

Advisory Committee for Students with Disabilities (ACSD) - Fairfax County Public Schools
Wednesday, November 10, 2021, 7:00 ~ 8:15 p.m.

Summary of Business Conducted:

- The ACSD received an update from the Department of Special Services on the VDOE State Performance Plan (SPP), and news they would be surveyed to provide input on 9 of the 17 SPP indicators.
 - The ACSD received a presentation from Dr. Lisa Phifer, the new FCPS Trauma-Informed Social and Emotional Learning Specialist
 - The ACSD voted to approve its Chair to submit a letter to the school board regarding recommendations for the FCPS Legislative Plan. (Letter is appended to these minutes.)
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Executive Committee:

Chair, Harry Henderson

Vice Chair, Joanne Walton

Secretaries, Ally Baldassari (Recording) and Lauren McCaughey (Corresponding)

Member Attendance: A quorum of voting members was confirmed by Recording Secretary Ally Baldassari with 24/27 voting members in attendance. There are 33 positions on the ACSD; six currently vacant. The full record of attendance, members, and vacancies is appended.

Liaisons/FCPS Guests:

Mike Bloom, Director, Office of Special Education Instruction

Dawn Schaefer, Acting Director of Special Education Procedural Support

Deb Scott, Director, Intervention & Prevention

Dr. Lisa Phifer, Trauma Informed Social and Emotional Learning Specialist, FCPS

Laura Jane Cohen, School Board Liaison

Dawn Clements, Assistant Ombudsman for Special Education

Mary Beth Harrison-Cunningham, Manager of the Parent Resource Center

Business Meeting Agenda date:

1. Call to Order, Harry Henderson, Chair
2. Approval of Minutes and Adoption of Agenda, Harry Henderson, Chair
3. Public Comment, Joanne Walton, Vice Chair
Donna Genelin submitted a written comment (appended), read aloud by Joanne Walton.

Ms. Genelin urges equal access for blind/low vision students in all literacy efforts. Ensure all literacy instruction and all literacy materials are fully accessible via both Braille and high-quality magnification software. She notes she didn't find accessibility in the FCPS Regulation 3008.5 which seems to outline the district's technology procurement guidelines.

4. Attendance Report, Ally Baldassari, Recording Secretary - as recorded above.
5. School Board Liaison Update, Laura Jane Cohen, Springfield District
 - a. The ACSD 2019 Bylaws, which have been on the docket of the School Board Governance Committee for approval for quite some time, have been reviewed and were sent back to the ACSD Chair Harry Henderson with some recommended changes. When the SB Governance committee receives these back from the ACSD, they will re-review the Bylaws, which if acceptable would go for approval on the consent agenda.
 - b. Regarding stakeholder concerns about expanding the sample size of the AIR study: The School Board hopes to expand the scope and the sample size and are working with the auditor general to do so. [By the end of the meeting Ms. Cohen was able to update that the focus groups will be expanded, but IEPs sample numbers will remain the same.]
6. Parent Resource Center News, Mary Beth Harrison-Cunningham, Manager of the PRC
 - a. There's a new resource from the PRC: "PRC Packs" are bags of books and other resources on a particular topic, such as ADHD. They also have bags for staff. There is a staff intranet hub. She reports both being very popular with staff.
 - b. Webinars: Rachel Bailey, Challenges of Military Families, Postsecondary Education Considerations for SWD Dec. 9th, "Buying a New Electronic Device for your Child?"
 - c. Webinars are on the [PRC Youtube channel](#), there is one available in Arabic.
7. Department of Special Services (DSS) Update, Mike Bloom, Dawn Schaefer, and Deb Scott
Mr. Bloom updated the Committee on the VDOE State Performance Plan (SPP).
 - a. Improvement is measured on indicators, or "targets". IDEA sets these 17 indicators, and each state chooses its targets and how to improve on the indicator.
 - b. New targets are set as VA updates the plan.
 - c. The ACSD as a stakeholder will assist in defining "success" in VA as you recommend new targets for 9 of 17 indicators. ACSD members will be given a voluntary survey.
 - d. Next steps - ACSD members will get an email from Mr. Bloom which includes the presentation from VDOE explaining the SPP. Please reach out to Mr. Bloom with any questions on the survey. Please complete the survey by mid-December.

Questions:

Susan Edgerton asked how the targets were chosen from VA. Mr. Bloom wasn't sure.

Amanda Campbell asked what scores were being used for the targets. Mr. Bloom responded that aggregated scores were used in the past, but now separating out SOL and VAAP students, and now grade level markers will also be used.

Lauren McCaughey asked about the very low dropout rate for students with disabilities seen in a previous target. Does FCPS exit-interview students that don't finish FCPS, but don't "drop out" (perhaps move to home school or private school)? Reply: Mr. Bloom needs Deb Scott to provide this information; she has stepped out of the room, but he can reply later.

8. Presentation: The Role of the Trauma-Informed SEL Specialist in FCPS, Dr. Lisa Phifer, Trauma Informed Social and Emotional Learning Specialist, FCPS
 - a. She transitioned to her role as the Trauma Informed Social Emotional Learning Specialist at the beginning of October and is the first to fill this new position.
 - b. She was previously a school psychologist, she is also a FCPS parent and former FCPS PTA president.
 - c. Slide on stress reactions: Hyperarousal vs hypoarousal. Trauma-informed approaches (safety, trust, choice, collaboration, empowerment). Ms. Phifer's presentation contained a Ross Greene quote: Challenging behavior occurs when the demands and expectations being placed upon a child outstrip the skills they have to respond adaptively.
 - d. How has she spent the last month? Divisional collaboration to support foundation of SEL framework (best practice, examples, program review), school consult to support adult SEL growth, analyzing and applying behavior health data. Matching practices and programs to build resilience and capabilities. Dr. Phifer said she is building relationships with the [Trauma-Informed Community Network of Fairfax County](#).
 - e. Looking ahead: She plans to collaborate with departments divisionwide, analyze current and future trends and needs for SEL for students and adults and perform school-based consultations.

Questions:

Ally Baldassari - Do you expect to be involved with restraint and seclusion-involved students or students at Key and Kilmer Center, who have been at greater risk for these practices? Response: She will interact with the school teams as necessary to make sure a trauma informed lens is utilized, otherwise this will be handled by school social workers and teams.

Ms. Baldassari suggested training for teachers whose students in previous years were restrained or secluded two or more times. Is any training going to be provided to PSLs and school psychologists about distinguishing students with trauma from those with diagnoses of ADHD and other similarly presenting conditions? Ms. Phifer responded that it would definitely be something to consider.

Lauren McCaughey - Asked about Hanley's methods as demonstrated in videos, which appear to her to be traumatizing. Is she aware of Dr. Hanley, and what are her thoughts? Dr. Phifer

replied that she was aware of Dr. Hanley's methods, but looks forward to learning more. What are your top book recommendations? Dr. Phifer replied she would get back to her with a few tomorrow.

Amanda Campbell asked if she would be a part of the selection process of programs such as Dr. Hanley's. Dr. Phifer replied she thought she would; she will be working with special education. Ms. Campbell asked about students who are minimally speaking. Will there be training for staff to teach them to look for possible triggers the student couldn't communicate and address social emotional needs in disciplinary responses? Dr. Phifer indicated she'd consider such training.

Susan Edgerton - How much do you anticipate training throughout the county to use trauma-informed practices? Reply: She has already given 3 presentations with another tomorrow. She's continuing to get requests; she will be examining how to balance training with other aspects of her job.

9. Old Business & New Business

- a. The Governance Committee has approved adding a Decoding Dyslexia VA representative member. This should appear on the next School Board consent agenda for approval.
- b. The Policy and Regulations Subcommittee responded to School Board member Melanie Meren's request to advise the school board on the FCPS Legislative Plan before the school board votes on this matter November 22. Susan Edgerton, Subcommittee Co-Chair, had drafted a letter which the subcommittee revised and approved during their subcommittee meeting. The letter is appended to these minutes, and addresses:
 - i. Funding - Oppose federal/state funding cuts based on enrollment reductions.
 - ii. Supporting initiatives to address chronic shortages of qualified special education teachers that don't involve reducing their licensure requirements; as the JLARC study. Promote financial incentives for teacher retention and recruitment.
 - iii. COVID learning losses; more students must be identified for recovery services and the ESSER funds for these purposes utilized.
 - iv. Support of literacy initiatives.
 - v. Non-support of the item to minimize the number of additional rules, regulations and policies that are above and beyond those already imposed by IDEA.
 - vi. Recommendation for FCPS to advocate for statewide legislation and policy requiring Eligibility, Testing, and IEP documents to be translated to the family's preferred language.

A motion was made to approve this draft letter to be submitted by Chair Henderson on behalf of the ACSD to the School Board; this motion was approved unanimously.

10. Member Time

- a. Ally Baldassari shared info on the Nov. 16th SEPTA General Meeting on Zoom 7 - 9PM.
Topic: Anxiety and school refusal.
- b. Amanda Campbell thanked Mike Bloom for the two meetings he offered her. The first included the ABA team and was a chance to ask questions on Dr. Hanley's methods. The other was with the Adapted Curriculum team. She will share notes on the meeting with the appropriate subcommittees.
- c. Ann-Marie Ward reminded members of the NOVA district PTA presentation on suicide prevention Monday, November 15 at 7PM.
- d. Elizabeth Zielinski - Parents reached out to her with concerns over the AT conference. This included messaging concerns, and the fact the virtual meeting was not recorded for future access. Ms. Zielinski recommends involving people with disabilities in the planning of these programs. Talk to the target audience, people with disabilities, about their needs. She asked FCPS to consider the tagline "Nothing about us without us."
- e. Chair Harry Henderson wishes his wife a happy 16th anniversary tonight and thank you for understanding he had to attend a meeting on their anniversary!
- f. Mr. Henderson announced the Nov 17th ACSD Executive Committee meeting, and the next ACSD meeting Dec. 8th.
- g. Ms. Campell: Does the ACSD have a seat on the Calendar committee? Ms. Campbell offered she will take our input as she has a seat as a SEPTA representative.

Member	Name	Organization/Representing	C-C-1	2021-11-10	2021-12-08	2022-01-12
Ally	Baldassari	SEPTA	V V V	V		
Amanda	Campbell	Sprinfied District-Laura Jane Cohen	I I F V	V		
Ann Marie	Ward	Fairfax County Council of PTA	V V V	V		
Brandis	Ruise	Disabilities Services Board	I I F I F	V		
Brianne	Russell-Morris	PoAC-NoVA	V V	V		
Darcy	Acquavella	City of Fairfax School Board	V V	V		
Deane	Kiley	Preschool	I I N V	E		
Elizabeth	Zielinski	Assistive Technology	V V V	V		
Harry	Henderson	Mason District-Ricardy Anderson	I I F I F	IP		
Jennifer	Benecke	Lee District-Tamara Derenak Kaufax	I I N I F	V		
Joanne	Walton	Faculty	E E I F	IP		
Joe	Alson	Region 2-Fabio Zuluaga-Assistant Superintendent	I I N N	IP		
Lauren	McCaughey	Hunter Mill District-Melanie Meren	I I F V	V		
Linda	Mason	Higher Education	V V	V		
Lissy	John	Dranesville District-Elain Tholen	V V	V		
Liz	Brocato	Braddock District-Megan McLaughlin	V V	V		
Mary	Hackman	Providence District-Karl Frisch	V V	V		
Michael	Simon	Sully District-Stella Pekarisky	I I F V	V		
Phara	Rodrigue	Mount Vernon District-Karen Corbett Sanders	V V	V		
Rachel	Macias	Region 4-Jay Pearson-Assistant Superintendent	V V V	V		
Sanaa	Bouzit	Member at Large-Abrar Omeish	I I F V	E		
Sandi	Dalhoff	Department of Neighborhood and Community Service	V V	V		
Stephanie	Bailey	Fairfax/Falls Church Community Services Board	V V V	V		
Susan	Edgerton	Member at Large-Rachna Sizemore-Heizer	V V	V		
Tania	Damavandy	Region 1-Douglas Tyson-Assistant Superintendent	I I N N	V		
Vivienne	Goldstein	Fairfax County Health Department	V V V	V		
Zahraa	Hassan	Student Representative	I I F V	E		
Vacant		Member at Large-Karen Keys Gamarra				
Vacant		Region 3-Nardos King-Assistant Superintendent				
Vacant		Region 5-Rebeca Baenig-Assistant Superintendent				
Vacant		Federation of Citizens				
Vacant		League of Women Voters				
Vacant		Transition Services				
V	Attended virtually					
IP	Attended in person					
E	Excused absence					
NYA	Not yet appointed; hadn't been appointed to this position at the time of the meeting					
Please note that attendance was not required of returning members at the 9-08-2021 Orientation.						

Public Comment – Submitted by Donna Genelin on November 9, 2021

Thank you for the recent district initiatives which aim to improve literacy outcomes for all students.

I am writing to urge you to include equal access for blind/low vision students in *all* literacy efforts by ensuring that *all* literacy instruction and *all* literacy materials are fully accessible via both Braille and high-quality magnification software.

It is commendable that FCPS has engaged in “conversations” which encourage vendors to deliver materials that are accessible off-the-shelf. However, conversations are not enough; intentionally worded contracts and improved technology procurement procedures are needed in order to ensure that vendors provide our students, teachers, and parents the access they need.

The Department of Education’s National Technology Plan places direct emphasis on accessibility and equity for all. By contrast, I can find no mention of accessibility in FCPS’ Regulation 3008.5 which appears to outline the district’s technology procurement guidelines.

In addition, despite Virginia legislation linking evidence-based literacy interventions to scores on universal literacy screeners, FCPS has historically opted to use literacy screeners which are known to be inaccessible to blind/low vision students and other students with disabilities.

This apparent lack of regard for equal access is an embarrassment for any district professing to value equity for all.

Currently, FCPS implements little to no oversight into accessibility of digital content and instead relegates accessibility to the responsibility of individual teachers tasked with reinventing the wheel. However, ill-informed retrofit attempts, regardless of how well-intentioned, are time-consuming, inefficient, and inequitable for all involved. How many special education staffing hours are currently wasted trying to create separate (but not equal) pathways for students who could independently access digital content if that digital content was verified to be compliant with Web Content Accessibility Guidelines 2.1, Level AA?

It is vital that FCPS revamp its procurement processes to ensure accessible design and compliance with the most updated version of Web Content Accessibility Guidelines and that vendors are held accountable for timely delivery of NIMAS files to the National Instructional Materials Access Center.

While I am not a lawyer, and my parent advocacy does not constitute legal advice, FCPS already has more than enough resources, legal and otherwise, to identify quality instructional materials and make that content accessible to all, should it choose to do so. FCPS is aware that it has access to a multitude of local accessibility testers and accessibility design experts, as well as the latest information from the National Center on Accessible Educational Materials. The district can no longer claim ignorance on the topic of accessibility; FCPS need only decide that it will uphold its voiced commitment to equity by making accessible design and verified WCAG compliance a budget-backed, action-evidenced priority. Please begin these much needed improvements by ensuring that all basal material purchases and all universal screeners are fully accessible off-the-shelf.

Thank you.

Sincerely,

Donna Genelin

Dear School Board Member Meren,

Thank you for inviting the Advisory Committee on Students with Disabilities to make comments on the proposed legislative agenda of the School Board for 2022. We realize the critical importance of this document in making funding and policy decisions for the upcoming academic year.

We are pleased to see that the School Board is concerned with many of the issues we believe are affecting students with disabilities. We want to highlight a few of these issues.

Funding

The Committee agrees that FCPS must pursue all available sources of funding from federal and state sources and should oppose any provisions to divert its funds to other localities. It should also oppose efforts to cut funds on the basis of enrollment reductions which may quickly reverse course. The Committee also opposes diversion of scarce funding for public education to Charter Schools.

Support initiatives to address chronic shortages of qualified special education:

The Committee wholeheartedly agrees with the need to address vacancies in special education positions throughout the division. However, we are concerned about some of the initiatives that are proposed such as elimination of initial teacher licensure and renewal requirements (AB-4) and additional routes to provisional licensure in high needs areas including special education (AB-9). The 2020 JLARC study of K-12 special education identified disproportionate rates of use of provisionally licensed teachers in special education and suggested these teachers may not have the requisite training and skills to manage their classrooms and understand fundamental policies, such as IDEA, affecting students with disabilities effectively.¹ We are concerned that without additional means to ensure that teachers are qualified—specifically in special education, the quality of special education will suffer. We would oppose these shortcuts to filling vacancies in special education. The Committee believes that, in the long-term, the School Board must address financial incentives to assist in the recruitment and retention of critically needed special education staff. Sufficient classroom space and adequate instructional and administrative support are also critical issues for special education staff which aid in retention.

Learning losses

The Committee also shares the concerns of school board in continuing to address learning losses. The Committee recently learned that thus far FCPS has provided recovery services to only about 1000 of the 26,940 (about 3.7%) of students with disabilities the division reported for academic year 2020-21. We are aware that schools received federal funding (through ESSER) specifically for this purpose. We believe based on falling test scores in addition to feedback from staff and parents that this represents a very small portion of students with disabilities who are likely to require recovery services. The School Board has referenced increased flexibility in verifying credits for graduation, but it has not further addressed the critical need to identify the students who require recovery services and assure they receive these services.

¹ Commonwealth of Virginia, December 14, 2020, Report to the Governor and the General Assembly: K-12 Special Education in Virginia. <http://jlarc.virginia.gov/landing-2020-special-education.asp>

Literacy Instruction and Training

The Committee strongly supports the school board's interest in improving literacy instruction using evidence-based practices. Too many students with disabilities have significant deficiencies in literacy as evidenced by state testing.

Other Special Education Initiatives

Section S, Item #4: We do not support a legislative position which includes minimizing the number of additional rules, regulations and policies that are above and beyond those already imposed by IDEA. We recognize the value of not placing additional regulatory burdens on school districts; but there are notable Virginia-specific regulations that are beneficial to families with disabilities and are at risk of being removed when this policy aligns with ever-changing political landscape. Just one example is Virginia's "consent" rule (meaning, a parent must consent to any revision, change or termination in special education services). It is not in the interest of families with disabilities to have these current additional regulatory requirements removed, and as such, it is not the recommendation of this committee that it remains part of the legislative priorities for the district.

Section S, Item #6: We are very concerned about supporting the existing convention which places the burden of proof during due process proceedings on the party bringing the action. IDEA defers to state regulation regarding this matter, and many states already place the burden on the school system. In civil proceedings, it's both fair and equitable that the party bringing the action bears the appropriate burden of proof. However, in the context of special education, due process proceedings are administrative hearings that do not necessarily adhere to the rules of other litigation. As such, it is neither fair nor equitable to place this burden on parents for the following reasons:

- Districts have full, ongoing access to records, teachers, educational experts, and therapists. Parents are only entitled to discovery of these resources five days prior to their hearing.
- Districts are almost always represented by counsel, which requires families to hire their own counsel at personal expense.
- Federal law imposes an affirmative obligation on districts to provide an appropriate education. Therefore, they should be similarly obligated to prove the effectiveness of their actions.
- Families of children with disabilities have higher rates of poverty, limiting their ability to obtain counsel or expert witnesses in ways disproportionate to that of school districts.

For these reasons, endorsing a legislative position that does anything other than decrease the burden on families in due process proceedings is contrary to the "One Fairfax" joint policy adopted by the FCSB and Fairfax Board of Supervisors that prioritizes equity-based decision making.

Translation of IEP Documents

We also recommend that FCPS advocates for statewide legislation and a policy requiring school divisions to translate Eligibility, Testing and Individualized Education Program (IEP) Documents in order to provide equitable access for families to participate in the IEP process. Families are of course, by federal law, valued members of their IEP teams, and all families should feel equally welcomed in their participation.

The IEP document is a legal document and translating it and supporting documents is best practice for equitable access. Parents whose native language is not English need to be able to read these documents,

understand their child's needs and track their progress. The translation of these documents will also increase family engagement. While there is currently no requirement to translate documents in the IDEA legislation, there has been a [statement of interest](#) released from the Office of Special Education Programs on this topic.

Again, the Committee greatly appreciates the opportunity to review and comment on the proposed legislative agenda for 2022.

Thank you for your ongoing support for Fairfax County's students with disabilities.

Sincerely,

Harry Henderson

Chair

Advisory Committee on Students with Disabilities