SSEAC Meeting Minutes
July 17 & 18, 2003
Approved August 28, 2003

Thursday, July 17, 2003

The executive committee met and reviewed the agenda.

The full committee convened at 8:30.

Present: Charlene Christopher, Emily Dreyfus, Stan Boren, Anne Fischer, Elizabeth Vincel, Leslie Snyder, Carmen Sanchez, Linda Richardson, Karen Tompkins, Fannie Page

Staff: Pat Burgess, Judy Hudgins, Sarah Dickerson (Senate Finance)

Others: Cheryl Ward (Endependence Center)

Charlene opened the meeting, introduced and welcomed the new parent from region 8, Linda Richardson. All committee members introduced themselves to Linda.

Business

The minutes from the May meeting were posted on the Web site after review by committee members by email. No further changes were requested.

Membership Committee. The committee has received an application for the vacancy in Region 3. The committee will meet today to review the information and report to the board. Carmen, Stan, Emily are on the committee.

Nominating committee. Elizabeth Vincel, Leslie Snyder and Ann Fischer were appointed to make up the nominating committee to find a replacement for the office of vice Chairman. They met during the meeting and nominated Leslie Synder.

Public Comment Policy - Pat Abrams is working on a template of a letter. This will be sent to the committee by email.

Priority Setting. Charlene led the discussion to set a priority list for the coming year. Some ideas to focus on: OSEP report, reauthorization of IDEA, and graduation rates.

There was a lengthy discussion by committee members highlighting the fact that the scheduled discussion on IDEA may help with the priorities list. Judy Hudgins shared with us what she learned in the meeting at Mountain Plains concerning planning and Advisory committees. She heard many good ideas from other states with difficulty gathering members for meeting.

Further discussion centered on the fact that during the State Improvement Plan process we were organized for that project and that this is a good time to evaluate our structure and goals. We were also reminded of the importance of orientation for new members, which serves to help them understand our focus and refresh current members on our direction as well.

Proposed Calendar: The meetings for the next year were scheduled as follows: October 2- 3, 2003 , January 22 – 23, 2004, March 31, April 1- 2, 2004 (March 31 is for Annual Report subcommittee), July 15-16 , 2004 Dates will be circulated among all members for final check

Annual report

Charlene conveyed her thanks to all who contributed to the report, with a special thanks to Emily for her assistance. The format is a little different this year, and it was not presented to the board in July due to concerns about the report that were not resolved before the date it was to be presented. The concern was with page 5, which addresses graduation rates and participation rates of special education students. The motion in the minutes concerns the gap that exists in the graduation rates between students with disabilities and students without disabilities. As it stands the motion would urge the Board of Education to suspend the graduation requirements. We discussed whether we should remove it, make a motion to reconsider, or look at an alternative.

Leslie Snyder stated that the original intent of the motion was to ask them to postpone the graduation requirement until more data could be collected. Carmen reminded us that she and Heidi had questioned the way the motion was stated in the minutes before the final copy of the minutes was approved, but she did not follow up. Apparently the motion printed was the first one we discussed, but a rewritten motion was actually passed. The committee decided to insert the proper wording as follows:

MOTION Leslie Synder moved and Emily Dreyfus seconded that:
The SSEAC urges the board of education to consider postponing the 8th grade SOL assessment requirements for H.S. graduation for students with disabilities until the broad gap on 8th grade SOL passing rates between students with and without disabilities as noted above, can be addressed and narrowed. Motion carried

Emily felt that an explanation should accompany the motion explaining our concern with the current situation.

Committee concerns:

- Kids are going to be affected in the coming year and will not receive a diploma. The impact is now and cannot wait for a study to be done.
- Much money was cut from the remediation effort this year.
- Many special education students need to be tested closer to the time that information is presented.
- A new accommodation idea may be to allow us to test in chunks instead of asking them to retain for such a long period of time.

- The yearly testing required by NCLB will help some.
- We have data on kids who are not passing the 8th grade test after remediation
- The word postpone should be used as we agree with including students with disabilities in accountability measures, but feel that more work needs to be done before children's' future opportunities are changed.

The committee felt that some clarification needed to be added to the report to explain why we were making the recommendation.

MOTION
Carmen Sanchez moved the following motion and seconded by Emily Dreyfus to be included with the previous motion.

The SSEAC recognizes the importance of including students with disabilities in the Standards of Learning (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. At the April meeting the SSEAC unanimously passed the following motion:

The SSEAC urges the board of education to consider postponing the 8th grads SOL assessment requirements for H.S. graduation for students with disabilities until the broad gap on 8th grade SOL passing rates between students with and without disabilities as noted above, can be addressed and narrowed.

The motion came out of the committee's concern for the long-term repercussions for students with disabilities who leave school without a modified standard diploma, 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 those concerns. The motion carried.

The new language will be inserted in the annual report and the report will be presented at the September Board of Education meeting.

IDEA

A conference call was held in June to discuss IDEA. The committee was using a side-by-side chart with a comparison of IDEA '97 to HR 1350 Engrossed to Introduce Senate Bill. Our first task was to prioritize our areas of greatest concern or those that will have the heaviest impact.

Criteria

- A major change in law or a major shift
- A new mandate
- Restricts parental or students rights more than original (1997)
- Maximize students' independence and success or threatens
- Encourages expansion of students' and parents' rights
- Places or removes additional responsibility on school systems
- Directly impact on SSEAC

The committee then made a list of concerns concerning the new bill.

Concerns of committee:

Student discipline
IEPs – objective, 3year
Paperwork Reduction
Personnel Standards
Professional Development
Due Process Monetary Awards (restriction of)
Monitoring and enforcement
Procedural due process notice to Parents
Definition of membership for SSEAC (p27and 28)
Binding arbitration sec615 p2&9
Disproportionality sec 618 p4
LD eligibility criteria
Transition plan requirements
Elimination of 2 categories of exceptionalities
"State Improvement grant" requirements
Alternate Assessment (3rd category)
Focus on pre-referral (early intervention) services
Universal design for assessments
Removal (by choice) of general education teacher sec. 614, p.15
Or other members

The committee felt this list did match the criteria and voted on the top concerns

Top concerns –

1. IEPs
2. Student Discipline
3. Personnel Standards
4. Professional Development

It was decided that we would combine concerns #3and #4 so that we would be working with three concerns. The concerns would be bulleted, then emailed to all committee members for their comments.

IEP requirements

- 3 year IEPs (how is annual review significant)
- No short-term objectives
- No general education teacher required during discussions that are not related to general education participation
- IEP team composition questions
- Measurement standards for 3-year (AYP)
- Same goals over 3 years with no progress
- Present level of performance vs. present level of academic achievement (AYP) (clarification of academic)
- Not having to reconvene to make amendments to annual IEP
- Nation-wide model IEP
- Related service personnel may be excused

Student Discipline

- Manifestation determination-rights are removed in House Bill (HB) 1350
- FBA not requirement
- Removal to IAES for up to 45 days w/out meeting
- Serious bodily injury
- No expedited Due Process provisions in HB
- Addition of violation of student code of conduct policy
- LEA deemed not to have knowledge of disability if parent refuses evaluation
- Word "punishment" in HB

Personnel Standards and Professional Development

- Major teacher shortage in special education; where do you find them?
- Definitions and requirements will make the shortage worse.
- What happens if they're not available
- How to encourage teachers to go into special education
- Definition of highly qualified personnel proposal to make it match NCLB
    - No emergency, temporary, provisional licenses
    - Self contained teachers will have to have multiple endorsements
- Consultative services changes definition
- Related service personnel isn't in senate bill
- Why the issue of cost effective under strategies for professional development

MOTIONS related to above concerns

Student Discipline

Emily moved and Carmen seconded that:
The SSEAC supports the current IDEA school discipline protections for students with disabilities, including manifestation determinations, functional behavior

assessment and current procedures for changing a student's educational placement. Motion passed.

Personnel Standards/Professional Development:

Motion: Stan moved and Elizabeth seconded that:

The SSEAC supports the senate version section 602 definition of Highly Qualified; Consultative Services excluding (section iii) and (section. iv).

Sec 602 (definitions)
(10) Highly Qualified; Consultative Services-

A) Highly Qualified- The term "highly qualified", when used with respect to any special education teacher teaching in a state, means a teacher who-

(i)(I) meets the definition of that term in section 9101(23) of the Elementary and Secondary Education Act of 1965, including full State certification as a special education teacher through a State approved special education teacher preparation program (including certification obtained through State or local educational agency approved alternative routes); or

(II) has passed a State special education licensing examination and holds a license to teach special education in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's statute on public charter schools; and

(ii) does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(iii) if the teacher provides only consultative services to a regular education teacher with respect to a core academic subject, the special education teacher shall meet the standards for subject knowledge and teaching skills described in section 9101(23) of the Elementary and Secondary Education Act of 1965 that apply to elementary school teachers; and

(iv) if the teacher provides instruction in a core academic subject to middle or secondary students who are performing at the elementary level, the teacher shall meet the standards for subject knowledge and teaching skills described in section 9101(23) of the Elementary Act of 1965 that apply to elementary school teachers.

(B) Consultative Services-As used in subparagraph (A)(iii), the term" consultative services" means-

(i) consultation on adapting curricula, using positive behavioral supports and interventions, and selecting appropriate accommodations, and does not include direct instruction of students; or

(ii) teaching in collaboration with a regular education teacher or teachers who is or are highly qualified in the core academic subjects being taught.

Motion passed.

IEP Concerns

Carmen moved and Leslie seconded that:
The SSEAC supports the IEP provision contained in the senate Bill for annual IEPs with short-term objectives, with a 3-year option for transition planning.
Motion passed

Karen moved and Fannie seconded: **We support full funding of IDEA .**
Motion passed.

Public Comment:
Cheryl Ward – Educational Advocacy Coordinator-Endependence Center

Cheryl read a letter from Maureen Hollowell, which stated that she was leaving with us materials concerning the Olmstead decision. Also included an invitation to the annual A Call to Action Conference to be held October 18 in Richmond. The conference will address IDEA, No Child Left Behind, Coalition Building in Local Communities, Special Education Advisory Committees and Diploma Options.

Parent Newsletter—Carmen
Because it is difficult to communicate with parents in our regions, the committee agreed some time ago that a newsletter would be helpful. Carmen shared with us the first draft newsletter which she has ready to send. Comments and editorial changes were shared with Carmen. The newsletter will go to chairs of the Local Special Education Advisory Committees and Parent Resource Centers, and may be distributed to parents at their discretion.

Teacher Licensure presentation by Pat Burgess
Pat provided a handout, Summary of Proposed Revisions. This document outlines the proposed changes in teacher licensure. The committee will be informed when the document is ready for public comment. Pat took us through the summary to highlight changes for us to review.

Membership Committee Report
Stan reported that the committee did receive four applications from region 3. After review, the membership committee forwarded the applications to DOE staff for the Board of Education's final selection.

Nominating Committee Report
The nominating committee met and reported that Leslie Snyder has accepted the nomination as Vice Chair. Stan moved and Carmen seconded to accept the report of the Committee. Motion passed.

Subcommittees were given time to meet.

Future agenda item:
Carmen requested discussion on assessment accommodations, i.e. it is her understanding that the large print SOL the number of test items is not exactly the same number as the regular test. This could include the technology end of accommodations.

Adjourn 4:15

Friday July 18, 2003

SOP Annual Plan Review (Handout included)

Stan gave an overview of the presentation given on the SOP Annual Plan. The handout outlined the highlights of the meeting. Stan suggested that we have the presentation at the April meeting next year for the whole committee to hear. Discussion was held as to the numbers of students at detention centers – 53 % ED, 25 % LD. Fannie confirmed that numbers have increased, most are already diagnosed upon arrival at a facility. The committee recommended that the presentation by SOPs be scheduled in April. The subcommittee would still review the annual plans of the SOP at a later date.

Director's Report

Emily requested an email update from the DOE, since we are not having a report this morning. Judy will pass on this request.

Public Comment update

Previous public comments were discussed and DOE staff members have addressed the concerns expressed.

Constituency Reports

Region 5, Emily Dreyfus: There is a concern in her area about paraprofessionals not being retained. Charlottesville SEAC recommended a raise in pay, which was not acted upon by the LEA. The area is looking at a shortage now as well as how to retain and recruit. Another concern is VAAP and SOL participation rates. It appears that many are not taking more than 1 SOL test. Judy commented that this is changing because of NCLB. The data being collected will help assess this. NCLB has the Alternate Assessment linked to the grade-level curriculum. She had heard that a third assessment may be added to create a more close alignment to the grade-level curriculum, and recommends that the SSEAC receives information and offers input on this issue. Judy is going to suggest to Pat that we receive notices of trainings by the DOE so we can get the flavor of these issues. The companion document table of contents to the procedural safeguards is being formatted. The final format is in Question and Answer form. It will be posted on the web site, and a Superintendent's Memo will be sent to localities explaining that the document is to be given to parents with the procedural safeguards.

Karen Thompkins has resigned her position with the private school, She is hoping to remain in the private school sector. If not, she may have to leave the committee and will keep the committee apprised of her status.

Region 2, Ann Fischer– Her LSEAC is still dealing with disability harassment. They are exploring ways to resolve an issue that occurred last year. Extended school year (ESY) is another concern because planning by most systems is put off until the last minute. Least restrictive environment (LRE) is affected as well as the actual ESY. Free appropriate public education (FAPE) is not carried out if these are not met.

Charlene Christopher shared news from the National Education Association (NEA) convention. She informed the committee that due to concerns on the following topics: Highly qualified personnel, Testing requirements, Implementation of ESEA and its numerous unfounded mandates, a lawsuit will be filed. The NEA has suggested over 47 technical amendments to the ESEA. In addition, Virginia Education Association (VEA) and the DOE are collaborating onsite to host a videoconference scheduled for August 7 from 1:00-3:00. The videoconference will be on IDEA 97 Council for Exceptional Children (CEC) Pathway Guide. Judy will let us know where the teleconference locations will be. The Pathway Guide includes a videotape and a CD to help understand the current law. Everyone needs to know the actual law and not just rumors of what the law is.

Person with a disability, Leslie Snyder - Leslie attended the Transition Outcomes Project presentation. She was really impressed with the information she received. The purpose of the project is to help systems manage compliance with IEP-secondary transition requirements and to foster better planning by IEP teams for students when they complete high school.

DOE, Judy Hudgins- There are new priority projects at the DOE that will involve collaboration between the DOE staff and the T/TACs. Information on these priority projects will be presented at our next meeting.

Subcommittee Work

Olmstead Draft
A letter from the SSEAC commenting on the draft state Olmstead Plan was to be developed, approved, and given to Judy Hudgins to send to DMHMRSAS.

Results for Students - Emily reported sub committee's concerns and some remedies they discussed. Discussion revolved around the achievement gap for students with disabilities (SWD) and ways to ensure that students succeed.

Specific problems:

1. High school graduation rates and drop-out and non-completion rates
2. Students with disabilities who are not achieving to their potential
3. Lack of passage of 8th grade SOL tests

4. Lack of exposure to the general education curriculum

REMEDIES – Local Educational Agencies (LEA)/DOE ACTION

a. Delay high stakes graduation requirement for SWD.

b. Modifications and supports in the general education classroom will raise achievement for students with disabilities.

c. DOE's priority projects are being strategically designed to foster students with disabilities' access to the general curriculum and achievement in the least restrictive environment (LRE). We recommend that LRE be integrated into each of the relevant priority projects with advance planning and strategic development of the ways that LRE will be included to raise student achievement. We request that DOE provide the SSEAC with continuous updates about priority project progress, particularly the ways that priority projects are addressing LRE, as well as consistently communicate to school personnel about these projects, and solicit SSEAC members' feedback on products and planning.

d. Information about Positive Behavior Supports and Behavioral Intervention Plans, as well as classroom management strategies, need to accompany Scope and Sequence material. (They may already be included; the sub-committee members had not yet received information about Scope and Sequence content).

e. Alternative assessment – need to develop a rigorous assessment that is closely related to the regular education curriculum, so that student progress can be accurately measured.

f. IEP form needs to include a note that at the 9th grade level the Modified Standard Diploma (MSD) option must be checked to reserve that right in case a Standard Diploma requirements aren't met. Need to indicate that more than one graduation option can be checked.

g. Reading programs – need increased intensity in early years and earlier diagnosis, need diversity of instructional strategies for teaching reading, and comprehension.

h. Remediation – need to include and expand remediation programs for students with disabilities. LEAs need to know they can access reading resource teachers and other specialists for students with disabilities whether they are in a general education or segregated classroom.

i. With adequate planning, special education teachers can focus remediation on specific subject area, student will take SOL in that area, then move on to focus on another subject area and be assessed there ("chunking").

j. Cross-categorical licensure with reading emphasis will help with this; licensure in mild-moderate disabilities and moderate-severe disabilities would also help.

k. Model programs should be shared and replicated so that successful participation and achievement strategies help others.

l. Improvements to IEP's – need additional training and monitoring/enforcement to ensure that IEPs are meaningful and have measurable goals.

m. IEP results – lack of mastery needs to be followed-up, strategies need to be changed, and literacy/math skills especially need to be achieved (at a minimum).

n. Tracking dropouts – students who don't come back to school need to be followed up and more rigorously tracked. More accurate data is needed to capture the number of children who aren't officially called "drop-outs" but who don't complete school, especially if the high stakes graduation requirements aren't delayed.

o. Model programs should be shared and replicated, so that successful student LRE participation and achievement can be replicated. This is also relevant to the need to promote high quality curricula for students placed in segregated special education classrooms.

p. Administrators and teachers need to be encouraged and assisted to include students with disabilities in general education, and in state and local assessments. Monitoring needs to closely examine LRE and enforce requirements, ensuring that students are placed in the general education classroom. LEA's responsibilities for the success of students with disabilities needs to be more clear.

FAMILY ACTION

a) Families need to know that 9th grade IEPs and beyond need to have modified standard diploma and standard diploma options (if potentially possible) checked off.

b) Families need understanding of accountability and why participation in state and local assessments is important.

c) Families need understanding of IDEA and how to effectively communicate with schools.

d) Families need to know about positive behavior supports and behavior intervention plans.

e) Families and local special education advisory committees need information on the achievement gap between students with disabilities and students without disabilities.

Personnel Development
Stan shared that this committee reviewed the Licensure Document that was shared with the full committee yesterday. They were also looking at future topics for their committee.

Parent Involvement
Anne reported that their emphasis is now on the development of the new local special education advisory committee (local SEAC)document. This is in the format stage for editing. The committee discussed questions and concerns brought forward and have passed them on to see if they can be addresses as editing is completed. The committee is also looking into how to best utilize contact with the local SEAC's to let them have information from our committee. It is their feeling that the relationship between this committee and the local committees is paramount to the larger picture. Another issue discussed: How to increase parent involvement in seminars and workshops.

Proposed October 2 & 3 SSEAC Agenda

Thursday October 2, 2003

7:45 – 8:30 – Executive Subcommittee* Meeting
(*Note-only the executive subcommittee members meet during this time; the full SSEAC will convene at 8:30 AM)

8:30 – Call to Order – Welcome and Introductions

8:45 – 11:15 Business Items
- Approval of Minutes
- Membership
- Public Comment Policy
- Priority-setting (Discussion on using template for subcommittee work and gathering constituency feedback.) Rich Lewis

11:15 – Break

11:30 – Public Comment

Friday October 3, 2003

8:00 AM – Call to Order

8:00 – 11:30 Reports:

- Assistant Superintendents/Directors
- Public Comment Follow-up
- Constituencies

Topics:
Accountability and Assessment Participation
DOE Priority Projects
Restraint and Seclusion Guidelines Update
Local Improvement Plan Evaluation Study Findings