

## MEMORANDUM

TO: Arlington School Board  
FROM: Arlington Special Education Advisory Committee  
DATE: June 3<sup>rd</sup>, 2023  
SUBJECT: End of Academic Year Recommendations

### COMMITTEE CHAIR/VICE CHAIR/Secretary:

Paige Shevlin, incoming Chair; Jennifer Wheelock, incoming Vice-Chair; David Siu, Secretary; Kathy Pericak, Past Chair

### COMMITTEE MEMBERS:

David Rosenblatt; Keith Chanon; Paul Timm; Michelle Best; Ellen Fitzenrider; Kristin Gillig; Matt Leland; Kurt Schuler; Minerva Trudo; Nicholas Walkosak; Claudia Ramirez Cuellar; Raquel Cepelak; Laura Bryant Njanga; Rebecca Hunter

### STAFF LIAISON(S):

Dr. Kelly Krug, Director of Special Education, Elementary

Angie Close, Director of Special Education, Secondary

The Arlington Special Education Advisory Committee (ASEAC) has been engaged in a number of important issues over the course of this past academic year. The committee sent in recommendations around planning factors and inclusion policies on November 17<sup>th</sup>, 2022. The last memo from November with OSE comments is included as an appendix. This memo provides further detail on those recommendations and makes additional recommendations. OSE has not had the opportunity to comment on these new recommendations. At the end of this memo, there is also an update on an issue that ASEAC has called to the attention of the School Board in the past.

All of these recommendations were approved by ASEAC members with a 9-0 vote.

### **I. ASEAC Recommendations**

#### [Recommendation #1. Use Planned Systems Change Consultant to Create a Strong Inclusion Plan for Students with Disabilities](#)

The adopted 2024 budget includes \$200,000 for a systems change consultant to create a multi-year systems change initiative for promoting greater inclusion. This is necessary to promote both academic and social inclusion of students with disabilities. It can also be an important way to address concerns that

ASEAC has heard over the past year about students with disabilities being bullied or unfairly disciplined in schools.

ASEAC has several recommendations designed to ensure that this consultant achieves the intended goal:

1. **Elevate the role of the consultant in the senior leadership team.** The consultant should report regularly directly to the Superintendent and his leadership team so that the plan benefits from leadership feedback and will be executed on when recommendations are finished.
2. **Establish strong metrics related to the work.** A key metric of the systems change initiative, in addition to any other goals or milestones identified during the design process, will be achieving APS's strategic goal of educating 80 percent of students with disabilities in the general education setting for at least 80 percent of the school day. Other outcome target measures could include reducing disciplinary actions for students with disabilities, reducing reported rates of bullying, reducing racial and ethnic disproportionalities in segregated educational settings, increasing graduation rates, improving performance on state assessments, and other measures of academic outcomes for all students.
3. **Require demonstrated experience guiding diverse schools and school districts through the process of systems change from a segregated to inclusive model of education.** A successful bidder must be able to provide examples of schools and districts with measurable outcomes reflecting the progress the client achieved on inclusion during the consultant's engagement.
4. **Require a plan to bring demonstration site lessons to scale.** Our understanding is that the consultant will work with a targeted group of building-level administrators to launch demonstration sites at which inclusive practices will be accelerated as a model for the rest of the school division. At these demonstration sites, the consultant will work with school teams to support all learners to transition to general education with intensive student planning and family involvement, resulting in natural proportions of learners with disabilities across grades, a redesign of the master schedule, proactive communications plans, and a variety of professional learning opportunities.

The consultant should contribute to the review, design and implementation of efforts throughout the rest of the school division to prepare all schools to transition to inclusive practices within the timeline of the multi-year systems change initiative. These efforts could include professional development opportunities for all staff, including administrators, master schedule changes, redesign of budget allocation tools such as planning factors, division-wide communication strategies, review of school level data, and school-specific transformation plans.

[Recommendation #2: Ensure that the proposed Assistant Division Counsel for Special Education is focused on special education and specifically seek candidates with special education legal experience.](#)

The 2024 budget adds a new FTE for an Assistant Division Counsel for Special Education, but we note that the budget indicates that this role will provide "broad support in the areas of special education, student services, human resources, and FOIAs." We are concerned that this remit is too broad for this position, noting that special education legal services was a primary justification for in-house counsel in the [2022 budget](#), but legal counsel has not been used for this purpose. We do not question APS's needs

for legal counsel for these other activities, and at the same time would like to see this newly proposed position focus on special education legal services as described in budget work sessions.

As we have seen, APS continues to justify more in-house counsel for the purpose of special education legal services. To ensure that this new FTE is focused on special education, we recommend that APS track both the time that this new counsel spends on special education issues and separately track expenditures for outside legal counsel on special education issues.

[Recommendation #3: Take aggressive steps to help APS reach the Strategic Plan goal of including 80% of students with disabilities in the general education setting by 2024.](#)

As reported by the Office of Special Education to the School Board in the Special Monitoring Report on April 13<sup>th</sup>, APS has not made meaningful progress on this goal, and is at 64.5 percent inclusion of students with disabilities. This is also below the state target of 71.6 percent. In addition, this monitoring report showed a large degree of variation across schools. Furthermore, some schools with comparatively higher levels of inclusion appear to have lower than average percentages of students with IEPs, suggesting that there may be factors discouraging students with significant support needs from attending those schools. It is critical to hold schools accountable for meeting these goals to better serve all students with disabilities. Inclusive education is also a racial justice issue. White students with disabilities are already included at higher rates, while students of color with disabilities are dramatically more likely to experience segregation in APS.

Below are specific recommendations.

- a. **Require all schools not at 80% to set goals in their action plans and make information transparently available about whether schools are meeting the target.** At the April 17<sup>th</sup> School Board meeting, it was announced that schools with rates below 50 percent will be required to have a goal in their action plan to increase their inclusion rates. If the goal is 80 percent, then all schools below 80 percent should be required to include an action plan. This would also be a way to provide transparency about schools that are not meeting the goal.
- b. **Change APS planning factors to encourage inclusion.** In January 2022, ASEAC submitted a report ([at this link](#)) showing that *APS' current planning factors are designed for segregation, not for inclusion*. In November 2022, ASEAC submitted further recommendations on planning factors which can be found in the appendix attached and [here](#). ASEAC reiterates its recommendation that the Superintendent and School Board consider two major changes to planning factors affecting students with disabilities:
  - i. Eliminate the understaffing of secondary general education teachers for students with disabilities. No student should be counted as 1/7 of a student. APS should staff with the assumption that all students are general education students.
  - ii. Eliminate the inclusion penalty for special education staffing at every school in APS. Staffing levels for students labeled “category 1” or “category 2” should match the staffing levels associated with countywide programs.

ASEAC is aware that there is funding in the 2024 budget for a planning factor study. ASEAC is interested in being a part of that study going forward. However, given the detailed analysis of the special education planning factors that was undertaken by APS staff and ASEAC last year, we do not believe that further analysis is required before taking action on planning factors directly impacting students with disabilities.

#### [Recommendation #4. Explicitly Include Medicaid Reimbursements in the Annual Budget Request.](#)

Currently the budget reflects the funding APS receives under IDEA, but the budget does not mention Medicaid reimbursements. We understand those amounts are simply reflected in APS's estimate of federal revenues. Parents of students with disabilities give APS permission to be reimbursed through Medicaid for school-based services and there should be transparency around those reimbursements. Further, Medicaid reimbursements specifically offset the budgetary impact of specific positions related to special education services, including speech therapists, occupational therapists and other positions. For example, last year APS added 6.5 Interlude counselors (\$640k) and 5 Speech Therapists (\$430K). See pg. 52 of 2023 adopted budget. Likewise, APS added 10 new intervention counselors providing tier 2 and tier 3 counseling interventions (\$1.05 million on pg. 48 of the 2024 budget) and other positions which may also be eligible for Medicaid reimbursement. Understanding the potential for Medicaid reimbursements for these FTEs is an important piece of information for both ASEAC and School Board members in annual budget considerations, and revenues from Medicaid reimbursements should be transparently reflected in the budget.

#### [Recommendation #5. Increase transparency around special education staffing needs and comparative compensation and explore new approaches to address special education staffing challenges.](#)

The planning factor recommendation above will require the recruitment and retention of additional staff. At the same time, APS has already experienced challenges recruiting and retaining special education staff as well as other staff categories. Recruiting staff for Extended School Year is also a challenge that impacts families of students with disabilities. Although there are staffing shortages across many positions, it is important that APS be aware of how special education staffing shortages impact requirements for services under the IDEA as well as the ability of students with disabilities to access all content.

1. **Provide transparency around special education staffing needs.** As noted above, there should be better tracking of special educators needed to meet IEP requirements and the staffing needs for those IEP services should be clear. In addition to the above recommendations, where there are staff vacancies, APS should improve communication with families regarding vacancies and plans for coverage to ensure that federal obligations for services are being met.
2. **Assess comparative compensation and job responsibilities with nearby school districts.** ASEAC requests that the school board and staff do compensation comparison for special educators in Arlington compared with nearby school districts, not just for new teachers but for staff at 5 and 10 years out. ASEAC is concerned that special education salaries are not comparable for special educators with more seniority. In addition, there should be a focus on whether or not the job descriptions for special educators are reflecting the true distribution of responsibilities among special educators and general educators to ensure the special education workload is not undercounted.

3. **Explore innovative recruitment and talent development strategies.** APS should prioritize ways to train teachers that would help to grow the talent pool of special education teachers as they also continue to encourage existing talent to come to APS. APS has already begun work to improve assistant to teacher pathways and is working with Virginia Commonwealth University and iTeach on teacher residency programs. Registered apprenticeship is another option that could be pursued. At least nine states, including Virginia, currently have [registered apprenticeship programs for teachers](#). These programs are approved by the U.S. Department of Labor and provide a way for teachers to earn credentials for teaching without incurring high college costs and debt accrual. The Virginia Department of Education approved a registered apprenticeship program [in January 2023](#). APS could choose to be a local school district that participates in this [statewide program](#), including with a focus on special education.

## **II. Progress Update on Translation and Interpretation Issues**

In 2019, APS entered into a settlement agreement with the Department of Justice arising from complaints from families and students who speak languages other than English. ASEAC's November 2022 report to the School Board included a topic under consideration related to ongoing reports of issues with the interpretation of special education meetings, and assisting families and students in understanding the special education process and documents.

Since that report was written, the Language Services and Registration Center (LSRC), the Parent Resource Center (PRC) and the Office of Special Education (OSE) have taken steps to develop and provide training so interpreters can better understand the special education process and the terms they are translating. During the past several months, in collaboration with the Office of English Learners and the Office of Student Services, the PRC developed an intensive, full-day training which was held on Wednesday, May 3, 2023, at the Syphax Education Center. The training covered the Student Support and Special Education processes in depth and addressed professional norms for interpreters and the complexities of interpreting results of educational evaluations, such as psychological evaluations. Fifteen interpreters attended the training, and the team will consider how to continue to expand the reach of this training possibly through additional sessions next year, and/or creating online modules for interpreters. Participants received a resource binder and have access to a digital resource toolkit, which can be expanded to include other resources as needed.

The PRC, OSE, and LSRC have collaborated to increase language access to resources and information on the OSE and PRC websites. The following documents have now been translated and posted in Amharic, Arabic, Spanish and Mongolian to support families earlier in the special education process to better understand terms and processes:

- Comprehensive [Special Education Family Resource and Information Guide](#)
- [Special Education Eligibility Worksheets](#)
- [Special Education Program Evaluation and 5-Year Action Plan](#)

Additionally, families can turn on subtitle captioning to access the PRC's [Online Learning Modules](#), [Special Education Telenovela - La Sopa de la Abuela](#), and [PRC Learning Session Videos](#) - in various languages. Finally, in collaboration with the Office of Diversity, Equity and Inclusion, the PRC offered a full day Saturday Special Education Seminar in Spanish on November 19, 2022.

ASEAC will continue to follow up with the PRC, LSRC and OSE to see whether the training and materials are helping families who speak languages other than English, and if additional training and materials are needed.

## APPENDIX

TO: Arlington School Board  
FROM: Arlington Special Education Advisory Committee  
DATE: November 17, 2022  
SUBJECT: Draft Report and Recommendations

### COMMITTEE CHAIR/VICE CHAIR/Secretary:

Kathy Pericak, Chair; Rebecca Hunter, Vice-Chair; David Siu, Secretary

### COMMITTEE MEMBERS:

David Rosenblatt, Past-Chair; Keith Chanon; Paul Timm; Michelle Best; Ellen Fitzenrider; Kristin Gillig; Matt Leland; Kurt Schuler; Minerva Trudo; Nicholas Walkosak; Jennifer Wheelock; Claudia Ramirez Cuellar; Paige Shevlin; Raquel Cepelak; Laura Bryant Njanga; Emily Remus

### STAFF LIAISON(S):

Dr. Kelly Krug, Director of Special Education, Elementary

Heather Rothenbuescher, Director of Special Education, Secondary

### 1. Background

The Arlington Special Education Advisory Committee (ASEAC) has a State mandate to, among other roles, “advise the local school division of needs in the education of children with disabilities” and “participate in the development of priorities and strategies for meeting the identified needs of children with disabilities.” (8 VAC 20-81-230 D).

In January 2022, ASEAC submitted a report ([at this link](#)) showing that ***APS’ current planning factors are designed for segregation, not for inclusion***. In this report, we will be reiterating, and building on, the recommendations from that report. For reference, some key background information follows:

- 1) There is *no* evidence that segregating students with disabilities from their general education peers results in improved outcomes for either students with disabilities or typical peers. Decades of peer-reviewed research has found significant benefits when students with disabilities are fully included and appropriately supported in classrooms alongside their typical peers. Thus, the practice of segregated education for students with disabilities is *not* evidence-based.
- 2) The APS strategic plan has included a clear numeric goal for including 80% of students with disabilities in the general education setting since 2018. APS has made no meaningful progress on this goal, and remains around 65% inclusion of SWD, almost exactly the same level as reported in 2018.
- 3) Inclusive education is a racial justice issue. White students with disabilities are already included at higher rates, while students of color with disabilities are dramatically more likely to experience segregation in APS.

#### **Office of Special Education Response:**

The Office of Special Education developed a collaborate work group with members of ASEAC, SEPTA, APS administrators to propose revisions of planning factors. During the budget cycle for the upcoming SY 24-25, the School Board determined that a more holistic study of several planning factors would be conducted by an outside consultant to further examine planning factors for several areas including Special Education, English Learners, and School Psychologists. APS is in the process of finalizing a request for proposal for this planning factor study. As the study is completed, the Office of Special Education looks forward to reviewing the recommendations and working with ASEAC, SEPTA and the Superintendent to implement changes to better support our students with disabilities in inclusive settings.

## 2. Recommendations

**RECOMMENDATION: Implement ASEAC's January 2022 Recommendation to Staff for Inclusion by Reforming Budget Planning Factors, Launch a Leadership-Driven Systems Change Initiative to Implement Inclusive Education Throughout APS, and Hire and Retain Staff to Support All Students.**

First, ASEAC reiterates its recommendation that the Superintendent and School Board consider two major changes to planning factors affecting students with disabilities:



- 1) Eliminate the understaffing of secondary general education teachers for students with disabilities. No student should be counted as 1/7 of a student. APS should staff with the assumption that all students are general education students.
- 2) Eliminate the inclusion penalty for special education staffing at every school in APS. Staffing levels for students labeled “category 1” or “category 2” should match the staffing levels associated with countywide programs.

It is our understanding that after receiving ASEAC’s recommendation, Arlington Public Schools (APS) entered into a short term contract to explore various equity-based budgeting (EBB) models, and to identify equity gaps. We think that this work is critical and overdue. However, given the detailed analysis of the special education planning factors that was undertaken by APS staff and ASEAC last year, we do not believe that further analysis is required before taking action on planning factors directly impacting students with disabilities.

Second, along with this change in how APS allocates resources to support inclusion, ASEAC also recommends that the Superintendent launch an APS-wide multi-year inclusive education systems change initiative. The debunked and disproven segregation model of education for students with disabilities has been the status quo for nearly 50 years, and will not be easy to dismantle without clear, consistent and comprehensive leadership. ASEAC recommends that this initiative include:

- Accountability directly to the Superintendent
- Clear messaging by APS leadership that this is a top strategic priority requiring sustained focus
- Incorporating measures of progress on inclusive education into evaluations for principals and teachers
- Engagement of outside experts with documented track records of supporting school districts to engage in inclusive systems change
- 3-5 year timeline with regular benchmarks for progress
- Support for staff at all levels to shift belief systems, develop skills and receive job-embedded coaching
- Support for parents and students to understand and participate in change efforts

Third, adjusting planning factors will require the recruitment and retention of additional staff. At the same time, APS has already experienced challenges recruiting and retaining special education staff. ASEAC and the Special Education PTA (SEPTA) sent a letter to APS on October 6, 2022 raising concerns about the school system’s ability to hire and retain special education staff. Dr. John Mayo responded to our letter in an email on October 7, 2022. We appreciate Dr. Mayo’s quick response, but we continue to recommend that APS review its hiring and retention programs to ensure that APS is offering competitive compensation for new and experienced staff and has the staff necessary to meet the needs of students with disabilities.

ASEAC recommends that APS' review include such factors as:

- Determining how the provision of special education and related services at a district level are/should be tracked, which is necessary to ensure that students are receiving the hours of support to which they are entitled. This could also help determine if hiring bonuses or enhanced recruiting might be called for.
- When there are staff vacancies, how are these vacancies and plans for coverage communicated to families, as they impact the families' ability to communicate with their students to prepare for those changes.

**Budgetary Implications:** ASEAC's understanding is that the planning factor changes we have recommended could cost tens of millions of dollars per year to implement due to the need for increases in instructional staffing. These structural issues have developed over decades, and thus we are not surprised that they are expensive to correct. If there were a 3-5 year plan regarding systems change for inclusive education in place, that plan could also guide a multi-year investment of resources, but ASEAC does not believe that such a plan needs to be in place to make substantial progress on these necessary investments in the FY2024 budget, consistent with the School Board's FY2024 budget direction.

**Strategic Plan Alignment:** This recommendation directly contributes to realizing Student Success Performance Objective #5: At least 80% of students with disabilities will spend 80% or more of their school day in a general education setting. It also directly contributes to realizing the Engaged Workforce objective to have strong recruitment and hiring as well as strong staff retention, and it impacts all of the Student Success and Student Wellness objectives.

#### **The Office of Special Education Response:**

The Office of Special Education requested funding for a Systems Change Consultant which was approved by the School Board in May for the SY 23-24 budget. A Request for proposals has been completed and is will be made public very soon. All proposals must be submitted by early June and by mid-June, The Office of Special Education will work with procurement to select a consultant. The anticipated timeline includes the following:

- November 2023: Detailed report provided to APS describing the current state of inclusive practices, assessments and recommendations for improvements.
- January 2024: A comprehensive plan that outlines the steps needed to achieve the recommendations and achieve the APS Strategic Goal of 80% of SWD in the general education settings 80%.
- June 2024 various professional development, trainings, and on-going coaching to school sites will have occurred.

**Committee vote:** At the November 15, 2022 ASEAC meeting, this recommendation was unanimously approved by the 10 members present, with 0 nays, and 9 members absent.

## **TOPIC UNDER CONSIDERATION FOR FUTURE RECOMMENDATIONS:**

### **1. Background**

In 2019, APS entered into a settlement agreement with the Department of Justice arising from complaints from families and students who speak languages other than English. ASEAC has not reviewed all of the actions that APS has taken in response to that agreement, but we are still hearing about ongoing issues related to the interpretation of special education meetings, and assisting families and students in understanding the special education process and documents.

### **2. Topic Area: Interpretation and Translation of Special Education Meetings and Documents, and Providing Information to Families who Speak Languages Other than English**

- ASEAC has met with the Language Services and Registration Center (LSRC), the Parent Resource Center (PRC) and the Office of Special Education (OSE). As a result of those meetings, those offices are planning to develop and provide training so translators can better understand the special education process and the terms they are translating. They are also pulling together information in various languages to provide to families earlier in the special education process, so families can understand the terms and process better.
- We appreciate the efforts those offices are taking to help address the ongoing issues, and want to note their work for the School Board.
- If additional resources or actions are needed to address the ongoing issues, ASEAC may make recommendations in this area in the future.

**Strategic plan alignment:** This focus area directly aligns with the Student Success objective to provide: Access to all curriculum, options schools, and programs without barriers.