

## **Virginia Council of Administrators of Special Education Statement on the Draft Special Education Regulations**

### **1. Virginia Regulations Exceed Federal Regulations.**

VCASE supports revisions that clarify and reinforce IDEA 2004 and, in general, supports the revision in total as they do not exceed Federal regulations. VCASE supports the regulations as they are presently written as they are focused on improving student achievement for children with disabilities and recognize that the most benefit a child can gain is from a teacher who is present in the classroom providing instruction vs. being inundated in excessive procedures, spending valuable time completing unnecessary paperwork or conducting time consuming meetings for minor changes.

### **2. Discipline.**

VCASE supports the present draft in regard to discipline requirements because they are consistent with IDEA 2004. VCASE does not support any additional requirements, especially those that would mandate that Individualized Education Program (IEP) Teams develop a Functional Behavior Assessment and Behavior Intervention Plan for every student with an IEP that is suspended for any reason before the 10<sup>th</sup> day of suspension. The State Special Education Advisory Council (SSEAC) supports the revision.

### **3. Due Process.**

The Supreme Court currently recruits, selects, appoints and disqualifies hearing officers (HO). VDOE trains and evaluates them. HOs are attorneys and independent of VDOE. VCASE supports the VDOE administration of HOs, ensuring the timely appointment to a special education case and increasing rigorous training and evaluation standards. SSEAC supports the revision.

### **4. Individualized Education Program: Short Term Objectives and Transition Services.**

VCASE supports IDEA 2004 in the use of benchmarks (short term objectives) for students eligible for the alternate assessment and reporting to parents as much as general education reports. SSEAC supports the revision. VCASE supports the IDEA 2004 regulation that transition services begin not later than the first IEP to be in effect when the child turns 16 or younger (age 14), if determined appropriate by the IEP team. SSEAC supports the revision. VCASE would favor grade level alignment for transition services, convening no later than the completion of the 8th grade, to coordinate with the Modified Standard Diploma regulations.

### **5. Timeline.**

VCASE supports the current VDOE timeline of 65 days for completion of an evaluation/ re-evaluation and determination. VCASE also support the 65 day timeline for initial evaluations for special education being established from the date on which parental consent was secured. SSEAC supports the revision.

### **6. Evaluation and Eligibility Criteria.**

VCASE supports the IDEA 2004 provision that states must adopt criteria for all disabilities. Having uniform criteria helps children and parents in a mobile society. SSEAC supports the revision.

### **7. Parent Consent for Termination of Services.**

VCASE supports parental involvement in all aspects of their children's education. VCASE firmly supports the continued involvement of parents in the process of child find through IEP development and implementation. VCASE also supports the proposed regulations not requiring parental consent prior to the termination of special education and/or related services. VCASE cannot support the continued use of resources, staff and instructional time for children who have clearly demonstrated through the re-evaluation process that they can access the general curriculum and meet the State standards that apply to all children.

### **8. Developmental Delay.**

VCASE supports continuation of the current VDOE definition of developmental delay ages 2 to 5 for preschool children and opposes the developmental delay continuation of 5 through 9 years of age. Children entering school learning at a slower rate must be given the opportunity of school interventions without the possibility of an inaccurate identification of a disability. VCASE believes the practice of extending "labels" for a child in order to provide interventions promotes over-identification and disproportionality.

### **9. Least Restrictive Environment.**

VCASE supports the IDEA 2004 that distinguishes placement and location; the IEP team determines placement (i.e., the provision of special education and related services on the continuum of services) whereas the local education agency determines the specific place/site/location for the delivery of these services.

### **10. Special Education Advisory Committee (SEAC) Guidelines.**

VCASE favors a balanced representation of parents of children with varied disabilities on SEAC. VCASE supports membership and voting rights for school personnel. This is a particular issue for school employees, teachers and paraprofessionals, who are parents of children with disabilities who desire to participate but cannot due to existing requirements.