

**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;

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

3. **Explore innovative recruitment and talent development strategies.** APS should prioritize

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.

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

- 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.

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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

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 level for general education students.

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.

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

## 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