

## **Albemarle County Public Schools Special Education Advisory Committee 2022 – 2023 Annual Report**

In accordance with Regulations Governing Special Education Programs for Children with Disabilities in Virginia [1] the Albemarle County Public Schools (ACPS) Special Education Advisory Committee (SEAC) is pleased to provide parents and members of our community with an opportunity to have a voice in the way our school division provides services to students with disabilities. Navigating these last few years has certainly been challenging for us all. We continue to appreciate the School Board and each employee in our school division. Our community is encouraged by the opportunity to share our concerns and collaborate with ACPS leadership to further positive change for students with disabilities. With respect, please find the top four concerns raised by SEAC during the 2022-2023 school year below:

### **1. Increase Family Engagement**

This year the SEAC is composed of 24 committed parents, educators, and community members. 13 of 15 Elementary Schools, 2 of 6 Middle Schools and 2 of 3 High Schools in ACPS have dedicated representatives. Our members have worked diligently to engage with their school communities and communicate with parents that their voices and life experiences are critical in our efforts to create positive change for individuals with disabilities. However, SEAC members continue to hear and observe disengagement and distrust of the system. Families have reported to SEAC that there is a lack of administrative transparency in the decision-making processes affecting students in special education--and that children with disabilities appear to be an afterthought. Of particular importance is the class action lawsuit filed in September against the Virginia Department of Education (VDOE) and the Fairfax County School Board alleging that the Virginia due process hearing officers are not impartial, but in fact, have the worst ruling record of any major state in the entire country with respect to parents who have brought claims under the Individuals with Disabilities Education Act (IDEA). Specifically, over an 11-year period, only 1.5% (13 of 847) of cases ruled in favor of parents in Virginia compared to other states who average around 30%. While we recognize that ACPS is not directly named in that lawsuit, the allegations against VDOE do directly impact our families and amplify a sentiment of hopelessness in advocating for what is best for our children. We respectfully request that a greater emphasis be placed on listening to the voices of our special education community and reengaging with our families in a way that honors their input in their children's education.

### **2. Include Parents and IEP teams in all Decisions Regarding the Placement and Location of Services for Children with Disabilities.**

The VDOE audit during the 2021-2022 school year defined the following as an Essential Action Item: "The services and placement needed by each child with a disability to receive a free appropriate public education shall be based on the child's unique needs and not on the child's disability." While we appreciate that the documentation required to support evidence of progress/completion by ACPS includes additional IEP team training, the root of the issue that our families encounter is that parental input and IEP teams are not, in fact, included in planning

discussions/decisions regarding the placement of students in the BASE programs ACPS has chosen to implement. Nor are they included in discussions/decisions if, for example, a child with Autism is removed from their school community to attend an A(Autism)-BASE program in a different school community. Each signed IEP clearly states, "The IEP describes the student's educational program. The attending school is defined by the school division and is subject to change." We've heard from numerous families that the communication of this reassignment occurs, sometimes annually, by abruptly receiving a letter informing their family that their child will be sent outside their community to receive services. Most children, neurotypical and neurodivergent, have difficulty with transitions and changes in routine. Changing the physical location of services can be especially traumatic for neurodivergent children, and their families, who have worked diligently to build trust and community. This is amplified for families with children who struggle with verbal communication due to a disability. Making a change that uproots a child from their known support system without an IEP meeting or any parental input has been especially alarming for our families.

We do not believe preventing parental input in any educational decision regarding their child, especially one as critical as removing a child from their home community, is in accordance with the Mission and Values of ACPS or our community. Furthermore, by not considering early input from school administrators, teachers, and support staff, this practice undermines the integrity and function of the IEP team to collectively make decisions regarding the education of a child with a disability. We respectfully request that this practice be carefully reevaluated by leadership in a manner that is more consistent with the ACPS Mission: "Working together as a team, we will end the predictive value of race, class, gender, and special capacities for our children's success through high-quality teaching and learning for all. We seek to build relationships with families and communities to ensure that every student succeeds."

### **3. Provide Increased Support for Inclusion.**

The precedent for inclusive education was set in the Least Restrictive Environment (LRE) clause of Public Law 94-142, originally passed by Congress in 1975. The most recent version of this law, known as the Individuals with Disabilities Education Act (IDEA), was enacted in 2004. Countless research demonstrates that an inclusive learning community is beneficial for both students with and without disabilities. Participation in inclusive schools and communities also provides students, with and without disabilities, the experience of a society that values and includes all of its citizens. Inclusion is a civil rights issue.

Under the IDEA, each state must develop a State Performance Plan and publish an annual report that evaluates their implementation. The percentage of time students with disabilities are included in mainstream classrooms for 80% or more of their day in General Education is known as indicator "5A" for the Least Restrictive Environment (LRE). In 2019, ACPS met this state target.

However, there are several other factors that characterize an inclusive school that the federal government does not currently require states to report. These characteristics include: co-teaching and collaboration between Special and General Education teachers, students receiving services

in their neighborhood schools, and a shared understanding of what inclusion means for the entire school system.

We have heard from educators within Special Education that they struggle to receive the resources they need in order to ensure their students succeed. As a result, they are spending large amounts of time trying to gain access to the General Education Curriculum and materials needed to effectively teach their students. One particularly concerning example that was shared involved the New Teacher Academy in August of 2022. There was a general feeling that Special Education was not included during the workshops/training and that questions regarding the General Education Curriculum “did not apply to you” if you were a teacher in Special Education. We’ve heard of an overall feeling that there’s a division between “General Education” and “Special Education,” as opposed to an integrated view of Inclusive Education. Additionally, while the Culturally Responsive Teaching platform is wonderful, we hear from teachers that these practices are not being extended into our Special Education Community appropriately and leave much to be desired in terms of equity for children with disabilities. We are aware this is the first year that VDOE has required individual school districts to create and submit an Inclusion Action Plan. We just learned this plan was submitted and approved during the school board meeting on November 10, 2022. We look forward to learning how this plan will be shared and implemented across the division.

Importantly, there are schools within the division doing an excellent job of inclusion - schools in which collaboration between teachers and support staff in Special Education and General Education is happening either organically or under individual school leadership. There are examples of how Special Education Teachers are parallel teaching large classes with General Education Teachers ensuring success for all students. There are also beautiful stories of how our children with disabilities are impacting their school communities, how their unique skill sets are valued, and how families are embraced with acceptance. These efforts appear to be initiated from the ‘ground up’ as opposed to the ‘top down.’ We respectfully request that more emphasis and direction be placed on a whole division view of inclusion and how best to support our teachers and support staff striving for this each day.

#### **4. Increase Teacher and Support Staff Recruitment and Retention**

Stress and burnout are amplified when an individual must work harder to gain the resources to include their students with disabilities. Hopelessness can occur when individuals feel that they are not a valued member of an equitable team. We hear from our teachers that the gap between advantaged and disadvantaged students is growing. Teachers feel that they are not equipped with the intervention specialists or support staff necessary to appropriately co-teach and implement IEPs. Special Education Teachers are being directed to “make base decisions about services based on staffing,” which results in student placement being based on staff availability rather than the needs of the student. All of this is alarming and underscores the importance of communication with the teachers and support staff who tirelessly dedicate their time and passion to supporting our children with disabilities. Each day they see the overwhelming potential in our children and do their best to help them achieve it! ACPS employees are their greatest strength.

We respectfully request that the challenges specific to navigating the educational system for children with disabilities be taken into account when continuing to recruit and retain teachers and support staff within Special Education.

*This report was compiled, confidentially, as a collective voice of the 2022-2023 SEAC of ACPS. Of note, bringing these concerns forth is challenging for our community as ultimately the placement and services of our children with disabilities is decided by the same individuals that read this report.*

*We appreciate the opportunity to continue to advise the Superintendent and School Board of the unique challenges that our Special Education Community faces. We appreciate the continued support and collaboration of the Special Education Department of ACPS and look forward to continuing positive changes.*

We are all stronger together.

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[1] 8VAC20-81-230(D)(1).