2025 Annual Report of the Albemarle County Special Education Advisory Committee (SEAC)

November 14, 2025

EXECUTIVE SUMMARY

Key Factual Findings:

- **Family Survey Results:** Families reported modest year-over-year improvement in satisfaction with special education services and meeting students' behavioral and social/emotional needs; satisfaction with general education services was unchanged.

- **Persistent Achievement Gaps:** Students with disabilities in ACPS continue to perform significantly below their non-disabled peers on SOL assessments in literacy and math.

- **Disproportionality in Discipline:** In 2023-24, students with disabilities accounted for 34% of all suspensions while representing only 14% of enrollment. This risk ratio exceeds Virginia's threshold for significant disproportionality that, if unaddressed, poses potential legal exposure for ACPS.

- **Evaluation Delays and Inconsistency:** Research conducted with the UVA Law School found that a majority of surveyed families were dissatisfied with the ACPS evaluation process, citing lack of transparency, unclear referral procedures, and inconsistent application of eligibility criteria.

- **Accessibility Gaps:** A recent accessibility audit identified 300 total issues across ACPS facilities, underscoring the need for significant capital investment.

Recommendations by Issue:

Meaningful Inclusion

- Add two new division-level positions—a Learning Specialist and Behavior Specialist—to coach teachers on academic and behavioral accommodations.

- Provide protected, compensated PLC time for special education teachers and teaching assistants to collaborate with each other and with general education teams.

Disproportionality in School Discipline

- Conduct a comprehensive legal and policy audit of disciplinary practices for compliance with federal and state law.

- Publish quarterly aggregate discipline statistics, including by disability, race, and school level.

- Implement division-wide restorative practices training for all staff, including administrators and SROs.

School Resource Officers (SROs)

- Make disability awareness training mandatory for all SROs, and require advanced certification in interacting with students with disabilities.

- Publicly release monthly SRO incident reports, including data on students with disabilities, to ensure transparency and equity.

Disability Evaluations

- Establish a task force that includes family and staff representatives to design a clear, consistent process for special education evaluations and referral procedures.

- Create a task force to standardize School-Based Intervention Team (SBIT) practices across schools.

- Update the 2010 ACPS Special Education Policy Manual to reflect current law and proposed reforms.

- Require staff training on revised procedures for eligibility determinations by the start of the 2026-27 school year.

Accessibility

- Support increased state and local funding to remedy accessibility deficiencies in ACPS facilities, and provide a progress update by the end of the 2025-26 school year on remediation efforts.

Compensation and Staffing

- Direct Human Resources to review compensation and job descriptions for school psychologists to ensure competitiveness and help fill vacancies.

SEAC Representation

- Reimburse reasonable child-care expenses for SEAC members attending monthly meetings to increase participation from underrepresented schools.

INTRODUCTION

This document represents the 2025 Annual Report of the Albemarle County Special Education Advisory Committee ("SEAC"), which is an advisory body to the Albemarle County School Board ("School Board") composed of parents of students who require special education services, other interested persons from the community, and educators in the field who have an interest in special education.

CHARGE

SEAC is charged with providing input and advice to the School Board concerning the needs of children with disabilities receiving special education services and assisting in the formulation and development of long-range plans for these children. Specifically, under state law, SEAC shall:

- Advise the local school division of needs in the education of children with disabilities;
- Participate in the development of priorities and strategies for meeting the identified needs of children with disabilities;
- Submit periodic reports and recommendations regarding the education of children with disabilities to the division superintendent for transmission to the local school board;
- Assist the local school division in interpreting plans to the community for meeting the special needs of children with disabilities for educational services;
- Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
- Participate in the review of the local school division's annual plan.[1]

MEMBERSHIP

Pursuant to state law, a majority of members of a local advisory committee on special education shall be parents of children with disabilities or individuals with disabilities, and the committee shall also include at least one teacher.

Under SEAC's bylaws, SEAC has a maximum of 30 voting Members, all of whom must be residents of Albemarle County. These members are approved by the Director of Special Education, at the direction of the Superintendent and School Board. The goal is to have one voting Member representing each school (a second, alternate member for each school is also permitted), with additional space for up to 5 at-large and community representative members.

[1] 8 Va. Admin. Code § 20-81-230(D).

A minimum of two-thirds of SEAC's membership shall be parents of children who receive special education services. For the 2025-2026 school year, SEAC leadership and members are:

School	Member Name
Agnor Elementary	*Vacant*
Baker Butler Elementary	Amanda Vogel Lindsay Scott
Broadus Wood Elementary	Joel Strauss
Brownsville Elementary	Krystal Bitwa
Crozet Elementary	*Vacant*
Greer Elementary	*Vacant*
Hollymead Elementary	Tara Goodrich Matthew Fowler
Ivy Elementary	Jessica Allen* Tracy Magee
Mountain View Elementary	Caitlin Foley
Murray Elementary	Tammy Gouldsmith
Red Hill Elementary	*Vacant*
Scottsville Elementary	Dee Curry**
Stony Point Elementary	Grace Steljes
Stone-Robinson Elementary	Jessica Willard
Woodbrook Elementary	Alexia Sisk
Burley Middle School	Sam Peacoe***
Community Lab School	Kristie Wood
Henley Middle School	Chris Seaman* Jenni Wolf
Journey Middle School	Libby Moore
Lakeside Middle School	Christine Garland Jamie Crowe
Walton Middle School	*Vacant*
Albemarle High School	Kate Gariepy Cate Hudtloff
Monticello High School	Renee Leftwich
Western Albemarle High School	Nicole Group***
Community Representatives	Tanya Evans Betsey Soulsby
Post High	*Vacant*
Ace Academy	Teller Stalfort

<u>Legend:</u>
*Co-Chair; **Vice Chair; ***Co-Secretary

DATA SOURCES

SEAC considered a number of data sources to guide our issues and recommendations for improving special education services in ACPS, which are described in more detail below.

A. SEAC Family Survey

This was the third consecutive year of SEAC developing and administering a survey of Albemarle County Public Schools ("ACPS") families who have children that receive special education services. The SEAC Family Survey was a collaborative effort between SEAC and ACPS's Offices of Special Education, Community Engagement, Strategic Planning, and Communications.[2] Our goals for this survey were three-fold: (1) to collect quantitative data on the experience of families in our community; (2) to determine if there are particular demographics and/or disability groups who are less engaged in providing feedback; and (3) to compare year-over-year data to determine where progress has been made and where further improvements are needed.

The survey was distributed to families receiving special education services via email and text message (if they had one on file with ACPS) on Monday, September 15, with two follow up messages. The emails, text, messages, and survey instrument were translated into several languages via automatic translation software. In addition, SEAC members reached out to their school communities, including by email, social media, and flyers with a QR code link to the survey (see Exhibit A), inviting parents and guardians of children receiving special education services to complete it. Families with more than one child who received special education services were instructed to complete a separate survey for each child. The survey remained open until Monday, September 27. In total, 374 survey responses were received this year, which represents a slight increase over last year (see **Table 1** below).

Table 1: SEAC Family Survey Responses

	2023	**2024**	**2025**
Survey Responses	272	363	374
Special Education Students[3]	1923	2018	2020
Response Rate	14.1%	18.0%	18.5%

[2] In particular, SEAC gratefully acknowledges the contributions of Dr. Daphne Keiser, Mr. Chris Gilman, and Ms. Jennifer Dunn in assisting with survey administration, distribution, and communications to special education families.

[3] These figures were provided by Ashley Struzik, Director of Special Education. The figures for 2023 and 2024 are based on special education enrollment as of Dec. 1 of that year; for 2025, they are based on special education enrollment as of Sept. 30.

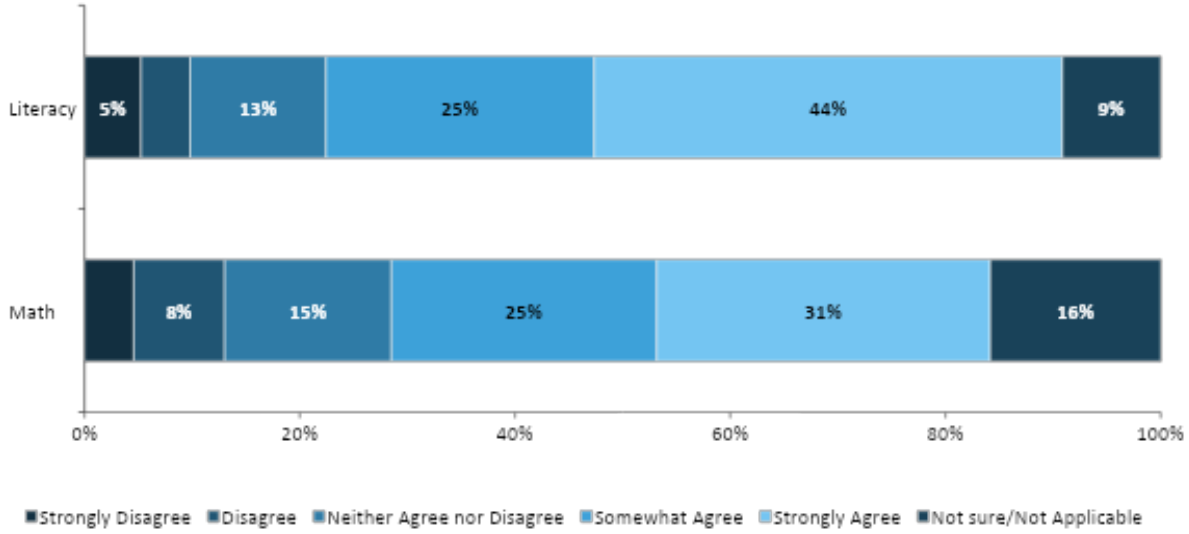
Responses were received from families in every single school in ACPS. In terms of demographics, of the families who responded, 72% identified their child as White, 12% as Black or African-American, 7% as Asian, 6% as other, 1% as American Indian/Native American or Alaskan Native; 11% declined to respond.[4] Regarding education, 50% of respondents reported that the highest level of education that a parent or guardian had completed was a graduate or professional degree, 19% for bachelor's (undergraduate) degree, 7% for some college but no degree, 6% for an associates or technical degree, 10% for a high school diploma or equivalent (GED), 2% some high school or less, and 5% declined to answer. Regarding language, the overwhelming majority of respondents preferred to receive written and spoken communication in English (95%), with 4% preferring Spanish and 1% preferring another language. This demographic information was similar to last year's survey results.

73% of survey respondents indicated their child had an Individualized Education Program (IEP), 20% had a 504, 3% had both an IEP and a 504, and 4% had neither (and thus were excluded from the remainder of the survey questions). 58% of respondents indicated their child had received special education services in ACPS for 1-3 years, 23% for 4-6 years, 11% for 7-9 years, and 7% for 10 or more years. When asked about their child's primary educational disability, 32% of respondents indicated autism, 17% indicated a specific learning disability, 15% other health impairment, 9% developmental delay, 7% emotional disability, 6% speech or language impairment, 6% multiple disabilities, 3% intellectual disability, 1% orthopedic impairment, 1% hearing impairment (incl. deafness), 1% visual impairment (incl. blindness), and less than 1% traumatic brain injury. Again, these responses were similar to last year's survey.

The survey next asked families a number of questions regarding their perception about ACPS's provision of special and general education services. First, families with a child who has an individualized education plan ("IEP") were asked about whether they felt the special education program was helping their child meet the academic goals contained in their IEP for literacy and math. For literacy, 69% of respondents said that they strongly (44%) or somewhat agreed (25%) with this statement, while 9% disagreed either somewhat (5%) or strongly (4%), for a net rating of +60 (13% of respondents neither agreed nor disagreed, and 9% selected not sure/not applicable). This represents a significant improvement compared to last year's survey, which had a net rating of +46 for the same question (58% positive, 12% negative). For math, 56% of respondents said that they strongly (31%) or somewhat (25%) agreed that the special education program was helping their child meet the academic goals in their IEP, while 13% disagreed either somewhat (8%) or strongly (5%) with this statement, for a net rating of +43 (15% of respondents neither agreed nor disagreed, and 16% selected not sure/not applicable). This represents a slight improvement over last year's survey, which had a net rating of +39 for the same question. A bar graph depicts this year's results in **Figure 1** below.

[4] Participants could select multiple responses per child, so the total percentage for this question exceeds 100%.

Figure 1: Do You Feel That the Special Education Program is Helping Your Child Meet the Academic Goals in Your Child's IEP?
(*For Students With an IEP Only*)



Positive comments in response to these questions include:[5]

- "Since [my child] has support and the option to take work to a separate classroom, [my child] is able to get direct instruction in the classroom and be in a higher level math class." - *Family Member of Middle School Student*

- "My child's literacy gaps have closed due to services provided through [my child's] IEP." - *Family Member of Elementary School Student*

- "My [children] are making great progress in their individualized education, and that's a great achievement for us as parents." - *Family Member of High School Student*

- "[Our child] has been doing much better ever since starting with the program. [My child] feels ABASE is a safe space." - *Family Member of Elementary School Student*

Negative or mixed comments in response to these questions include:

- "It all depends on the case manager. Last year, he was amazing. This year, [my child] has already had two, I have not heard from them at all and my [child] has not met with them. I'm very frustrated with ACPS to have any predictability year to year." - *Family Member of High School Student*

- "I still feel like we are on the same page as we started before IEP." - *Family Member of a Middle School Student*

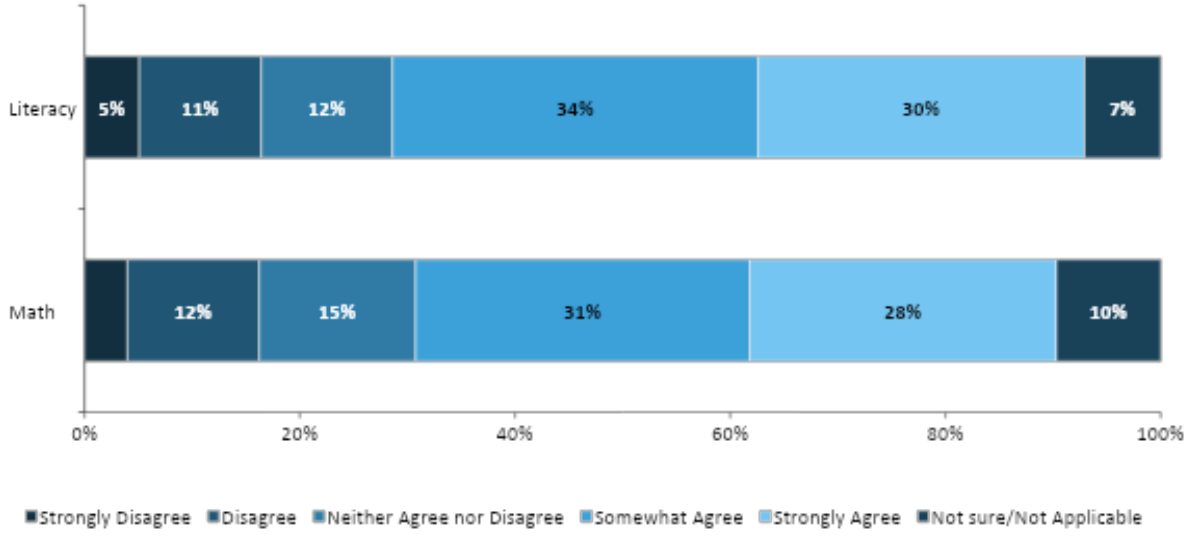
[5] Alterations to quotations to protect the privacy of the child are indicated in brackets.

- "Now that my child is in high school, [my child] does not receive the reading support like she did in elementary and middle. I also have not seen any math support so far this year." - *Family Member of High School Student*

- "I moved my child out of Albemarle County Schools because of the poor handling of obtaining an IEP for my child at [school name omitted]. We now pay for [my child] to go to [another school division]." - *Family Member of Elementary School Student*

Second, all families with a child receiving special education services (i.e., the child has an IEP, a 504 plan, or both) were asked about whether they felt that the general education program was helping their child meet academic goals. The responses to these questions were similar to last year's survey. For literacy, 64% of respondents said that they strongly (30%) or somewhat agreed (34%) with this statement, while 16% disagreed either somewhat (11%) or strongly (5%), for a net rating of +48. 12% of respondents neither agreed nor disagreed, and 7% selected not sure/not applicable). Last year, this question had a net rating of +47. For math, 59% of respondents said that they strongly (28%) or somewhat (31%) agreed with this statement, while 16% disagreed either somewhat (12%) or strongly (4%) with this statement, for a net rating of +43. 15% of respondents neither agreed nor disagreed, and 10% selected not sure/not applicable. Last year's question also had a net rating of +43. **Figure 2** depicts this year's results.

Figure 2: Do You Feel That the General Education Program is Helping Your Child Meet Academic Goals?
(*For All Students*)



Positive comments in response to these questions include:

- "The general curriculum serves my child well, helping him to continue achieving in areas where he is ahead of the class and to make steady progress in areas where he is more average." - *Family Member of Elementary School Student*

- "Student has excellent grades. This would not be possible without the compassionate support of teachers/staff around student and unique needs." - *Family Member of Middle School Student*

- "My child specifically qualified for an IEP due to processing speed. So having extra time and tools to help support learning is really valuable but generally they are learning a lot in the general curriculum." - *Family Member of Elementary School Student*

- "My [child]'s … English teacher is very responsive and communicative. She always answers my emails thoroughly and agreed to meet with us when my [child] got jammed up in class." – *Family Member of High School Student*

Negative or mixed comments in response to these questions include:

- "The general education system is not effective for [my child] in learning to read and I fear the setting is actually reducing their ambition and motivation to read." - *Family Member of Elementary School Student*

- "[My child] is twice-exceptional and their performance on Reading SOLs has dropped every year since grade 3. Unleveled classes leave [my child] unchallenged and bored. In contrast, leveled math classes have allowed [my child] to grow year over year and be appropriately challenged." – *Family Member of Middle School Student*

- "[My child] is still struggling and failing basic literacy, despite years of 'intervention' and pushing for additional services (and an IEP)." – *Family Member of Elementary School Student*

- "The general education program moves too fast for what my child is ready for, and [my child] would not meet the academic goals without the one on one support." - *Family Member of Elementary School Parent*

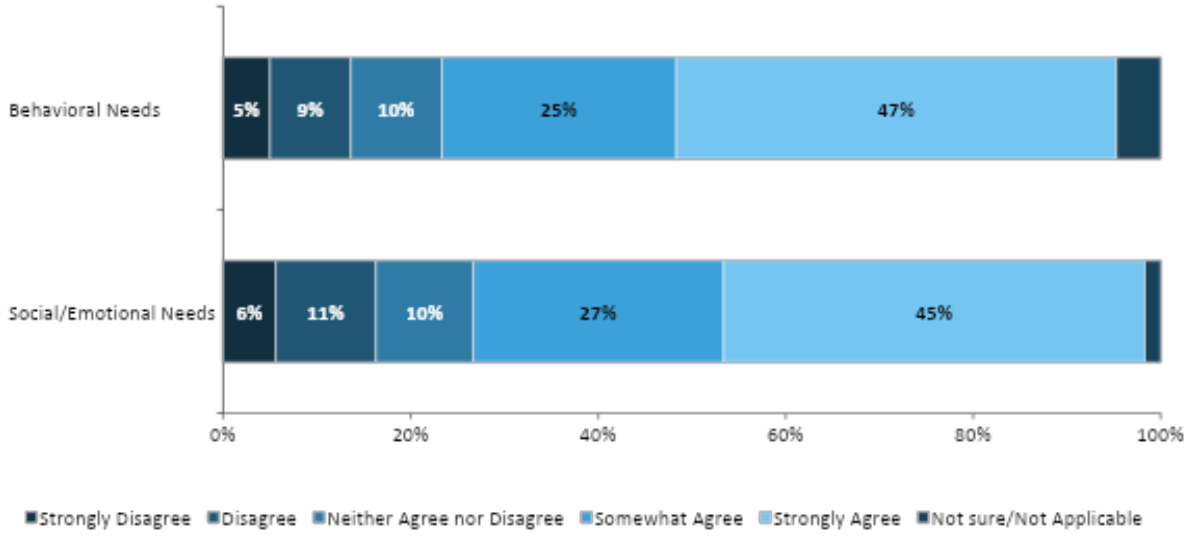
Regarding strengths of their child's placement at school, families most commonly responded by selecting special education services (57%), accommodations (57%), and progress monitoring (57%), followed by special education team input (39%), progress monitoring (36%), and physical facilities/infrastructure (23%).[6] Regarding weaknesses, families most commonly mentioned progress monitoring (45%), followed by special education services (28%), general education services (28%), special education team input (24%), and physical facilities/infrastructure (21%). These responses were broadly similar to last year, which also

[6] Respondents could select multiple strengths and weaknesses for these questions.

most frequently ranked accommodations, special education services, and general education services as strengths, while selecting progress monitoring as the most frequent weakness.

The Family Survey also asked special education families how well their child's behavioral and social/emotional needs are being met in school. 72% of respondents said they strongly (47%) or somewhat (25%) agreed that their child's behavioral needs are being met, with 14% disagreeing either somewhat (9%) or strongly (5%) (with 10% neither agreeing nor disagreeing and 4% not sure/not applicable), for a net rating of +58. This is improved from last year's survey, where responses to the same question had a net rating of +53. For social/emotional needs, 72% of respondents said they strongly (45%) or somewhat (27%) agreed that their child's behavioral needs are being met, with 17% disagreeing either somewhat (11%) or strongly (6%) (with 10% neither agreeing nor disagreeing and 1% not sure/not applicable), for a net rating of +55. Again, this represents a slight improvement compared to last year's survey, which had a net rating of +53. **Figure 3** depicts this year's results.

Figure 3: How Well Do You Feel Your Child's Behavioral and Social/Emotional Needs Are Being Met in School?
(*For All Students*)



Positive comments in response to these questions include:

- "[My child] needs considerable guidance for making social, emotional, and behavioral progress. Everyone in [my child's] school, from his teachers to his counselors to the administration and even the school nurse have been supportive beyond our expectations. [My child] is thriving because of their ability to meet [my child] in this area where [my child] needs extra support." - *Family Member of Elementary School Student*

- “[My child] is doing well in these areas. It appears [my child] is being held accountable for behavior and [my child is] aware of the compassionate support available and how to get this support when needed.” - *Family Member of Middle School Student*

- “The addition of a school wide organization system is a game changer and while helpful to all students (and families) essential for students with executive functioning needs. The system teaches life long habits that foster independence. I can not say enough positive things about this initiative.” - *Family Member of Middle School Student*

- “The counseling team and principal at [my child’s school] are incredible and proactive and kind.” - *Family Member of Elementary School Student*

Negative or mixed comments in response to these questions include:

- “The school is not staffed to be able to meet [my child's] needs. and carries a strong sense of general ambivalence. They seem to expect the kids to function in a way that most high schoolers function, when many MANY kids are not at that stage of readiness or ability.” - *Family Member of High School Student*

- “[Our child’s] behavioral and social/emotional needs are often overlooked by administration and treated in a punitive manner. They are often disciplined for items that are clearly labeled in their IEP and set out as specific language to be worked on. It is absolutely mind blowing to me that this is acceptable. The very people we have looked to protect and guide him are disciplining him for having a disability instead of engaging him in a supportive and constructive environment to grow.” - *Family Member of Elementary School Student*

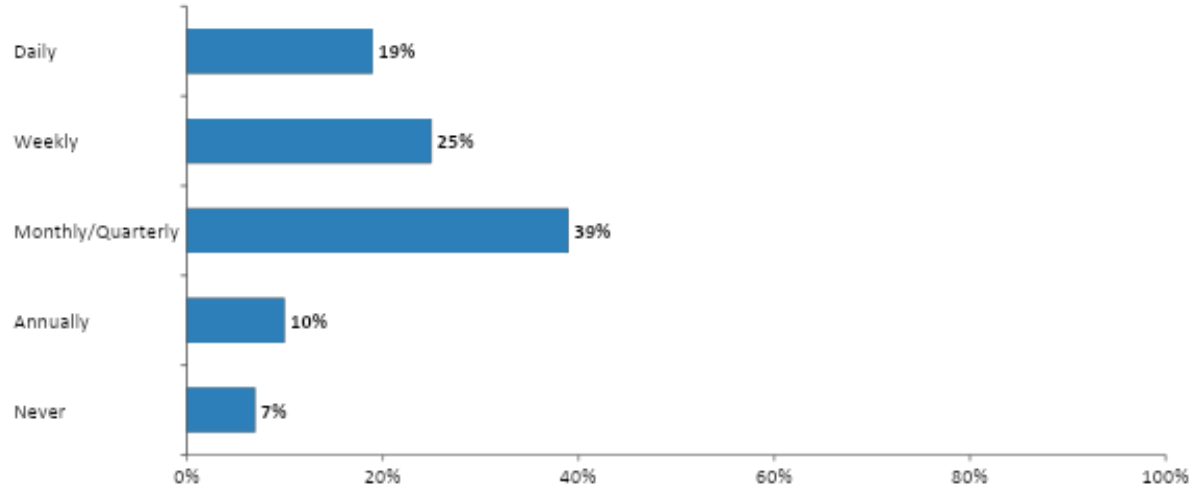
- “Though resources are available, we always have to ask for them. Throughout elementary, and now in 6th grade, there has been no proactive approach to providing social emotional support, even though social emotional skills have been identified throughout his education as a challenge area.” - *Family Member of Middle School Student*

- “I have asked for emotional support for my child in the past and it always was agreed upon but never happened. It feels like there are not enough resources.” - *Family Member of Middle School Student*

For students with an IEP, family members were asked how often their child’s special education teacher communicates with them. 44% of respondents said that they communicated either daily (19%) or weekly (25%) with their teacher, representing a 6% change compared to responses for last year’s survey (38%). 39% indicated they communicated monthly or quarterly with their child’s special education teacher, while 10% indicated they only communicated

annually and 7% reported never having a communication with their special education teacher. These results are represented in **Figure 4** below.

Figure 4: How Often Does Your Child's Special Education Teacher Communicate With You?
(*Students with an IEP Only*)



Comments in the Family Survey relating to communications with their child's special education team, both positive and negative, include:

- "Excellent communication! It is extremely helpful to get not only daily updates but weekly schedule updates - this helps continue incorporating skills at home!" - *Family Member of Elementary School Student*

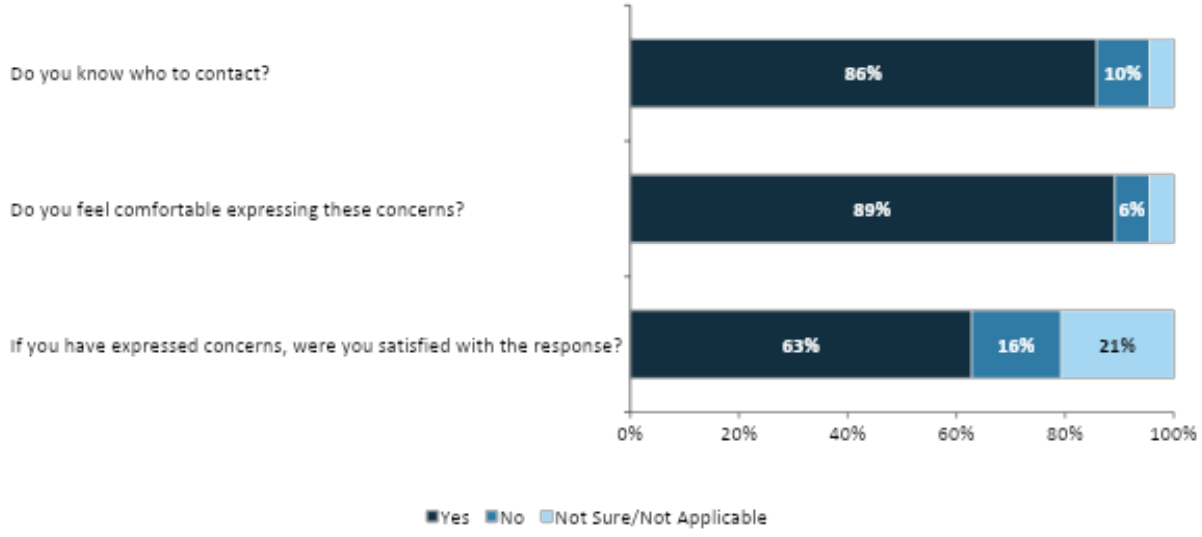
- "I do not feel that [my child's] needs are being met and we have minimal communication with her team. Last year's IEP was not an encouraging interaction." - *Family Member of Middle School Student*

- "Both in class and [Extended Day Enrichment Program], there isn't/hasn't been much (if any) communication on successes. We're quite abruptly and immediately contacted when a problem develops however." - *Family Member of Elementary School Student*

- "My [child]'s [special education] case manager … never initiates contact, it's always me. Even when my [child] is failing English. He doesn't follow up to ensure accommodations are followed. However … [my child's] Study Skills teacher is responsive & looks for ways to help him in Study Skills." - *Family Member of High School Student*

When asked about expressing concerns regarding their child's special education services, the vast majority (86%) of families responded that they knew who to contact, and a similar number (89%) said they felt comfortable expressing those concerns. Of families who expressed a concern, 63% said they were satisfied with their response–a net improvement of 10% compared to last year's survey–while 16% indicated dissatisfaction and 21% replying not sure/not applicable. These results are depicted in **Figure 5** below.

Figure 5: When You Have a Concern About Your Child's Special Education Services:
(For All Students)



Finally, when respondents were asked if they were aware of a volunteer-led Special Education Advisory Committee that helped provide a collective voice for the disability community, a slight majority (54%) responded yes. This was slightly lower than last year, where 58% of respondents knew about SEAC.

A slide deck with the key findings from the SEAC Family Survey is attached as Exhibit B to the end of this report, and a detailed summary of all survey results is attached as Exhibit C.

B. Standards of Learning (SOL) Assessment Results

The Virginia Standards of Learning ("SOL") assessments are a group of subject-matter tests administered annually to Virginia students in grades 3-11. Aggregate SOL assessment results are reported by the Virginia Department of Education ("VDOE") at the state, division, and school levels. SOL assessment results also include information on outcomes for particular subgroups of students, such as the student's race/ethnicity, gender, economic disadvantage, English learners, and students with disabilities. This allows for a comparison in SOL pass rates between all students and students with disabilities both within ACPS and in comparison to statewide results.

The most significant finding from SOLs is that while some modest improvement has occurred, a large and persistent gap in academic achievement remains between students with disabilities and the overall student population in ACPS. **Table 2** below shows the comparison between SOL pass rates for all ACPS students and ACPS students with disabilities in English: Reading for the 2022-23, 2023-24, and 2024-25 academic years, and the difference (achievement gap) between the two groups.

Table 2: SOL Pass Rate - English: Reading

	2022-23	**2023-24**	**2024-25**
All ACPS Students	74%	75%	75%
ACPS Students with Disabilities	45%	44%	47%
Difference (Achievement Gap)	***-29%***	***-31%***	***-28%***

Table 3 below shows the comparison between SOL pass rates for all ACPS students and ACPS students with disabilities in English: Writing for the 2022-23, 2023-24, and 2024-25 academic years, and the difference (achievement gap) between the two groups.

Table 3: SOL Pass Rate - English: Writing

	2022-23	**2023-24**	**2024-25**
All ACPS Students	73%	78%	75%
ACPS Students with Disabilities	27%	35%	32%
Difference (Achievement Gap)	***-46%***	***-43%***	***-43%***

Table 4 below shows the comparison between SOL pass rates for all ACPS students and ACPS students with disabilities in Mathematics for the 2022-23, 2023-24, and 2024-25 academic years, and the difference (achievement gap) between the two groups.

Table 4: SOL Pass Rate - Mathematics

	2022-23	**2023-24**	**2024-25**
All ACPS Students	69%	72%	74%
ACPS Students with Disabilities	41%	45%	47%
Difference (Achievement Gap)	***-28%***	***-27%***	***-27%***

ACPS students with disabilities have SOL pass rates that are generally close to the statewide average, with some variation by subject matter. Specifically, Math and English: Reading scores increased slightly relative to the rest of the state in 2024-2025, while English: Writing declined. For English: Reading, 45% of students with disabilities in ACPS passed compared to 44% students with disabilities statewide in 2022-23, 44% in ACPS vs. 45% statewide in 2023-24, and 47% in ACPS vs 45% statewide for 2024-25, as indicated in **Table 5**.

Table 5: SOL Pass Rate - English: Reading

	2022-23	**2023-24**	**2024-25**
ACPS Students with Disabilities	45%	44%	47%
Statewide Students with Disabilities	44%	45%	45%
Difference	***+1%***	***-1%***	***+2%***

For English: Writing, 27% of students with disabilities in ACPS passed the SOL compared to 24% of students with disabilities statewide in 2022-23, 35% in ACPS vs. 36% statewide in 2023-24, and 32% in ACPS vs 37% statewide for 2024-25, as indicated in **Table 6**.

Table 6: SOL Pass Rate - English: Writing

	2022-23	**2023-24**	**2024-25**
ACPS Students with Disabilities	27%	35%	32%
Statewide Students with Disabilities	24%	36%	37%
Difference	***+3%***	***-1%***	***-5%***

For Math, 41% of students with disabilities in ACPS passed the SOL compared to 43% of students with disabilities statewide in 2022-23, 45% in ACPS vs. 45% statewide in 2023-24, and 47% in ACPS vs. 45% statewide in 2024-25, as indicated in **Table 7** below.

Table 7: SOL Pass Rate - Math

	2022-23	**2023-24**	**2024-25**
ACPS Students with Disabilities	41%	45%	47%
Statewide Students with Disabilities	43%	45%	45%
Difference	***-2%***	***0%***	***+2%***

C. Student Discipline Data

SEAC has also reviewed data regarding the rate of school discipline involving students with disabilities. According to the Equity Table for the 2024 State of the Division Report,[7] 34% of ACPS students who had an out-of-school suspension during the 2023-2024 school year were students with disabilities, but students with disabilities make up only 14% of the ACPS student body. In other words, 7.2% of students with disabilities in ACPS were suspended from school (138 out of 1930), compared to only 2.2% of students without disabilities (267 out of 12,037) Even more significantly, 40% of incidents of out-of-school suspension in 2023-24 involved students with disabilities.

A more recent summary of student behavior and discipline that includes data from the 2024-2025 school year found increased disproportionality for students with disabilities.[8] According to this data, the percentage of students with an IEP who engaged in actionable behavior increased from 31.1% in 2023-24 to 33.8% in 2024-25. An increase also occurred among students with a 504 plan, growing from 6.3% in 2023-24 to 9.5% in 2024-25. Regarding restorative justice, less than 5% of all behavioral incidents resulted in some form of restorative practices in 2023-24 (3.6%) and 2024-25 (4.7%).

D. UVA Law Research for Family Council

During the 2024-25 school year, Family Council and SEAC engaged the Community Organization and Social Enterprise Clinic at the University of Virginia School of Law in a consulting partnership. Both Family Council and SEAC leaders were involved in this process. Led by Professor Sarah Shalf, a team of UVA Law students supported and analyzed Family Council's research to better understand the experiences of ACPS families seeking evaluation of their child for possible disabilities. The research consisted of a family survey and in-depth interviews with ACPS families who had sought special education services for their child.

The results of this survey are available in Exhibit D, including both quantitative data and a subset of quotes shared with permission of families. The sample size of 77 respondents, while not necessarily representative of all family experiences, was sufficient to establish that challenges with the ACPS process for obtaining evaluations are prevalent and allowed researchers to pinpoint specific problem areas as described later in this report. Some of the notable results from this survey include:

- A majority of respondents (58%) who sought special education services for their child reported receiving no guidance or assistance from school employees or ACPS staff on how to request an evaluation.

---

[7] https://www.k12albemarle.org/our-departments/community-engagement/equity-tables. The Equity Table for the 2024-25 school year was not publicly available as of the time of this report.
[8] https://esb.k12albemarle.org/attachments/a0daf7f1-b60e-4e26-a218-42c2801b2f3e.pdf

- 38% received an initial response to their evaluation request in less than one week, while a similar percentage (38%) received an initial response within two weeks. The remaining respondents received a response in 3-4 weeks (12%) or even longer (12%).

- A majority of respondents (52%) were dissatisfied with their school's response to their evaluation request, including nearly a third (32%) who were very dissatisfied.

- Two-thirds of respondents (67%) reported that school staff communicated with them somewhat often (35%) or not often (32%) during the evaluation process.

- Over half (52%) of respondents felt either "slightly informed" (19%) or "not at all informed" (34%) about their rights during the evaluation process.

Across both the survey and in-depth interviews, the UVA Law students' analysis identified three key themes: 1) "Lack of transparency and poor communication"; 2) "Family Access to Resources Affecting Success"; and 3) "Inconsistency and Poor Training Leading to Affirmative Barriers". The findings raise significant concerns about ACPS systems for families to access disability evaluations as required by federal and state child find regulations.[9]

ISSUES AND RECOMMENDATIONS

In light of this data, as well as feedback received from members of the special education community in ACPS, SEAC raises the following issues and recommendations for the School Board's awareness and consideration.

1. Increased Support for Meaningful Inclusion.

We are thankful for the continued commitment by ACPS to create a more inclusive, equitable, and supportive learning environment for students with disabilities across the school division. The data is clear: inclusive learning communities are beneficial for both neurodivergent and neurotypical students. As more students with disabilities are educated alongside their neurotypical peers in general education classrooms, it is essential that we provide both the general education and special education staff with appropriate supports.

Inclusion can be measured by multiple parameters. Rigid measures of inclusion, such as state indicator 5A that accounts for the percentage of time that students with disabilities are included in mainstream classrooms for 80 percent or more of the day, are certainly valuable

[9] Federal child find regulations require states and local school districts to actively locate, identify, and evaluate all children, from birth through age 21, who may have a disability and need special education services. 34 C.F.R. § 300.111. Similarly, state regulations require each school division to "maintain an active and continuing child find program designed to identify, locate and evaluate those children residing in the jurisdiction" from "birth to age 21, inclusive, who are in need of special education and related services." 8 Va. Admin. Code § 20-81-40(A)(1).

tools. Meaningful inclusion, however, encompasses much more than just the time a student spends in the general education classroom. It requires a collaborative co-teaching team and administrators who are willing to listen and provide appropriate supports. Most general education teachers do not receive specialized instruction for providing academic accommodations to students with disabilities during their formal education. We must be providing them the time and resources to serve these learners, collaborate with their teams, and help us close the academic gap for our students with disabilities. Our goal is not to suggest a one-size fits all approach to inclusion, but to make recommendations that support both general education and special education teachers to meet the needs of our families.

As we have done for the previous two years, we make the following recommendations with the aim of providing high-quality academic instruction to our students with disabilities while supporting both our general education and special education teams. **First, SEAC recommends that ACPS add two additional positions: a Learning Specialist and a Behavior Specialist.** These positions would serve as coaches to all teachers on accommodations for academics and behavior. These positions hold the unique ability to serve all students with disabilities (those with IEPs and 504s) whether they are or are not in a BASE program.

We analyze behavior metrics and disciplinary actions against our students with disabilities, which continue to demonstrate increases in the division. The disproportionate rate at which students with disabilities are subject to out-of-school suspensions in ACPS adversely affects their learning. It could be argued that this is a downstream effect of our inability to provide those students and staff with the appropriate upstream support. We are aware that the addition of a second Learning Specialist and a second Behavior Specialist has been a budgeting priority for the division for the last four years, and that the School Board noted in its reply to last year's report that "we remain committed to finding opportunities to increase support for inclusive practices across the division as future resources allow." We respectfully request that this be the year in which funding is allotted for these two positions.

Second, SEAC recommends that ACPS include Special Education Teachers and Special Education Teaching Assistants (TAs) in shared Professional Learning Community (PLC) time and be appropriately compensated for this time. The School Board noted in last year's reply that it "will continue to explore opportunities for deeper collaboration [between teachers and TAs] when possible." Having dedicated time to converse, collaborate, and learn from your colleagues is imperative to serve students in a co-teaching model. If the district does not plan for and allow this protected time, meaningful inclusion is less likely to occur. Since PLC time occurs during the school day when special education TAs are actively supporting students, this will likely require additional paid staff support.

2. Disproportionality in School Discipline

SEAC notes with concern the growing disproportionality in school discipline for students with disabilities, including significantly higher rates of out-of-school suspension compared to their nondisabled peers. Research shows that the use of exclusionary discipline policies and practices, including out-of-school suspensions, lead to long-term harmful outcomes for students, such as increased risk of academic failure, school dropout, and socioemotional and mental health problems.[10]

High disproportionality is not only an equity concern; it also poses a significant legal risk. Federal law prohibits disability-based discrimination in student discipline and requires reasonable modifications to policies where needed to avoid discriminatory effects. Guidance from the U.S. Department of Education makes clear that patterns of harsher or more frequent discipline for students with disabilities, especially where the school division is aware of those patterns and does not respond, can lead to investigations, findings, and corrective action.[11]

Federal IDEA regulations require states to adopt a uniform standard methodology for assessing disproportionality based on race and ethnicity in the identification, placement, and disciplinary removals of students with disabilities.[12] The Virginia Department of Education (VDOE) has set this threshold at a risk ratio of 3.0 or greater for three consecutive years.[13] According to data for the 2023-2024 school year, ACPS's risk ratio for out-of-school suspensions for students with disabilities was approximately 3.22. This underscores both the urgency of proactive corrective action and the potential legal and fiscal exposure if the division does not demonstrate measurable improvement in equitable disciplinary outcomes.

To assist in further evaluating this issue and making recommendations for improvement, SEAC and Family Council are partnering with the Community Organization and Social Enterprise Clinic at the University of Virginia Law School during the current 2025-26 school year. Although this is an ongoing process, some potential ideas for reform include:

---

[10] Institute of Education Sciences, U.S. Department of Education, *Behavior and School Discipline for Students With Disabilities* (Sept. 25, 2023), https://ies.ed.gov/learn/blog/behavior-and-school-discipline-students-disabilities.

[11] Office of Civil Rights, U.S. Department of Education, *Supporting Students With Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973* (July 2022), https://www.ed.gov/media/document/504-discipline-guidance-2022-21258.pdf.

[12] 34 C.F.R. § 300.646(b). SEAC notes that, according to the Equity Table for the 2023-24 school year, there appears to be significant racial disproportionality in the discipline of Black students, who represent 36% of ACPS students receiving out-of-school suspensions, even though Black students make up only 12% of the overall ACPS student population.

[13] https://www.ed.gov/media/document/va-sigdispro-2020pdf-59775.pdf.

- **Conduct a comprehensive legal and policy audit of discipline practices.** Convene a cross-disciplinary team, including representation from the Offices of Special Education, Student Services/Discipline, Equity, and SEAC, to review Policies JGDA (Disciplining Students With Disabilities), JGD/JGE (Student Suspension/Expulsion), and JFC (Student Conduct), and related regulations and school-level procedures, focusing on: (1) consistency with IDEA and Section 504 discipline requirements; (2) when and how manifestation determinations, functional behavior assessments (FBAs), and behavioral intervention plans (BIPs) are used; (3) the availability of restorative and instructional responses as presumptive first-line options; and (4) documentation and communication to families. This team should also consider data, policies, and practices from comparable school divisions with less disproportionality to inform its analysis and recommendations.

- **Strengthen data transparency and monitoring.** Publish disaggregated discipline dashboards at least quarterly—including by disability status, race/ethnicity, school level, and incident type—and report specific corrective actions to SEAC and the School Board when disproportionality persists.

- **Implement and sustain divisionwide restorative practices training.** Although ACPS has a restorative practices program, it is used sparingly and inconsistently. All school-based staff, including administrators and school resource officers (SROs), should receive ongoing training and coaching in restorative approaches, aligned with ACPS's existing restorative discipline framework and the Anti-Racism Policy's call for alternative discipline processes such as restorative justice.[14]

3. Training and Transparency for School Resource Officers (SROs)

Earlier this year, the School Board voted to add funding for two additional positions for School Resource Officers (SROs). SEAC unanimously adopted a resolution in opposition to this action, explaining that a substantial body of evidence has found that the presence of armed law enforcement officers in public schools disproportionately harms students with disabilities, especially students of color who have a disability.[15] SEAC members also expressed our concern

---

[14] https://www.k12albemarle.org/our-division/anti-racism-policy/policy

[15] *See* Wes Resendes, Staff Attorney, ACLU Disability Rights Program, *Police in Schools Continue to Target Black, Brown and Indigenous Students With Disabilities. The Trump Administration Has Data That's Likely to Prove It,* ACLU.com, https://www.aclu.org/news/criminal-law-reform/police-in-schools-continue-to-target-black-brown-and-indigenous-students-with-disabilities-the-trump-administration-has-data-thats-likely-to-prove-it (July 9, 2020) (reporting that "students with disabilities were nearly three times more likely to be arrested and referred to law enforcement than students without disabilities" and this "risk is multiplied in schools with police"); Virginia Board for People With Disabilities, *2022 Assessment of the School to Prison Pipeline*, https://www.vbpd.virginia.gov/downloads/S2P%20Pipeline%20Assessment_WEB.pdf (reporting that "[t]he presence of SROs … in schools have been shown to increase the

about the impact of law enforcement officers in our schools for immigrant students with disabilities, particularly those who may be undocumented or whose legal status is unknown.

In light of the School Board's decision, our current focus is on ensuring that SROs receive appropriate and adequate training to mitigate the potential risks for students with disabilities. The Memorandum of Understanding (MOU) between Albemarle County and ACPS adopted in 2023 requires that each SRO complete 40 hours of training every two years, and that this training "may include … disability awareness training" (Part IV.M.2). This optional, limited training – which amounts to less than 2 hours per month on average – may not be adequate to prepare SROs to appropriately respond to incidents involving students with disabilities, particularly children with severe emotional and/or behavioral issues and neurodiverse children. **SEAC recommends that the next version of the MOU make training for SROs for dealing with children with disabilities mandatory.**

In addition, **SEAC recommends that each SRO be required to complete an advanced training course that includes identifying and appropriately responding to students with disabilities and/or mental health needs in a K-12 school environment**. Training courses that appear to fit this requirement include the Adolescent Mental Health Training (AMHT) program offered by the National Association of School Resource Officers (NASRO)[16] and the "Supporting Students With Special Needs: Essential Strategies for SROs" program offered by the Virginia Department of Criminal Justice Services (DCJS).[17]

Furthermore, **SEAC recommends that the School Board promote greater transparency by ensuring that SRO reports are made publicly available on a monthly basis.** These reports should include data regarding the types of incidents, disciplinary outcomes, and any involvement of students with disabilities. Regular public access to this information would allow families, educators, and the broader community to monitor trends, evaluate whether SRO interventions are being applied equitably, and identify potential patterns of disproportionality.

---

incidence of in-school suspension, out-of-school suspension, expulsion, police referral and arrest for students with disabilities, particularly in high schools" and that "Virginia led the nation in the number of students with disabilities referred to law enforcement" at "more than 6 times the national average for all students"; these disparities are even higher for Black students with disabilities); Annie E. Casey Foundation, *Promoting Student Safety With Police-Free Schools*, https://www.aecf.org/blog/promoting-student-safety-with-police-free-schools (Nov. 17, 2023) (reporting that "compared to their white peers, students of color are arrested by SROs at disproportionately higher rates, which exposes them to the school-to-prison pipeline").

[16] Nat'l Ass'n of School Resource Officers, *Adolescent Mental Health Training for School Resource Officers and Educators: Course Outline and Objectives* (2024), https://www.nasro.org/clientuploads/Instructors%20Corner%20Files/2024/AMHT/AMHT-SRO_Course_Outline_and_Objectives_05.08.24_(1).pdf.

[17] Va. Dep't of Criminal Justice Servs., *Supporting Students With Special Needs: Essential Strategies for SROs*, https://www.dcjs.virginia.gov/training-events/supporting-students-special-needs-essential-strategies-sros.

Given that students with disabilities continue to experience discipline at high rates, timely and detailed SRO reporting is essential to maintain accountability and build public trust in ACPS's commitment to equitable and supportive school environments.

4. Creating a Clear and Consistent System for Disability Evaluations

The analysis by the UVA Law team on behalf of Family Council revealed several ACPS systematic issues that require further investigation and improvement:

- **Unclear Referral Procedure**: State law requires that "[e]ach school shall have procedures to process in a timely manner all referral requests for a child suspected of having a disability."[18] However, most families surveyed report receiving no guidance, assistance, or resources from ACPS on how to make an official request for their child to be evaluated for a potential disability. In addition, school staff are providing inconsistent explanations to families about what constitutes an "official" referral.

- **Delays in Eligibility Determination**: Research shows that when students with disabilities are identified earlier in life, their long-term academic outcomes are higher because they have the opportunity to build a strong foundation for later learning.[19] ACPS families surveyed reported significant delays, well beyond the 3 days required by law,[20] in receiving initial responses to evaluation requests. In addition, many families report being placed into an "endless loop of SBIT" [school-based intervention team], a process of repeated short-term interventions that significantly delay a determination of whether the referred child is eligible for special education services.

- **Inconsistent and Inappropriate Criteria for Denying Special Education Services**: Child find regulations require that each school division conduct an evaluation if there is reason to suspect or believe that a child has a disability.[21] One "red flag" alone may be insufficient to trigger the child find duty, but multiple should trigger an evaluation. ACPS families report denials of disability evaluations, and thus denial of services, for reasons that raise significant concerns about lack of consistent criteria, including: refusal to consider external evaluations and parental observations; reliance on inaccurate heuristics such as "two grade levels behind" or class grades that are not failing; dismissal of evaluations for K-2 reading as "too early"; and inconsistency for behavior challenge criteria. No clear criteria for what qualifies a child for receiving an evaluation for suspected disability is available from ACPS.

---

[18] 8 Va. Admin. Code § 20-81-50(D)(1).

[19] Marcee M. Steele, *Making the Case for Early Identification and Intervention for Young Children at Risk for Learning Disabilities*, 32 Early Childhood Ed. J. 75–79 (2004); Barbara R. Peltzman, *Guidelines for Early Identification and Strategies for Early Intervention of At-Risk Learning Disabled Children* (1992), https://eric.ed.gov/?id=ED351111.

[20] 8 Va. Admin. Code 20-81-50(D)(3)(b).

[21] 34 C.F.R. § 300.111.

These issues are highly likely to contribute to less-positive outcomes for children with disabilities and cause family distrust and frustration at the start of the special education process within ACPS. We offer several recommendations to address them.

First, **SEAC recommends that, during the current school year, ACPS design and implement a clear process for conducting disability evaluations, including creating a task force that includes family representatives and special education teachers and staff**. This process should include, *inter alia*, (1) providing clear information to all ACPS families on how to request an evaluation and their rights during the evaluation process, (2) creating and following a timeline for all legally-required steps of the evaluation process, and providing this timeline to families, and (3) timely providing families with a written decision regarding the evaluation and notice of their options to seek further review at the federal, state, and local levels. As part of this process, we request that ACPS provide to both SEAC and the task force aggregate data on referrals and completed evaluations by school for at least the past three years.

Within ACPS, the SBIT process is closely linked to special education, but led by a separate department in the central office. So, second, **we recommend a parallel task force focused on standardizing the School-Based Intervention Teams (SBIT) process**. The lack of consistency across schools contributes to both delays and denials for students who qualify for special education services, as well as students without disabilities who require intervention.

Third, SEAC notes that the most recent publicly-available version of the ACPS Special Education Policy Manual is dated from 2010.[22] **SEAC recommends that ACPS special education leadership update the Special Education Policy Manual to reflect changes recommended by these task forces, as well as intervening changes in federal and state law**.

Fourth, **we recommend that ACPS provide administrator and staff training on the revamped disability evaluation and SBIT processes** when the task force work is complete, no later than the start of the 2026-2027 school year.

5. Accessibility

As mentioned in last year's report, the most basic form of meaningful inclusion is accessibility to a school's physical environment. We are grateful that one of our main recommendations from last year – an accessibility and inclusion audit at all schools and school grounds – was recently completed and submitted to the Virginia General Assembly pursuant to House Bill 2278. (See Exhibit E.) This results of this audit identified 300 total issues at ACPS facilities, broken into three categories: (1) barriers, defined as a "fixed obstacle that prevents accessibility" (e.g., a stage only accessible by stairs); (2) major challenges, defined as "a

[22] Department of Special Services, Albemarle County Public Schools, *Special Education Policy Manual* (May 27, 2010) https://resources.finalsite.net/images/v1663520039/k12albemarleorg/qpkvjl0xe0alp9o67nim/SPED_PolicyManual_ACPS.pdf

challenge requiring significant work, professional services, funding, or construction time to resolve" (e.g., playground walkways and equipment for wheelchair access); and (3) minor challenges, defined as "a challenge requiring minimal effort or funds to resolve" (such as appropriate parking and signage). Some of these issues also have been identified by the Long-Range Planning Advisory Committee (LRPAC) in its $666.4 million need-based Capital Improvement Plan.

It is clear from the results of this accessibility audit that considerable financial resources are needed to address these barriers and challenges. **SEAC therefore expresses its support for increased state and local funding to ensure that ACPS school facilities are accessible for all students, including students with special needs.** SEAC is also happy to take further action in support of this, such as adopting a resolution requesting that the Commonwealth provide additional funding for ACPS and other school divisions to address these barriers and challenges. In addition, **SEAC requests that ACPS provide an update by the end of the current school year regarding resolution of the barriers and challenges identified in its report.**

6. Compensation and Staffing for Special Education Services

As noted in last year's report, compensation for special education teaching assistants (TAs) was one of our most important concerns. We gratefully acknowledge that, thanks to the School Board's leadership, the pay rate for special education TAs was increased last year. However, there are other areas where additional resources are needed to fully staff special education services.

First, there are currently 3 school-based psychologist vacancies in ACPS, at least one of which (at Henley Middle School) has been open for over a year.[23] School psychologists are integral members of the special educational team who ensure that students with disabilities receive the academic, behavioral, and emotional support necessary for success.[24] They conduct comprehensive psychoeducational evaluations that inform eligibility and IEP decisions, help design and monitor behavioral and academic interventions, and collaborate with teachers and families to create inclusive, supportive learning environments. Given the specialized graduate training and licensure these professionals must hold, competitive compensation is essential to attract and retain qualified practitioners. **SEAC recommends that Human Resources conduct a compensation and job description review for these positions in light of the high level of expertise, responsibility, and demand for these professionals in a competitive labor market.**

In addition, ACPS special education leadership has indicated that additional staffing will be needed in the foreseeable future to address the growth in student enrollment and the

---

[23] The other two current vacancies for school-based psychologists are at Broadus Wood Elementary School and Albemarle High School.

[24] Mikaela Pulse & Wesley Sims, *School Psychologists: Working at the Intersection of Psychology and Education*, Am. Psych. Ass'n (Sept. 2023), https://www.apa.org/ed/precollege/psn/2023/09/school-psychologists

increasingly intensive support needs of the students within our special education programs. Since the last staff expansion over three years ago, our division's growth has outpaced current staffing levels, impacting the ability to provide mandated, high-quality, individualized education programs (IEPs).

7. Increasing Representativeness of SEAC

One of SEAC's ongoing concerns is the representativeness of this advisory committee. Our members volunteer their time and talents to advise the School Board and to work with school division personnel to improve special education services for *all* children in ACPS, not just our own. This represents a significant investment of SEAC members' time and energy, on top of existing work, personal, and/or family commitments. These barriers make it difficult for many family members to participate in SEAC. Notably, for the current school year, we lack representation on SEAC from four elementary schools (three of which are Title I schools), one middle school, and Post High.

One particular challenge is obtaining and paying for child care so that SEAC members can attend our in-person meetings, which are typically held monthly during the school year and last up to two hours. Although ACPS has offered to provide on-site child care during these meetings (if an ACPS employee is willing to fill this role), this is not a viable solution for many SEAC members, as our children have specific needs and/or limitations related to their disabilities. We should not have to incur these additional out-of-pocket costs on top of the time we volunteer. **We therefore request that ACPS authorize reimbursement of SEAC members' reasonable child care expenses during our monthly meetings**. To alleviate possible budgetary pressure, these reimbursements could be capped at a set per-person amount.

CONCLUSION

We appreciate the opportunity to advise the Superintendent and the School Board on how to continue improving special education services for children with disabilities and their families, and we look forward to continued collaboration on the issues identified in this report. We are all stronger together.

Exhibit A

BE A VOICE FOR OUR

SPECIAL EDUCATION Community

HELP US

If your student has an IEP or a 504, your volunteer-led Special Education Advisory Committee (SEAC) is hoping you will take 15 minutes to share your experience with us.

GOAL

Advise the school board of our communities experience and work together to create meanigful change.

SURVEY LINK:

COMPLETE BY SEPT. 26TH

Learn more about SEAC here:

www.k12albemarle.org/our-departments/special-education/special-education-advisory-committee

Exhibit B

SEAC Community Survey F25

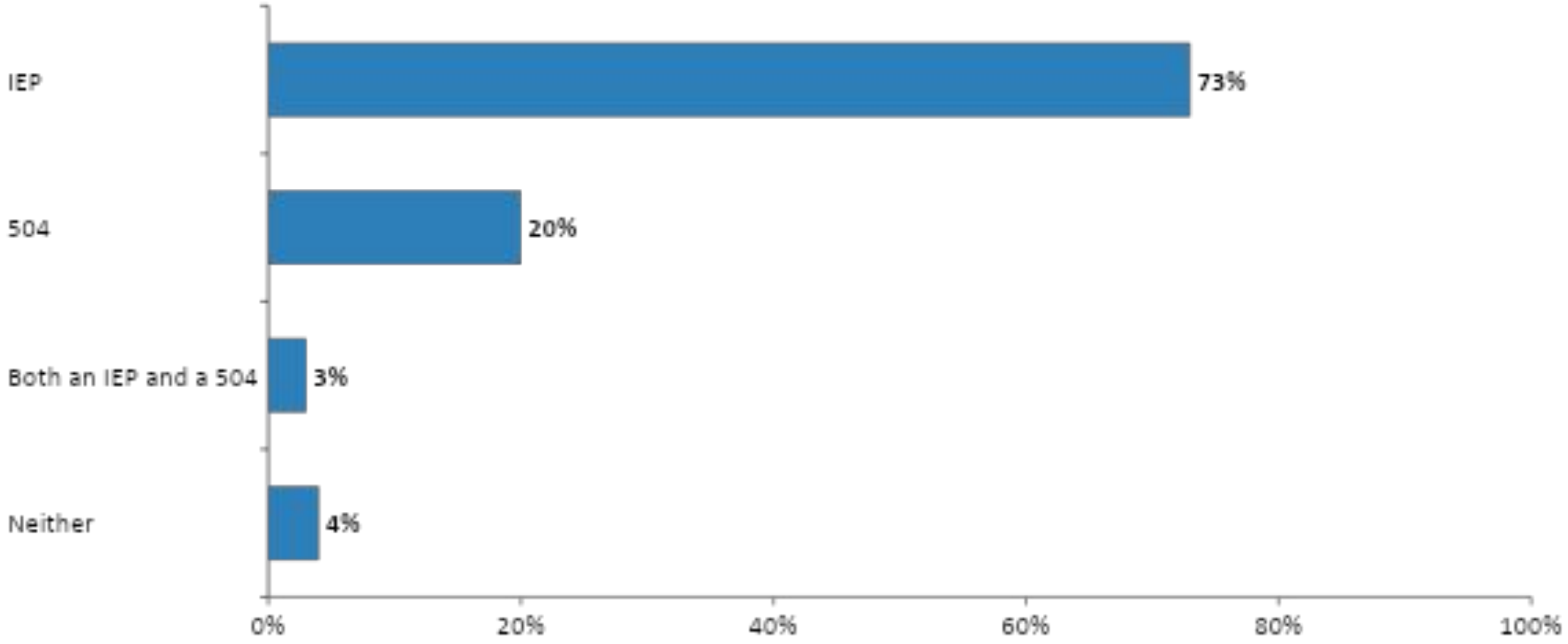
September - 2025

K12 Insight

© 2025

Does your child currently have an Individualized Education Plan (IEP) and/or 504?

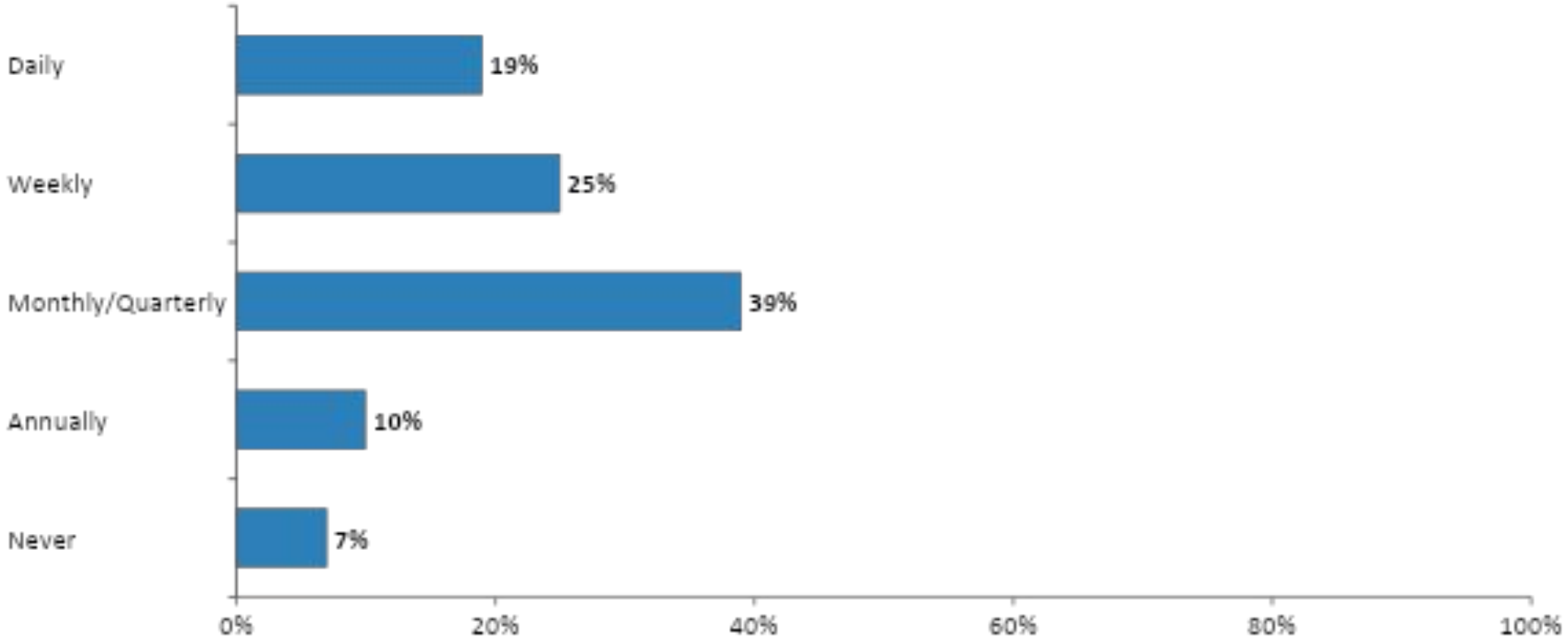
(N = 374)



K12 Insight
© 2025

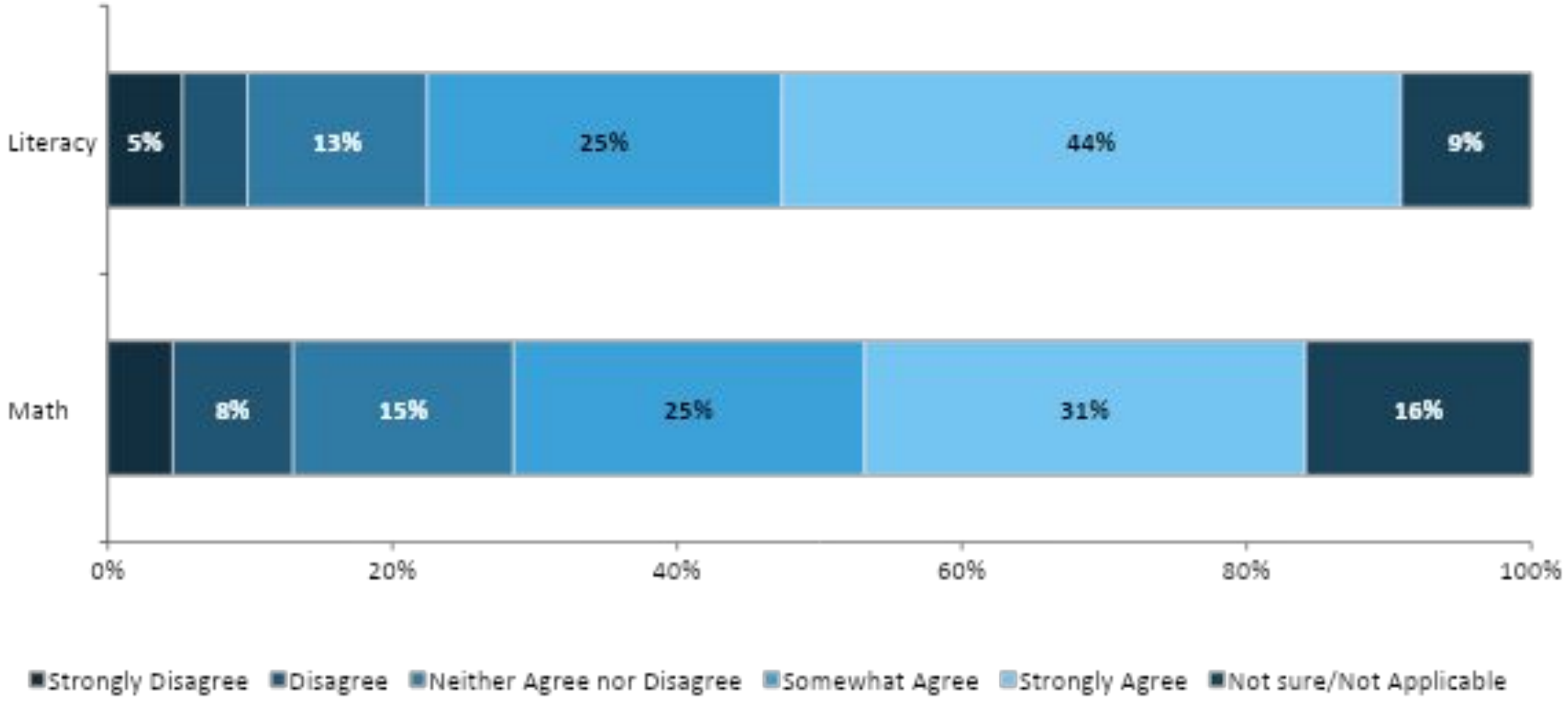
How often does your child's Special Education Teacher communicate with you?

(N = 283)



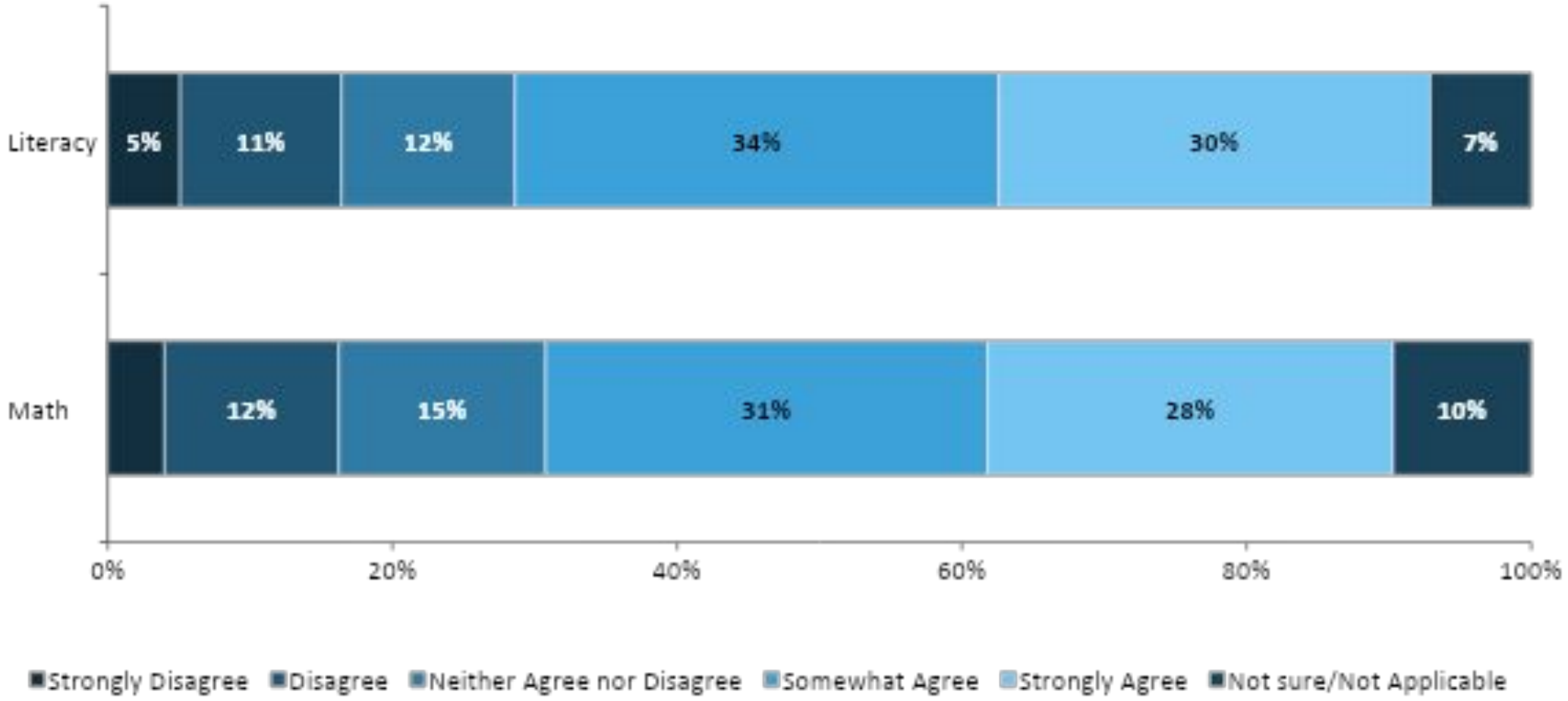
K12 Insight
© 2025

For children with an IEP: Do you feel that the special education program is helping your child meet the academic goals in your child's IEP?



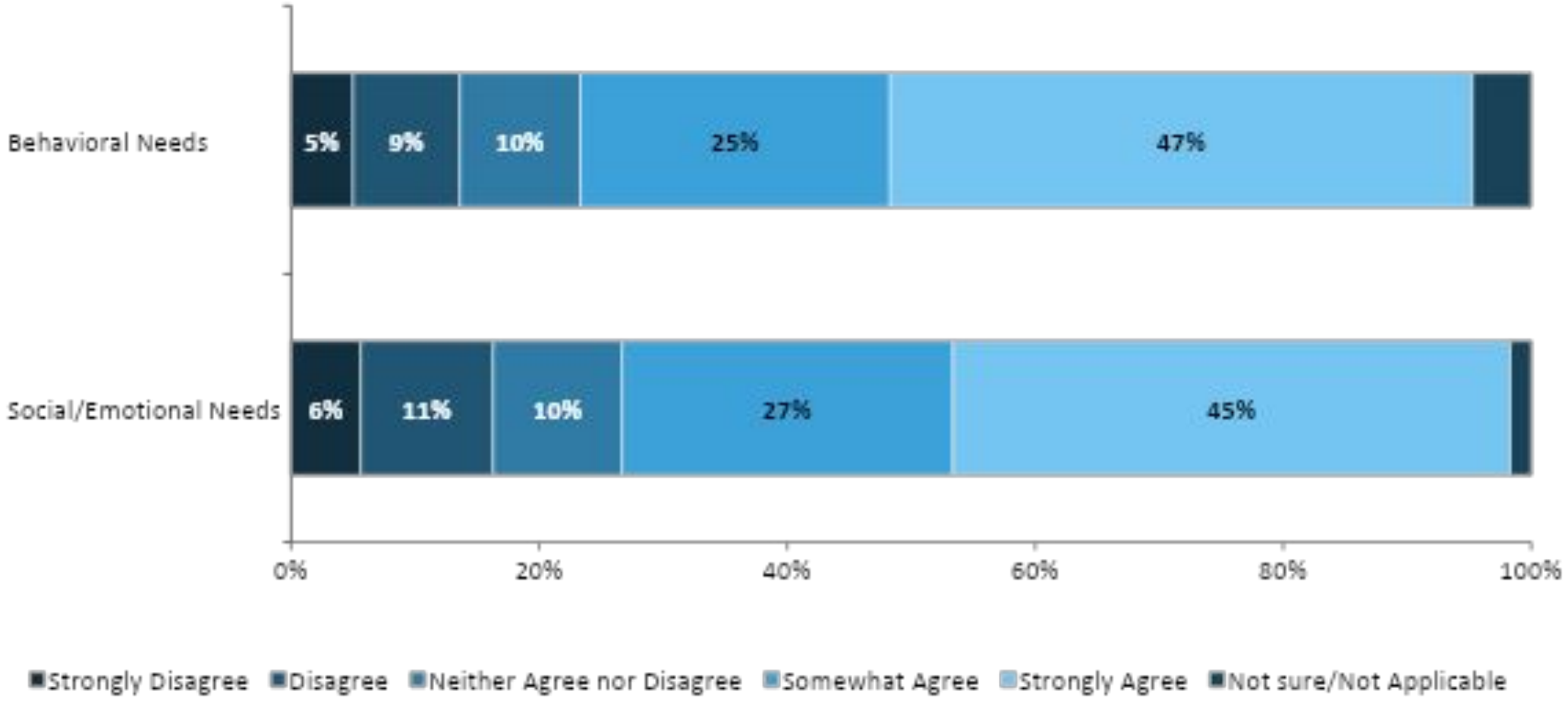
K12 Insight
© 2025

For all children: Do you feel that the general education program is helping your child meet the academic goals?



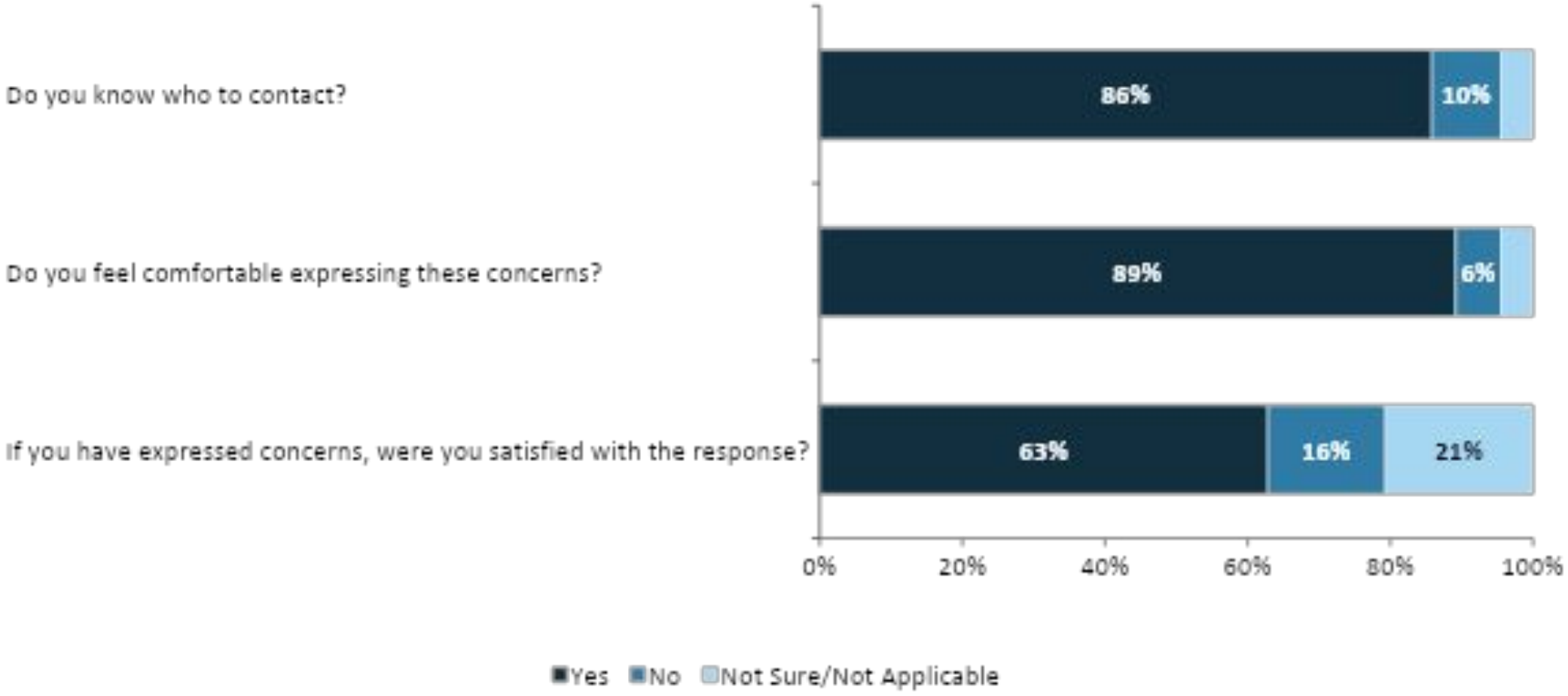
K12 Insight
© 2025

In general, how well do you feel your child's behavioral and social/emotional needs are being met in school?



K12 Insight
© 2025

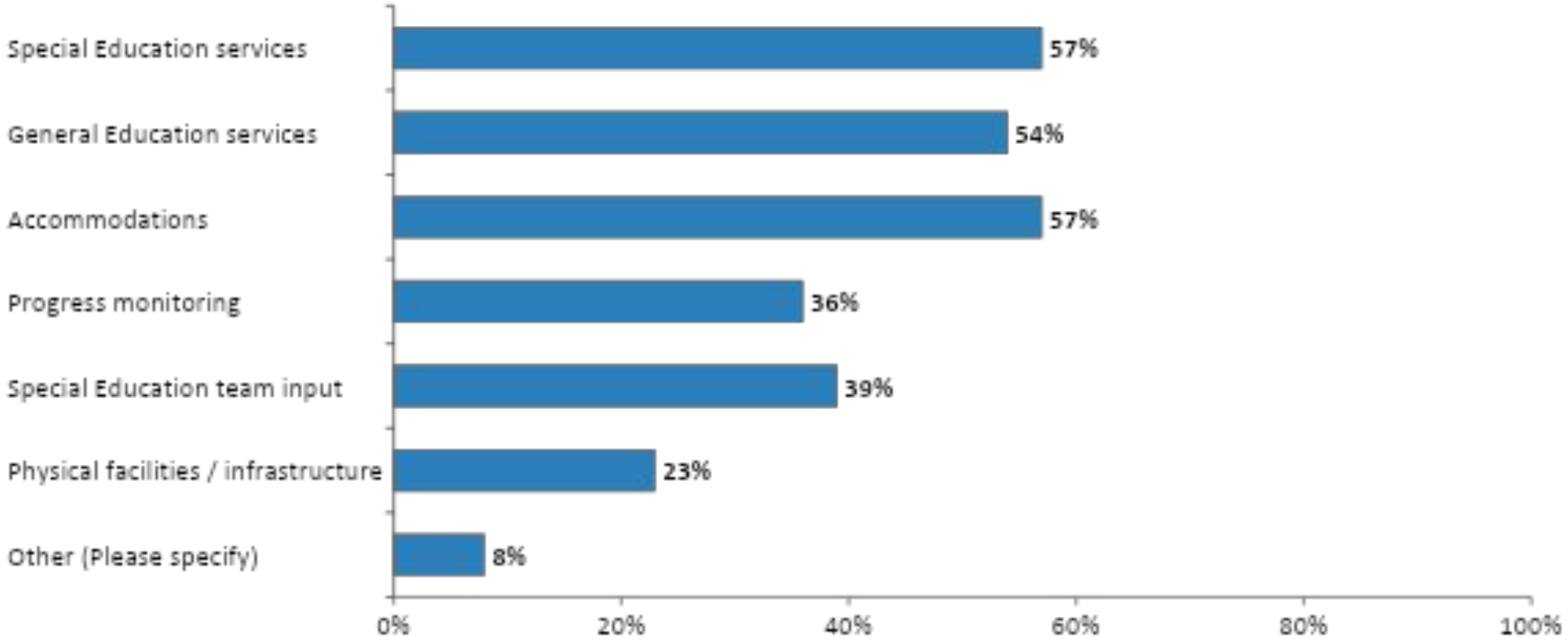
When you have a concern about your child's Special Education services:



K12 Insight
© 2025

What do you feel are strengths in your child's placement at school? (Select all that apply)

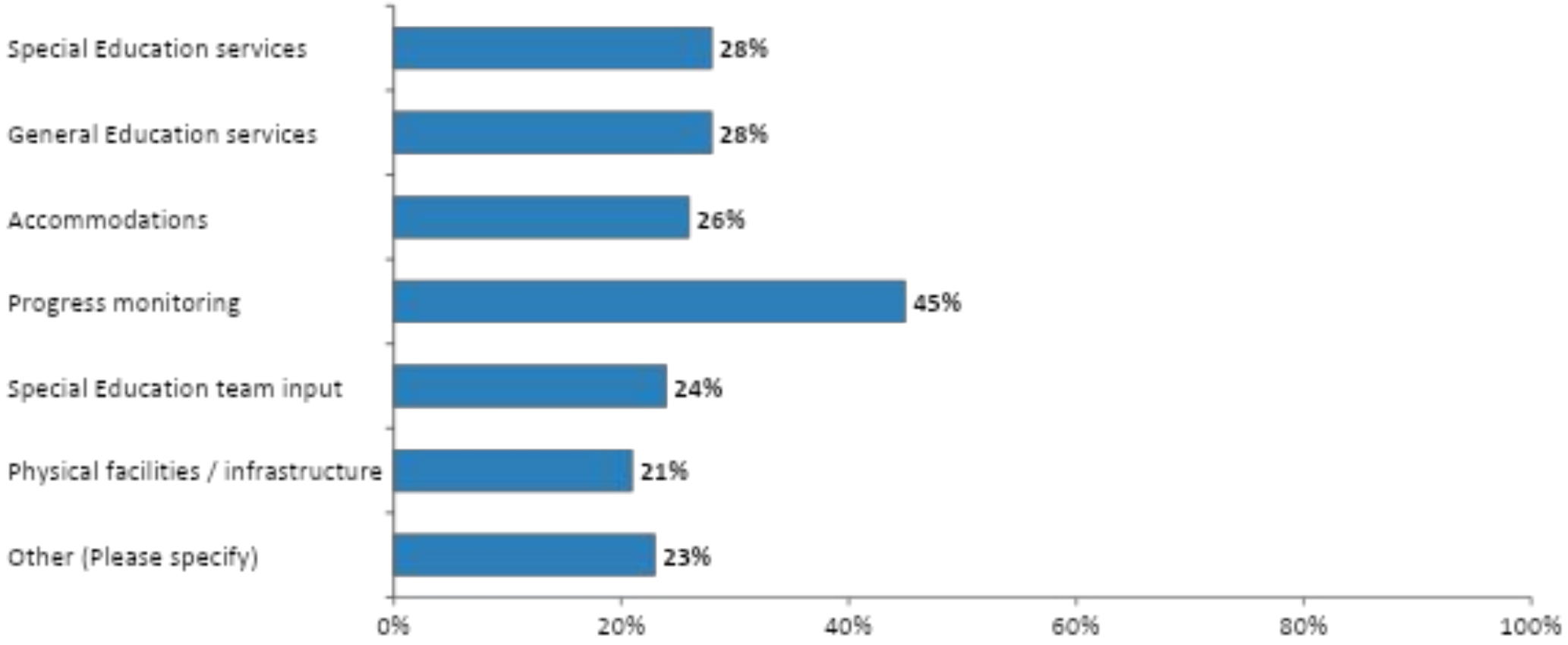
(N = 336)



K12 Insight
© 2025

What do you feel are weaknesses in your child's placement at school? (Select all that apply)

(N = 260)



K12 Insight
© 2025

Exhibit C

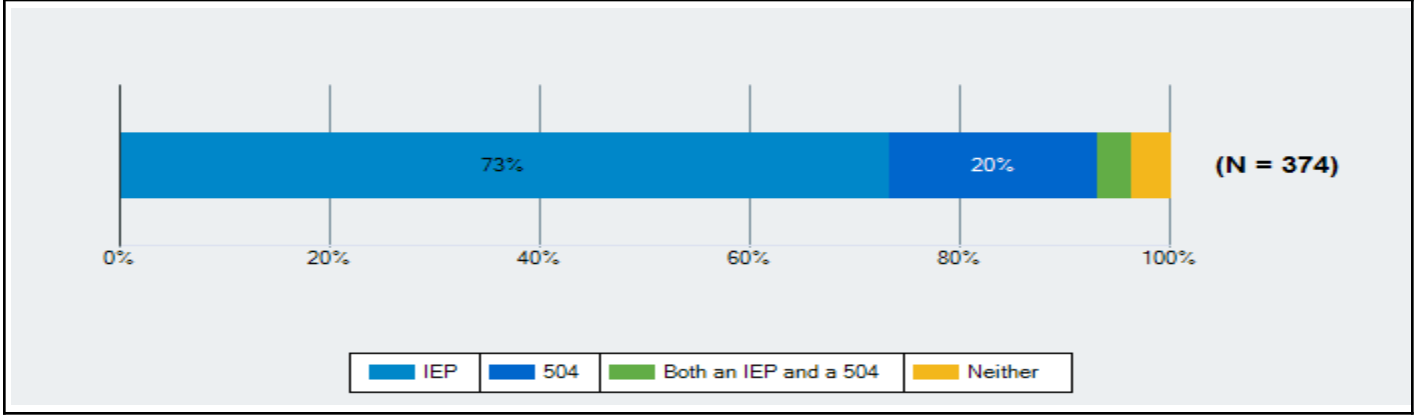
SEAC Community Survey F25

Survey Results

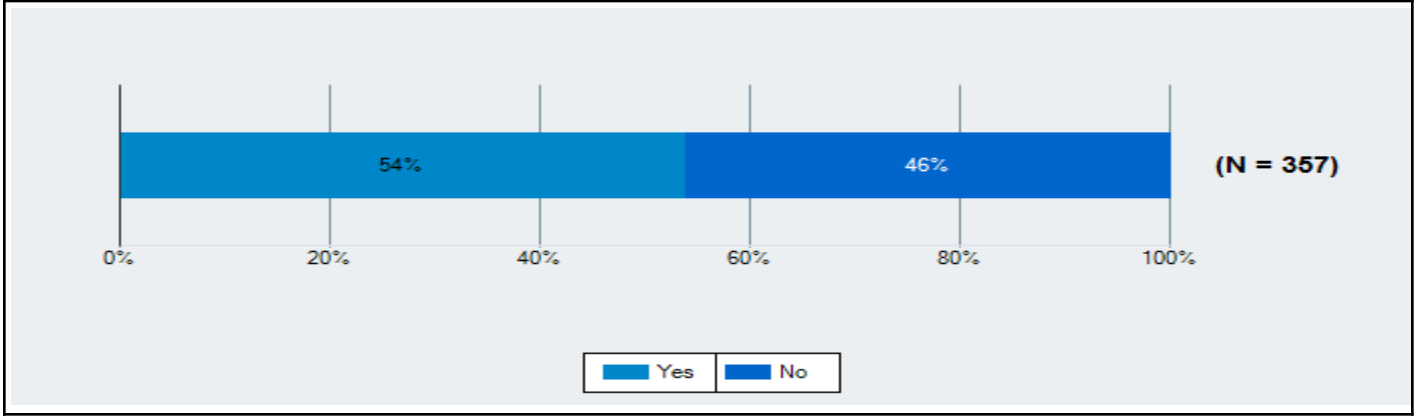
September 8 - 29, 2025

K12 Insight

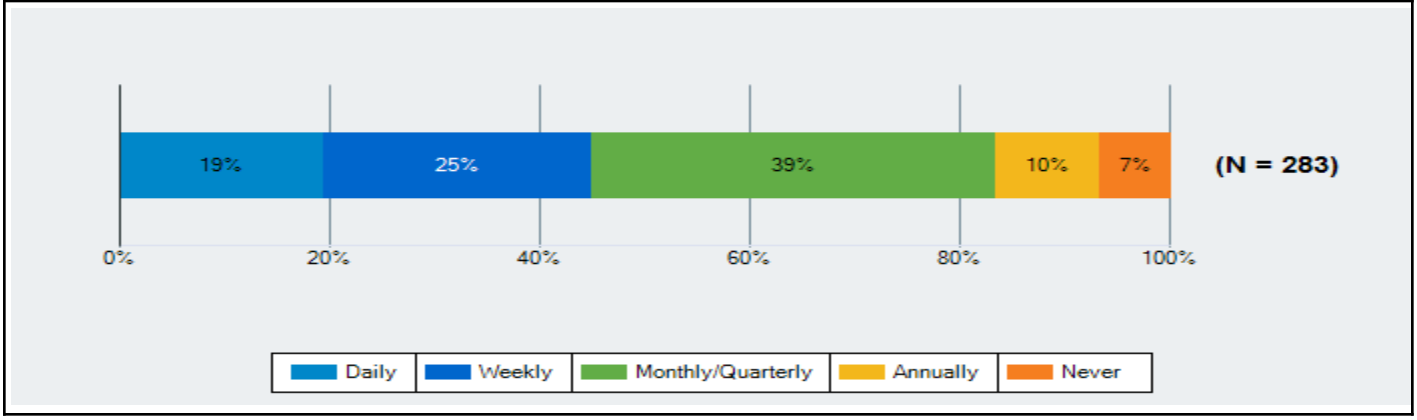
Does your child currently have an Individualized Education Plan (IEP) and/or 504?



Prior to this survey, did you know that there was a volunteer-led Special Education Advisory Committee (SEAC) that provides a collective voice for our disability community?

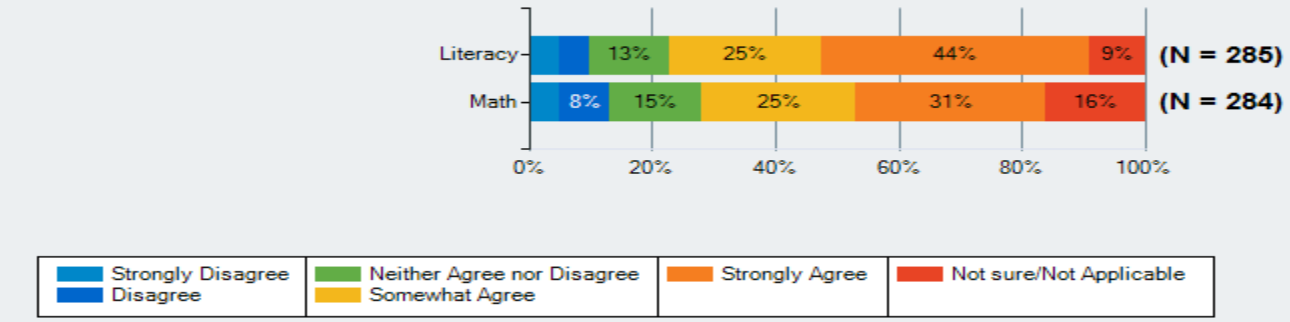


How often does your child's Special Education Teacher communicate with you?

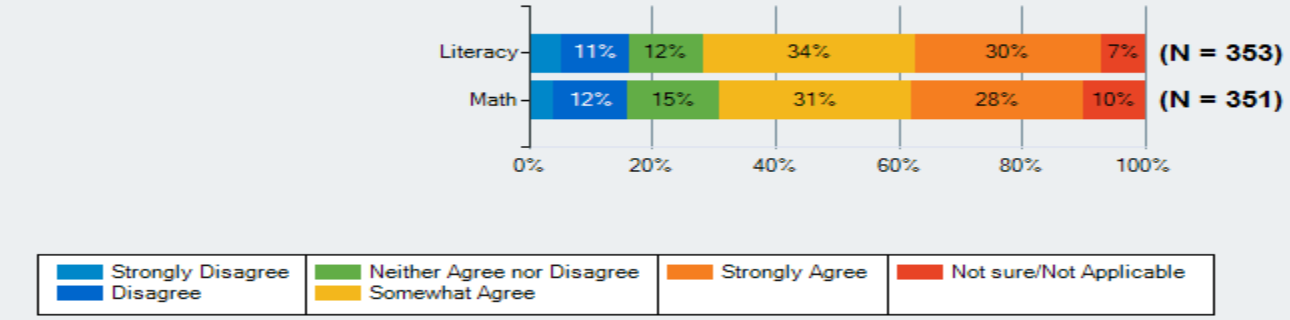


© 2025 K12 *Insight*, LLC.

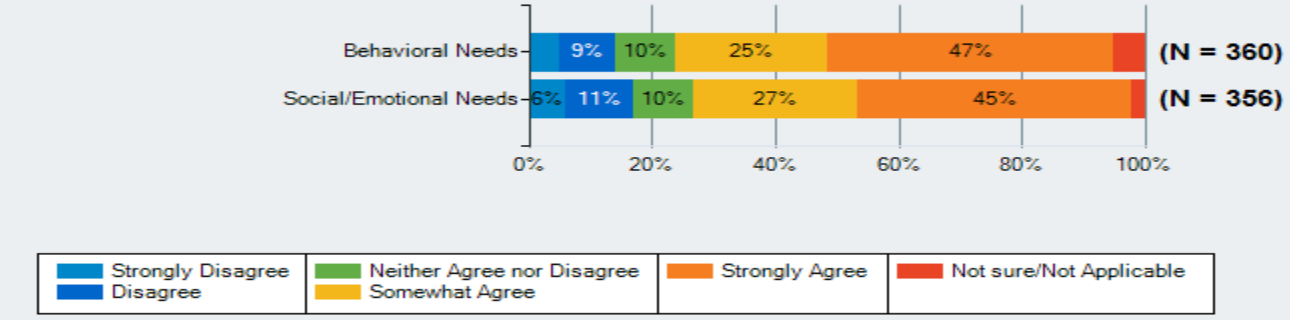
For children with an IEP: Do you feel that the special education program is helping your child meet the academic goals in your child's IEP?



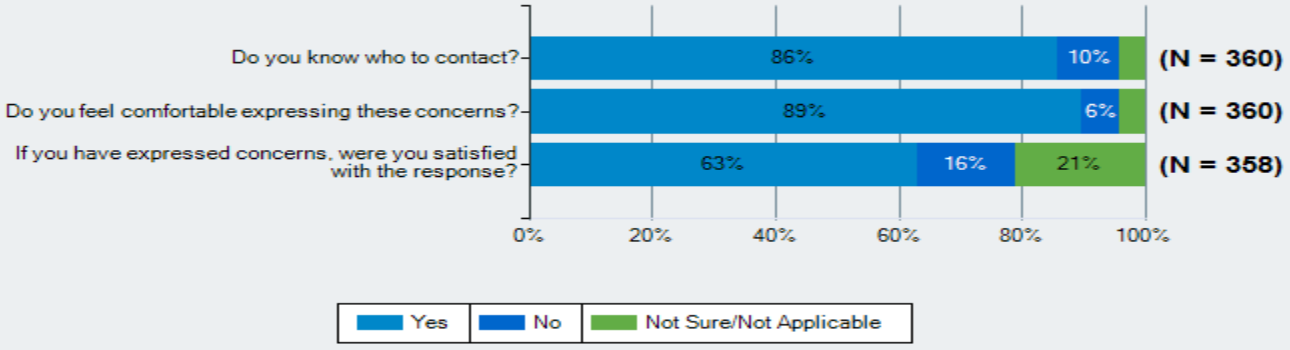
For all children: Do you feel that the general education program is helping your child meet the academic goals?



In general, how well do you feel your child's behavioral and social/emotional needs are being met in school?

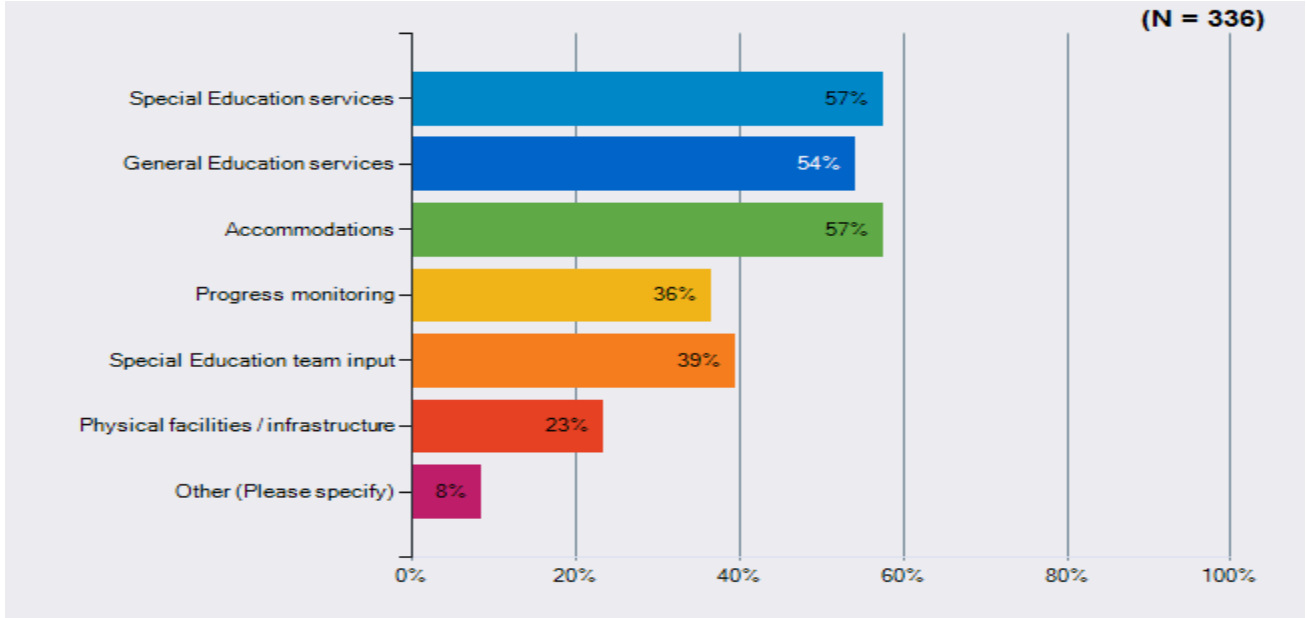


When you have a concern about your child's Special Education services:



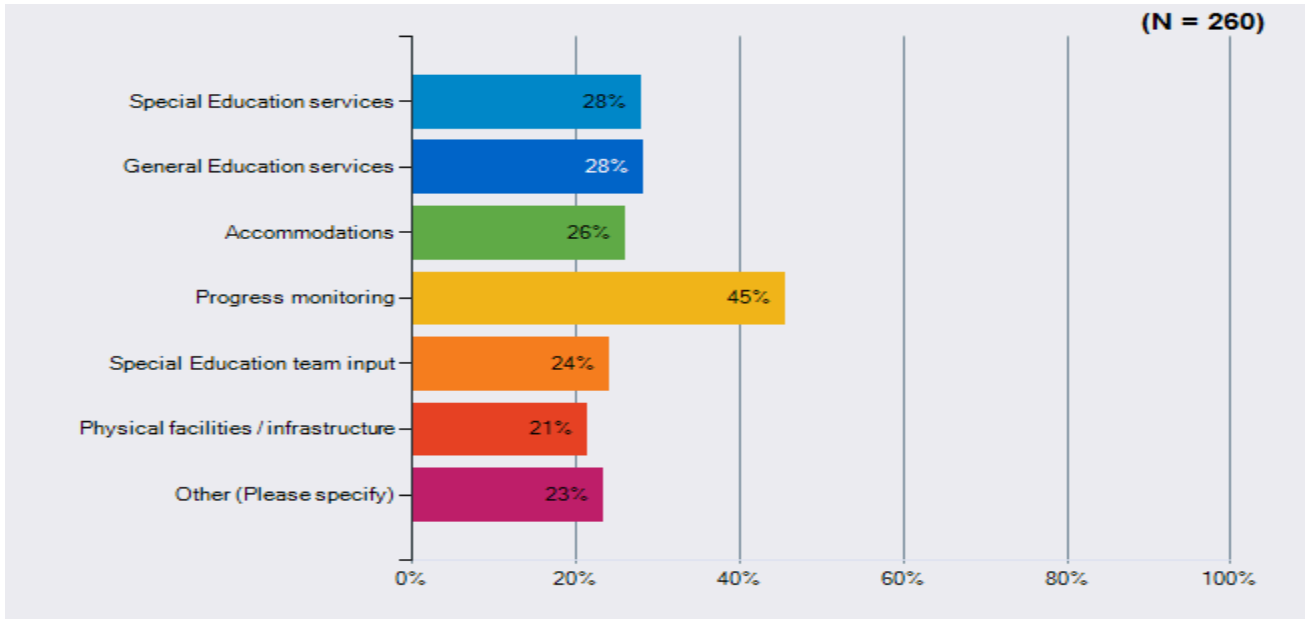
© 2025 K12 *Insight*, LLC.

What do you feel are strengths in your child's placement at school? (Select all that apply)



Note: Because multiple answers per participant are possible, the total percentage may exceed 100%.

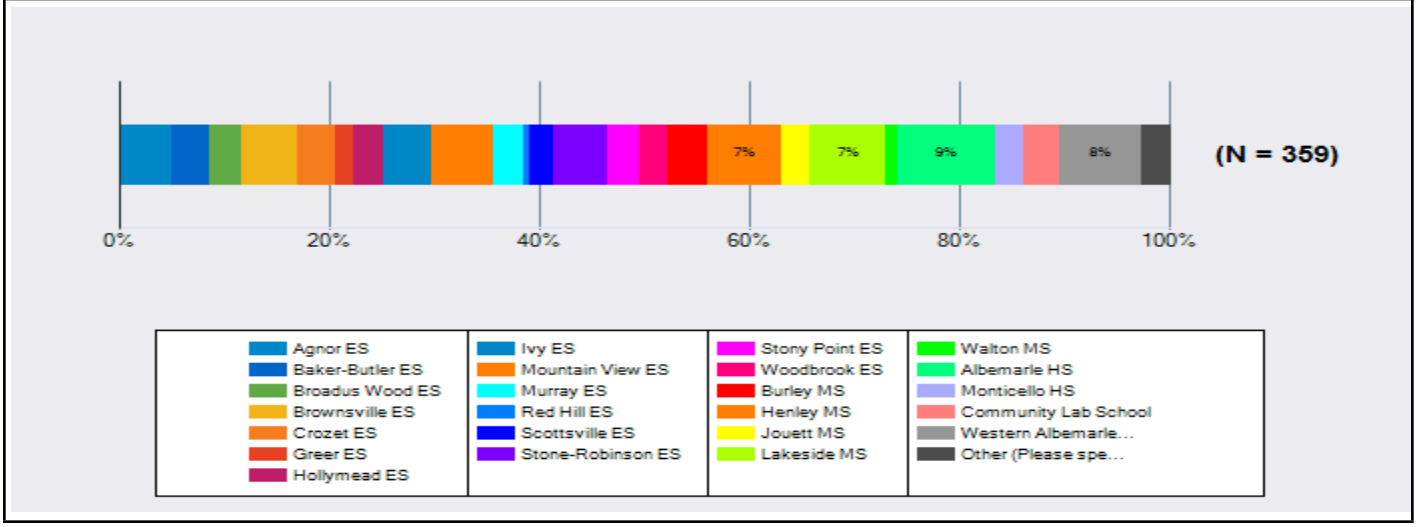
What do you feel are weaknesses in your child's placement at school? (Select all that apply)



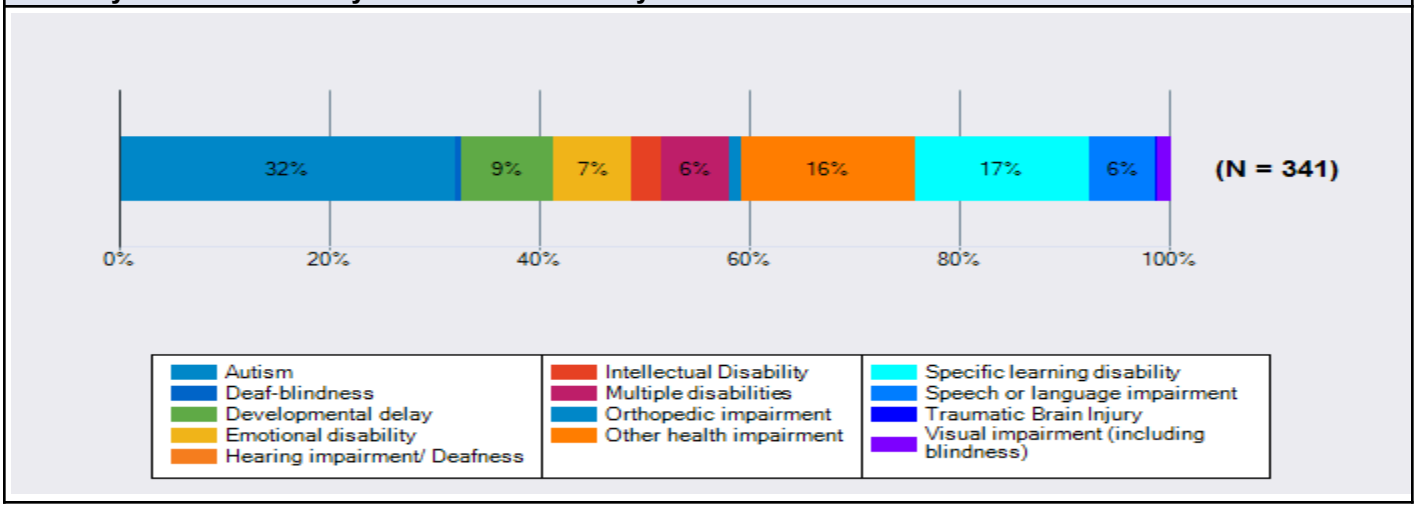
Note: Because multiple answers per participant are possible, the total percentage may exceed 100%.

© 2025 K12 *Insight*, LLC.

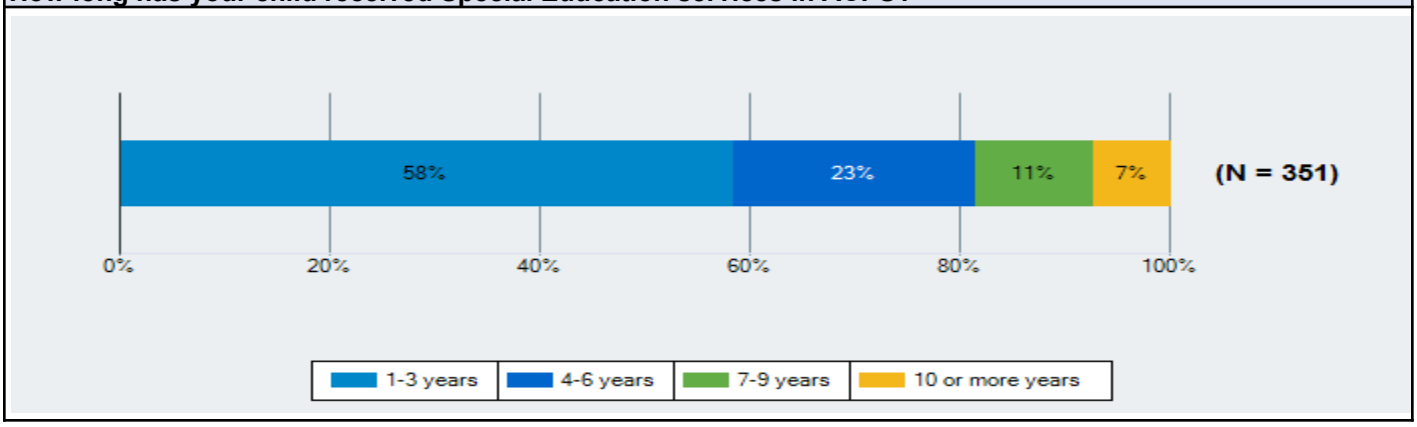
Which school does your child attend?



What is your child's Primary Educational Disability?

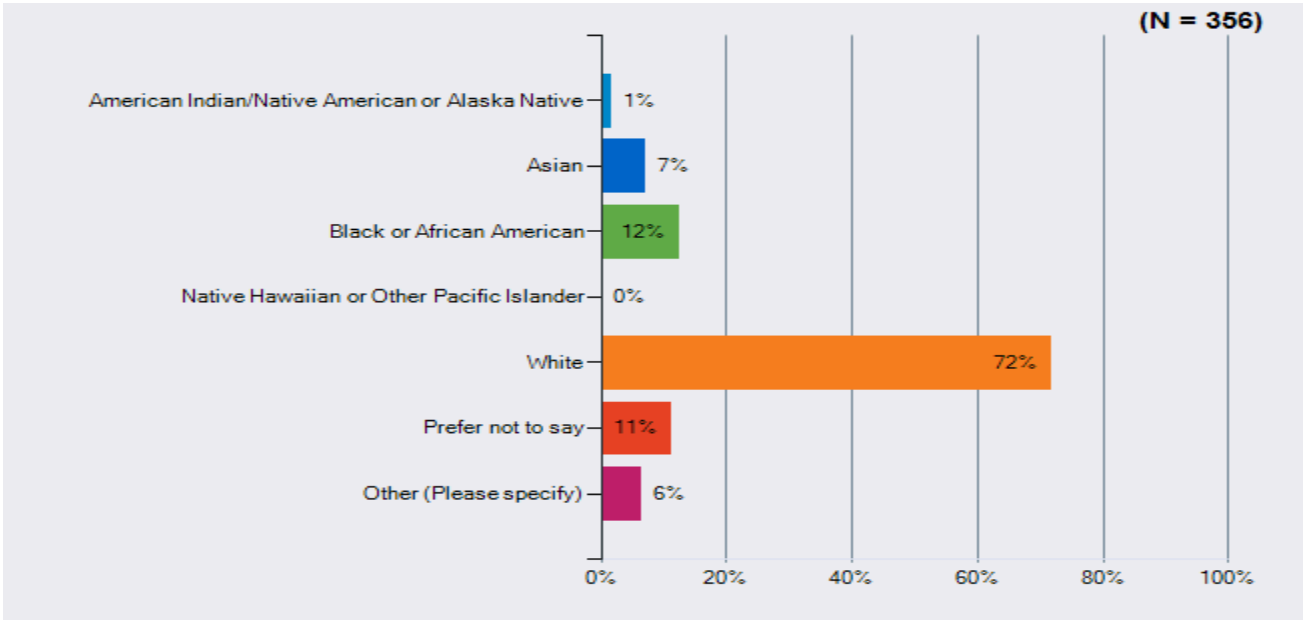


How long has your child received Special Education services in ACPS?



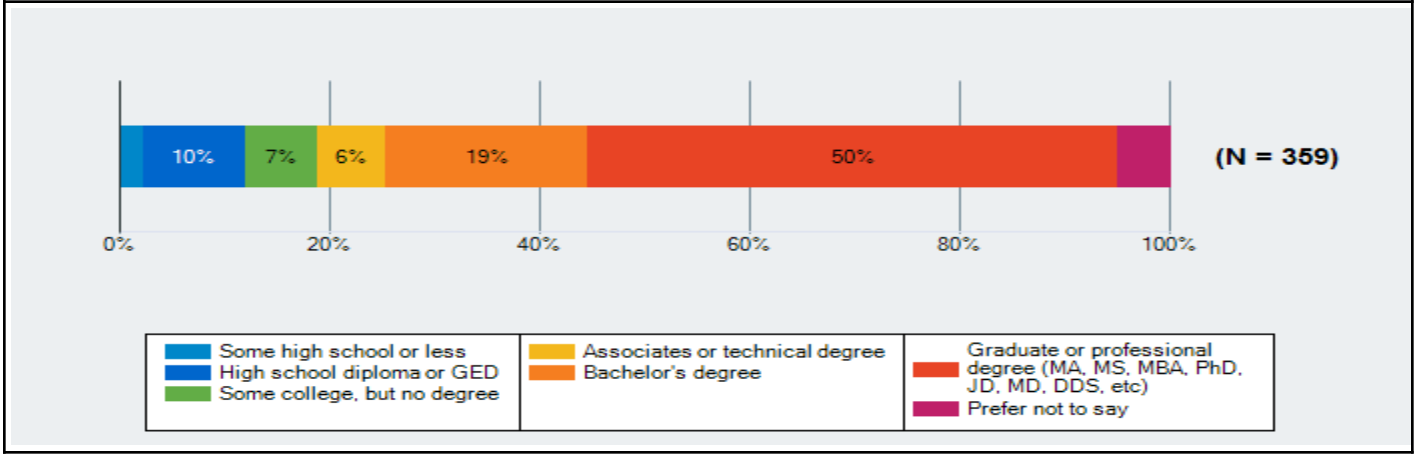
© 2025 K12 *Insight*, LLC.

Choose one or more races that you consider your child to be (check all that apply):

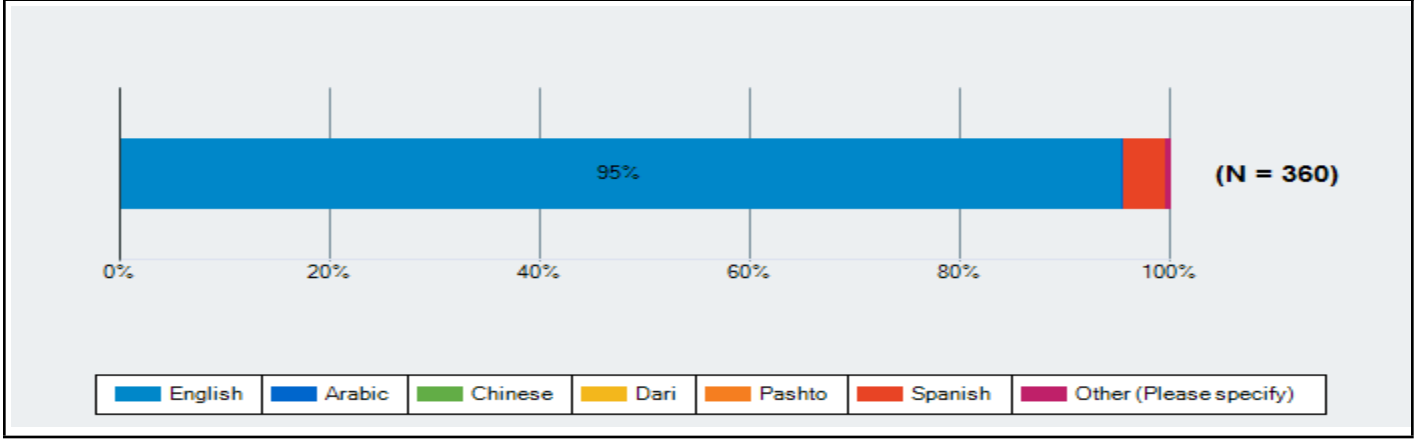


Note: Because multiple answers per participant are possible, the total percentage may exceed 100%.

What is the highest level of education that a parent or guardian of the child has completed?



What language do you prefer to receive written and spoken communication in?



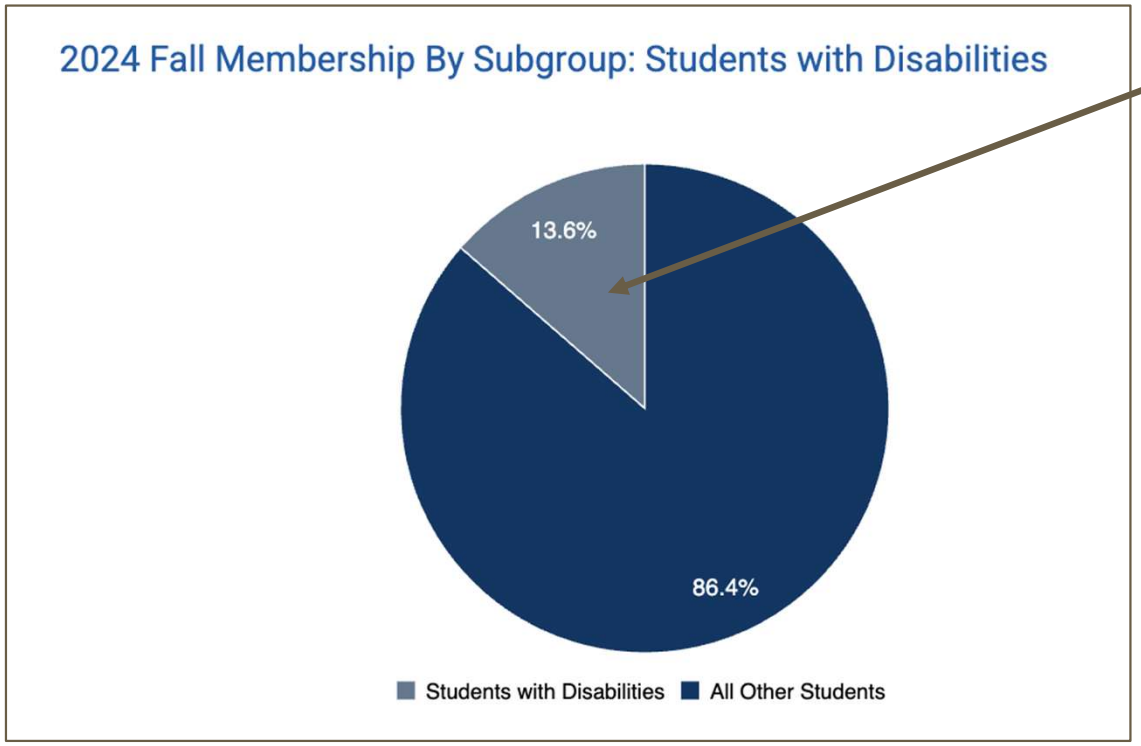
© 2025 K12 *Insight*, LLC.

Exhibit E

Access to Disability Evaluations

Family Council for ACPS
Sept 2025

Data … is there a story?



13.6% of ACPS students are diagnosed with a disability.

That's lower than the statewide level, which is 14.7%.

Not sure of reasons, but that 1.1% difference = 156 students.

Consulting Partnership

Community Organization and Social Enterprise Clinic

Dr. Sarah Shalf

& team of law students

Project

- Fall 2024 – data & preliminary expert interviews
- Spring 2025:
  - Survey Design
  - Response Review
  - IDIs with volunteer respondents
  - IDIs with experts
  - IDEA legal review
  - Final presentation
  - Permission for quotes

Survey Details

SURVEY: RESPONSES

- In reviewing these responses, our objective is to ***identify problem areas*** in the evaluation process and show that these problems are ***prevalent*** throughout ACPS, and not just something a few families struggle with.

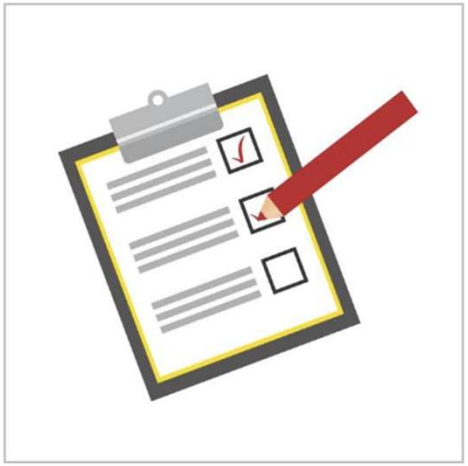
- ***Sample size*** may not be representative
  - 79 respondents compared to the total number of parents in the district that have gone through the evaluation process or are seeking an evaluation
- Only a certain ***type of respondent*** may have responded to the survey, so results may not be fully representative

From UVA Team Final Presentation

Survey Details

SURVEY: BACKGROUND INFO

- **Title:** Survey on Getting Disability Evaluations
- **Distribution dates:** February 28 – March 12
- **Purpose:** "To better understand the experiences of ACPS families with seeking evaluation of their child for possible learning disabilities"
- **Who:** ACPS families' seeking evaluation of their child, regardless of whether they obtained a formal evaluation



INTERVIEWS WITH FAMILY ADVOCATES & COMMUNITY MEMBERS

From UVA Team Final Presentation

Key System Issues

1 – Unclear Referral Procedure.

2 – Delays, including SBIT.

3 – Denials.

Problem = Contributor to **less-positive outcomes** for children, and massive **family distrust** & frustration.

System Issue #1
Unclear Referral Procedure

Child Find: *"Each school shall have procedures to process in a timely manner all referral requests for a child suspected of having a disability."*

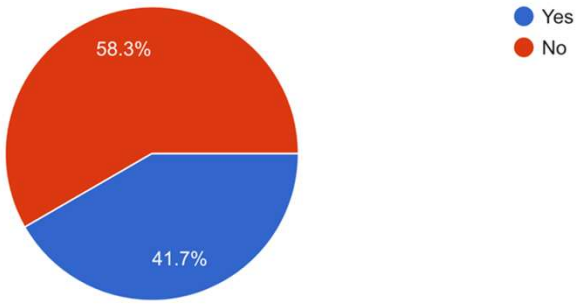
Unclear Referral Procedure

How should the IEP process work?
Courtesy of Fairfax Co PS

Unclear Referral Procedure

3. Did you receive guidance or assistance from school employees or other ACPS staff on how to request an evaluation?

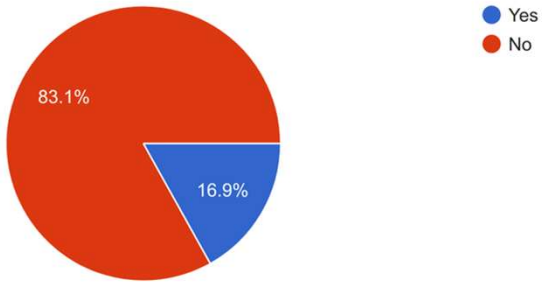
72 responses



Most families received no guidance or assistance from ACPS on how to make an evaluation request.

4. Were you provided with any resources from ACPS to help you submit your evaluation request?

71 responses



Most families received no resources to submit an evaluation request.

Unclear Referral Procedure

Issues noted in surveys & interviews:

- What do you mean by referral?
- Disagreement re: what constitutes an “official” referral

*“I was told it was up to me to get a **doctor** to initiate it and then the teacher’s evaluation is the final word.”*

*“…Some parents don’t understand the process and need real help understanding it. I was left feeling like there was no help for my child because **when I asked** I was told she won’t qualify or **it’s up to you**.”*

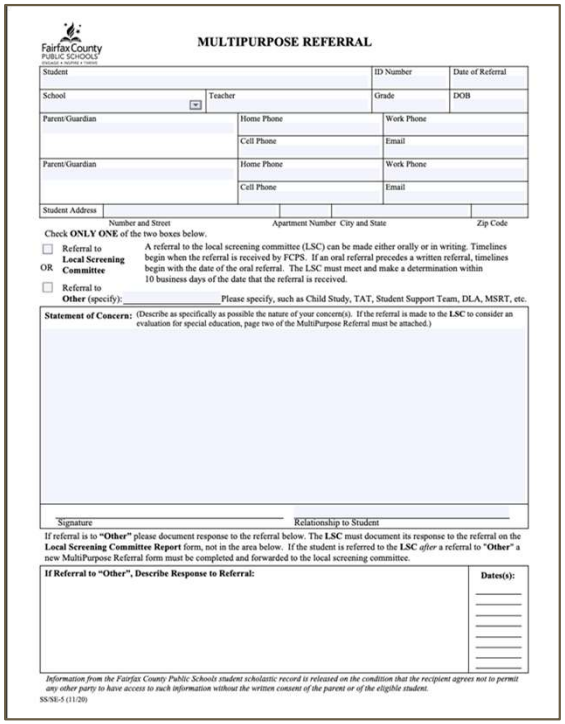
Unclear Referral Procedure: IEP

What do I do if I suspect my child has a disability?

Below are contacts based on the age / situation of your child.

Preschool Age (ages 2-5)	Call the Preschool Program at 434-973-2490
School Age (Ages5-21) *and* attends Albemarle County Public Schools	Call the Albemarle County Public School your child attends. Click here for a listing of our schools
School Age (Age 5-21) *and* is in a private or Home School Program	Call 434-296-5885 and ask to speak with the School Based Intervention Team Chairperson

ACPS Advice



Fairfax County PUBLIC SCHOOLS

MULTIPURPOSE REFERRAL

Student			ID Number	Date of Referral
School	Teacher		Grade	DOB
Parent/Guardian	Home Phone		Work Phone	
	Cell Phone		Email	
Parent/Guardian	Home Phone		Work Phone	
	Cell Phone		Email	
Student Address				

Number and Street | Apartment Number | City and State | Zip Code

Check **ONLY ONE** of the two boxes below.

☐ Referral to **Local Screening Committee** — A referral to the local screening committee (LSC) can be made either orally or in writing. Timelines begin when the referral is received by FCPS. If an oral referral precedes a written referral, timelines begin with the date of the oral referral. The LSC must meet and make a determination within 10 business days of the date that the referral is received.

OR

☐ Referral to **Other** (specify): _____ Please specify, such as Child Study, TAT, Student Support Team, DLA, MSRT, etc.

Statement of Concern: (Describe as specifically as possible the nature of your concern(s). If the referral is made to the **LSC** to consider an evaluation for special education, page two of the MultiPurpose Referral must be attached.)

Signature _____ Relationship to Student _____

If referral is to **"Other"** please document response to the referral below. The **LSC** must document its response to the referral on the **Local Screening Committee Report** form, not in the area below. If the student is referred to the **LSC** *after* a referral to **"Other"** a new MultiPurpose Referral form must be completed and forwarded to the local screening committee.

If Referral to "Other", Describe Response to Referral: | **Dates(s):**

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or of the eligible student.

SS/SE-5 (11/20)

Fairfax Referral Form

Unclear Referral Procedure: 504

ADMINISTRATIVE GUIDELINES AND PROCEDURES FOR SECTION 504

August 2021 (revised)

Source

GRIEVANCE PROCEDURE

Persons who believe that the school division has discriminated against them because of their disability and thus violated Section 504 or Title II of the ADA can file a written grievance (complaint) with the school division's Section 504 Coordinator. Once a written grievance is received, the school division will investigate the allegations contained in the written grievance in an effort to reach a prompt and equitable resolution.

A grievance may be filed by a student, the student's parent or parents, or a school division employee. A grievance must meet the following requirements:

The grievance must be in writing. At a minimum, it must contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant's signature and the date the grievance is filed.

The written grievance must be filed with the school division's Section 504 Coordinator ("coordinator") at the following address:

Kevin M. Kirst
Albemarle County Public Schools
401 McIntire Rd.
Charlottesville, VA 22902

The grievance should be reported as soon as possible and within thirty (30) school days of the occurrence. This time frame may be lengthened for extraordinary circumstances as determined by the Section 504 Coordinator.

The complainant must have the opportunity to present verbal and written evidence and identify witnesses.

The coordinator or designee will independently investigate the allegations to determine whether the school division is in compliance with Section 504 and the ADA. The coordinator or designee will provide a written report of the investigation to the complainant within thirty (30) school days of receipt of the complaint. The report should include the following information:

- A statement of the complainant's allegations and the remedy sought;
- A statement of facts as contended by each party;
- A narrative describing attempts to resolve the grievance;
- A list of the witnesses interviewed and the documents reviewed during the investigation;

Mickey, Anne E.
Dec 31, 1969

Prior to adopting this grievance procedure, we would advise that you check on where the school division's current Section 504 procedure is located and advertised to the public (if at all). For example, many school divisions utilize the model VSBA policies, which include a Section 504 grievance procedure (traditionally captured under School Board Policy JBA). While there is nothing under Section 504 that prohibits a school division from having 2 grievance procedures, it is recommended that school divisions adopt 1 procedure to avoid confusion. The primary differences between this grievance procedure and the VSBA model procedure relate to the timeline in which an investigation must be completed (this procedure allows for more time to complete the investigation) and who

Posted version includes comments from lawyers & refers families to Kevin Kirst

Multiple schools have their own versions

Section 504 at AHS

Section 504 Policy and Practices at Albemarle High School

Section 504 of the of the Rehabilitation Act of 1973 (and its revisions according to the ADA Amendments Act of 2008) is anti-discrimination legislation related to equal access to educational opportunity; that is, a reasonable opportunity to participate in the school's/district's educational and extracurricular programs.

The purpose of Section 504 policy and related procedures in Albemarle County Public School is to meet the needs of disabled students as adequately as the needs of non-disabled are met.

Eligibility for a Section 504 Plan for Accommodations:

A student with a documented disability may or may not require a '504' plan for school-based accommodations. A student that has a medical condition that does not substantially limit a major life activity does not necessarily present grounds for referral and evaluation.

A student is found to be eligible under Section 504 for a '504' plan if he/she has a documented disability and it is determined that he/she would be denied access to the same educational opportunity as the "typical" student in the school due to that disability if accommodations were not provided.

More specifically, it is only when a qualified child with a disability needs a systematic, consistently implemented battery of modifications in order to have his needs met as adequately as non-disabled children that a '504' plan becomes necessary.

The fact that a student may not be performing up to his or her potential is not sufficient reason alone for referral for a '504' plan, assuming the student is receiving appropriate educational benefit from their current program.

Students who require modifications that would be available to all students in the general education environment would not necessarily require section 504 services.

Unclear Referral Procedure

Special Education Handbook for Parents

It is important for parents to understand how the special education process works, so they can effectively participate and collaborate with school staff members in making appropriate decisions regarding their child's educational needs. Parents are an integral part of the decision-making team.

View the Special Education Handbook for Parents >

Services and Programs

Our programs are designed to meet the diverse needs of students with disabilities, offering individualized support, inclusive learning environments, and specialized resources.

View All Services and Programs >

- Assistive Technology >
- Deaf or Hard of Hearing >
- Adapted Curriculum, PreK-12 >
- Dyslexia Information >
- Applied Behavior Analysis >
- Family Life Education (FLE) >
- Behavior Intervention >
- High Incidence Disabilities >
- Blind or Visually Impaired >
- Occupational Therapy (OT) >
- Counseling (Related Service) >
- Physical Therapy (PT) >
- Transition Planning >

Fairfax County Public Schools' COVID-19 Compensatory Education Plan

FCPS has entered into a Resolution Agreement with the United States Department of Education regarding compensatory education for students with disabilities during the COVID-19 pandemic.

Read about the plan > | Submit a Compensatory Services Question >

System Issue #2
Delays in Process

Child Find: *"Each school shall have procedures to <u>process in a timely manner</u> all referral requests for a child suspected of having a disability."*

System Issue #2
Delays in Process

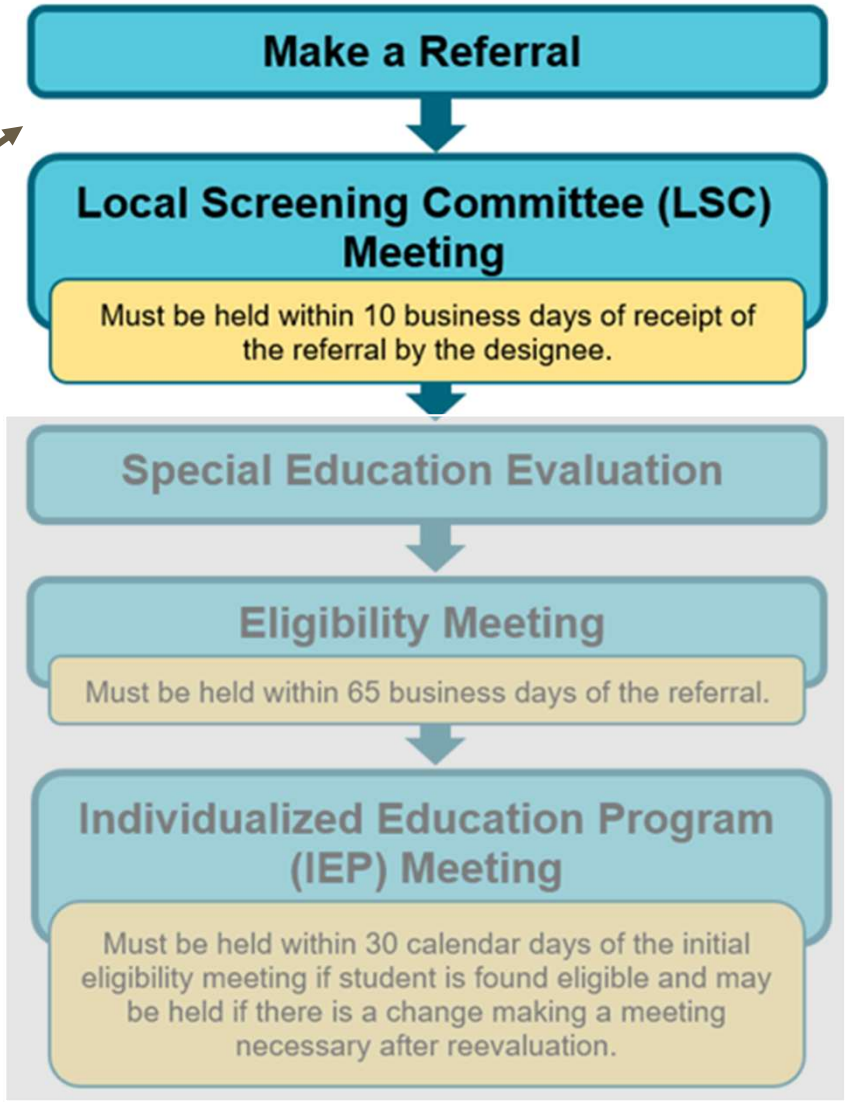
Research on Outcomes:
"SWDs perform better when they are identified earlier in life, providing students with a 'foundation for later learning' which then supports future academic achievement."

(Peltzman, 1992; Steele, 2004).

How should the IEP process work?

By law, when a referral is made to a school's administrator, they have **3 days** to either:

- Initiate evaluation
- Deny evaluation with written notice to family
- Ask the School Based Intervention Team (SBIT) to review & respond



How should the IEP process work?

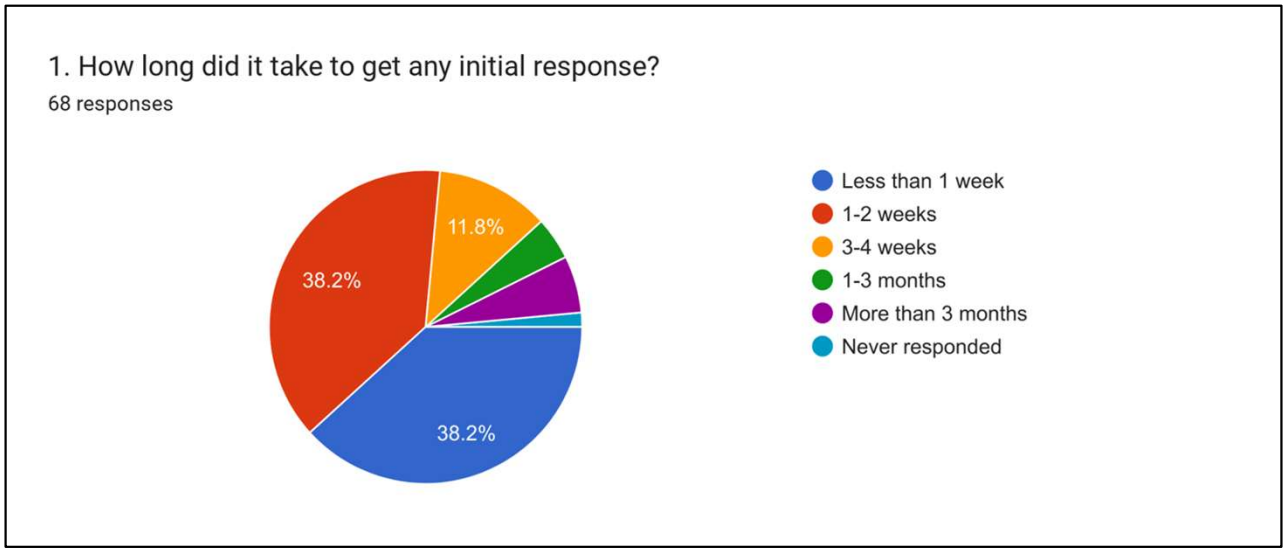
Good News = we have no evidence that the 65 day requirement for completing testing & holding eligibility meeting is not being met.

ACPS reports to VDOE nearly 100% compliance.

INDICATOR 11: TIMELINE FOR ELIGIBILITY

Indicator Description	2023-2024 Division Performance	2023-2024 State Target	State Target Met
Children with parental consent for initial evaluation, who were evaluated and eligibility determined within 65 business days	99.22%	100%	No

Delays

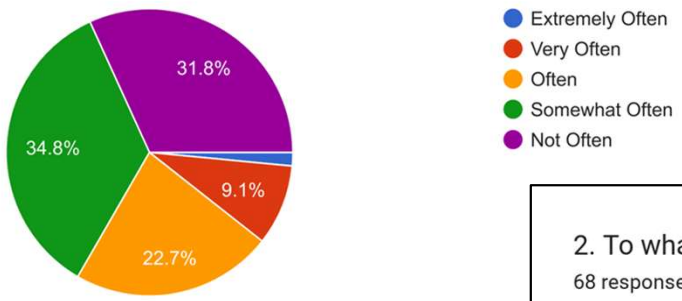


Initial response required within 3 days, but only about ⅓ of families surveyed report it took less than one week.

"Months of delays and meetings… like pulling teeth to get the evaluation."

Delays ... and Process

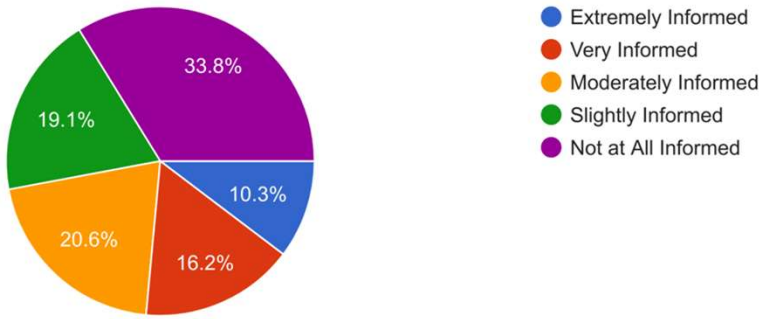
1. How often did school staff responsible for the evaluation communicate with you during the process?
66 responses



Lack of communication throughout the process.

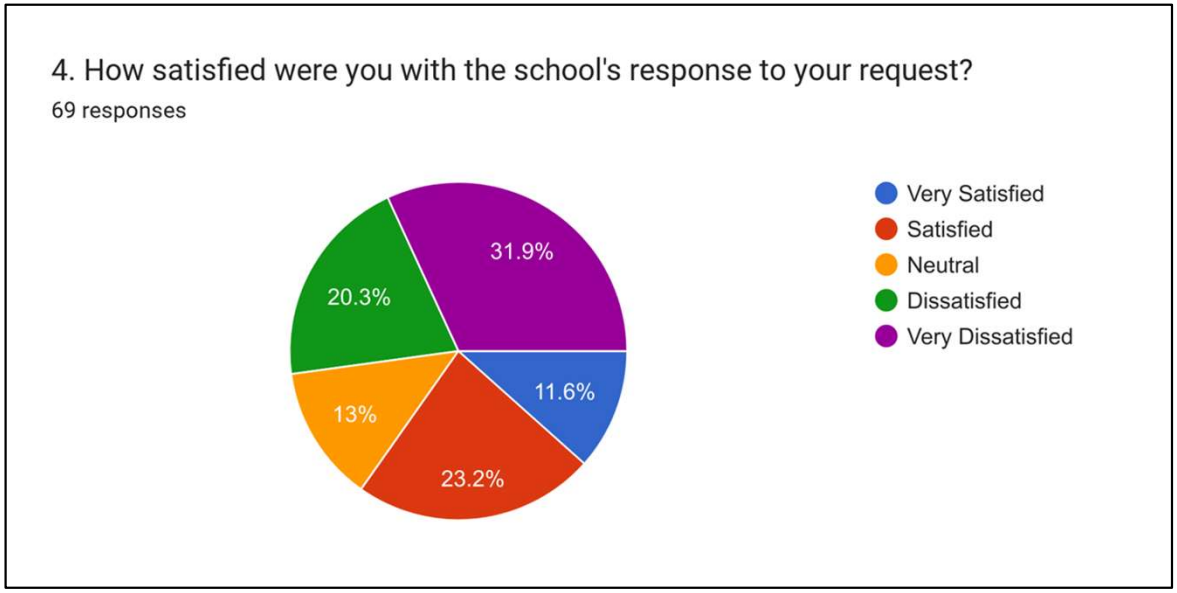
Families feel inadequately informed about legal rights.

2. To what extent did you feel adequately informed about your rights in the evaluation process?
68 responses



Note: The link to "Your Rights as a Parent" is broken on ACPS website.

Delays … and Process = Distrust & Dissatisfaction



Vast majority of families are not satisfied with response to request. Includes both those who got IEP or 504 and those who did not.

Contrast w Fairfax, which reports 80% of families saying process is easy..

"… I feel that at every turn it seems like [ACPS] actively tried to discourage or prevent me from having my child identified."

Delays ... and Process = Confusion Amongst Staff

What we heard:

- Staff and admin seem poorly-informed.
- Teachers are often helpful, but also unable to help navigate the process.
- At times, key gatekeepers can be insulting to families.

"The testing showed my child clearly has adhd and sld. Yet one administrator actively tried to prevent me from getting my child tested."

Read aloud 2 more.

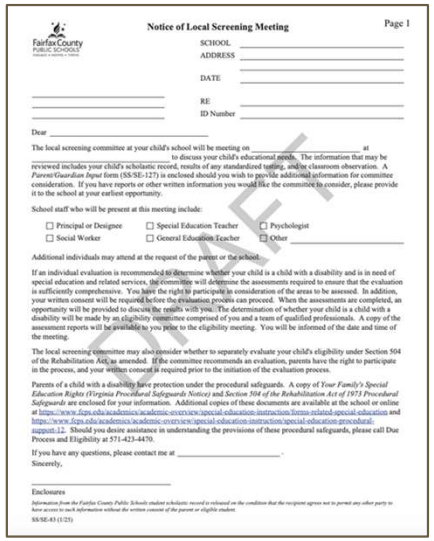
System Issue #2
Delays in Process: SBIT

2011 Guidance from US DoE Office of Special Education:

*"The use of RTI strategies cannot be used to **delay** or deny the provision of a full and individual evaluation… to a child suspected of having a disability…."*

How should the IEP process work?

By law, the local team (SBIT for ACPS) must **meet** within 10 days of receiving the referral …



Fairfax County PUBLIC SCHOOLS

Notice of Local Screening Meeting

Page 1

SCHOOL _____
ADDRESS _____
_____
DATE _____

_____
_____
_____

RE _____
ID Number _____

Dear _____

The local screening committee at your child's school will be meeting on _____ at _____ to discuss your child's educational needs. The information that may be reviewed includes your child's scholastic record, results of any standardized testing, and/or classroom observation. A *Parent/Guardian Input* form (SS/SE-127) is enclosed should you wish to provide additional information for committee consideration. If you have reports or other written information you would like the committee to consider, please provide it to the school at your earliest opportunity.

School staff who will be present at this meeting include:

☐ Principal or Designee ☐ Special Education Teacher ☐ Psychologist
☐ Social Worker ☐ General Education Teacher ☐ Other _____

Additional individuals may attend at the request of the parent or the school.

If an individual evaluation is recommended to determine whether your child is a child with a disability and is in need of special education and related services, the committee will determine the assessments required to ensure that the evaluation is sufficiently comprehensive. You have the right to participate in consideration of the areas to be assessed. In addition, your written consent will be required before the evaluation process can proceed. When the assessments are completed, an opportunity will be provided to discuss the results with you. The determination of whether your child is a child with a disability will be made by an eligibility committee comprised of you and a team of qualified professionals. A copy of the assessment reports will be available to you prior to the eligibility meeting. You will be informed of the date and time of the meeting.

The local screening committee may also consider whether to separately evaluate your child's eligibility under Section 504 of the Rehabilitation Act, as amended. If the committee recommends an evaluation, parents have the right to participate in the process, and your written consent is required prior to the initiation of the evaluation process.

Parents of a child with a disability have protection under the procedural safeguards. A copy of *Your Family's Special Education Rights (Virginia Procedural Safeguards Notice)* and *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards* are enclosed for your information. Additional copies of these documents are available at the school or online at https://www.fcps.edu/academics/academic-overview/special-education-instruction/forms-related-special-education and https://www.fcps.edu/academics/academic-overview/special-education-instruction/special-education-procedural-support-12. Should you desire assistance in understanding the provisions of these procedural safeguards, please call Due Process and Eligibility at 571-423-4470.

If you have any questions, please contact me at _____.

Sincerely,

_____

Enclosures

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.

SS/SE-83 (1/25)

DRAFT

Source: Fairfax Co PS

How should the IEP process work?

By law, the local team (SBIT for ACPS) must meet within 10 days of receiving the referral ... AND:

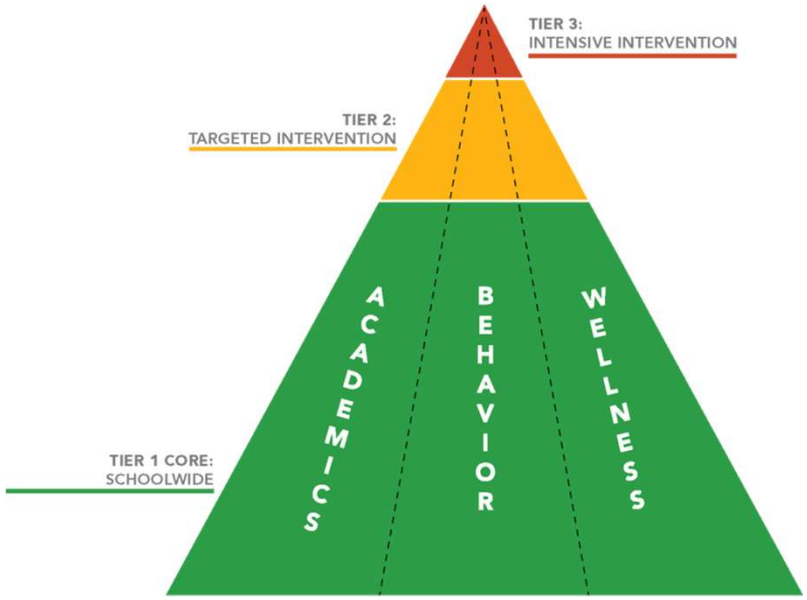
- **Refer** for evaluation (within 3 days) OR
- Provide written notice to families of **decision not to refer** for evaluation (no time limit).

State law allows the local team to "*use a process based on the child's response to scientific, research-based interventions...*"

SBIT Infinite Loop

"Children who do not, or minimally, respond to interventions must be referred for an evaluation to determine if they are eligible for special education and related services (34 CFR §300.309(c)(1)); and those children who simply need **intense short-term interventions** may continue to receive those interventions."

Dear Colleague Letter: U.S. Dept. of Edu., Office of Special Education and Rehabilitative Services, October 23, 2015

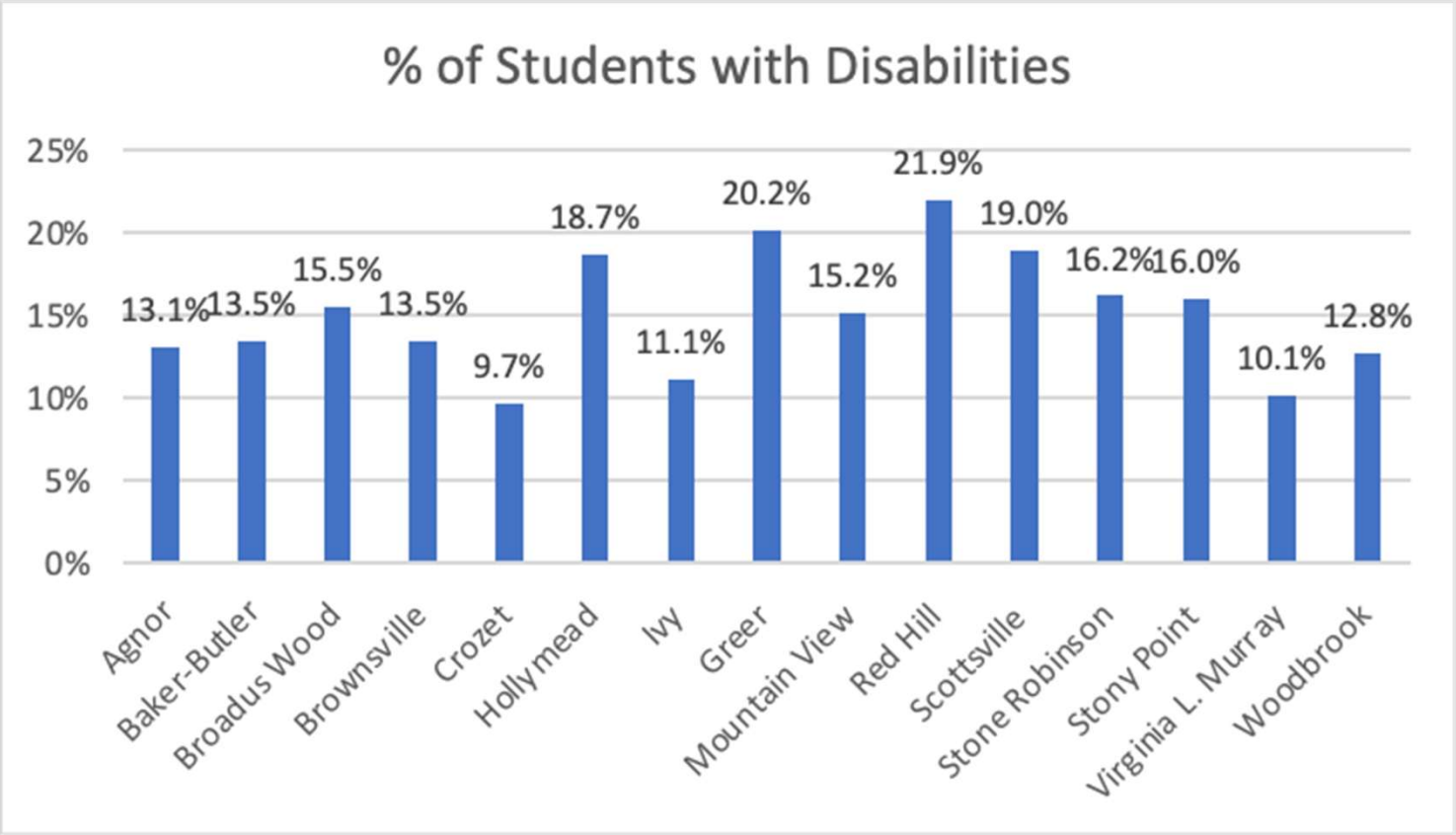


SBIT Infinite Loop

- There are disparities between schools. The perception is that:
  - Teachers are afraid to recommend an evaluation because someone in central office is trying to keep special education numbers low
  - Because of the SBIT process, school is trying to prevent referrals for evaluations [redacted] they end up in this endless loop of SBIT instead of getting an evaluation

UVA Law Team:
Expert Interview

Data … is there a story?



Using elementary as example, there are big differences by school.

Average for ACPS elementary is 14.9%.

SBIT Infinite Loop

Question Submitted from Burley via Family Council in Sept 2024:

"What is SBIT and how can a parent get this? My kid is struggling and a friend told me to get SBIT."

ACPS Answer:

"Parents should wo
teacher and counse
about how they car
their student."

Video

Parent Resources

"If your ship doesn't come in, swim out to meet it."

~ Jonathan Winters

Parent Connections

Creative ways Albemarle County RTI teachers work with parents to build community in our schools and promote student success.

SBIT Process and Concept

School Based Intervention Teams

The School Based Intervention Team project was first developed in 1994 by the Syracuse (NY) City School District. The New York State Education Department has recognized the SBIT project as an exemplary program for training schools to run effective pre-referral intervention teams.

Like Albemarle County Public Schools, a number of other school districts in New York State and around the nation have adopted the SBIT problem-solving model for their own students.

School Based Intervention Teams are just that - a group of professionals based at each Albemarle County School dedicated to addressing issues related to student achievement that require more attention than the informal networking at each school can provide. School Based Intervention Teams provide a vehicle for teachers to identify problems in the regular classroom that appear to be interfering with a student's educational success by targeting teacher concerns and providing interventions to the teacher be implemented in the regular classroom.

The overall process is supported by the Albemarle County Office of Intervention and Prevention Services and implemented at each Albemarle County Public School. School Based Intervention Teams are one example of the professional learning community that exists in Albemarle County Schools.

More information on the School Based Intervention Team project can be found here.

Home | RTI Wire | CBM Warehouse | Workshops

Google Search
www.interventioncentral.com Web
www.jimwrightonline.com

School-Based Intervention Team Resources Page [Updated September 2005]

The School-Based Intervention Team (SBIT) Project trains teams of educators at a school to work together as effective problem-solvers. Using the SBIT model, teams learn how to uncover the underlying reasons that a student might be experiencing academic or behavioral difficulties and to assemble practical, classroom-friendly interventions to address those student problems. SBIT Teams are made up of volunteers drawn from general- and special-education teachers and support staff.

The SBIT project was first developed in 1994 by the Syracuse (NY) City School District. The New York State Education Department has recognized the SBIT project as an exemplary program for training schools to run effective pre-referral intervention teams. A number of other school districts in New York State and around the nation have adopted the SBIT problem-solving model for their own students.

SBIT School-Based Intervention Teams

SBIT forms and related resources are posted on the **Intervention Central** web site with the permission of the Syracuse City School District. Schools are welcome to download these materials as a guide to setting up their own pre-referral intervention teams.

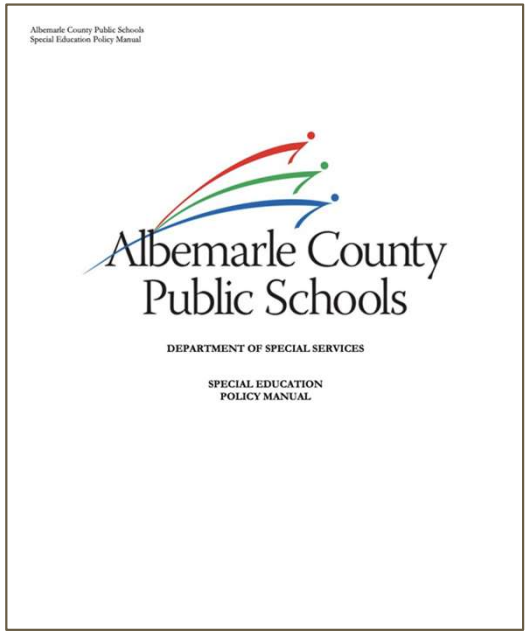
SBIT Infinite Loop

ACPS Special Education Policy Manual, 2010:

*"[ACPS] will **address disproportionate and overidentification** through a revised child study process called the School Based Intervention Team...."*

"If the team decides not to refer for an evaluation for special education and related services, prior written notice in accordance with §VAC20-81-170 shall be given to the parent(s), including the parent's right to appeal the decision through the due process hearing. (34 CFR 300.507)"

"Actions by the [SBIT] shall be documented in writing and shall include information upon which a decision was based."


Albemarle County Public Schools
Special Education Policy Manual

Albemarle County Public Schools

DEPARTMENT OF SPECIAL SERVICES

SPECIAL EDUCATION
POLICY MANUAL

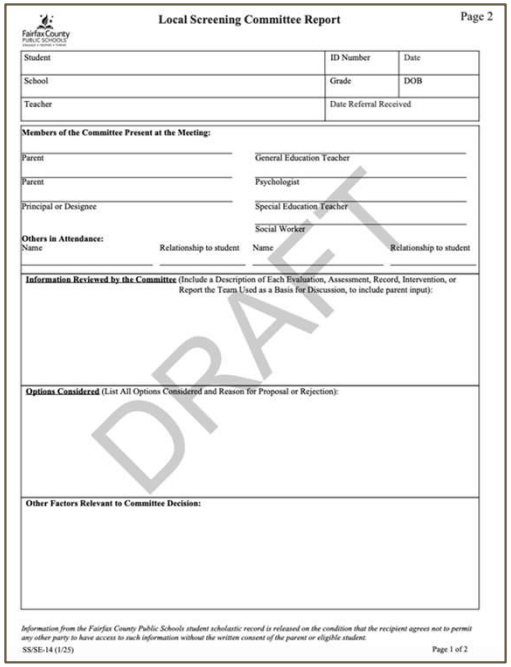
(See Appendix for CCEIS: Race-Risk Ratio)

SBIT Infinite Loop

Source: Fairfax Co PS

What we heard:

- "Watch and wait"
- Families are hiring $$$ private tutors (or not).
- No response.
- Response not in writing.
- Language barriers.



Fairfax County Public Schools

Local Screening Committee Report

Page 2

Student	ID Number	Date
School	Grade	DOB
Teacher	Date Referral Received	

Members of the Committee Present at the Meeting:

Parent — General Education Teacher

Parent — Psychologist

Principal or Designee — Special Education Teacher

Social Worker

Others in Attendance:

Name — Relationship to student — Name — Relationship to student

Information Reviewed by the Committee (Include a Description of Each Evaluation, Assessment, Record, Intervention, or Report the Team Used as a Basis for Discussion, to include parent input):

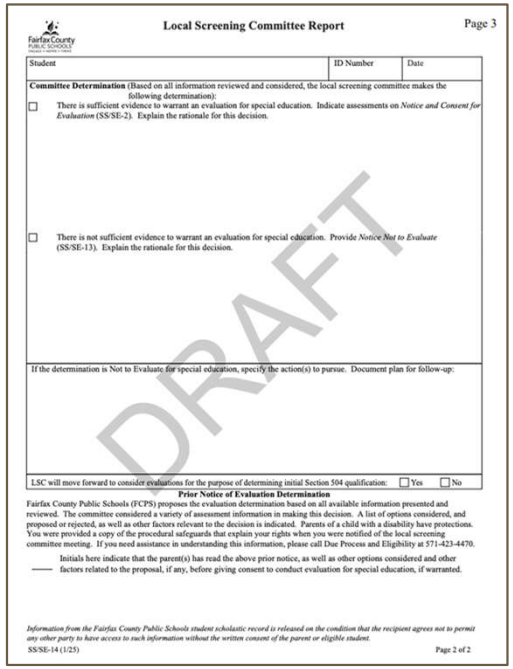
Options Considered (List All Options Considered and Reason for Proposal or Rejection):

Other Factors Relevant to Committee Decision:

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.

SS/SE-14 (1/25) Page 1 of 2

DRAFT



Fairfax County Public Schools

Local Screening Committee Report

Page 3

Student	ID Number	Date

Committee Determination (Based on all information reviewed and considered, the local screening committee makes the following determination):

☐ There is sufficient evidence to warrant an evaluation for special education. Indicate assessments on *Notice and Consent for Evaluation* (SS/SE-2). Explain the rationale for this decision.

☐ There is not sufficient evidence to warrant an evaluation for special education. Provide *Notice Not to Evaluate* (SS/SE-13). Explain the rationale for this decision.

If the determination is Not to Evaluate for special education, specify the action(s) to pursue. Document plan for follow-up:

LSC will move forward to consider evaluations for the purpose of determining initial Section 504 qualification: ☐ Yes ☐ No

Prior Notice of Evaluation Determination

Fairfax County Public Schools (FCPS) proposes the evaluation determination based on all available information presented and reviewed. The committee considered a variety of assessment information in making this decision. A list of options considered, and proposed or rejected, as well as other factors relevant to the decision is indicated. Parents of a child with a disability have protections. You were provided a copy of the procedural safeguards that explain your rights when you were notified of the local screening committee meeting. If you need assistance in understanding this information, please call Due Process and Eligibility at 571-423-4470.

____ Initials here indicate that the parent(s) has read the above prior notice, as well as other options considered and other factors related to the proposal, if any, before giving consent to conduct evaluation for special education, if warranted.

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or eligible student.

SS/SE-14 (1/25) Page 2 of 2

DRAFT

"I believe ACPS relies on those of us who can afford to pay for occupational therapy, reading tutoring, speech, etc. out of pocket to fill in the gaps because the need is overwhelming…"

System Issue #3
Denials

Child Find:

Requires each school division to conduct an evaluation given "reason to suspect or believe" that a child has a disability. One "red flag" alone is typically sufficient to trigger the Child Find duty, but having multiple should trigger an evaluation.

System Issue #3
Denials

Research Outcomes:

"Those [SWD] denied services, the research [in Texas] found, were about 50 percent less likely to graduate from high school."

Source: Education Week, "Impact of Missed Special Ed. Evaluations Could Echo for Years", June 25, 2024

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team

Va. Dept of Education Guidance:

"***If an outside report provided by a parent states that services are required, IEP Team must review existing data*** and should determine if they must gather their own data as part of the evaluation to address the student's needs in the school setting. The IEP Team must consider the data when making determinations about required services and supports."

HOWEVER, GUIDANCE ALSO SAYS...

"Parents may share information from outside providers including recommendations, prescriptions, and suggestions for specific services for their children. Teams should ***document*** their consideration of this information, ***but are not required to follow recommendations*** or fill prescriptions for services.

Providers outside of the school setting may use a different threshold for the recommendation for eligibility for services and are not required to follow the Virginia Regulations. Any providers doing evaluations must be appropriately licensed/certified/qualified to conduct the evaluation."

https://www.doe.virginia.gov/home/showpublisheddocument/876/637945623863270000

From UVA Team Final Presentation

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team

What we heard from families:

- Paying $$$ for private evaluations, sometimes believing this is the only option..
- External eval's called "provisional" & refused.

*"If a child is **struggling** in school and has a **diagnosis**, they should at the minimum be tested by the school for that disability."*

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team

8 VAC20-81-70.

1. Review of existing evaluation data. A group that is comprised of the same individuals as an IEP team and other qualified professionals, as appropriate, ***shall***:
   a. ***Review existing evaluation data*** on the child, including:
      (1) ***Evaluations and information provided by the parents of the child***;
      (2) Current classroom-based, local, or state assessments and classroom-based observations; and
      (3) Observations by teachers and related services providers

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team

What we heard from families:

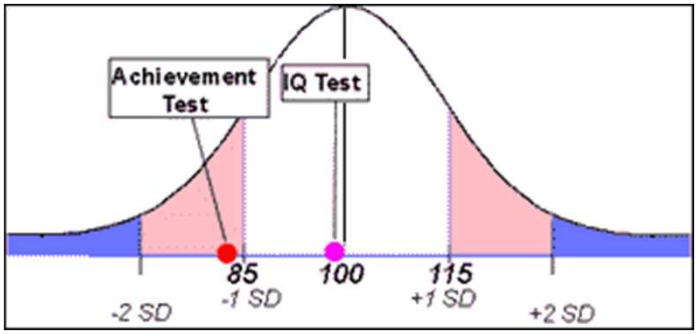
- ACPS admin do not listen to parental input.
- Not included on reports.
- Words used – fight, downplay, dismissive.

"My daughter's note taking in 4th grade is illegible to both her and everyone else. When I showed this to admin and the sped team I was told that our society is moving away from the written word, and that she can just use voice to text and writing isn't important."

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team
- Reliance on “ability-achievement discrepancy” as sole indicator



Outdated Approach

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team
- Reliance on "ability-achievement discrepancy" as sole indicator

What we heard from families:

- Must be at least two grade levels behind.
- Not "far enough behind" to qualify

"Last year my child was 5th grade and still struggles with reading, spelling and writing. Had homework issues and showed many clues of disabilities. Was told he wouldn't qualify for help because he was not ***more [than] two grade levels behind*** *academically."*

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team
- Reliance on “ability-achievement discrepancy” as sole indicator
- Requirement that student grades are low

*“They said he was performing academically because he had decent **grades**. It did not matter he was in 7th grade and could not spell 4 letter words still, or write legibly.”*

*"At our last meeting when [I] pleaded with admin to at least test her, I was told it would be **illegal** because she doesn’t have academic impact."*

Denial of Evaluations

Concerns:

- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team
- Reliance on "ability-achievement discrepancy" as sole indicator
- Requirement that student grades be low for SLD.
- Behavior problems – must be considered, but need not be present

*"I have heard tell that if a child is not a behavioral challenge in the classroom, it is hard to get them evaluated. I am '**lucky**' (their words) that my child has presented challenging behaviors in the classroom because teachers and staff are more proactive in requesting evaluations."*

Denial of Evaluations

Concerns:

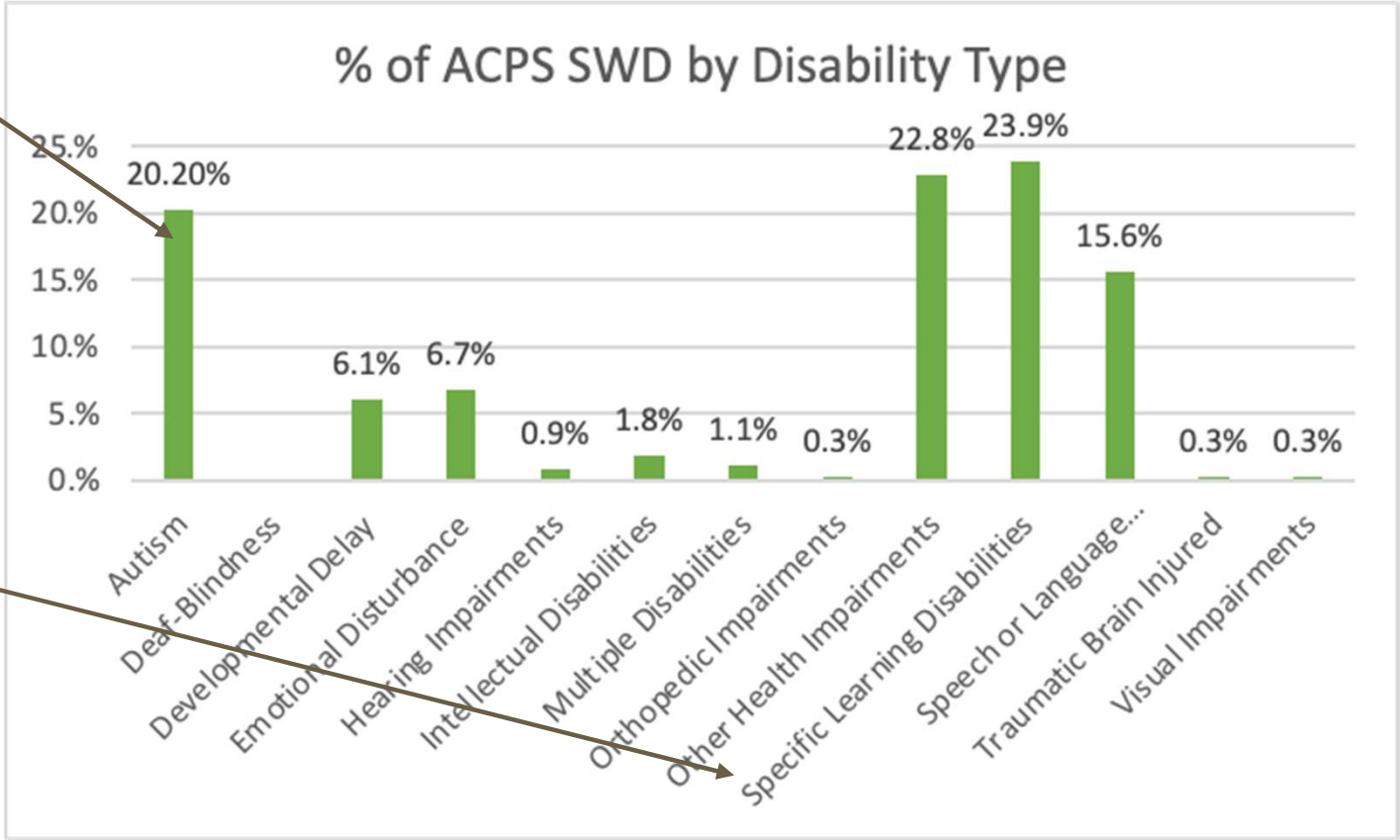
- External Evaluations – must be considered by IEP team
- Parental Observations – must be considered by IEP team
- Reliance on "ability-achievement discrepancy" as sole indicator
- Requirement that student grades be low for SLD.
- Behavior problems – must be considered, but need not be present
- Primary grades are "too early" for evaluation

"Lovett et al. (2017) find that students with reading disabilities who first received intervention in first or second grade made gains in literacy almost twice that of children first receiving intervention in third grade and continued to grow at faster rates over the following years."

Data … is there a story?

Ms. Compel had called out the higher % of students with autism. State average is 16.41%.

ACPS has a lower % than state average of students with specific learning disabilities. State average is 29.37%. ACPS difference is lack of ID in grades K-2.



Denial of Evaluations

VA DEPT OF EDUCATION GUIDANCE

What is "adverse educational impact"?

- Not just grades
- Behaviors, social emotional and other issues are permitted
- Impact is on student – not family or teacher

Educational Impact Examples

- Academic
  - Grades
  - Difficulty with school work
- Functional/ Social/ Emotional/ Behavioral
  - Ability to interact in school setting is impacted
  - Emotional state impacts ability to participate
  - Behaviors impact ability to participate

https://www.doe.virginia.gov/home/showpublisheddocument/904/637945633141770000

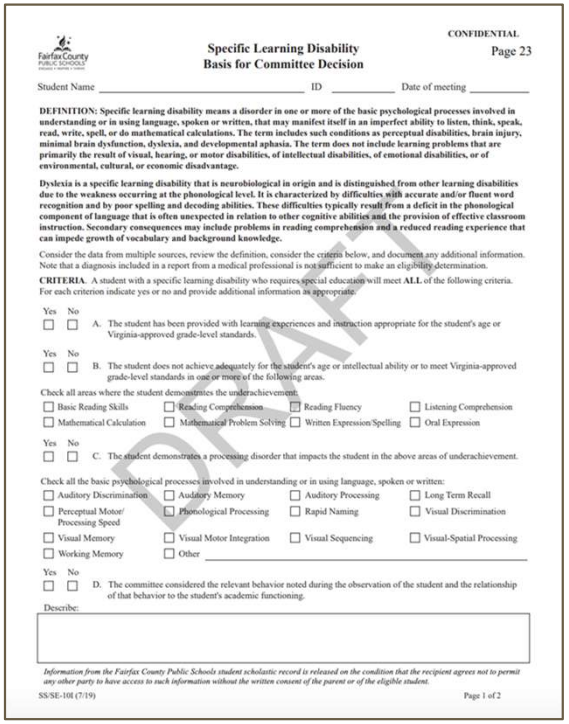
From UVA Team Final Presentation

Denial of Evaluations

ACPS has not published clear criteria for what qualifies as a “disability”.

SS/SE-10A	Autism BCD (7/19)
SS/SE-10B	Emotional Disability Basis for Committee Decision (7/19)
SS/SE-10C	Hearing Impairment Basis for Committee Decision (7/19)
SS/SE-10D	Intellectual Disability Basis for Committee Decision (7/19)
SS/SE-10E	Multiple Disability Basis for Committee Decision (7/19)
SS/SE-10F	Orthopedic Impairment Basis for Committee Decision (7/19)
SS/SE-10G	Other Health Impairment Basis for Committee Decision (7/19)
SS/SE-10 I	Specific Learning Disability Basis for Committee Decision (7/19)
SS/SE-10J	Speech and Language Impairment Basis for Committee Decision (7/19)
SS/SE-10K	Traumatic Brain Injury Basis for Committee Decision (3/22)
SS/SE-10 L	Visual Impairment Basis for Committee Decision (7/19)
SS/SE-10 M	Developmental Delay Basis for Committee Decision (7/19)
SS/SE-10 N	Deafness Basis for Committee Decision (7/19)
SS/SE-10 P	Deaf-Blindness Basis for Committee Decision (7/19)

Source: Fairfax Co PS



Fairfax County Public Schools

CONFIDENTIAL

Page 23

Specific Learning Disability
Basis for Committee Decision

Student Name _____ ID _____ Date of meeting _____

DEFINITION: Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disabilities, or of environmental, cultural, or economic disadvantage.

Dyslexia is a specific learning disability that is neurobiological in origin and is distinguished from other learning disabilities due to the weakness occurring at the phonological level. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and a reduced reading experience that can impede growth of vocabulary and background knowledge.

Consider the data from multiple sources, review the definition, consider the criteria below, and document any additional information. Note that a diagnosis included in a report from a medical professional is not sufficient to make an eligibility determination.

CRITERIA. A student with a specific learning disability who requires special education will meet **ALL** of the following criteria. For each criterion indicate yes or no and provide additional information as appropriate.

Yes No
☐ ☐ A. The student has been provided with learning experiences and instruction appropriate for the student's age or Virginia-approved grade-level standards.

Yes No
☐ ☐ B. The student does not achieve adequately for the student's age or intellectual ability or to meet Virginia-approved grade-level standards in one or more of the following areas.

Check all areas where the student demonstrates the underachievement:

☐ Basic Reading Skills ☐ Reading Comprehension ☐ Reading Fluency ☐ Listening Comprehension
☐ Mathematical Calculation ☐ Mathematical Problem Solving ☐ Written Expression/Spelling ☐ Oral Expression

Yes No
☐ ☐ C. The student demonstrates a processing disorder that impacts the student in the above areas of underachievement.

Check all the basic psychological processes involved in understanding or in using language, spoken or written:

☐ Auditory Discrimination ☐ Auditory Memory ☐ Auditory Processing ☐ Long Term Recall
☐ Perceptual Motor/ Processing Speed ☐ Phonological Processing ☐ Rapid Naming ☐ Visual Discrimination
☐ Visual Memory ☐ Visual Motor Integration ☐ Visual Sequencing ☐ Visual-Spatial Processing
☐ Working Memory ☐ Other _____

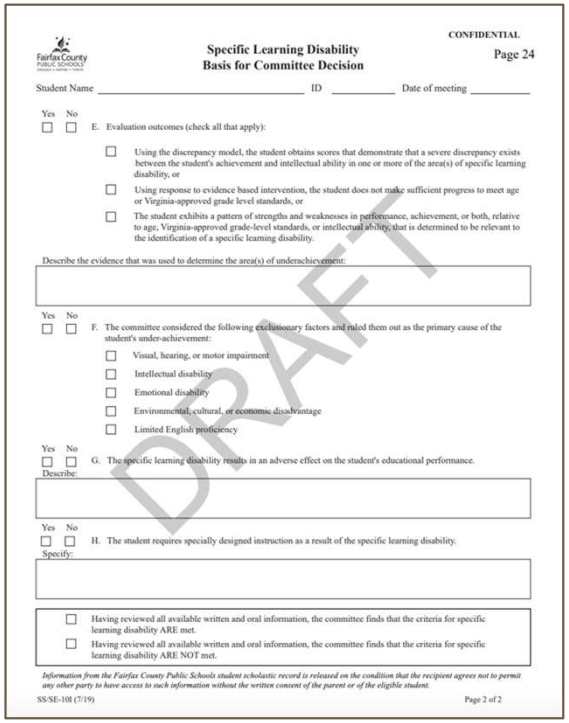
Yes No
☐ ☐ D. The committee considered the relevant behavior noted during the observation of the student and the relationship of that behavior to the student's academic functioning.

Describe:

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or of the eligible student.

SS/SE-10I (7/19) Page 1 of 2

DRAFT



Fairfax County Public Schools

CONFIDENTIAL

Page 24

Specific Learning Disability
Basis for Committee Decision

Student Name _____ ID _____ Date of meeting _____

Yes No
☐ ☐ E. Evaluation outcomes (check all that apply):

☐ Using the discrepancy model, the student obtains scores that demonstrate that a severe discrepancy exists between the student's achievement and intellectual ability in one or more of the area(s) of specific learning disability, or

☐ Using response to evidence based intervention, the student does not make sufficient progress to meet age or Virginia-approved grade level standards, or

☐ The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, Virginia-approved grade-level standards, or intellectual ability, that is determined to be relevant to the identification of a specific learning disability.

Describe the evidence that was used to determine the area(s) of underachievement:

Yes No
☐ ☐ F. The committee considered the following exclusionary factors and ruled them out as the primary cause of the student's under-achievement:

☐ Visual, hearing, or motor impairment
☐ Intellectual disability
☐ Emotional disability
☐ Environmental, cultural, or economic disadvantage
☐ Limited English proficiency

Yes No
☐ ☐ G. The specific learning disability results in an adverse effect on the student's educational performance.

Describe:

Yes No
☐ ☐ H. The student requires specially designed instruction as a result of the specific learning disability.

Specify:

☐ Having reviewed all available written and oral information, the committee finds that the criteria for specific learning disability ARE met.
☐ Having reviewed all available written and oral information, the committee finds that the criteria for specific learning disability ARE NOT met.

Information from the Fairfax County Public Schools student scholastic record is released on the condition that the recipient agrees not to permit any other party to have access to such information without the written consent of the parent or of the eligible student.

SS/SE-10I (7/19) Page 2 of 2

DRAFT

Dispute Resolution & Options

Who in ACPS is available to help with a dispute?

Services

Due Process and Eligibility

The section of the Office of Special Education Procedural Support that establishes and maintains procedures to ensure that all eligible students with disabilities receive a free and appropriate public education (FAPE).

Procedural Support Services

Supporting FCPS in providing special education services and in engaging parents of students with disabilities in a collaborative decision-making process.

- Administrative Review
- Due Process Hearing
- Facilitated IEP
- Mediation
- Office of Civil Rights Complaint
- Resolution
- Section 504 Hearing
- State Complaint

Source: Fairfax Co PS

Conclusion

Summary from UVA Law Team

SURVEY: THEMES IDENTIFIED

1. Lack of Transparency & Poor Communication
2. Family Access to Resources Affecting Success
3. Inconsistency and Poor Training Leading to Affirmative Barriers

SURVEY: INTERSECTIONALITY OF THEMES

- Parents repeatedly identified ***lack of transparency*** about various elements of the evaluation process. Key problem areas included:
  - The referral process
  - Eligibility requirements to qualify for an evaluation (i.e., academic thresholds, private diagnoses, timing, etc.)
  - The role of the school-based intervention team
- Even family members who were relatively ***familiar with the process***, as a result of being an educator or having another child who went through the evaluation process, reported lack of transparency and poor communication about the process, causing confusion.
- While having ***financial resources*** does not necessarily lead to an evaluation, it can assist parents in the following ways:
  - Hiring an advocate
  - Obtaining a private evaluation
  - Investing in understanding the process
  - Hiring tutors

Summary from UVA Law Team

SOLUTIONS: FAMILY MEMBERS & LAWYERS

I. Family Member & Community Advocacy
- Organize programs that don't directly involve the administration
- Community funding for tutoring, after school services, etc.
- Keep pushing for change, understand your rights, and publicize systemic issues if needed

II. Legal Advocacy
- Lawyers can help publicize the issue, inform parents of their rights, and initiate litigation if need be

III. SEAC & Family Council Advocacy
- Remain in communication with allies on the school board
- Using the law and processes ACPS has committed to (e.g., MTSS, SBIT) apply pressure by advocating for reform where these processes are failing families

Families Want Guidance & Partnership

"There are no quick reference charts, explanations, step by step guidelines to walk someone through the process, which is extremely frustrating. You either have to have been through the process before, know someone who has, have a staff member explain it to you, or fumble through it (which often leads to delays in the process and obtaining services for your child)...."

"Process is not readily available or understood for parents. It is set up as reactive to continued struggle, as opposed to proactive when struggles are identified. ACPS has many hurdles in place to try and not provide testing or services, including stressful and intimidating meeting environment instead of a supportive atmosphere. Getting your child the help they need shouldn't be so hard! Not us vs them, but team effort in best interest of the child."

Summary of Findings

Families in ACPS are experiencing **major problems** in accessing disability evaluations.

Federal "**Child Find**" law requires:

> *"Each school shall have procedures to process in a timely manner all referral requests for a child suspected of having a disability."*

Fixes are **possible** with strong leadership.

Appendix

Survey Details

SURVEY: PROBLEMS ENCOUNTERED

- ***Pushback*** from central office staff -- resolved with communication
  - On distribution
  - Keeping ACPS in the loop
  - UVA's involvement
- ***Sample size*** may not be representative
  - 79 respondents compared to the total number of parents in the district that have gone through the evaluation process or are seeking an evaluation
- Only a certain ***type of respondent*** may have responded to the survey, so results may not be fully representative

From UVA Team Final Presentation

Additional Data

Select School Year: 2023-2024

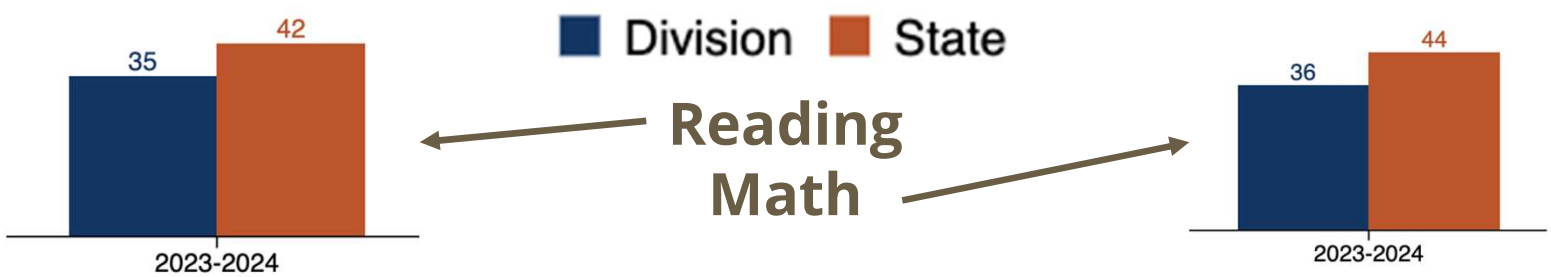
Select School(s): All

	Student Count (PK-12)		Students Identified Gifted		Students with Disabilities		Students Chronically Absent		High School Students Chronically Absent by Period		Students with Out of School Suspensions		Incidents of Out of School Suspensions		Students Passing 3rd Grade Reading SOL		Students Passing 3rd Grade Math SOL		Middle School Students Enrolled in High School Math		Students Earning an Advanced Studies Diploma	
	13967		638		1930		2686		1579		405		632		843		891		836		662	
Asian	883	6%	43	7%	74	4%	96	4%	47	3%	6	1%	10	2%	67	8%	70	8%	60	7%	47	7.11%
Black/African American	1638	12%	35	5%	370	19%	476	18%	268	17%	144	36%	214	34%	93	11%	96	11%	40	5%	43	6.51%
Hispanic/Latino	2421	17%	38	6%	327	17%	690	26%	393	25%	70	17%	96	15%	102	12%	126	14%	80	10%	68	10.29%
Multi-Racial	976	7%	50	8%	142	7%	207	8%	105	7%	34	8%	63	10%	73	9%	77	9%	60	7%	28	4.24%
White	8025	58%	471	74%	1015	53%	1213	45%	763	48%	151	37%	249	39%	506	60%	518	58%	596	71%	475	71.86%
Economically Disadvantaged	4745	34%	85	13%	913	47%	1500	56%	797	50%	283	70%	435	69%	230	27%	257	29%	129	15%	106	16%
English Learners	1791	13%	15	2%	205	11%	472	18%	218	14%	39	10%	52	8%	74	9%	89	10%	44	5%	18	3%
Students with Disabilities	1930	14%	27	4%	1930	100%	533	20%	254	16%	138	34%	253	40%	76	9%	79	9%	33	4%	24	4%

Additional Data

The achievement gap between ACPS students with disabilities and those without disabilities is massive. Sadly, this gap parallels the state data.

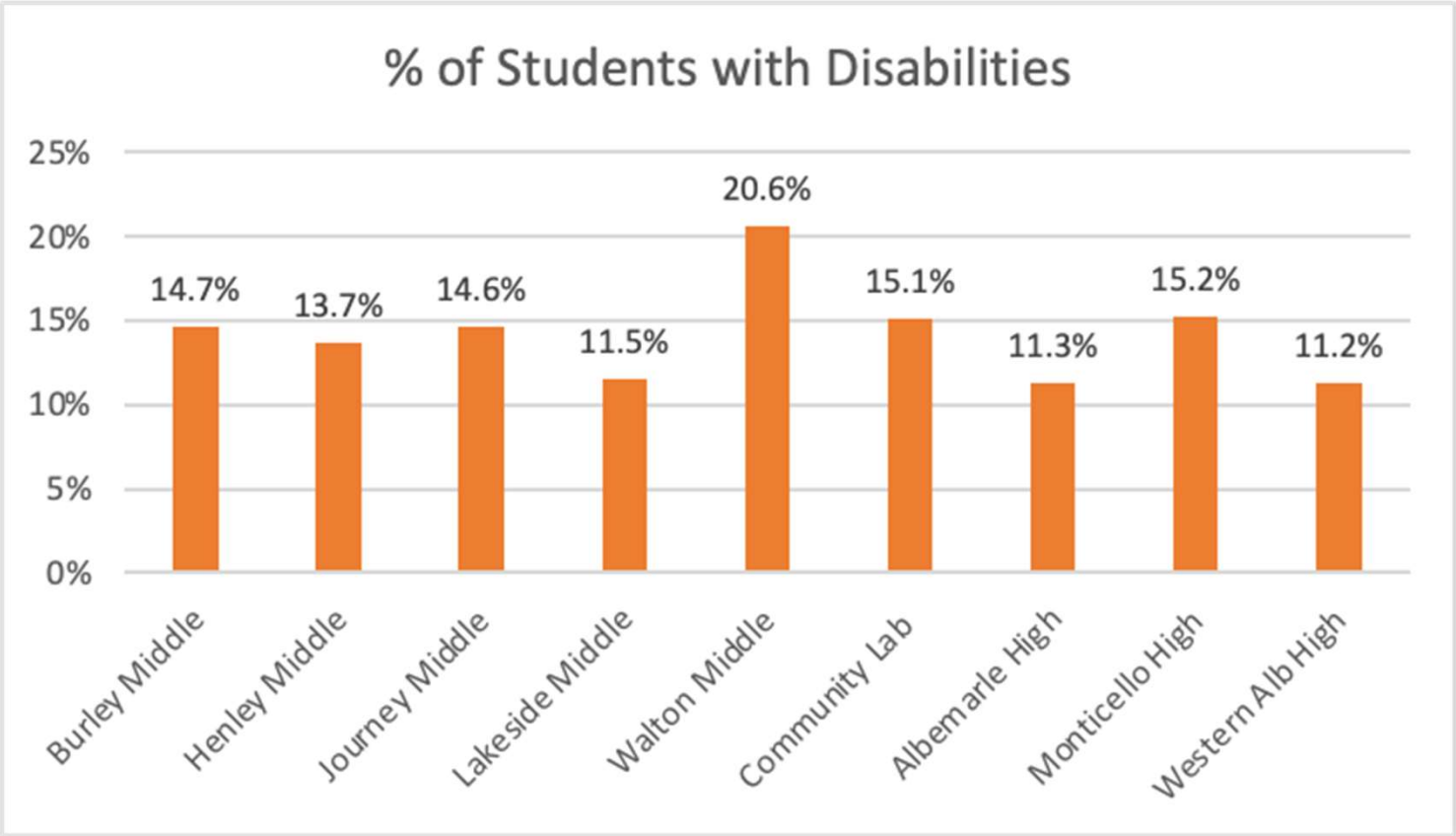
What is unique about ACPS? Performance is WORSE at 3rd grade for both math & reading.



By 8th grade, our amazing ACPS educators make up a lot of ground. But…

At key grade 3 milestone, nearly ⅔ of ACPS students w disabilities fail SOLs.

Additional Data



Secondary also has big differences by school.

Average for ACPS secondary is 13.2%.

CCEIS – Race-Risk Ratio

Comprehensive Coordinated Early Intervening Services (CCEIS)

ACPS is **NO LONGER** a *Comprehensive Coordinated Early Intervening Services (CCIES)* school division, meaning we are **NOT** required to set aside **15% of Part B Federal Funds** towards CCEIS.

From April 2025 School Board PPT

Comprehensive Coordinated Early Intervening Services (CCEIS)

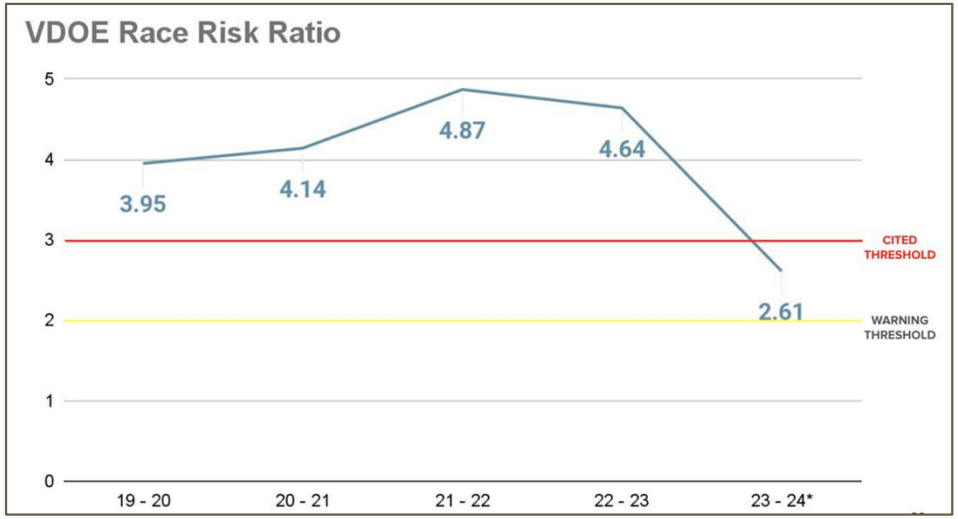
ACPS is a *Comprehensive Coordinated Early Intervening Services (CCIES)* school division, meaning we are required to set aside **15% of Part B Federal Funds** towards CCEIS.

The extra "C" is mandated by VDOE, which must approve the CCEIS Plan annually (new focus next year).

2023-24 School Year	2024-25 School Year
Response to Intervention Program	*Evaluation and Eligibility Team*

From April 2024 School Board PPT

CCEIS - Race-Risk Ratio



From April 2024 School Board PPT

CCEIS

CCEIS JUSTIFICATION

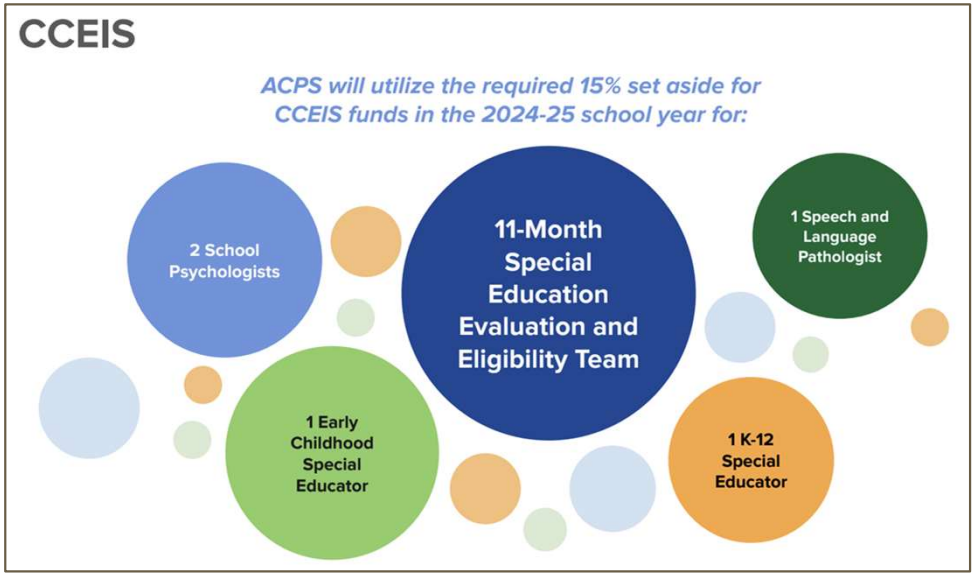
ACPS has been cited in **ID-Black** since 1999, the year in which the VDOE began collecting this data.

ACPS is the **only school division in Virginia** that has been cited every year.

During the 2023-24 school year, we focused on one team doing all ID initial evaluations, re-evaluations and reviewing transfer students and **data from this process shows significant positive impact**.

The last area of need for us to fill is the need for **evaluations outside of the 10-month school year** window.

CCEIS – Race-Risk Ratio



From April 2024 School Board PPT

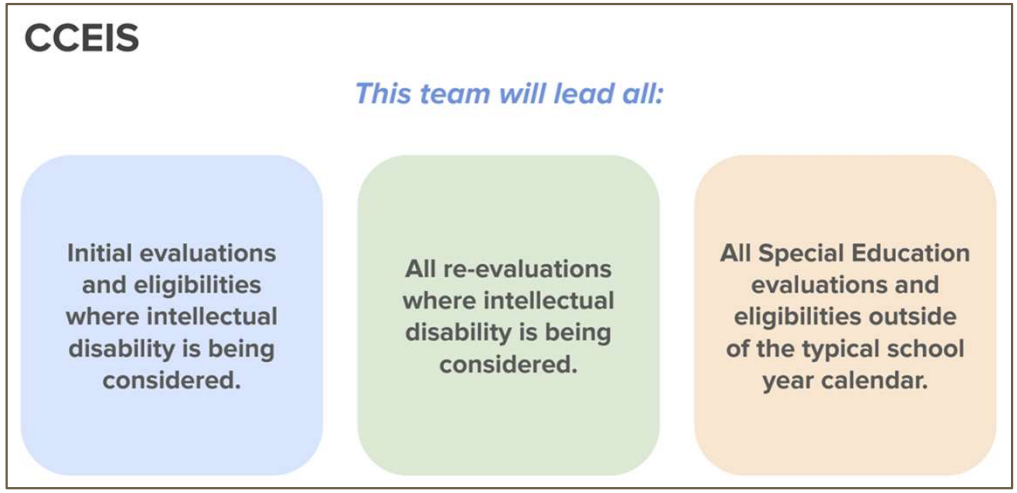


Exhibit D

Office of the Superintendent
401 McIntire Road
Charlottesville, VA 22902-4596
Phone: (434) 296-5820
www.k12albemarle.org

October 31, 2025

The Honorable Ghazala F. Hashmi
Chair, Senate Committee on Education and Health
P.O. Box 396
Richmond, VA 23218

The Honorable Sam Rasoul
Chair, House Committee on Education
P.O. Box 13842
Roanoke, VA 24037

Dear Senator Hashmi and Delegate Rasoul,

As required by House Bill 2278, this letter and enclosure serve as the Albemarle County Public Schools (ACPS) report of findings from its comprehensive school division review of accessibility challenges.

ACPS has 26 schools (Note: One school is a specialized center that serves all ACPS high school students), two service facilities, and a separate facility for specialized educational needs. In addition to the school building, many school sites have additional facilities to support and enhance the learning community (such as athletic facilities, recreation equipment, and field space). In total, these facilities comprise over 2.4 million square feet of buildings on over 600 acres of land.

Due to the age and topography of many of our properties, a number of ACPS facilities present particular challenges to accessibility. Although ACPS maintains its legal requirements to provide reasonable accommodations as mandated by the Americans with Disabilities Act (ADA) and the International Building Code, we share your commitment to removing all accessibility barriers or limitations to our student body, faculty, staff, and visitors.

In accordance with HB 2278, and consistent with our continued efforts to address accessibility and infrastructure improvements, our staff recently performed an assessment of all school facilities that service K-12 students to assess any accessibility challenges and barriers for individuals with disabilities that extend beyond those requirements outlined in the ADA.

In completing its survey, ACPS staff identified 300 total challenges and barriers across all its facilities. Our team broke these into three categories:

- **Barriers** (defined as "a fixed obstacle that prevents accessibility" such as a stage only accessible by stairs)
- **Major Challenges** (defined as "a challenge requiring significant work, professional services, funding, or construction time to resolve" such as playground walkways and equipment for wheelchair access and utilization)
- **Minor Challenges** (defined as "a challenge requiring minimal effort or funds to resolve" such as appropriate parking and signage)

A summary of these challenges and barriers by school can be found in the enclosure labeled "ACPS - HB 2279 General Findings."

ACPS applauds the Virginia Board of Education for recently voting to approve changes to the guidelines for the School Construction Assistance Program (SCAP). However, with more than half of all school buildings in Virginia being more than 50 years old (per the June 2021 report on the *Needs and Conditions of Virginia School Buildings*), additional funding sources will be required to fully address the growing capital needs for school construction and renovation projects.

More than 60% (16 of 26) of ACPS facilities are greater than 50 years old. The Albemarle County School Board recently received an internal report from its Long-Range Planning Advisory Committee (LRPAC) that recommends a $666.4 million need-based Capital Improvement Plan (CIP), which includes both capacity and renovation projects. However, in its most recent capital budget, less than half (48%) of the funding for these needs has been identified over the next five years. Much of this available funding must go toward basic capital maintenance needs and projects to increase capacity. This leaves little to no funding for major renovation projects necessary to address many of the larger barriers identified in the accessibility survey.

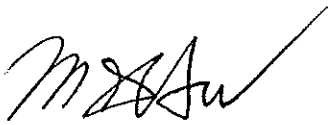
That said, some of the projects included in the most recent LRPAC report include project recommendations that would address some of these identified physical challenges and barriers for individuals with disabilities. A good example of this is an accessibility project at Albemarle High School, which would add another elevator to the building and provide more equitable access to the fine arts wing of the facility. However, there were some identified barriers in this most recent study that would not be resolved through currently identified projects.

There are several ways that the Virginia General Assembly and state agencies could assist ACPS and other school divisions in more aggressively tackling these identified challenges and barriers. Passage of a bill that would allow localities to consider levying a 1% sales tax for school construction via a referendum is just one example.

Additionally, continuing to expand access and providing additional funding to SCAP and other school construction programs would increase opportunities for ACPS and other school divisions to resolve many of the barriers that exist.

We are grateful for the opportunity to provide you with this information. Please do not hesitate to reach out should you have any questions or need any additional information.

Sincerely,



Matthew S. Haas, Ed.D.
Superintendent of Schools
Albemarle County Public Schools

Enclosure

Cc: Albemarle County School Board
Emily A. Gullickson, J.D., Virginia Superintendent of Public Instruction
Dr. Chandra Hayes, ACPS Assistant Superintendent for Instruction
Rosalyn Schmitt, ACPS Chief Operating Officer

ACPS - HB 2278 General Findings October 31, 2025

Elementary Schools	Barriers	Itemized Occurances	Major Challenges	Frequent Occurance	Minor Challenges	Frequent Occurance	Total by School
Agnor	2	HC Auto-entry, Playground access	6	Ramps, Sinks, Playgrounds	2	Furniture	10
Baker-Butler	1	HC Auto-entry	5	Ramps, Sinks, Playgrounds	5	Signage, Furniture	11
Broadus Wood	2	HC Auto-entry, Stage access	5	Curb cuts/parking, Ramps, Sinks, Playgrounds	2	Signage	9
Brownsville	1	HC Auto-entry	3	Ramps, Playgrounds	2	Signage, Paths	6
Crozet	2	HC Auto-entry, Stage access	6	Ramps, Curb cuts, Sinks, Restrooms	1	Signage	9
Greer	0	NA	4	Playgrounds, Sinks	3	Signage	7
Hollymead	3	HC Auto-entry, HC restrooms, Stage access	3	Playgrounds, Sinks, Restrooms	4	Signage, clutter, Hall WC's	10
Ivy	1	HC Auto-entry	8	Playgrounds, Sinks, Ramps	3	Signage, Sidewalks, Multi-level spaces	12
Mountain View	4	HC Auto-entry, Elevator	4	Playgrounds, Sinks, Restroooms	7	Signage, Furniture	15
Murray	3	HC Auto-entry, 1 ADA restroom, Stage access	11	Curb cuts/parking, Ramps, Sinks, Playgrounds	2	Signage	16
Red Hill	4	HC Auto-entry, Stage access, Field access, Serving line	6	Curb cuts/parking, Sinks, Playgrounds, Fields	2	Signage, Furniture,	12
Scottsville	1	HC Auto-entry	2	Sinks, Playgrounds	2	Secondary doorways/exits	5
Stone-Robinson	4	HC Auto-entry, Cafeteria stage access, ADA Restrooms, Fields	7	Restrooms, Doorways, Sinks, Playgrounds, Fields	3	Signage, Paths	14
Stony Point	2	HC Auto-entry, Courtyard access	3	Playgrounds, Sinks, Restroooms	1	Multi-level spaces	6
Woodbrook	1	HC Auto-entry	6	Playgrounds, Sinks, Restroooms	3	Signage	10
Totals	**31**		**79**		**42**		152
Middle Schools	**Barriers**	**Itemized Occurances**	**Major Challenges**	**Frequent Occurance**	**Minor Challenges**	**Frequent Occurance**	
Burley	5	HC Auto-entry, No access: 3rd fl. wkrm, Offices, Stage, Fields	16	Restrooms, Ramps, Exits, Sinks,	4	Signage, Badge Reader Location, Furniture	25
Henley	0		5	Restrooms, Sinks, Playgrounds, Paths, Curb cuts	5	Signage, Furniture	10
Journey	3	HC Auto-entry, Track/field access, Stage access	5	Restrooms, Sinks	4	Signage	12
Lakeside	2	HC Auto-entry, Locker room access	6	Curb cuts, Field access, Restrooms, Curb cuts	5	Signage, Furniture	13
Walton	3	HC Auto-entry, Track/field access, Stage access	11	Sinks, Ramps, Restrooms	2	Signage, Multi-level spaces	16
Totals	**13**		**43**		**20**		76
High Schools	**Barriers**	**Itemized Occurances**	**Major Challenges**	**Frequent Occurance**	**Minor Challenges**	**Frequent Occurance**	
Albemarle	3	Basement restroom access, HC Auto-entry, Athletics RR access	11	Restrooms, Sinks, Sidewalks,	7	Multi-level spaces, Signage	21
Monticello	1	Lift	11	Concessions, Ramps	6	Signage	18
Western Albemarle	3	Athletics Restroom Access, HC Auto-entry, Office doorways	8	Sinks, Restroom, Concessions, Ramps, Stairs	4	Signage, Furniture	15
Totals	**7**		**30**		**17**		54
Other Schools	**Barriers**	**Itemized Occurances**	**Major Challenges**	**Frequent Occurance**	**Minor Challenges**	**Frequent Occurance**	
ACE - Seminole Place Campus	0	NA	1	Sinks	1	Signage	2
Community Lab	2	HC Auto-entry, Field access	7	Railings, Ramps, Paths, Sinks	2	Parking, Signage	11
Trailhead Learning Community	1	HC Auto-entry	3	Playground, Curb cuts, Sinks	1	Furniture	5
Totals	**3**		**11**		**4**		18
Grand Totals	**54**		**163**		**83**		300

Term Guidelines:

Barrier: An accessibility barrier is a fixed obstacle or architectural feature that fully blocks access to a room or area. Resolution will take minor to major renovation and will most likely require capital funding.

Major Challenge: A major accessibility challenge is a task that requires difficult and/or time-consuming effort to overcome. It generally involves professional services, capital project funding, and building renovation to resolve.

Minor Challenge: A minor accessibility challenge is a task that can be fairly easy to correct or overcome. It can usually be resolved internally through signage modification, furniture adjustments, or maintenance funds.