

DRAFT

MINUTES

of the

***State Special Education
Advisory Committee Meeting***

July 17-19, 2002

***Radisson Hotel Historic Richmond
302 West Franklin Street
Richmond, VA 23220***

**State Special Education Advisory Committee Meeting
(SSEAC)
Radisson Hotel Historic Richmond
302 West Franklin Street
Richmond, VA 23220
ATTENDANCE
July 17-19, 2002**

Committee Members:

Stan Boren
Charlene Christopher
Emily Dreyfus
Anne Fischer
Kristine Kiley
Heidi Lawyer
Fannie Page
Shirley Ricks
Carmen Sanchez
Leslie Snyder
Kevin Sutherland
Karen Tompkins
Elizabeth Vincel
Michael Wong

Department of Education (DOE) Staff:

Pat Abrams
Jim Brashears
Judy Hudgins
Sheila Miller
Cathy Pomfrey
Sandra Ruffin
Paul Raskopf
Doug Cox

Committee Members Absent:

Eileen Deckard
David Martin
Robert Richardson
Sharon Stacey

Guests:

Rich Lewis - MSRRC
Maureen Hollowell – Endependence Center,
Inc.

Thursday, April 18, 2002

Charlene Christopher, Chair, welcomed members and asked everyone to introduce himself or herself.

Business Items

Old Business

Approval of Minutes – Jan. 2002 were approved. April 2002 minutes were adopted by consensus with corrections.

2001-02 Annual Report – Committee members will send comments on the first two sections to Charlene. Charlene will revise part three (Future Issues and Improvement).

Readability of Department of Education (DOE) Parent Materials – Emily indicated that Judy Hudgins requested a clearer charge of the readability work group. Pat expressed that Procedural Safeguards and current Parent Guide are not going to be revised. The DOE would find it helpful for recommendations for criteria/guidelines to use while developing new materials, which address diverse reading ability of the parent population.

Discussion

- Anne suggested that DOE create appendix to Parent Guide.
- Carmen thought that abstract guidelines are too difficult; it depends on the document; and agreed with Anne that an additional document explanation in lay language for the Procedural Safeguards, and an appendix for certain difficult section of the Parent Guide would be helpful.
- Emily indicated that SSEAC should give basic advice to DOE to use. Emily made a motion to publish 95 % of the materials at the 6th grade reading level, with exceptions (ie: “manifestation determination”) and with sufficient time for SSEAC to review during the development of any parent material.
- Mike raised the question if 6th grade was the correct standard to use.
- Leslie commented that 6th grade is high.

Emily withdrew her motion. Anne made the following motion, which was seconded by Emily and passed.

Motion - The SSEAC recommends that materials geared towards parents as the primary audience be at a 6th grade reading level and that those materials be available to the SSEAC and Parent Resource Centers to review while the materials are being developed.

- Ann expressed concern that the motion did not address readability issues with the current Procedural Safeguards and again recommended a companion document to the current Procedural Safeguards.

Carmen made the following motion, which was seconded by Emily and passed.

Motion - The SSEAC charges the subcommittee on readability to work with the DOE to develop a companion document to the Procedural Safeguards document that is readable at the 6th grade level. The document will be reviewed by the SSEAC no later than July 2003. The subcommittee will also develop recommendations for the use and dissemination of the document.

Readability subcommittee members volunteered and include: Emily (chair), Carmen, Leslie and Anne. Pat requested that Emily invite Rick Richardson to serve as an administrator representative. Judy Hudgins will be staff to this ad hoc committee.

Student Advisory Committee Recommendations to the Board of Education Related to Developmental Support Programs for Students with Disabilities

Discussion

- Emily & Anne expressed that the SSEAC (via the chair) should write a letter to the committee
- Anne added the suggestion to provide references to Council for Exceptional Children (CEC) and VA's Exceptional Children's Week; identify LEAs that have recognition programs. Pat commented that DOE does not collect data on LEA's student recognition programs. Anne suggested that SSEAC parent reps could get information from Local Advisory Committees (LACs). The complexities of having such a recognition program were discussed with awareness of the different philosophies of having separate programs or integrating students with disabilities into general programs.
- Heidi suggested that students with disabilities could be integrated into general recognition programs by modifying criteria for recognition.
- Leslie commented that her students want to be recognized for achievements that seem small or easy to other students without challenges.
- Carmen suggested that SSEAC respond to the Student Committee by recognizing that this is a complex issue, and that students should be involved at the school level in advising the school's student achievement recognition program.
- Anne suggested the SSEAC reply to Student Committee should be communicated to LACs so that LACs can ask what is happening at their local level.
- Charlene mentioned that this should be integrated with the No Child Left Behind (NCLB) Act requirements.

There was agreement that Charlene develop the letter response to the Student Advisory Committee and include other resources such as CEC, other groups, a list of Web sites, etc. that address recognition of students/people with disabilities.

Reports

Assistant Superintendent – Doug Cox

- **VSDB Consolidation Update** – Governor Warner vetoed the VSDB consolidation bill. DOE

staff is working with the schools' superintendents to build database looking at facility, students, graduation, etc. DOE has not been contacted or directed to conduct any further study.

- **Individuals with Disabilities Education Act (IDEA) Reauthorization Update** – Doug Cox provided a presentation on the DOE's comments about IDEA that were submitted to the US Office of Special Education Programs (US-OSEP) in February.

Public Comment

Maureen Hollowell, Director of Advocacy and Services, Endependence Center Incorporated –

“Virginia continues to institutionalize children with disabilities. Most of these children are in four institutions: Iliff in Fairfax, Lake Taylor in Norfolk, St. Mary's in Norfolk, and Holiday House in Portsmouth. To follow up with my public comment on this issue last year, I request that the SSEAC receive information on this issue from the Department and that the SSEAC discuss how services and LRE for these children are monitored.

The SSEAC should consider developing comments to provide advice to the Virginia Board of Education regarding IDEA amendments and IDEA reauthorization.”

Charlene summarized the comments and made reference to using the SSEAC's newly developed public comment policy once it is adopted (scheduled for this meeting).

IDEA Update (continued) - Doug continued with the IDEA reauthorization update presentation. Charlene requested a written copy of the letter sent by DOE of its comments to the United States Office of Special Education Programs (US-OSEP). Doug encouraged individuals to comment on the President's Commission report when the US-OSEP announces its 30-day comment period on its Web site.

- **No Child Left Behind (NCLB) Act Update: Issues for SSEAC** – Doug presented information on the known requirements and identified the questions/issues that have not yet been answered by the federal offices. Pat encouraged SSEAC members to review the DOE Web site on a weekly basis and not expect that staff will always anticipate information requests/needs; the Superintendents Memos are posted every Friday so by Monday mornings these are available on the Web site. There is a Question/Answer document on NCLB.
- **President's Commission on Excellence in Special Education Update** – This report was recently issued. Doug provided a brief review of this report. Copies of the findings and recommendations were disseminated to members.

US-OSEP Continuous Improvement Monitoring – Doug provided an update from the US-

OSEP national Leadership meeting held on July 17th. US-OSEP identified priorities, which included:

- Effective state supervision, dispute resolution and monitoring with a results-based focus
- Family involvement
- Accountability for results/outcomes of students
- Inclusion in typical settings with non-disabled peers and the necessary supports
- Transition from early intervention to school
- Secondary transition
- Enhanced social, emotional, academic development through use of positive behavior supports and school climate.

US-OSEP will collect data from states. They still need to establish new data collection mechanisms. They will establish benchmarks and categorize states on those to use as triggers to focus their monitoring on a “level basis” in terms of intensity and involvement with states. Copies of US-OSEP’s current document will be sent to SSEAC members for their information.

Discussion

- How will the SSEAC address comments on IDEA reauthorization? Doug suggested that the senate/house bill, scheduled to be introduced in September 2002, be discussed at the October meeting.
- Concern was expressed about ensuring that parents of students with disabilities affected by NCLB local school choice plan, be informed that this policy is available to their student. Doug repeated that there are 34 or 35 schools that are in “school improvement” starting this school year that will have to be worked with if questions arise that federal policy has not yet addressed.

Heidi made the following motion, which was seconded by Stan and passed.

Motion – There will be a special called meeting of SSEAC upon the introduction of an IDEA reauthorization bill in Congress to provide recommendations to the state Board of Education.

Special Education State Improvement Plan (SSEIP, formerly known as “SIP”) & Biennial Performance Report – Pat distributed copies of the December 2001 revised improvement plan (SEIP). The Plan and last report are available on the Web site. The next state report will address the revised format and performance indicators. Paul Raskopf presented information that was included in the new Biennial Performance Report that was submitted to US-OSEP May 31st. The areas covered in the report were: state assessment, school dropout, school graduation and completion, suspension and expulsion, and disproportionality.

Discussion

Heidi expressed concern from her experience and other parents who she has heard from, on the validity of the Alternate Assessment Program (VAAP). Pat indicated that there is a VAAP process and steering committee and that if the SSEAC wants to request more information on the

validity of VAAP, it should be planned for a future meeting.

Parent Report Findings – Judy Hudgins distributed two reports and a list of figures from parent survey studies conducted at the national and state level. Members were asked to read the reports for discussion on Friday.

SOP Review Subcommittee – Kris Kiley, chair of the subcommittee provided the report, which was received by the SSEAC, with the recommendation that VDOE staff members explore the need for SOPs to have advisory committees. They look forward to the report/update from Karen Trump. Shirley Ricks requested that SOP staff be involved/consulted.

SSEAC Subcommittee Structures – Charlene offered three options for new subcommittee structures.

Mike made a motion to adopt option #3 based on the Special Education Improvement Plan, which was seconded by Kevin.

Discussion

Heidi suggested changing the name of one of the subcommittees to student outcomes or results.

Motion – SSEAC subcommittee framework will be based on the strategic directions of the state's Special Education Improvement Plan:

1. Results for Students
2. Personnel Development
3. Parent Involvement

Members who were present at the meeting selected subcommittees; Charlene suggested subcommittee member assignments as follows to include absent members:

1. **Results for Students** – Heidi Lawyer, Carmen Sanchez, Michael Wong, Leslie Snyder, *Emily Dreyfus, David Martin
2. **Personnel Development** – *Elizabeth Vincel, Karen Thompkins, *Kevin Sutherland, *Stan Boren, Fannie Page, Eileen Deckard
3. **Parent Involvement** – *Anne Fischer, *Kris Kiley, Rick Richardson, Sharon Stacey, Shirley Ricks

* Executive committee members.

Other Ad Hoc Subcommittees:

- **Membership** – Stan Boren (chair) Kris Kiley, Fannie Page
- **Readability** – Emily Dreyfus, Carmen Sanchez, Leslie Snyder, Anne Fischer

SSEAC Operating Procedure & Public Comment Policy – Charlene recommended a new set of operational procedures and policy to handle public comment.

Operating Procedures:

Members should respond promptly to the DOE secretary with requested information. (i.e. room reservations, adoption of the minutes, etc.)

SSEAC minutes will be circulated via email for corrections and adopted when there is a response from the majority of the members. Members are expected to reply with changes or no changes to indicate receipt of the minutes. When there is substantive disagreement, VA DOE staff will call the SSEAC member to attempt to reconcile differences. Posting of draft minutes to the Web site will occur within ten days to comply with the Freedom of Information Act.

Potential Committee members should be informed that there is a minimum requirement of eight days to serve on the SSEAC. These eight days are the two days for the four required quarterly meetings. This does not include the Executive Committee meeting or working on major projects. Subcommittee meetings may require additional days.

Absence of more than three days for two consecutive meetings would involve a telephone call to inquire whether the person is able to continue to serve. Unless the member has called to explain extenuating circumstances (personal illness, family illness, death in family, work related, etc.)

Public Comment Policy:

Public comment is to be received without SSEAC comment. The comment can be provided in person, written, faxed or email. The SSEAC chair or member summarizes the comment and forwards it to the appropriate DOE staff. Persons wishing to speak will be provided a written copy of the public comment policy and DOE will acknowledge receipt of the comment. This policy to be posted on the Web site and hard copy made available.

Motion – The SSEAC members agreed to adopt the operating procedures and public comment policy.

Calendar for Future Meetings – The following dates were set for future meetings:

- October 17-18, 2002
- January 9 – 10, 2003
- May 1 – 2, 2003
- July 17-18, 2003

Election for At-Large Member of Executive Committee – Anne Fischer was unanimously accepted as the new at-large member.

Friday April 19, 2002

Business (continued)

Continuous Improvement Monitoring Process (CIMP) General Supervision Update – Provisions for Ensuring Compliance – Sandra Ruffin provided an update on provisions for ensuring compliance.

Discussion

Emily expressed concern that an LEA could take 5 months to correct a problem – and even more if the problem involves renovation, reassignment of personnel, employment of qualified personnel, etc. – and that uncooperative schools can continue to violate students' rights. Jim Brashears provided examples of situations when he required problems to be addressed immediately (before leaving the on-site visit).

Future Agenda Items – The following areas were identified by committee members. No specific dates were indicated for these items. Pat indicated that staff would collaborate with Charlene to arrange schedule for these items to be addressed, probably across several meetings.

1. **Dispute Resolution: Mediation, Complaints, Due Process** - (Judy Douglas, Art Stewart)
2. **Scanning Process & Training** – 1 ½ hours (Lissa Power-deFur)
3. **Medicaid & Medicaid Waivers** (Lissa Power-deFur, Amy Edwards –DOE; Shirley Ricks will coordinate –MHMRSAS & representative from DMAS, Medicaid Waiver Network)
4. **Nursing Homes** – Requests for number of children, description of their education programs, how they are monitored (Sandra Ruffin)
5. **Alternate Assessment Validity** - (Nate Sparks, Sharon Siler)
6. **Instructional Support Teams** - (Don Fleming, IST site representative)
7. **Role of SSEAC in SOP Annual Plan Review** – Concerns about monitoring information about VSDB at Hampton (Karen Trump, Sandra Ruffin)
8. **Cultural Competence Technical Assistance** - (Sandra Ruffin, Paul Raskopf)
9. **IDEA Reauthorization Update** (Doug Cox)

Report of State Parent Survey Findings – Judy Hudgins provided an overview of two reports (one state and one national) of the parent surveys that committee members were given the previous day at the meeting (The missing survey instrument will be sent to members as it was inadvertently missing from the handouts). The findings from the state survey will be used in the next Special Education Improvement Plan (SEIP) report.

Discussion

- Sandra Ruffin suggested adapting the survey instrument in the monitoring process.
- Carmen made suggestions for SSEAC regional parent representatives to communicate with local advisory committees (LAC). Judy provided an update on the activity to coordinate several areas to address communication with LACs.

CIMP – Free Appropriate Public Education in the Least Restrictive Environment

(FAPE/LRE) Strategies – Rich Lewis facilitated the committee members in the review of the improvement strategies for FAPE/LRE cluster area. The comments will be edited for incorporation in the chart that will be used for improvement planning. The edited chart from this meeting will be forwarded to the SSEAC.

Standards of Quality Review (SOQ) – Rich facilitated the members in two smaller groups to review the SOQ with to address:

1. What will drive high expectations for students with disabilities?
2. What will ensure accountability for the achievement of students with disabilities?
3. What policies in the SOQ might be barriers that inhibit the achievement of students with disabilities or the accountability of schools and districts?

Discussion

“Blue” Group reviewed Standards 1, 2, 5 and 7 touched on 2 & 5; but did not get to Standard # 7. This group’s comments were:

1. Reduce class size of general education classes which have students with disabilities included.
2. Review special education teacher – student ratios in light of more complex student needs.
3. Identify younger students with needs (pre-Kindergarten level).
4. Consider establishing universal preschool programs, especially to address the NCLB requirements.
5. When students with disabilities do not participate in one or more of the SOL assessments, it is a barrier for them to have the opportunity to access SOL remediation programs.
6. Add special education teachers to summer remediation standards committee.
7. There should be an explicit policy statement that students with disabilities have access to all programs.
8. Use of technology to have timely access to programs and materials for students with disabilities.
9. Keep expectations for highly qualified personnel.
10. There is inadequate funding for SOQ (refer to Joint Legislative Audit and Review Commission (JLARC) study).

“Red” Group Red reviewed Standard 3, but did not get to Standards #4 & 6. This group’s comments were:

1. “B” – Regulations related to student outcomes: Course requirements and outcome measures are a barrier that prevents students with disabilities from getting diplomas; this is relevant for all diplomas except the Special Diploma.
2. “B.3.” – Completing the course successfully should not be cancelled by failing to pass

the SOL test to earn verified credits.

3. "B.4." – Personnel and parents need more awareness about acceleration.
4. "5.f." - Schools need reading specialists at elementary level as well as middle and high school levels, based and funded on the number of students in the school. This should not be left to local discretion.
5. "E" – Keeping students with disabilities in the accountability systems is beneficial.
6. "F" – The emphasis of SOL as the only factor driving accreditation, has a negative impact on the overall work of schools.
7. "G" – Good quality assessments and other measures of assessing progress would facilitate achievement for students with disabilities.

Decision for SOQ Review Process –

There was consensus for Charlene with Pat's assistance to develop draft a brief (approximately 2 pages) letter to the Board of Education by July 23 that will include broad SOQ recommendations. In the meantime, members were asked to provide additional suggestions by email to Charlene and Pat who will try to incorporate in the draft letter. They will email the draft to members who should respond with additional suggestions for the letter. Charlene with Pat's assistance will determine conflicting views and not address the item as SSEAC consensus if there are conflicting views. Then, the final draft will be shared by email with the committee members for a majority vote for consensus.

VSDB Report Information

Emily distributed the VSDB monitoring report packet, including the most recent full-study licensure review, provided by Sandra Ruffin for members to read before the October meeting.

The meeting was adjourned at 3:15 pm.