

SPECIAL EDUCATION

K-12 Special Education in Virginia

RECOMMENDATIONS

IEP training module ► The General Assembly may wish to consider amending the Code of Virginia to direct the Virginia Department of Education to develop a required training module for individuals participating in individualized education program (IEP) meetings that comprehensively addresses and explains in detail (i) each team member’s respective role in the IEP meeting; (ii) the IEP development process; and (iii) components of effective IEPs. (Recommendation 4)

IEP training ► The General Assembly may wish to consider amending the Code of Virginia to require that all individualized education program (IEP) team members participating in IEP development, with the exception of parents, complete a Virginia Department of Education-approved training regarding their roles in the IEP meeting, the IEP development process, and components of effective IEPs prior to participating in the IEP process and at regular intervals thereafter. (Recommendation 5)

Draft IEPs ► The General Assembly may wish to consider amending § 22.1-214 of the Code of Virginia to require that school divisions provide a draft individualized education program (IEP) to parents at least two business days before the scheduled IEP meeting, if a draft IEP is developed in advance of the meeting. (Recommendation 6)

VDOE review of IEPs ► The General Assembly may wish to consider amending the § 22.1-214 of the Code of Virginia to require that the Virginia Department of Education (VDOE) conduct structured reviews of a sample of individualized education programs (IEPs) from a sufficiently large sample of school divisions annually to verify that the IEPs are in compliance with state and federal laws and regulations and are of high quality. VDOE should provide a summary report of the reviews’ findings and required corrective actions to the reviewed divisions’ superintendents, special education directors, school board chairs and vice-chairs, and local special education advisory committee. (Recommendation 7)

Targeted review of transition services in IEPs ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education to (i) conduct a one-time targeted review of the transition sections of a random sample of students' individualized education programs (IEPs) in each school division; (ii) communicate its findings to each local school division, school board, and local special education advisory committee; and (iii) ensure local school divisions correct any IEPs that are found out of compliance. The superintendent of public instruction should be directed to submit a letter to the Senate Education and Health and the House Education committees certifying that school divisions have corrected all instances of non-compliance identified through these reviews, which should occur no later than the end of the 2021–22 school year. (Recommendation 8)

Oversight of transition services for students with disabilities ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education (VDOE) to develop and maintain a robust statewide plan for improving (i) its ongoing oversight of local practices related to transition planning and services and (ii) technical assistance and guidance provided for post-secondary transition planning and services. At a minimum, the plan should articulate how VDOE will reliably and comprehensively assess the compliance and quality of transition plans for students with disabilities in Virginia on an ongoing basis and communicate findings to local school division staff and local school boards. VDOE should submit its plan to the Senate Education and Health and the House Education committees no later than December 1, 2022, and update those committees annually on its progress implementing the plan. (Recommendation 9)

Applied studies diploma ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education to develop clear and simplified guidance, in multiple languages, for families conveying (i) the limitations of the applied studies diploma; (ii) key curriculum and testing decisions that reduce the likelihood their student will be able to obtain a standard diploma; and (iii) pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma. (Recommendation 10)

Applied studies diploma ► The General Assembly may wish to consider amending section §22.1-253.13:4 of the Code of Virginia to require local school divisions to provide guidance from the Virginia Department of Education regarding the applied studies diploma and its limitations to parents of students with disabilities, at a minimum, (i) at the first IEP meeting and (ii) when curriculum or testing decisions are being made that will negatively impact a student's chances of obtaining a standard diploma. (Recommendation 11)

Applied studies diploma ► The General Assembly may wish to consider amending § 22.1-253.13:4 of the Code of Virginia to require the Virginia Board of Education and the Department of Education to develop and implement statewide standards, such as curriculum standards, for earning the applied studies diploma and require school divisions to implement these standards by the beginning of the 2022–23 school year. (Recommendation 12)

Special education training in teacher prep programs ► The General Assembly may wish to consider including language in the Appropriation Act directing the Board of Education to review and update its regulations of general education K–12 teacher preparation programs to ensure graduates are required to demonstrate proficiency in (1) differentiating instruction for students depending on their needs, (2) understanding the role of general education teachers on the IEP team, (3) implementing effective models of collaborative instruction, including co-teaching, and (4) understanding the goals and benefits of inclusive education for all students. (Recommendation 15)

Special education training for current general education teachers ► The General Assembly may wish to consider amending § 22.1-298.1 of the Code of Virginia to require all teachers seeking to renew their teaching license to complete training in the instruction of students with disabilities. This training should be developed by the Virginia Department of Education and should include, at a minimum, (1) strategies for differentiating instruction for students with disabilities, (2) the role of the general education teacher in special education, (3) the use of effective models of collaborative instruction, including co-teaching, and (4) the goals and benefits of inclusive education for all students. (Recommendation 16)

Special education training for administrators ► The General Assembly may wish to consider including language in the Appropriation Act directing the Board of Education to review and update its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of (1) key special education laws and regulations, (2) individualized education program (IEP) development, (3) the roles and responsibilities of special education teachers, and (4) appropriate behavior management practices. (Recommendation 17)

School inclusion ► The General Assembly may wish to consider amending § 22.1-215 of the Code of Virginia to require each K–12 public school to (i) complete the Inclusive Schools Self-Assessment instrument and action planning tool at least once every three years and (ii) report the results of the assessment and plans for improvement to the division’s superintendent, special education director, chairs of the local school board and local special education advisory committee, and to the Virginia Department of Education. (Recommendation 18)

Recruiting and retaining special education teachers ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education (VDOE) to develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. At a minimum, VDOE's strategic plan should (i) use data analyses to determine divisions' specific staffing needs on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of implementing each strategy, including the extent to which federal funds could be used to support implementation. VDOE should present its plan to the Senate Education and Health Committee and the House Education Committee no later than November 1, 2021, and update those committees annually on its progress implementing the plan.

(Recommendation 19)

Compensatory services for found non-compliance ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education to revise its state complaint procedures and practices to ensure it requires and enforces corrective actions that (i) achieve full and appropriate remedies for school divisions' non-compliance, including, at a minimum, requiring school divisions to provide compensatory services to students when it determines divisions did not provide legally obligated services; and (ii) ensure relevant personnel understand how to avoid similar non-compliance in the future. (Recommendation 21)

Monitoring Virginia's special education services ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Education (VDOE) to develop and implement a clear and comprehensive plan to improve its approach to monitoring Virginia's special education system on an ongoing basis. At a minimum, the plan should clearly describe VDOE's procedures for effectively determining whether school divisions are complying with state and federal requirements pertaining to (i) identification and eligibility determination processes; (ii) individualized education program development and implementation, (iii) post-secondary transition planning; (iv) inclusion in academic and non-academic experiences and the use of discipline; and (v) special education staffing. The plan should also propose actions to increase monitoring capacity and on-site visits with existing resources and by leveraging available federal funding. VDOE should present its plan to the Senate Education and Health Committee, the House Education Committee and the Joint Legislative Audit and Review Commission no later than November 1, 2021. (Recommendation 27)