| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: X

## Date: January 28, 2021

### Title: Written Report: JLARC Report: K-12 Special Education in Virginia

#### Presenter: Dr. James Lane, Superintendent of Public Instruction

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## Purpose of Presentation:

For information only. No action required.

Executive Summary:  
In 2018, the study topic subcommittee of the Joint Legislative Audit and Review Commission (JLARC) asked staff to conduct a review of K-12 special education services. The study resolution required staff to examine the processes used by school divisions to enroll students in special education, to determine he services needed by students with disabilities, and to provide needed services, as well as to review to effectiveness of the VDOE in its supervisory role. The report was released at the December 14, 2020, JLARC meeting. A copy of the report can be found online at <http://jlarc.virginia.gov/pdfs/reports/Rpt545.pdf>. Additionally, a summary of the recommendations is also available online at <http://jlarc.virginia.gov/pdfs/summary/Rpt545Sum.pdf>.

**Action Requested:**

No action requested.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends that the Virginia Board of Education accept this report.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:   
In 2018, the study topic subcommittee of the Joint Legislative Audit and Review Commission (JLARC) asked staff to conduct a review of K–12 special education services. The study resolution required staff to examine the processes used by school divisions to enroll students in special education, to determine the services needed by students with disabilities, and to provide needed services, as well as to review the effectiveness of VDOE in its supervisory role.

Federal law requires public schools to provide students with disabilities specially designed instruction and services to ensure that their education is appropriately ambitious in light of the student’s particular circumstances. In the 2018–19 school year, about 164,000 K–12 students were enrolled in special education, about 13 percent of Virginia’s total student population.

The Virginia Department of Education’s Department of Special Education and Student Services oversees the leadership, monitoring and implementation of federal and state requirements related to the provision of services and supports for students with disabilities. The Department of Special Education and Student Services is responsible for general supervision and monitoring the implementation of the *Individuals with Disabilities Education Act* (IDEA) in accordance with the provisions at 34 CFR 300.604(a)(1), and (a)(3), (b)(2)(i) and (b)(2)(v), and (c)(2) and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, 8 VAC 20-80. Virginia’s general supervision is a system that involves the following components: State Performance Plan (SPP) and Annual Performance Reports (APR); effective policies and procedures; targeted technical assistance and professional development; effective dispute resolution system; integrated on-site and off-site monitoring activities; data verification; improvement and corrective action planning; and follow-up to ensure timely corrections.

The VDOE has committed to work to implement the recommendations from the JLARC report in a way that is consistent with federal and state requirements and the role and responsibility of the state education agency. A summary of recommendations from the JLARC report are provided below.

* Direct VDOE to conduct a targeted review, in the near term, of the transition sections of student IEPs to identify improvements needed to student transition planning, and direct VDOE to develop a robust statewide plan for improving transition planning for students with disabilities.
* Require school divisions to provide a draft IEP to parents at least two business days in advance of the IEP team meeting, but only if a draft IEP is developed in advance of the meeting.
* Direct VDOE and the Board of Education to develop and implement statewide criteria for the applied studies diploma and require local school divisions to more fully explain the limitations of this diploma to families.
* Direct the Board of Education to review and update regulations governing K–12 teacher preparation programs to require that graduates are proficient in teaching students with disabilities and require teachers seeking license renewal to complete training in instructing students with disabilities.
* Direct the Board of Education to review and update regulations governing administrator preparation programs to require that graduates demonstrate comprehension of key aspects of special education.
* Direct VDOE to develop and maintain a data-driven statewide strategic plan for recruiting and retaining special education teachers.
* Direct VDOE to revise its handling of special education complaints to require that school divisions carry out corrective actions that fully and appropriately remedy any found instances of school non-compliance.
* Direct VDOE to develop and implement a robust plan to improve the effectiveness of its supervision and monitoring of special education.

Timetable for Further Review/Action:  
At this time, no further Board action is required.

## Impact on Fiscal and Human Resources:

There will be an impact on both the fiscal and human resources of the agency to implement the recommendations of the report.