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TO: Dr. Mark E. Emblidge, President, and Members, Board of Education

FROM: Dr. Susan Clark, President
Virginia Council of Administrators of Special Education

DATE: September 26, 2007

RE: Revision of the *Regulations Governing Special Education Programs for Children with Disabilities*

Good Morning, Mr. President, Dr. Cannady and Members of the Board of Education:

I am Susan Clark, Director of Special Programs for the Stafford County Public Schools. I am also President of the Virginia Council of Administrators of Special Education (VCASE). Today I am before you to talk about the revision of the *Regulations Governing Special Education Programs for Children with Disabilities*.

VCASE is a non-profit professional organization that provides leadership and support to 361 administrators of special education, by influencing policies and practices to improve the quality of education for children and youth with disabilities. VCASE is a division of the Council of Exceptional Children (CEC), which is the largest professional organization of teachers, administrators, parents and others concerned with the education of students with disabilities.

VCASE joins other national organizations, such as CEC, National Association of State Directors of Special Education, National Education Association (NEA), American Association of School Administrators (AASA) and others, in support of policies for improving some of the most essential provisions of the No Child Left Behind Act (NCLB). VCASE is especially focused on aligning the goals and provisions of the Individuals with Disabilities Education Act (IDEA) of 2004 and NCLB with the Virginia special education regulations to ensure accountability and promote success for all students.

It has been three years since the enactment of IDEA 2004 and VCASE finds many reasons to celebrate. The goal of closing the achievement gap has created a sense of urgency around system change. Coupled with the standards movement and increased attention to the use of scientific, research-based strategies, there has been noticeable improvement in student performance. Of particular importance to VCASE is the inclusion of students with disabilities in state accountability systems. Our students are getting the attention that they deserve!

VCASE commends the Department of Education for using language throughout the revised regulations that promotes a unified system of education and collaborative instructional services. This will unite general and special education teachers in providing effective instruction in a consistent manner that reflects the scope of the general education curriculum in the least restrictive environment.

In the past, Virginia regulations have far exceeded federal regulations. VCASE supports the federal requirement to “minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under the federal statute and regulations” (34 CFR § 300.199). The proposed DOE revisions keep to the provisions of federal laws and in rare instances exceed them.

VCASE commends the Department of Education for keeping the attention on instructional outcomes and accountability. These key issues will improve the ability of school districts to implement IDEA 2004 and NCLB in a meaningful way that makes a positive difference for students with disabilities. VCASE urges the Board of Education to adopt the regulations put forth by the Department of Education so students with disabilities will continue to receive an individualized education that addresses their unique needs while still profiting from rigorous instruction.

Speaking for members of the Virginia Council of Administrators of Special Education, I appreciate the opportunity to provide you with testimony concerning the revised special education regulations.

Thank you.



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Virginia Council of Administrators of Special Education

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Good Morning, Mr. President, Dr. Cannady and Members of the Board of Education:

My name is Wyllys VanDerwerker. I have had the privilege of working with students with disabilities for over 30 years. I am the Director of Special Education for the Lynchburg City Public Schools and President Elect of the Virginia Council of Administrators of Special Education (VCASE). Today I am before you to talk about the revision of the *Regulations Governing Special Education Programs for Children with Disabilities*.

As you heard from Dr. Clark, the Virginia Council of Administrators of Special Education (VCASE) is a non-profit professional organization of administrators of special education programs with member representation from each of the school divisions in the Commonwealth. As a sitting Director and President Elect of VCASE, I am especially interested in ensuring that the state special education regulations conform to the requirements of the federal statute and regulations and minimize the number of State imposed rules, regulations and policies to which local school divisions are subject.

In the past Virginia special education regulations exceeded federal regulations. VCASE supports a policy whereby the Board of Education adopt special education standards and regulations that do not exceed federal laws and regulations. The proposed revisions, recommended by the Department of Education, keep to the provisions of federal laws and regulations and, in rare, instances exceed them.

VCASE supports the revised regulations general goal of providing leadership to help schools and school divisions close the achievement gap and increase the academic success of all students. In the revised regulations, the Department of Education provides this leadership by supporting the instructional outcomes of children with disabilities.

In the revised regulations, VCASE supports expansion of the responsibilities of the local school division to address those frequently challenging issues of children in unique situations. VCASE supports the removal of the Virginia-specific parental consent for termination of special education services for those children who no

longer qualify, ensuring time spent with time consuming processes is redirected to instruction of students with disabilities. VCASE supports the clarification of the individualized education program (IEP) process, to include the 65 business day timeline following parental consent. VCASE supports the removal of the Virginia-specific parental consent requirement for implementing the transfer IEP, ensuring consistency of education of transferring students. VCASE supports the Virginia-specific complaint appeal process, ensuring expedited decisions. VCASE supports the return of recruitment, selection, appointment, training and evaluation of special education hearing officers from the Virginia Supreme Court to the Virginia Department of Education. VCASE supports the removal of the Virginia-specific restriction of school representatives of a child with a disability as non-voting member of the Local Advisory Committee. VCASE supports the addition of the Local Advisory Committee include gender and ethnic representation of the school division.

In sum, VCASE urges the Board of Education to adopt the regulations put forth by the Department of Education so students with disabilities will continue to receive an individualized education which addresses their unique needs while still profiting from rigorous instruction.

Thank you.



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Virginia Council of Administrators of Special Education

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RE: Revision of the *Regulations Governing Special Education Programs for Children with Disabilities*

Good Morning, Mr. President, Dr. Cannady and Members of the Board of Education:

My name is Tom Nash and I am the Executive Director of Intervention & Prevention Services for the Albemarle County Public Schools. I have been in public education for 36 years, with 26 years in the state of Virginia. Today I am before you to talk about the revision of the *Regulations Governing Special Education Programs for Children with Disabilities*.

The Virginia Council of Administrators of Special Education (VCASE) is a non-profit professional organization providing leadership and support to the directors and supervisors of special education programs in each of the 132 school divisions in the Commonwealth. As a sitting Director and Past President of VCASE, I am especially interested in ensuring that the state special education regulations are consistent with the requirements of the federal statute and regulations and that they facilitate and support local school division improvement designed to enable children with disabilities to meet the demanding State student achievement standards.

In the past Virginia special education regulations exceeded federal regulations. VCASE supports a policy whereby the Board of Education adopts special education standards and regulations that do not exceed federal laws and regulations. The proposed revisions, recommended by the Department of Education, keep to the provisions of federal laws and regulations and, in rare instances, exceed them. We applaud their efforts.

VCASE supports the revised regulations' general goal of having all children learn to high standards and supports the return of procedures for Child Find, evaluation, and eligibility, to local school divisions. The shift in the focus of the regulations which emphasize the standards movement and the use of scientific, research-based strategies, particularly the response to intervention strategy (RtI), is long overdue. This newest challenge for school divisions has student achievement at its heart. Assisting students to meet the standards that apply to all children before they are identified for special education is an approach that will positively impact not only students with disabilities but all children in our school systems. This focus that is evident in IDEIA 2004 has already brought about significant changes in school divisions that have implemented the RtI approach. Interventions are discussed upfront versus waiting for the special education eligibility to get help. It emphasizes timely and purposeful intervention. The proposed state special education regulations promote student achievement for all students and eliminate issues that have distracted special educators for years.

VCASE believes that the proposed Virginia Regulations Governing Special Education Programs for Children with Disabilities maintain rigorous protection for children with disabilities, continue to support and encourage the role of parents in the education of their children and provide needed flexibility to school divisions as they tackle the challenges of ensuring that all children are successful learners.

Thank you.