether students could graduate.</li> <li>2. Parents and Students have been communicating concerns about challenging behavior in middle schools and the lack of Positive Behavioral Supports.</li> <li>3. I was asked for an update about the 1% + 2% exemption from SOL tests. Concern was shared about how if 3% of all students are exempted; it actually translates into a large proportion (20-30%) of students with disabilities being exempt.</li> </ol>
Sharon Duncan	Absent	
Stacie Ellis	Oral	Asked by local SEAC to find out about policies in other divisions on “do not resuscitate” orders
Anne Fisher	Oral	New autism program set up in Suffolk as a feeder into Chesapeake called “Step by Step”. Two divisions both examining integrated bus routes; the lack of academic time based on buses. Extended hours of academic time are not being offered to students with IEPs. An issue regarding racial balance in the local SEAC in Virginia Beach continues.
David Martin	Oral	Seclusion and Restraints – much discussion in Fauquier
Cindy Mills	Oral	<ol style="list-style-type: none"> <li>1. Getting up to date past students’ records for incoming students (to determine) appropriate grade level, required classes, whether an active IEP exists or not) is an issue.</li> <li>2. Getting and keeping licensed/licensable teachers is a concern.</li> <li>3. Providing SOL testing for students from many LEAs (requires requesting, coordinating, administering and returning tests) is a challenge. Also is a manpower challenge in terms of training staff and completing various assessments for example VAAP).</li> </ol>
Jacqueline Nelson	Absent	
Rick Richardson	Oral	Primary area of concern is recruiting and retaining teachers; other topic - all localities awaiting regulations; mentioned Dr. David Martin being named Virginia’s Superintendent of the Year.

Name	Report	Comments
Mary Ann Discenza	Oral	The Early Intervention system was included in the Governor's Transformation Initiative. For the biennium the General Assembly appropriated \$8 million. Child Find, specifically, infants birth to one, remains a priority for the Early Intervention system. The Joint Commission on Health Care has added neonatal issues to its areas of concern. A meeting was held today to determine next steps.
Carmen Sanchez	None	
Peter Squire	None	
Tamara Temoney	None	
Mike Wong	Absent	

## **Friday July 14, 2006**

### **Committee Members Present**

Mike Behrmann, Mary Ann Discenza, Emily Dreyfus, Anne Fischer, Cindy Mills, Rick Richardson, Carmen Sanchez, Peter Squire, Tamara Temoney

### **Committee Members Absent**

Susanne Conroy, Sharon Duncan, Stacie Ellis, David Martin, Jacqueline Nelson, Michael Wong

### **Department of Education Staff**

Pat Abrams, Paul Raskopf, Melissa Smith, Judy Douglas, Cathy Pomfrey, Marie Ireland, Marianne Moore, Judy Hudgins

### **Visitors**

Lisa Holland, (Radford T/TAC), Candace Wilkins (PEATC), Heather Brunner, Marsha Goldberg Ben Linkous, Laura Nelson (Celebrating Special Children)

### **Introductions**

### **Priority Projects Update: Focus on Secondary Transition**

Dr. Pat Abrams distributed handouts to members.

Ms. Marianne Moore, Virginia Department of Education, presented an overview of the state's transition initiatives which included the Virginia Transition Outcomes Project, Self-determination Pilot, College Events, Resource Matrix, National Communities of Practice, and the Transition Forum. Lisa Holland with TTAC presented information on self-determination and a student, Ben Linkous, shared information about his journey through high school and adult service agencies.

### **Break**

## Ad Hoc Subcommittee Reports and Discussion

Ms. Mary Ann Discenza reported from the Autism Committee. Ms. Marie Ireland distributed copies of the department's "Autism Spectrum Disorders: VDOE Summary of Efforts" dated June 2006 and summarized the history of the document. The subcommittee recommended exploration of an Autism certificate.

Ms. Carmen Sanchez moved that the SSEAC recommend that the Virginia Department of Education revise the guidance document on extended school year services to reflect current case law, and federal IDEA 2006 Regulations. Mr. Peter Squire seconded. As there was no quorum, the matter will carry to the October 2006 meeting for further discussion under old business.

Mr. Peter Squire reported for the Constituency Involvement Subcommittee. The subcommittee reviewed sample flyer #3 to address ways that constituents can contact SSEAC members. The subcommittee recommends a single point of contact to use as a test for 6-7 months. Mr. Squire will disseminate a new draft prior to the October meeting.

Dr. Mike Behrmann reported for the Personnel Subcommittee. The committee discussed several items.

1. Consortium for developing vision training
  - a. In beginning stages
  - b. Need key faculty member to lead this training
  - c. It needs a "home" at one of the Universities i.e., Radford, VCU, or George Mason
2. Collaborative effort in area of speech/language – Longwood University
3. Autism Training at various universities
  - a. ABA program (George Mason)
  - b. VCU has a program
  - c. Radford

The committee recommended that the SSEAC recommend that the state support new non-licensure program consortia using the distance education certificate programs. Suggestions:

1. leadership in special education
2. autism
3. assistive technology
4. transition

The committee requests that the personnel staff liaison provide the subcommittee with an analysis of the add-on special education endorsement requirements.

Ms. Carmen Sanchez reported that the Data and Reports Subcommittee discussed special education data and how it is presented to the public.

The meeting adjourned.