



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: R

Date: June 15, 2022

Title: Annual Report and Presentation from the State Special Education Advisory Committee

Presenter: Dr. Samantha Hollins, Assistant Superintendent, Special Education and Student Services
Brian Summo, Chair, State Special Education Advisory Committee
Margarete Jeffer, Vice Chair, State Special Education Advisory Committee

Email: Samantha.Hollins@doe.virginia.gov **Phone:** 804-786-8079

Purpose of Presentation:

For information only

Executive Summary

The State Special Education Advisory Committee (SSEAC) is organized and functions in accordance with state and federal requirements. The Committee's functions include defining plans for identifying children with disabilities; formulating and developing long-range plans that will provide services for children with disabilities; determining the unmet needs of children with disabilities within the state; developing priorities and strategies for meeting identified needs of children with disabilities; reviewing and making public comment on the State Improvement Plan, the procedures for the distribution of funds under Part B of IDEA, and any rules or regulations proposed by the state regarding the education of children with disabilities; review findings and decisions regarding due process procedures for parents and children; advise the state in developing corrective action plans to address findings identified in Federal monitoring reports; and prepare and submit an annual report to the Virginia Board of Education (Board). Over the past year, the SSEAC subcommittees addressed student achievement, student outcomes, and policy and regulations. Based on the work of these subcommittees, constituency reports, presentations, and public comments, the SSEAC annual report includes recommendations that support the goal of increasing family engagement in the special education processes by ensuring that local advisory committees are viable and function within each school division. Additionally, the report encourages that Virginia Department of Education (VDOE) continues to focus on the

guidance, training, and technical assistance for local school divisions in supporting and serving students with disabilities with a history of neurological impact and atypical visual behaviors and supports the efforts of the VDOE to develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. This report assists the Board in meeting priority #1 of its Comprehensive Plan: 2018-2023, which is to provide high-quality, effective learning environments for all students. This report contains recommendations that assist the Board in advocating for the resources required to fully support a system of ensuring a quality education for all students, regardless of background, including tools for collaborative oversight and support at the VDOE for schools that are not yet meeting standards. The SSEAC approved its annual report at its March 2022 meeting for submission, and presentation to the Board.

Action Requested:

No action requested.

Superintendent's Recommendation

The Superintendent recommends that the Board receive the SSEAC Annual Report and its recommendations as it works to provide high-quality, effective learning environments for all students, specifically as it relates to students with disabilities.

Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:

In accordance with the requirements of the *Individuals with Disabilities Education Improvement Act*, effective December 3, 2004, (IDEA 2004), its implementing federal regulations, effective October 13, 2006, at 34 C.F.R. 300.167 through 34 C.F.R. 300.169, and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective July 7, 2009, reissued on January 25, 2010, and July 29, 2015, at 8 VAC 20-81-20 15.c(2), the SSEAC assists the Board by providing advice on policies and practices that help increase accountability for academic success for students with disabilities. The SSEAC is mandated by federal and state regulations and represents a number of constituency groups that advocate for children and youth with disabilities.

Timetable for Further Review/Action:

No additional Board action is required. Following the Board presentation and any direction from members, the VDOE will continue working with the SSEAC and assist the committee as it takes action on any recommendations from the Board.

Impact on Fiscal and Human Resources:

The impact on human resources is reliant on any action taken with respect to the recommendations presented in the SSEAC annual report. The operating expenses and other costs associated with the meetings and functions of the Board's advisory committees are provided through the VDOE's operating funds. Where applicable, federal funds are provided to support the expenses and the work of the advisory committee.



**VIRGINIA STATE SPECIAL
EDUCATION ADVISORY
COMMITTEE (SSEAC)**

**ANNUAL REPORT TO THE
VIRGINIA BOARD OF EDUCATION**

JULY 2021 – JUNE 2022

INTRODUCTION

The [Individuals with Disabilities Education Act \(IDEA 2004\)](#) requires that each state establish and maintain a state advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. The federal regulations specify membership and require that a majority of members be individuals with disabilities or parents of children with disabilities. Specifically, the regulations require the following membership include:

- parents of children with disabilities (ages birth through 26);
- individuals with disabilities;
- teachers;
- representatives of institutions of higher education that prepare special education and related services personnel;
- state and local education officials, including officials who carry out activities under subtitle B of title VII of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11431 *et seq.*);
- administrators of programs for children with disabilities;
- representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- representatives of private schools and public charter schools;
- not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
- a representative from the State child welfare agency responsible for foster care; and
- representatives from the State juvenile and adult corrections agencies.

Refer to the IDEA 2004 implementing regulations at 34 CFR § 300.167 through 34 CFR § 300.169 and the [Regulations Governing Special Education Programs for Students with Disabilities in Virginia](#) (the Virginia Regulations) at 8VAC20-81-20 15.a (1) through (11).

In Virginia, the panel is known as the [State Special Education Advisory Committee](#) (SSEAC). This report serves to confirm that the SSEAC membership for the 2021-2022 operational year satisfied the requirements of the above-referenced regulations.

COMMITTEE ORGANIZATION

The activities of the Virginia State Special Education Advisory Committee (SSEAC) are governed by the [Virginia Board of Education](#) (Board) bylaws for advisory committees. The SSEAC year commences on July 1 and ends on June 30 of the following calendar year. Committee members work with the [Virginia Department of Education](#) (VDOE) staff in establishing priorities and agenda items for SSEAC meetings. The SSEAC delegates various subcommittees to monitor programmatic issues and future items of concern.

STANDING SUBCOMMITTEES

Five standing subcommittees are used to conduct much of the work of the SSEAC. The five subcommittees are necessary for the functioning of the committee or consistent with the priorities of the Assistant Superintendent for Special Education and Student Services, and the SSEAC supports the VDOE's focus on these priorities.

The SSEAC members are each assigned to subcommittees based upon each member's expertise, interests, and concerns. Subcommittees make recommendations to the full committee. Such recommendations may result in further study with additional information from the VDOE, presentations to the SSEAC, or inclusion in the SSEAC's Annual Report to the Board. Additionally, the VDOE personnel serve as consultants to each of the subcommittees, providing technical assistance, clarification of VDOE policies and procedures, and additional information. The five subcommittees and their function follow.

- **Executive** - The Executive Subcommittee includes the Chair, Vice Chair, Secretary, and three At-large members. The committee establishes priorities for meeting agendas and provides overall direction to the SSEAC.
- **Nominating** - The Nominating Subcommittee is charged with nominating a slate of nominees to fill Executive Subcommittee vacancies.
- **Policy and Regulations** - This subcommittee focuses on initiatives at the state level that either result in policy and regulations or have an impact on policy and regulations as they pertain to students with disabilities (SWD).
- **Student Achievement and Student Outcomes** - This subcommittee focuses on achievement and outcome data, goals under the state plan for students with disabilities, transition planning, and best practices. The purpose of this subcommittee is to identify and make recommendations to the VDOE.
- **Family Engagement and Community Outreach** - This subcommittee provides recommendations to the VDOE on Family Engagement and Community Outreach best practices which are designed to educate parents, students, and schools/community partners on how to strengthen relationships and how to support one another in the education of students with disabilities.

MEETINGS

The full committee meets in regular session at least four times annually. Subcommittees meet during the regular sessions and as necessary to fulfill their responsibilities to the SSEAC. Every effort is made to consolidate the work of subcommittees with the regular sessions. All meetings and work sessions are open to the public. The public is offered an opportunity to make comments during a specified time allotted in the agenda at each regular meeting.

During the 2021-2022 year, meetings were held virtually on the following dates:

- July 15-16, 2021 (Virtually)
- October 7-8, 2021
- December 2-3, 2021
- March 9-11, 2022

Meeting dates scheduled for the remainder of 2022 are:

- July 13-15, 2022
- October 6-7, 2022
- December 1-2, 2022

PRESENTATIONS

Each meeting included presentations, updates on the status of numerous projects, state and federal legislation, funding initiatives, and other information related to services for students with disabilities. These presentations provided the basis for much of the subcommittee work as well as the desire to have additional presentations on specific topics.

The following topics were presented by the VDOE staff or other community stakeholders:

- ABLEnow
- American Recovery Plan (ARP) Funds and their uses
- Annual Plan Applications for State Operated Programs
- Assistant Superintendent's Reports
- Continuing impact of the pandemic on students with disabilities
- Cortical Visual Impairment Briefing
- Department of Special Education and Student Services (SESS) update of Annual Report and Dispute Resolution
- Family Engagement in the Department of Special Education and Student Services
- Federal Relief Funding
- Implications to ensure young children's success in kindergarten
- Independent educational evaluations
- Joint Legislative Audit and Review Commission (JLARC) Reports
 - Children's Services act and Private Special Education Day Schools
 - K-12 Special Education
- Pandemic funding to support older students pursuing an Applied Studies Diploma
- Parent Ombudsman responsibilities and common themes heard from parents
- Priorities with special education and coordination with general education
- Private school education and the VDOE
- Impact of the COVID-19 pandemic on Early Childhood Special Education

- (ECSE) staffing
- Special Education initiatives and updates
- Statewide growth assessments
- Supplemental Guidance on Evaluation and Eligibility Briefing
- Supporting Local Special Education Advisory Committees (LSEACs)
- Update on the Applied Studies Diploma
- General Assembly updates and information on pertinent legislation
- Virginia Alternate Assessment Program (VAAP) update
- Virginia’s State Systemic Improvement Plan (SSIP) update
- Virginia’s State Systemic Improvement Plan report on stakeholder input

PUBLIC COMMENTS

A public comment period was held at each meeting. The SSEAC members appreciate the time and effort of Virginia citizens to attend or provide a written narrative of their commentary for presentation at meetings to ensure their voices are heard. During the 2021-2022 year, the SSEAC heard commentary on the following topics:

- School staff implementation of procedural safeguards and the roles and responsibilities of Individualized Education Program (IEP)
- Disparity and gaps in discipline and graduation rate data
- Alleged denial of eligibility and IEP services
- Comments regarding comparison of Virginia special education regulations with other states
- Support for specific legislation from the Virginia General Assembly
- Rules regarding fundraising in private schools
- Use of specialized transportation for students with disabilities

ISSUES IDENTIFIED THROUGH CONSTITUENCY REPORTS

Each member of the SSEAC was provided an opportunity during the SSEAC meetings to report on activities and issues from their constituency groups. During the 2021-2022 year, the following concerns were shared through each SSEAC member’s constituency report and are grouped by topic area as indicated:

Students with Disabilities (SWD)

- Access to services for students who aged out of services during pandemic
- Compensatory services
- COVID-related recovery services
- Early Childhood evaluations
- Eligibility determination and assessment participation of students with disabilities

- Transition Plans for students with disabilities
- Addressing learning or skill gaps
- Impact of new requirements regarding student growth assessments on students with disabilities
- Social-emotional learning and mental wellness
- Students with disabilities access and accommodations through services such as Virtual Virginia
- Students experiencing homelessness
- Students in Foster Care
- Human Trafficking

Schools

- Assessment/Accountability requirements
- Compensation and salaries for teachers
- Grant cycles for higher education teacher preparation programs supporting special education teachers
- Increased staff fatigue, mental health concerns, and stress
- Lack of school staff and substitutes
- Need for *McKinney-Vento Act* educational rights and school responsibilities training
- Need for training in Cortical/Cerebral Visual Impairment
- Implementation and continued implementation of the new VAAP/Virginia Essentialized Standards of Learning (VESOL)
- Specialists for students with visual impairments
- Teacher recruitment and retention
- Dispute Resolution

Community

- *Children's Services Act* (CSA) funding for private day schools
- Decrease in private day school census
- Divisiveness
- "I'm Determined" information dissemination
- LSEAC turnover/membership/involvement
- LSEAC meeting inconsistencies
- Parent stress and fatigue

TOPICS IDENTIFIED DURING SUBCOMMITTEE DISCUSSION

During the 2021-2022 year, the following concerns were shared during subcommittee discussion. The topics have been identified by each subcommittee and are listed below.

Family Engagement and Community Outreach:

- Convening of LSEACs in school divisions
- LSEAC use of public comment at the local level

- Monitoring tool for LSEACs
- Outlets for SSEAC information
- Providing support for LSEACs
- Parent Resource Center Funds

Student Achievement and Student Outcomes:

- Diploma options
- Incentives for recruitment of a more diverse teacher pool
- Pandemic funding
- Evaluation of students
- Standards of Learning (SOL) and graduation requirements
- Tools used for eligibility assessments

Policy and Regulations:

- Disproportionality of discipline for SWD and African American students
- JLARC Special Education K-12 Study
- Subsidizing tuition for teacher preparation programs
- Teacher recruitment and retention
- Teacher training and teacher licensure related to general education teachers’ support for SWD
- Transition Services

RECOGNITIONS

During the March 11, 2022, meeting, the SSEAC recognized Dr. Jeffrey Cassell (Local Superintendent Representative) for his six years of service, Christine Germeyer (Region 4 Representative) for her six years of service, Brian Summo (Private School Representative) for his six years of service, Aaran Kelley (Foster Care Representative) for three years of service, Justin Gatling (Individual with Disabilities Representative) for his three years of service, Rob Schwartz (Individual with Disabilities Representative) for his three years of service, and Amanda Kelsey (Region 7 Representative) for her one year of service.

COMMENDATIONS

The SSEAC would like to recognize and thank the Assistant Superintendent of Special Education and Student Services, Dr. Samantha M. Hollins, and her team for keeping children with disabilities a priority throughout the year. Additionally, we would like to commend the Board and the VDOE for the following accomplishments this past administrative year:

- Completing revisions to “Model Guidance for Positive and Preventive Code of Student Conduct Policy and Alternatives to Suspension”
- Creation of the Virginia Career and Learning Center for School Mental Health Professionals (CLC)

- Creation of webinars using YouTube to connect with families
- Development of Critical Decision Points (CDP) modules for administrators
- Development of modules for creating high-quality present levels of performance summaries for use in the development of IEPs
- Development of Virginia SEL Guidance Standards
- Engagement of multiple stakeholders in the development and implementation of the new VAAP and statewide dissemination of guidance
- Focusing on recovery services for SWD due to the pandemic
- Informing school divisions of available *CARES Act* and American Rescue Plan funding
- Standards-based IEP technical-assistance document and training modules
- Teacher recruitment and retention
- Updated eligibility determination documents
- Using the JLARC recommendations to drive decision making

The SSEAC would like to recognize the ongoing opportunities, partnerships, and initiatives for the last several years by the Board.

1. Initiatives:

- [Aspiring Special Education Leadership Academy \(ASELA\)](#)
- [GovDelivery](#)
- [Leadership in Effective and Developmentally-appropriate Services \(LEADS\)](#)
- [Virginia is for Learners Initiative](#)
- [Virtual Job Shadowing](#)
- Twitter: @VDOE_SESS and #FamilyEngagementFriday
- #GoOpenVA: Open Educational Resources

2. Opportunities:

- [I'm Determined](#)
- [Career and Technical Education Consortium of States](#)
- [Start on Success](#)
- [Workplace Readiness Skills Toolkit 21st Century Readiness Skills](#)

3. Partnerships:

- [Autism Center for Excellence \(ACE\)](#)
- [Center for Family Involvement \(CFI\)](#)
- [Center for Transition Innovations \(CTI\)](#)
- [Council for Exceptional Children \(CEC\)](#)
- [Formed Families Forward \(FFF\)](#)
- [Parent Educational Advocacy Training Center \(PEATC\)](#)
- [PEATC Transition University](#)
- [Training and Technical Assistance Centers \(TTAC\)](#)
- [Virginia Assistive Technology System \(VATS\) Lending Library](#)
- [Virginia Board for People with Disabilities \(VBPD\)](#)
- [Virginia Department for the Blind and Vision Impaired \(VDBVI\)](#)
- [Virginia Tiered Systems of Supports \(VTSS\)](#)

RECOMMENDATIONS

As we hopefully are coming to the end of the current crisis, we must keep in mind the damage it has done to our students with disabilities, school employees, parents, and the community at large. It may take years before we are able to truly say that the COVID-19 pandemic is behind us. For the past several years, we have focused on mitigation efforts, virtual learning, mental health needs, disruption to academic, behavioral, and social progress, and efforts to fill learning gaps. We need to move our focus to identify the next steps in the education of SWD, teacher recruitment and retention, community involvement, social and mental health needs of the community, and the overall success of our students.

Our priorities remain for students with disabilities. Over the past year, their needs and how we can improve their educational experiences were discussed in depth. This committee is a small sample size of the greater population, and it is important for us to hear from as many people throughout the Commonwealth as possible to ensure we are conducting business to best support our students, families, and educators. We encourage participation not only from our constituency representatives but the general public as well. It is our responsibility to extend an invitation to anyone involved with our students to hear their voices and concerns so that we may best report to the Board of Education.

We understand that our work is built upon prior years and our goals may take several years to accomplish. However, this is the purpose for which this committee was created. With input provided through our constituents, public comment, VDOE staff, and numerous presentations, we have endeavored to excel at understanding the various issues that members of the Commonwealth expressed and have incorporated this information in the following recommendations.

- The SSEAC encourages the Board to continue its work to ensure that teachers seeking an initial issuance or renewal of a teaching license have demonstrated proficiency in differentiating instruction, understanding their role as a teacher on an IEP Team, implementing effective models of collaborative instruction, including co-teaching, and understanding the goals and benefits of inclusive education for all students.
- The SSEAC recommends that the Board continue to engage in discussion with all stakeholders on ensuring that initial teacher licensing requirements include a practicum in special education and more in-depth credit-bearing coursework covering all disability categories.
- The SSEAC recommends that the Board continue to support the efforts of the VDOE to develop and maintain a statewide strategic plan for recruiting and retaining special education teachers by implementing and directing the use of additional resources outside of the pandemic funding that is already in place to support these efforts.
- The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* requires every local school division to have a local special education advisory committee (LSEAC), and the JLARC report sought more collaboration with the LSEACs. Therefore, the SSEAC recommends LSEACs, special education directors, and ASELA

participants engage in online SEAC training and attend SSEAC meetings. LSEACs would benefit from the development of a four-meeting agenda that includes an annual orientation, school report card review, budget discussion, and review of the annual plan.

- The SSEAC would like the Board to study the feasibility of allowing SSEAC to be livestreamed in an effort to increase awareness, knowledge, and active engagement of the public.
- The SSEAC also recommends the Board continue its efforts to ensure that the membership of the SSEAC is representative of the Commonwealth.
- Recommendation that Board consider moving to diploma options in which graduation requirements are based on course credits and grades rather than Standards of Learning.
- Emphasize the importance of “individualization” of the IEP to ensure students receive an appropriate education tailored to their specific needs to overcome educational gaps.
- Recommendation for continuation of [HB1800](#) of the 2021 *Appropriations Act*, which authorized a temporary extension of eligibility for any student with a disability who received special education and related services and reached the age of eligibility in the spring of 2021 and was given the option for an extension to attend high school for the duration of the 2021-2022 school year; to include all students with disabilities who have reached the age of eligibility and are scheduled to complete high school in any cohort of students impacted by the pandemic.
- Recommendation that the VDOE continues to focus on the guidance, training, and technical assistance for local school divisions in supporting and serving students with disabilities with a history of neurological impact and atypical visual behaviors. Students with Cerebral/Cortical Visual Impairment (CVI) require instructional support and material as well as environmental adaptations that are different from those required by a child with an ocular visual impairment in order to identify the resources necessary to promote learning and achievement.

CONCLUSION

The opportunity to report our efforts and recommendations to the Virginia Board of Education (Board) is greatly appreciated. We maintain that students with disabilities should be prioritized by considering and implementing the recommendations listed above. We appreciate the opportunity to work alongside the VDOE and the Board.