

# Summary: K–12 Special Education in Virginia

## WHAT WE FOUND

### Graduation rate has improved among students with disabilities but remains lower for students who are Black

Students with disabilities in Virginia are less likely to graduate high school than students without disabilities, but the graduation rate gap between students with and without disabilities has decreased. In 2008, the graduation rate for students without disabilities was 43 percentage points higher than the graduation rate for students with disabilities. By 2018, that difference decreased to 30 percentage points. In general, students with severe, less common disabilities, including intellectual disabilities and multiple disabilities, graduate at a lower rate than students with more common disabilities.

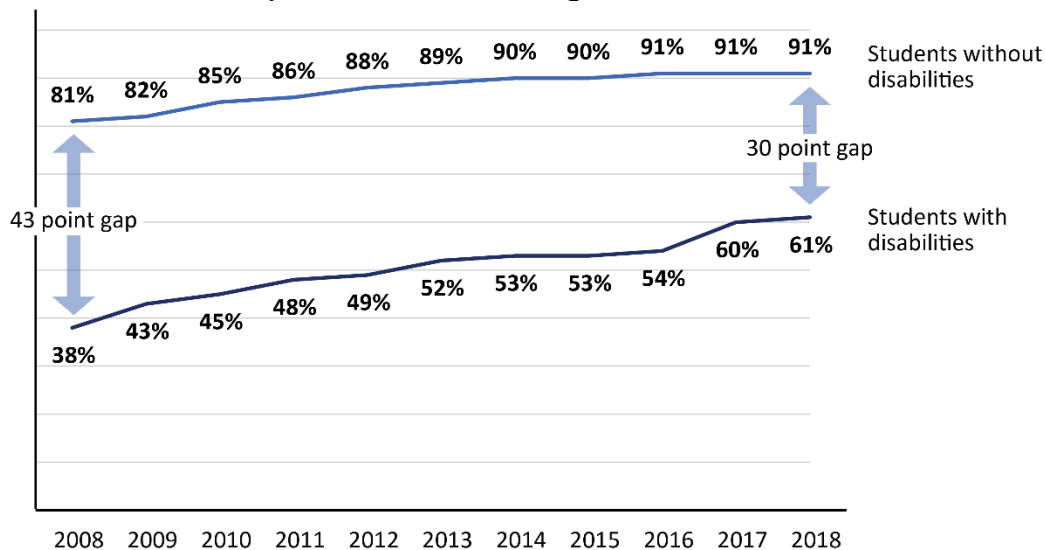
### WHY WE DID THIS STUDY

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.

### ABOUT K–12 SPECIAL EDUCATION

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.

### Graduation rate has increased for students with disabilities over the past decade but still lags students without disabilities



SOURCE: JLARC analysis of VDOE data

NOTE: Includes standard, advanced, and IB diplomas; four-year graduation rates. "Disability" indicates that student had an IDEA-qualifying disability *at time of graduation*. Excludes students who transferred or died before graduation. The Modified Standard Diploma was no longer an option for students with disabilities who entered the ninth grade for the first time beginning in 2013, affecting four-year graduation rates in 2017 and 2018.

Black students with disabilities were less likely to graduate than students with disabilities of other races in each of the past 10 years. In 2018, 52 percent of Black students with disabilities graduated with at least standard diplomas, compared with 65 percent of students with disabilities of other races. In 2018, Black students with disabilities were also the only racial group with a lower graduation rate than the statewide average. The gap in graduation rates between Black students with disabilities and students with disabilities of other races has narrowed over the past decade.

### **Enrollment in special education varies across Virginia school divisions, both overall and by disability**

The proportion of K–12 students receiving special education in some school divisions is more than twice as high as others, and students in some divisions are more likely to be enrolled in special education because of a certain disability than students in other divisions. Differences in enrollment do not appear to be explained by differences in school division characteristics, such as the size of the division or local poverty rate. Instead, insufficient guidance and vague terms in the state’s eligibility criteria likely contribute to variation in eligibility determinations among school divisions.

### **IEPs are not consistently designed to be effective and reliable guides for special education services**

The quality of individualized education programs (IEPs) for students with disabilities varies across Virginia school divisions, and some IEPs do not contain required or key information. About one-third of a sample of IEPs reviewed by JLARC staff lacked a description of the student’s academic or functional needs, and one-quarter did not describe the effect of the disability on the student’s educational performance. JLARC’s review of IEPs found that about half (48 percent) lacked academic or functional goals.

The variation in IEP quality appears to be due in part to inconsistent knowledge among key school staff, including special education teachers, general education teachers, and building-level administrators, about IEPs and staff’s roles in developing them. Special education teachers noted in interviews that IEP development is not covered as thoroughly in some teacher preparation programs as others. Virginia state laws and regulations do not require general education teachers and administrators to be knowledgeable of IEPs or their role as participants in IEP meetings.

### **Shortcomings in post-high school transition planning require VDOE intervention**

Planning for transition to adulthood is essential to prepare students with disabilities for success after high school. Plans and services to help students transition from high school to adulthood must be included in IEPs, but many transition plans reviewed by JLARC staff were of poor quality, and about one-quarter of those reviewed did not include any specific transition services for the student. The quality of post-secondary goals varied considerably, and in a majority of the transition plans reviewed, goals were

not measurable, specific, or useful for planning purposes. Stakeholders from a variety of perspectives, including division-level special education directors, special education teachers, and parents, expressed concerns regarding the quality of post-secondary transition supports for Virginia students with disabilities before they leave high school.

### **“Applied studies diploma” for students with disabilities does not help students access future opportunities and is not well understood**

About 20 percent of Virginia students with disabilities graduate with a diploma that provides limited value for accessing future educational and career opportunities. Unlike the other diplomas, students receiving the applied studies diploma do not need to demonstrate that they have met any particular academic standards or curriculum requirements. Instead, they need to complete only the requirements of their IEP. Neither Virginia’s community colleges nor four-year higher education institutions recognize the applied studies diploma as a high school diploma or equivalent certificate, and students with an applied studies diploma who are interested in pursuing further education must obtain their GED first. Families of students with disabilities are not sufficiently made aware of (1) the limitations of the applied studies diploma; (2) decisions made early in a student’s K–12 experience that could reduce the student’s odds of obtaining a standard diploma; or (3) their student’s inability to pursue a standard diploma once an applied studies diploma track is chosen.

### **Despite emphasis on inclusion, Virginia does not prepare general education teachers or administrators with necessary special education-related skills**

In Virginia and nationally, approximately 95 percent of students with disabilities are served in public schools, and a majority of students with disabilities spend most, and increasingly more, of their time in the general education classroom. Seventy-one percent of students with disabilities receive instruction for most of their day in the general education classroom. Students with disabilities that have the most profound effects on learning typically spend less time in the general education classroom. However, time spent in the general education classroom *has* increased for these students including students with autism, emotional disabilities, and traumatic brain injuries.

General education teachers play a critical role in educating students with disabilities, but many general education teachers do not know how to effectively teach and support students with disabilities, including how to collaborate with special education teachers. About 50 percent of the special-education directors responding to JLARC’s survey indicated that they felt *half or fewer* of the general education teachers in their division have the skills necessary to support students with disabilities. Many general education teachers are likely not equipped to adapt instruction for students with disabilities or work with special education teachers because they are not required to have much special education-specific training. For example, while state regulations require *special education* teacher preparation programs to prepare special education teacher candidates for

co-teaching and co-planning with general education teachers, *general education* teacher preparation programs are not required to teach these skills.

About a third of special education directors reported that *half or fewer* of the building-level administrators in their division have the knowledge or skills to support students with disabilities or their teachers. State licensure regulations and administrator preparation regulations require that administrators receive some minimal training in special education, and there are opportunities to improve these requirements.

### **School divisions rely on under-prepared teachers to fill gaps in special education teaching positions**

The Virginia Department of Education (VDOE) has identified special education as among the top three critical teaching shortage areas since it began reporting shortages in 2003. However, VDOE does not collect the basic information needed to accurately understand the magnitude of the special education teacher shortage in Virginia and across school divisions, such as the number of special education teachers in the state.

When school divisions cannot fill positions with fully licensed special education teachers, they rely primarily on provisionally licensed special education teachers. Provisionally licensed special education teachers are required to complete only one class on the foundations of special education prior to being hired. Divisions throughout the state are, on average, three times more likely to hire provisionally licensed special education teachers than provisionally licensed teachers in other subjects. During the 2019–20 school year, an estimated 15 percent (2,038) of special education teachers were provisionally licensed statewide, compared with 5 percent of teachers in other subjects. An estimated 30,000 students with disabilities were being taught by a provisionally licensed special education teacher during the 2019–20 school year.

U.S. Department of Education data on the number of students who complete teacher preparation programs indicates that there are not enough credentialed special education teachers graduating from Virginia higher education institutions to meet statewide demand. For example, assuming a *conservative* 10 percent turnover rate, JLARC estimates that there were approximately 1,500 special education teacher positions to fill at the beginning of the 2019–20 school year across Virginia. However, only 303 students graduated from Virginia colleges and universities with a special education teaching credential in 2019, leaving divisions to fill an estimated 1,200 positions from other sources, including provisionally licensed teachers or long-term substitutes.

### **VDOE’s handling of complaints against school divisions does not ensure all problems are resolved**

In state complaints submitted to VDOE and reviewed by JLARC staff, VDOE rarely ensures any found non-compliance is corrected or that any negative effects of non-compliance on the student are remedied through make-up (“compensatory”) services. For example, VDOE rarely requires school divisions to provide compensatory services

to students when it determines the school divisions did not provide legally required services. Instead, VDOE directs the school division to hold an IEP team meeting to discuss the need for compensatory services and to submit evidence to VDOE that the IEP team discussed compensatory services. If the additional IEP meeting does not resolve the parent's complaint, VDOE advises parents that they may pursue further dispute resolution through mediation or due process hearings. While VDOE's handling of complaints validates that, in many cases, parent complaints are legitimate, it does not ensure that non-compliance is rectified.

### **VDOE's ongoing monitoring is too limited**

VDOE conducts useful on-site monitoring reviews of school divisions, but too few divisions are subject to them, and there is heavy reliance on self-reported data by school divisions to assess overall state compliance and performance. Since FY16, only 22 of 132 school divisions have been subject to an on-site review, an average of four per year. These divisions represent only about 11 percent of total statewide special education enrollment. The vast majority of divisions could conceivably go over a decade without receiving an in-depth review of their special education programs from VDOE. Feedback from division-level special education directors about VDOE guidance and technical assistance in the area of special education was generally positive, suggesting that improved monitoring by VDOE would be both beneficial and well received.

## **WHAT WE RECOMMEND**

### **Legislative action**

- 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.