

Effectiveness of Virginia's Special Education Programs

Authorized by the Joint Legislative Audit and Review Commission on December 10, 2018

WHEREAS, the federal Individuals with Disabilities Education Act (IDEA) cites improving educational results for children with disabilities as essential to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities; and

WHEREAS, the Code of Virginia directs the Board of Education to ensure that children with disabilities have free access to an appropriate education meeting their needs (§ 22.1-214 A); and

WHEREAS, school divisions are legally required to provide physical, medical, psychological, rehabilitation, occupational, therapeutic, and speech and auditory services, as needed, to each child deemed to have a disability (including a developmental delay); and

WHEREAS, Virginia's 132 school divisions provide special education services in elementary and secondary schools, as well as 11 regional special education programs that serve multiple school divisions, and other settings such as a home or a hospital, as appropriate; and

WHEREAS, school divisions are required to develop and follow an individualized education program (IEP) for children identified as having a disability; and

WHEREAS, through its Training and Technical Assistance Centers, the Virginia Department of Education (VDOE) seeks to provide special education guidance and technical support to school divisions; and

WHEREAS, in Virginia, more than 150,000 school-age children have been identified as having a disability (12 percent of all school age-children in Virginia public schools), and more than 17,000 children under the age of six have been identified as having a disability; and

WHEREAS, federal IDEA grants total \$263 million, state funds total \$513 million, and localities also provide substantial funding for special education services; and

WHEREAS, Virginia's school divisions are generally meeting federal IDEA targets for graduation and parental involvement, but missing federal targets for serving children in the least restrictive environment and developing reading and math skills; and

WHEREAS, court decisions—especially the 2017 U.S. Supreme Court decision in *Endrew F. v. Douglas County School* that schools need to ensure students make “appropriately ambitious” progress—necessitate robust special education services and public resources; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) has not systematically reviewed special education since 1984; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the effectiveness of Virginia's special education programs. In conducting its study, staff shall assess (i) spending trends in special education and related services, and major drivers of spending changes

over time; (ii) the processes used to identify, refer, and determine eligibility for services for children who may have a disability or developmental delay; (iii) the effectiveness and consistency of the process used to determine the services needed for each child, and least-restrictive settings in which to provide those services, including services and settings funded through the Comprehensive Services Act; (iv) the process through which school divisions determine placements for students, in regional special education programs or in private facilities; (v) the performance, as measured through federal IDEA and other relevant performance indicators, of programs and services for children with disabilities; (vi) the effectiveness of VDOE's special education monitoring, guidance, and support, including through Training and Technical Assistance Centers; (vii) the adequacy and consistency of school division training and expertise in special education; and (viii) coordination across programs and services, including early childhood, K-12 programs, private facilities, educational services, social services, and other programs and services. JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including local school divisions and school boards, local departments of social services and boards, and Community Services Boards shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of state agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.