Regulations Finally Here!

On August 14, 2006, the US Department of Education issued the official IDEA 2004 federal regulations for special education. All States and localities have signed assurances that they are complying with the IDEA 2004 statutes as of July 2005. The published federal regulations that clarify this statute will take effect October 14th, 2006.

New in the Regulations....Did you know that...

- Each child with a disability must have the supplementary aids and services determined by the IEP Team to be appropriate and necessary for the child to participate with nondisabled children in extracurricular services and activities to the maximum extent appropriate to the needs of that child.
- The IEP Team must consider supplementary aids and services that will allow children with disabilities to participate in extracurricular services and activities with nondisabled children.
- Tourette syndrome has been added to the list of conditions included in the Other Health Impairment eligibility category.
- There are specific requirements when a child is participating in a research-based intervention including performance data, strategies for increasing the child’s rate of learning and the parents right to request an evaluation.
- Special Education is no longer “Wait to fail.” A child with a disability must receive special education even though the child has not failed or been retained in a course, and is advancing from grade to grade.

These changes to the final regulations came in response to the over 5,500 public comments related to the proposed regulations. Parents, professionals, attorneys and hearing officers should pay careful attention to the responses to the comments on the regulations. Though not a part of the actual regulations, the comments section contains a wealth of information that will provide clarity about the federal interpretation of the law.

Modified Standard Diploma Requirements Changed

The Modified Standard Diploma – (for students with disabilities) requires that students pass specific high school courses (20 credits) including specific courses in English, math, lab science, history and social studies, arts, PE, and electives. Though students must take SOL exams, they do not have to pass them. However, they must pass the numeracy (math) and literacy (reading) competency tests (at about the 8th grade level) that are required by the Board of Education.

Students who are taking classes that are an alternate curriculum not at the same level of general high school students receive a Special Diploma if they have completed the requirements in their IEP.

Students who have chosen to receive a Special Diploma instead of pursuing the Modified Standard Diploma may wish to reconsider now that the Board of Education has lowered the passing scores. The passing score for the numeracy test is now 344 out of 600 points and the literacy SOL pass score is now 371 out of 600 points.

Students who receive Special Diplomas or Modified Standard Diplomas remain eligible for special education and transition services until they are 22 or when they receive a regular diploma. This is the case even if they have dropped out or left school without a regular or advanced diploma.

Virginia has alternatives for students whose nature and level of disability prevents participation in the SOL assessments, even with accommodations. These tests convey verified credit for graduation purposes. The Virginia Grade Level Assessment (VGRA) through 8th grade is internally verified within the school system. In high school, the Virginia Substitute Evaluation Program (VSEP) assessment is verified at the state level.
NCLB REPORTS NOW IN
By Cherie Takemoto

Did your child’s school or school division make Adequate Yearly Progress (AYP)? How did your child’s school or school division do? Of the 2006-07 ratings based on the 2005-06 results, 79 school divisions out of 132 divisions made AYP (55%); 52 divisions did not make AYP (39%); and 8 divisions were still being determined.

NCLB was meant to shine the light on school performance for subgroups, including students with disabilities. Many schools are meeting the challenge through training and instructional practices that help struggling students to succeed. Unfortunately, too many schools see the answer to this accountability challenge as blaming the students or hiding them where they hope they won’t be counted. Research has demonstrated that students with disabilities can do quite well given the right instruction. Dismal results are often the result of teachers and/or students who have given up without trying.

Sounds bleak? It doesn’t have to be. Many schools have risen to the NCLB challenge of success for all students. In fact, in a number of cases, it is special education that is lifting the boat for many others. Here are some examples:

**Flexibility in Accountability Assessment** – Virginia has developed a means for students to demonstrate mastery of the Virginia Standards of Learning and receive verified credit for advancement and graduation. High performing schools and teachers are developing more appropriate ways for students to verify that they have mastered these high standards throughout the year. This allows schools to more accurately measure what some students with disabilities know.

**Strategic Instruction Model (SIM)** – On another positive note, we have heard from some districts who are accepting the challenge and are seeing positive results from the use of the Strategic Instruction Model (SIM). This model, developed by the University of Kansas, is a part of State Improvement Grant initiatives for special education in Maryland and Virginia. Rather than trying to hide students who will have challenges, SIM schools are actively implementing instructional models consistently and collaboratively, and finding that more students, with and without disabilities, can succeed.

A good education is the best way to ensure that all students, especially students with disabilities, have a chance at a decent future. When the cards are stacked against these students, whether due to a disability, the prejudicial underbelly of low expectations, or failing schools, it is even more imperative that processes are in place to prevent children with disabilities from being left behind. Parent involvement, support and partnerships are the not-so-secret weapon for student success. These should be supported so that more parents have information on being effective partners in school and student success. However, schools also need research-based tools to hold up to the high expectations of NCLB so that all students, including students with disabilities, can shine and no school or child has to hide their head in shame.

**Key point to consider when reviewing AYP data for Virginia public schools**

(from Virginia Department of Education website):

For a school or division to make AYP, a minimum of 95% of students overall and 95% of subgroups must take reading and mathematics testing. Subgroups are white, Black, Hispanic, students with disabilities, economically disadvantaged students and students with limited English proficiency. Each of these groups must meet the annual measurable objectives (AMO) for proficiency or reduce failure rates by at least 10%. The 2006-07 AYP ratings are based on tests during 2005-06. AYP for each subgroup was at least 69% proficiency in reading and 67% proficiency in mathematics.

You can find your school report card on the Virginia Department of Education’s website:

http://www.pen.k12.va.us/VDOE/src/index.shtml
PEATC Calender of Events

PEATC Training Workshops
IDEA 2004 Training
How to Use the New IDEA to Improve Results for Your Child
Monday, October 9, 6:30 pm – 8:30 pm
Pulaski County
Friday, November 10, 7 pm – 9 pm
Autism Society of Central Virginia
Richmond
(English with Spanish Interpretation)
Thursday, November 16, 11 am – 2 pm
Richmond Regional Office
(English with Spanish Interpretation)
Wednesday, December 6, 6:30 pm – 8:30 pm
Springfield
Thursday, December 7, tbd
Spottsylvania

PEATC is currently scheduling IDEA 2004 workshops. Check the PEATC calendar and/or and/or call PEATC if you are interested in scheduling a workshop in your area.

Training for Trainers for the IDEA 2004 Training
Richmond Regional Office
Wednesday, October 11, 10 am – 2 pm
and Wednesday, October 25, 10 am – 2 pm
(must attend both days)

AROUND VIRGINIA
PEATC at the Virginia State Fair
September 28 - October 8, 2006
Come join PEATC at the 2006 Virginia State Fair.

PEATC Coffees
How to Advocate for Your Child under the new IDEA Regulations
Brownley Law Group
Friday, October 20, 2006, 1 pm – 3 pm
Springfield
Friendship Building Strategies
Wednesday, November 8, 2006, 1 pm – 3 pm
Springfield

PEATC offers workshops in English and Spanish Call Suzanne at 1-800-869-7826 for information about scheduling a training in your community.

Other PEATC Sponsored Workshops
Circle of Support/ Cirulo de Suporte
Saturday, November 4, 2006
Hylton High School, 14051 Spriggs Road, Woodbridge, VA
For more information/ Para más información: 703-730-3124
This conference will provide workshops in English and Spanish. (Esta conferencia tendrá talleres en español y inglés.)

Making the Most of Transition Under the New Special Education Law
Monday, November 13, 7:30 pm – 9 pm
McLean Bible Church

Understanding IEPS
Thursday, December 14 tbd
Stafford

Parent and Professional Collaboration: A Cultural Perspective
ESL School and Community Group
Tuesday, October 3, 2006, 1-3pm
Parent Resource Center, 2nd floor, Richmond Career Education Center, 2015 Seddon Way, Richmond 23230

PEATC Latino Outreach Coordinator, Barbara Cornicello will be a special guest on ‘Brown Bag Lunch’ hosted by Cathy Brown, Sept. 27, 2006, noon, on WRIR 97.3 LPFM. The broadcast can be heard on www.wrir.org. Barbara will also be a guest on ‘Chesterfield al Dia’ hosted by Juan Santacoloma (broadcast in Spanish) on Oct. 2, 2006 at 8pm and rebroadcast on Oct. 3 at 7:30pm on Chesterfield Comcast Ch. 17.

Interested in attending a workshop?

- Find out more about workshops in and around Virginia by visiting our Web site at www.peatc.org.
- Please register by the Monday before the workshop by calling 703-923-0010 or 800-869-6782 or email partners@peatc.org. Let us know if any special accommodations are needed.
- Share information with others. Post this sheet on bulletin boards and hand it out at meetings.

The Consumer and Family Participation Fund (CFPF)
allows families and people with disabilities to attend conferences and workshops related to topics on disabilities. For additional information call the Independence Center at 866-625-2373 or visit the web site at www.cfpf.net.
Para Nuestra Comunidad

“Ask PEATC”

“Pregúntale a PEATC”
Por Lydia Mideros

PEATC offers workshops in English and Spanish that help families be more informed partners in their children’s education. Call Suzanne at 1-800-869-7826 for information about scheduling a training in your community.

Queridos Padres:

PEATC ofrece talleres en Español que pueden ayudarlos a sentirse más seguros entendiendo lo que es educación especial. El niño o niña que recibe educación especial logra éxito cuando sus padres le hacen saber a todos que ellos quieren estar informados y participar activamente en la educación de su niño(a). Gracias a todos los que han asistido a los talleres, especialmente a estos padres que han asistido y participado en el taller ofrecido en Español “Logre que la Educación Especial Trabaje para su niño(a).

En la última edición de la revista de PEATC, respondí preguntas sobre el proceso de evaluación. Usted puede llamar a PEATC si desea copia de los artículos escritos en Español. Esperemos que los padres de la comunidad latina puedan usar esta información que ha sido especialmente escrita para ellos.

¿Por qué es importante la sesión de elegibilidad?

A La sesión de elegibilidad es muy importante porque ustedes (ambos padres si es posible, ya que cuatro oídos escucharán mejor que dos), conocerán y verán como el comité de elegibilidad sustentará, comparará y clasificará todas las evaluaciones para determinar si su niño(a) será elegible o no para recibir educación especial y en cual de la clasificación en educación especial lo incluirán.

¿Quiénes asistirán a la sesión de elegibilidad?

A Asistirán los padres (padre y madre si es posible), niño(a) (si es apropiado y usted desea llevarlo), representante del sistema escolar, profesora o profesor de aula, y educación especial, terapistas (si es que el niño(a) lo necesita). Estos profesionales y ustedes, como padres, serán parte de las personas que decidirán la elegibilidad de su niño(a). Recuerde pedir el intérprete, si ustedes consideran que lo necesitan, ni bien reciban la nota de la escuela con el día, la hora y las personas que la escuela haya invitado para la sesión. Ustedes también pueden invitar a un miembro de su familia, a un amigo o amiga que conozca bien a su niño(a) y ustedes le hayan explicado el motivo de esta sesión pero no olvide comunicárselo a la escuela con anticipación. La relación de personas que pudieran asistir a la sesión de elegibilidad puede variar en cada sistema escolar. Las personas que se mencionan son las que frecuentemente asisten por lo que no se sientan intimidados al encontrar en la sesión a muchas personas que los esperan a ustedes.

¿Qué pasa después que mi niño(a) es elegible para recibir educación especial?

A El equipo de profesionales generalmente conformado por un representante de la escuela, las profesoras o profesores (regular y especial), terapistas (si el niño o niña lo necesitara), y usted como padre o madre o los dos, prepararán el Programa Individualizado de Educación (IEP) para su niño(a), dentro de los 30 días siguientes a la sesión de elegibilidad. El comité del IEP determinará las necesidades educacionales de su niño(a) viendo como se encuentra actualmente y que logros se esperan obtener con las adaptaciones o modificaciones que el comité del IEP en el IEP incluirá en el Programa para lograr el progreso del niño o niña. Algunas escuelas conducen su sesión del IEP inmediatamente después de la sesión de elegibilidad. Pregunte antes de su sesión del IEP para que Ud. se prepare.

¿Qué pasa si no estoy de acuerdo con la sesión de elegibilidad y la clasificación que otorgaron a mi niño(a) dentro de la educación especial?

A La escuela, sin su autorización no puede incluir a su niño(a) en educación especial. Si usted no está de acuerdo con la elegibilidad de su niño(a), o la clasificación de él o ella dentro de la lista de discapacidades, usted tiene el derecho de pedir una evaluación educacional independiente (IEE) que quiere decir una evaluación realizada por un calificado profesional que no es empleado por la escuela y el gasto que demandará ésta evaluación, será cubierto por la escuela. El no estar de acuerdo puede ser compli-

PUNTOs CLAVE QUE USTED DEBERIA RECORDAR

1 La Ley de Educación Especial (IDEA) que protege a su niño(a) dice que las evaluaciones deben ser hechas en el idioma que el niño o niña domine. Esto es muy importante sobre todo en el resultado de las evaluaciones de su niño(a), ¿Qué cree usted que pasaría si su niño(a) es evaluado(a) en Inglés y entiende más Español que Inglés? Llámeme a PEATC que yo le explicaré el significado del Dual Language Assessment test que si fuera necesario podría solicitar para su niño(a).

2 Pida un intérprete tan pronto como la escuela le notifique el día y la hora de la sesión de elegibilidad o la sesión del IEP, si usted piensa que comunicarse en Español le sería más fácil, de todas maneras no pierde nada solicitando el intérprete con anticipación para estas sesiones.

3 Pida a la escuela una copia en Español de los Requisitos de Garantías Procesales para la Educación Especial en Virginia ni bien termina la sesión de elegibilidad.
Dear Parents:

PEATC offers workshops in Spanish that can help you as parents feel more confident in your understanding of special education. Children with special needs are more successful when parents let others know that they want to be informed and actively participate in their children’s education. Thank you to those of you who have attended PEATC workshops. I am especially proud of the workshop offered in Spanish about “How to Make Special Education Work for Your Child.”

In the last issue of the PEATC Press, questions were addressed about the referral and evaluation process. You can call PEATC if you would like copies of articles written in Spanish. We hope that parents in the Latino Community can use this information that has been written especially for them.

La escuela debería llevar a cabo las sesiones de elegibilidad y el Programa Individualizado de Educación (IEP) el día y la hora que sean convenientes para usted y el personal de la escuela.

Si es que usted no está de acuerdo en dar su consentimiento para que su niño(a) sea elegible o no elegible para recibir educación especial, o con la clasificación que le han dado a él o ella dentro de las discapacidades, o no ha entendido el desarrollo de la sesión, usted no está obligado a firmar inmediatamente después de la sesión de elegibilidad.

Si usted tiene alguna pregunta o preocupación llame a PEATC al 800-869-6782, ext.3 antes de firmar un documento. Como padre o madre usted conoce a su niño(a) mejor que nadie y es por eso que su presencia en las sesiones de elegibilidad y el Programa Individualizado de Educación (IEP) es muy importante. Usted puede dar a éstos comités valiosa información que podría ayudar a que su niño(a) reciba la educación especial que él o ella necesite para lograr el esperado éxito en su educación.

**Latino Corner**

“Ask PEATC”
By Lydia Mideros

**Q** Why is the eligibility meeting important?

**A** The eligibility meeting is important because you will meet with professionals from your child’s school to compare your child’s evaluation information against the definition of the disabilities that qualify for special education services. If the results correspond with one or more of the definitions, your child will be eligible for special education.

**Q** Who will be at the eligibility meeting?

**A** Parent(s), the student (when appropriate), representatives of the school system, special and general education teachers and specialists (speech and language, occupational therapist) are a part of the team who make decisions about eligibility. Who attends a meeting may be different at each school or with each child. The school will send you a notice of the meeting, telling you who the school has invited to attend. Remember to ask for interpreter if you are not confident in understanding or speaking English. If you wish to invite your friend or others to the meeting you should tell your child’s teacher, in advance, about your plans and concerns.

**Q** What happens next if my child is found to be eligible to receive special education?

**A** The Individualized Education Program (IEP) Team, that includes you, will put together an IEP that describes special education services and supports your child needs. The IEP must be developed within 30 days from when the child is determined eligible for special education services. The IEP Team will review the child’s educational needs, present level of academic achievement and related developmental needs. The IEP Team also may decide what modifications or adaptations are needed to help the child’s progress. Some schools conduct the IEP meeting immediately after the eligibility meeting. Ask, before the meeting, if this will happen in your child’s case so that you can be prepared.

**Q** What happens if I do not agree with the school about the eligibility meeting results or the eligibility category?

**A** The school cannot provide special education services without your permission. You have the right to obtain an Independent Educational Evaluation (IEE) if you do not agree with the evaluation results. An IEE is an evaluation conducted by a qualified examiner who is not employed by the school. The school will either pay for the full cost of the evaluation or make sure that you do not have to pay for it. The rules can be complicated when you do not agree. Call PEATC and we can help you to understand your rights and make an informed decision.

**KEY POINTS THAT YOU SHOULD REMEMBER**

1. If your child understands more Spanish than English, the law requires that evaluations be administered in the child’s native language. This point can be very important because the evaluation might not be valid if your child’s English proficiency affected the results. Some children may need testing in both English and Spanish.

2. If you are worried that you will not understand what is going on in English, ask for an interpreter as soon as the school notifies you of the eligibility meeting date.

3. Ask for a copy of your child’s special education rights in Spanish. In Virginia, these rights are called *The Virginia Special Education Procedural Safeguard Requirements*.

4. Schools should schedule eligibility and IEP meetings at a time that you can make it. If you cannot make it, ask the school to change the meeting to when it will work for you and school’s staff.

5. If you do not agree with the school about whether your child is eligible, or need more time to understand the information from the meeting, you do not have to sign your agreement and give permission for services.

6. If you have any questions or concerns, call PEATC at 800-869-6782, ext 3 before you sign a document.
DMHMRAS Supports Family Involvement

Parents and Children Coping Together (PACCT) has affiliated with the national Federation of Families and has changed its name to Virginia Federation of Families (VA FOF). VA FOF is a program under Medical Homes Plus, Inc. (MHP) and serves to provide resource coordination for individuals, provides training opportunities for parents and family members, and assists the efforts of various support groups for parents of children with emotional, behavioral and mental health problems. MHP also advocates improving the health resources available to children. DMHMRAS (Department of Mental Health, Mental Retardation and Substance Abuse Services) funds VA FOF and believes that the collaboration will allow VA FOF to reach more people and to provide more resources and training opportunities. The VA FOF will feature a quarterly newsletter entitled “Family Watch” and can be accessed at the VA FOF website at http://www.pacct.net

DMHMRAS also provided funding to seed the development of the Virginia Integrated Network of Family Organization (VA-INFO). VA-INFO serves to ensure that families of children and young adults with special needs obtain the optimal and most current knowledge, support and services and includes membership from the following community organizations: The VA FOF, Family Voices of VA, Parent to Parent of VA, The Arc-Family Involvement Project, and the Parent Educational Advocacy Training Center (PEATC). Parents and family members interested in contacting the VA FOF or VA-INFO should use the following contact information:

VA Federation of Families
http://www.pacct.net
Joyce Kube, Director
804-264-8428
877-264-8366

VA-Info @Medical Home Plus
http://www.medhomeplus.org/VAINFO.html
8660 Staples Mill Road
Richmond, VA 23228
804-264-8428 or 877-264-8366

Social Security Administration Releases New Red Book

The NEW RED BOOK 2006 is available! Accurate information to beneficiaries of SSI/SSDI can help individuals make informed choices about work. Be sure to review the changes for 2006. Share this updated information in a one-page, easy-to-read/post handout. Check out the online versions available both in PDF and HTML formats and in English and Spanish versions, and access the URL to view and download a copy. Or better yet, call to order the Red Book and get copies in alternative formats by calling (800) 772-1213 [Voice] or (800) 325-0778 [TTY]. The Red Book serves as a general reference source about the employment-related provisions of Social Security Disability Insurance (SSDI) and the Supplemental Security Income (SSI) Programs for educators, advocates, rehabilitation professionals, and counselors who serve people with disabilities. http://www.socialsecurity.gov/disabilityresearch/redbook.htm

Personal Data Wizard

The PERSONAL DATA WIZARD is a website developed by the Transition Specialist of the Humboldt County Office of Education in California. It provides numerous tools to help students with a range of transition activities including creating resumes, cover letters, and/or household budgets, as well as help them identify employment preferences and interests. The Personal Data Wizard features an online interest assessment for students to identify their career interests and a bank of more than 500 photos of work activities allows students to identify their employment preferences by clicking on the photos of the jobs they prefer. For $1/year any student across the country can access the site. There are more than 10,000 registered users, and the site can serve an unlimited number of students. www.hrop.org/wizard

Proven Benefits of Early Childhood Intervention

The RAND Corporation’s recently released research identifies the most effective practices and features of early intervention programs, based on a literature review and analysis. The study focused on diverse programs throughout the country that offered parent education and support, including home visits, center-based visits, or a combination. Key findings include:

- Early childhood intervention programs have been shown to yield benefits in academic achievement, behavior, educational progression and attainment, delinquency and crime prevention, and labor market success, among other domains.
- Interventions with better-trained caregivers and smaller child-to-staff ratios appear to offer more favorable results.
- Well-designed early childhood interventions have been found to generate a return to society ranging from $1.80 to $17.07 for each dollar spent on the program.

Information is available to download in three forms:

**Phenomenal PEATC Partners**

*A Big Thanks*

To PEATC Board members and friends who made PEATC’s first Virginia Icon a success.

*Terri Braxton*

*Suzette Blackwell*

*Cassandra Coleman*

*Paul Sternfels*

*Johnette Walker*

*Charles Wilson*

Major support came also from Judges:

*Jean Bayou*

*Rosie Bernardo*

*Pam Burton*

*C. Anthony Bush*

*Willie Coates*

*Lynne Revo-Cohen*

*Vaughan Mason*

Dumi Right

Music Director, Felicia

Kessel-Crawley

Videographer,

Vaughan Mason

Videography liaison,

David Bliss

Graphic Designer,

Rick Leon

Website design and support, Kevin McGrail, ThoughtWorthy Media

Mistress of Ceremonies, Natalie Case

MAJIC 102.3 FM

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*Jason Hawkins*

*Judy Jeter*

*Lauren McCreary*

*Lydia Mideros*

*Margaret Scampavia*

*Lynda Sielaty*

*Lynda Vincent*

*Candace Watting*

VBPD Assessment of Virginia’s Disability Services System Now Available

The Virginia Board’s Biennial Assessment is the result of a careful and thorough research and development process spanning over two years. Chapters focus on basic service categories such as community and institutional supports, early intervention, education, healthcare, housing, transportation, employment, and advocacy across the lifespan. Content is organized by type of service rather than provider agencies to make it easier to see the full range of available services as well as gaps in the system. Resource lists and an index make it easier to locate information on specific services or providers. Both text and audio versions of the Biennial Assessment can be accessed on the Virginia Board’s website at www.vaboard.org. Copies in print, CD-ROM, audio, and other accessible formats and more information about the Board’s activities can also be obtained by contacting the Virginia Board for People with Disabilities at 1-800-846-4464 (voice/tty), 804-786-1118 (fax), info@vbpd.virginia.gov, or 202 N. 9th Street, 9th Floor, Richmond, VA 23219. To learn more about Virginia Voice, visit its website at www.virginia-voice.org or call 804-266-2477.

Muchisima Gracias to the Virginia Department of Education for funding a Latino Outreach Coordinator position in the Richmond Regional Office. ¡¡Bienvenidos Barbara Cornicello!!

We Thank PEATC Supporters

*Cassandra and Sam Coleman,* Friends of PEATC, hosted a Golf Tournament in May.

PEATC Interns *Shannon McGrail* and *Beth Schumann.*

Web-design/hosting and computer support by *Peregrine Computer Consultants Corporation and Kevin McGrail.*

PEATC Office Volunteers *Justin Ryder and Stephanie Sielaty.*

*1 Price Conference,* for discounted conference calling.

CD reproduction – *Alexandre Ames.*

Logo design art work – *Laura Miyake.*


Staffing PEATC’s information booth at the Accessibility Summit – *Suzette Blackwell and Cassandra Coleman.*


Latino Outreach – *Shannon McGrail* for partnering with PEATC on a Partners in Policymaking project to expand Latino Outreach and *Nuevas Raíces Newspaper* for printing an articles about PEATC and services to Spanish-speaking families to its circulation to 14,000 readers.

*Phenomenal PEATC Partners*
IDEA 2004 – What’s Next in Virginia’s Special Education Regulations Revision Process?

By Bonnie Davis

The Federal Government published the Regulations for IDEA 2004 in the Federal Register on August 14, 2006. The IDEA 2004 regulations go into effect 60 days after they are officially published in the Federal Register. Therefore, the federal IDEA 2004 regulations will go into effect on October 14, 2006.

Now that the Federal regulations have been issued, the Virginia Department of Education (VDOE) is beginning the process for our State regs. How does that happen? VDOE must go through Virginia’s Administrative Process Act (APA) for creating or revising regulations. Judy Douglas, Director of the Office of Dispute Resolution and Administrative Services (ODR/AS), estimates that it will take them approximately 19 months, barring any glitches.

ODR/AS will coordinate the revisions process and have incorporated a number of opportunities for active public involvement. The Board of Education will issue a Notice of Intended Regulatory Action (NOIRA). Once that occurs, ODR/AS will activate a downloadable form and dedicated e-mail account from their website, http://www.doe.virginia.gov/VDOE/dueproc/. There will also be a link to the Virginia Register which will have all official notices related to the regulations process and public comment.

In August, the Office of Special Education Programs (OSEP) unveiled a new website: http://idea.ed.gov that provides searchable references for the IDEA 2004 statute and regulations; OSEP fact sheets and material related to major topics; and other materials of interest. This site was created to provide a “one-stop shop” for resources related to IDEA. It is a “living” website and will change and grow as resources and information become available. Coming soon will be training on the new regulations, and a searchable cross reference to other related statutes and regulations including NCLB and FERPA.

Hot on the download list will be OSEP model forms for IEPs, Procedural Safeguards and Prior Written Notice. Click on the “Check These Out” Chalkboard, currently located in the lower left bar on the website.

FEDERAL & STATE REGULATIONS

SPECIAL EDUCATION REGS IN VIRGINIA

FROM BRIEFING BY ODR/AS

1956 - The Virginia General Assembly legislation to financially support services for students with disabilities.

1962 – First VDOE guidance on providing services to exceptional children, including maximum requirements for class size and teacher qualifications.

1970 – Revisions to Guidance establishing special education class sizes based on General Assembly funding for special education.

1972 – General Assembly legislation requiring localities to provide special education for children with disabilities ages 2-21.

1972 – Board of Education Administrative Procedures and Guidelines to implement General Assembly Action.

1980 – Virginia regulations reflecting the provisions of the first federal special education law Education of All Handicapped Children’s Act of 1975 (PL 94-142).

The Virginia Regulations have been revised to incorporate federal changes to the special education laws in 1984, 1990, 1994, 2001-02.

Local Flexibility for Local Policies and Procedures

IDEA 2004 permits local flexibility in developing policies and procedures. School divisions have chosen to make changes in a variety of ways. Some area of local discretion include:

• Preventing inappropriate overidentification or disproportionate representation by race or ethnicity of children with disabilities including particular disability categories.

• Specific Learning Disabilities – localities can choose to use a research-based intervention model or different research-based assessment process instead of the IQ discrepancy model.

• Summary of Performance – before graduating with a regular diploma or exceeding the age of eligibility the locality must provide the student with a summary of the student’s academic achievement and functional performance, including recommendations on how to assist the student in meeting postsecondary goals.

• Short-term objectives or benchmarks are no longer required in IEPs except for students taking alternate assessment.

• IEP amendments after annual IEP meeting – allowed if the parents and locality agree.

• Transition services before they are required in year student turns 16.
The VDOE has developed a comparison of Virginia-specific regulations that differ from IDEA 2004. There are three reasons stated for differing from the IDEA 04 statute:

1. To assure that students with disabilities receive a free appropriate public education (FAPE) and meet general supervision responsibilities.
2. Terminology and requirements that are specific to Virginia law and regulations.
3. Historic precedent that has been based on public comments from parents and special education administrators.

- **Age of Eligibility** – Special education has been required at age 2 before there were any federal requirements.
- **Age of Majority** – The Code of Virginia (COV) specifies age 18 as the age of majority.
- **Child Study Committee** – is not a federal requirement, but has been a long-standing Virginia requirement since 1980.
- **Due process hearing** – clarifies the difference between due process and the complaints system, which is not specifically identified in the federal statute.
- **Home-based instruction** – established in the Standards of Quality, and Virginia Code.
- **Referral requirements and Child Study** – longstanding Virginia requirement since 1980.
- **Evaluation reports available to parents 2 business days before eligibility meeting** – Board of Education decision based on parent comments in the 2001-02 regulations revision.
- **Timelines for Eligibility is 65 business days instead of 60 calendar days in IDEA 2004** – longstanding Virginia requirement.
- **Local Advisory Committees** – required since 1980.
- **Caseloads/Caseload maximums** – established in the Standards of Quality.

### Additional Parent Rights

- Evaluation reports available to parents 2 business days before eligibility meeting – Board of Education decision based on parent comments in the 2001-02 regulations revision.
- Requirement to get parental consent to terminate services – longstanding Virginia requirement established in 1980.
- Parents may audio record IEP meetings (and localities can establish policies to limit video recordings) – based on Appendix A guidance previously accompanying federal regulations.
- Eligibility and IEP Teams work toward consensus – based on former Appendix A guidance accompanying federal regulations related to not using a majority vote to make decisions.
- Parental Consent required for changes in identification, revisions to IEP, partial or complete termination of services – required in regulations since 1980. Parent Consent required to release student information to public and private insurance companies.

### Anticipated Timeline for Virginia Regulations Process

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
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<tbody>
<tr>
<td>Month 1:</td>
<td>Board of Education (Board) reviews and approves the Notice of Intended Regulatory Action (NOIRA).</td>
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<td>Month 2:</td>
<td>Executive Branch Review (Department of Planning and Budget, Cabinet Secretary, and the Governor’s Office.)</td>
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<tr>
<td>Month 3:</td>
<td>NOIRA published in the VA Register, 30 day public comment period begins, and VDOE convenes one-day facilitated meeting of selected stakeholders.</td>
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<tr>
<td>Month 4:</td>
<td>Board reviews and approves proposed regulations along with Executive Branch review.</td>
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<td>Month 5:</td>
<td>VDOE submits proposed regulations to the VA Register.</td>
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<td>Month 6:</td>
<td>Superintendent’s Memo regarding the locations and dates of the public hearings released.</td>
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<td>Month 7:</td>
<td>Proposed regulations published in the VA Register.</td>
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<td>Month 8:</td>
<td>Month – Month 11: 60 Day Public Comment Period. Public hearings planned in 5 locations—Wytheville, Charlotteville, Richmond, Tidewater, and Northern VA. A one-day facilitated meeting of a stakeholders group will follow after public comments.</td>
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<tr>
<td>Month 9:</td>
<td>A summary of all public comment and the VDOE’s response to the comment provided to each person who submitted public comment 5 days before the Board takes final action on the regulations.</td>
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<tr>
<td>Month 10:</td>
<td>Final regulations presented to the Board for review, approval and Executive Branch review. There is not a definite timeframe for this step. It could take weeks or months.</td>
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<tr>
<td>Month 11:</td>
<td>Executive Branch approves the final regulations. VDOE submits to the VA Register which begins a 30 day final adoption period.</td>
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<tr>
<td>Month 12:</td>
<td>Revised Virginia Regulations become effective following the 30 day final adoption period, unless: Changes with “substantial impact” were made between the proposed and final stages; AND 25 members of the public and/or the Governor petition VDOE. (If this occurs an additional 30 day comment period must be held.)</td>
</tr>
</tbody>
</table>

### Key Information for IDEA 2004 implementation in Virginia

- **Procedural Safeguards for Special Education**
  http://www.pen.k12.va.us/VDOE/Instruction/Sped/proc_safe.pdf
- **VDOE issued Guidance on Local Implementation of IDEA 2004**
- **VDOE Quick Recommendations and Resources for Implementing IDEA 2004**

**Office of Dispute Resolution and Administrative Services** will provide downloadable comment forms, updates on the regulations revision process and links to the Virginia Register.

http://www.doe.virginia.gov/VDOE/dueproc/
How it Adds Up

Census Bureau Facts:
Celebrating the 16 Year Anniversary of ADA!

On July 26, 1990, President George H. W. Bush signed into law the Americans with Disabilities Act, guaranteeing equal opportunity for people with disabilities in public accommodations, commercial facilities, employment, transportation, state and local government services and telecommunications.

On the Job
11.8 million
Number of 16- to 64-year-olds who reported the presence of a medical condition that makes it difficult to find a job or remain employed. They comprise 6 percent of the population.

56%
Percentage of people ages 21 to 64 having some type of disability and also employed in the last year. The rate ranged from 82 percent of those with a nonsevere disability to 43 percent with a severe disability. For those without a disability, the rate is 88 percent.

44%
Percentage of people with a nonsevere disability who work full time, year-round. This compares to 53 percent without a disability and 13 percent with a severe disability.

Using or Needing Assistance
10.7 million
Number of people age 6 and older who need personal assistance with one or more activities of daily living (such as taking a bath or shower) or instrumental activities of daily living (such as using the telephone). This group amounts to 4 percent of people in this age category.

2.7 million
Number of people age 15 and older who use a wheelchair. Another 9.1 million use an ambulatory aid such as a cane, crutches or walker.

60%
Percentage of people ages 25 to 64 with a nonsevere disability who live in married-couple families. The corresponding rates are 68 percent for those without disabilities and 50 percent for people with severe disabilities.

23%
Percentage of people with a nonsevere disability who live alone or with nonrelatives. This compares with 28 percent of those with a severe disability and 19 percent without a disability.

51.2 million
Number of people who have some level of disability. They represent 18 percent of the population.

11%
Percentage of children ages 6 to 14 who have a disability. This amounts to 4 million children.

72%
Percentage of people 80 and older with disabilities, the highest of any age group.

20%
Percentage of females with a disability, higher than the 17 percent of males. On the other hand, among children under 15, boys were more likely than girls to have a disability (11 percent versus 6 percent).

Education
33%
The percentage of people ages 25 to 64 who had a nonsevere disability and were college graduates. This compares with 43 percent with no disability and 22 percent with a severe disability.

Income and Poverty
$22,000
Median earnings for people with a nonsevere disability. This compares to $25,000 for those with no disability and $12,800 for those with a severe disability.

18%
Percentage of people with a nonsevere disability and household incomes of $80,000 or more. By comparison, 26 percent of people without a disability had household incomes of $80,000 or more with the same being true of 9 percent of those with a severe one.

11%
The poverty rate for people ages 25 to 64 with a nonsevere disability. This compares to 26 percent for those with a severe disability and 8 percent of those without a disability.
Focus on PEATC

Who’s Who at PEATC

PEATC is staffed by a talented and diverse group of parents and professionals committed to building better futures for children with disabilities by working collaboratively with families, schools and professionals who serve them, to improve opportunities for excellence in education and success in school and community life.

Cherie Takemoto, M.P.A., is the Executive Director of PEATC where she directs the varied programs of the center. She is a nationally recognized disability advocate and a firm believer in the power of partnerships that can help families and professionals to build better futures for children and youth with disabilities. Cherie’s policy and advocacy endeavors have stimulated change at the local, state and federal levels. Cherie has celebrated the power of partnerships through her work in family and disability policy, cultural competency, community organizing and advocacy. Cherie is the parent of two children, one of whom has special needs.

Suzanne Wolfe, B.S., is PEATC’s Director of Programs and Operations. She taught elementary school for five years before becoming an Educational Advocate for military and civilian families, as well as her own children. She changed her career path in order to dedicate her talents to helping families of children with special needs. She brings a rich background in education, administration, management, training, and advocacy Suzanne is the proud mother of four children, two of whom have special needs.

Pierre Ames, B.A. coordinates the Richmond Regional Office and Coordinator of Strategic Partnerships. He focuses on the underserved communities in Central and other parts of Virginia. He serves as a liaison for PEATC with the State and local agencies in the Richmond area. Pierre has a strong background in self-advocacy training and working with families. He worked for the Department for Rights of Virginians with Disabilities (DRVD) for over ten years before coming to PEATC.

Gail Byrd Ryder is the Administrative Coordinator and has more than 11 years of office administration experience in the public sector. Gail is responsible for reception and general office administration and staff support.

Barbara A. Cornicello is the new Latino Outreach Coordinator with PEATC. Barbara is completely fluent in Spanish and her life-work has been in advocacy for the Latino community on both social and business issues. She lived and worked abroad in Argentina for several years with her husband who is Argentine. She has been Vice-President of the Hispanic Chamber of Commerce of Central Virginia, interim Secretary for the Virginia Coalition of Latino Organizations, and currently Publisher of ‘La Voz Hispana of Virginia’ (The Hispanic Voice of Virginia) magazine which has been recognized by both Virginia Governor Tim Kaine and former Governor Mark Warner for its impact and vision. Barbara’s husband has a disability so she understands first hand the importance of all persons having equal access to the information they need and looks forward to making a positive contribution to the Latino community.

Irene Moore, is the new Information Specialist and has more than eight years of experience working with military families of children with disabilities. She has knowledge of civil rights laws for individuals with disabilities through participation in Wrightslaw Special Education and IDEA workshops. She is also a 2005 graduate of the Virginia Board for People with Disabilities’ Partners in Policymaking advocacy program. Irene is passionate about advocating for parents of children with disabilities.

Bonnie Davis, B.S. is a Senior Information Specialist and brings to PEATC more than 15 years of experience with military life and more than five years of work in the disabilities field. Bonnie provides caring and professional support to parents and professionals who call looking for ways to help their children with special needs to be more successful in school. She also helps develop and present PEATC training. Her expertise is in the areas of autism and military life. She is the proud mother of three lively boys who have special needs.

Nancy Diehl has been advocating for the needs and rights of folks with disabilities for more than 30 years. She has 4 children who are adults now, two of whom have disabilities and needed IEPs throughout their school years to assist them to benefit from the educational opportunities available to all children.

For the past 16 years, Nancy has directed the Parent Training and Information Center (PTI) in Tennessee. She is currently residing in Virginia for a year fulfilling a life dream of learning and working in our Nation’s Capital. She was awarded a Joseph P. Kennedy Foundation Public Policy Fellowship to support the exciting year in Washington, DC.

Her oldest son is challenged by a severe form of autism: however he has had many accomplishments including owning his own home, a job he loves, and is leading a self-directed life as an outstanding citizen and member of his community. The journey has been an adventure for both Nancy and her son. Nancy is also volunteering as a PEATC trainer as she travels between Washington, DC and Tennessee. Her presentations are rich with real-life stories.

PEATC at Work

PEATC is scheduling workshops for Fall/Winter 2006. Please call or e-mail us if you are interested in bringing information to your community.

PEATC at the Virginia Info Conference in Charlottesville, VA. Pictured, from the Richmond Regional Office, Pierre Ames, Strategic Partnerships Coordinator and Barbara Cornicello, Latino Outreach Coordinator.
To Our Readers:
Parenting a child with a disability means you may need to be an expert at navigating a complex maze of educational, health care and social services for your child. Being your child’s advocate in these areas can be a challenge. We hope the information provided in this **PEATC Press** and **Special Edition** will help you to navigate these complex systems.

We serve families of children with disabilities in Virginia. Our staff and board are parents of children with disabilities, people with disabilities and professionals who serve them.

We understand the struggles that parents of children with disabilities often face when trying to find options and opportunities for their children. We learn from their struggles and successes, search when there appear to be no answers, and develop model information and training materials that will help families, professionals and students with disabilities within and outside our Virginia borders.

Visit our website [www.peatc.org](http://www.peatc.org) or call us at **800-869-6782** if you seek more information or support. PEATC is here to offer help and hope for a better future for children with disabilities.

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**PEATC is Virginia’s parent education, support, training and information center** committed to helping children with disabilities, their families and the professionals who serve them. Our Mission is to build better futures for children with disabilities by working collaboratively with families, schools and professionals to improve their opportunities for excellence in education and success in school and community life. We offer **Services and support for families and professionals**, **experienced based program development and training curriculum**, **easy-to-understand, research-based disability education, information, and training**.