



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND 23218-2120

July 18, 2022

Dr. Michelle C. Reid
Superintendent
Fairfax County Public Schools
Gatehouse Administration Center
8115 Gatehouse Road
Falls Church, Virginia 22042

Dear Dr. Reid:

The Virginia Department of Education (VDOE) conducted a review of special education in Fairfax County Public Schools. The school division was notified on August 26, 2021, and conducted the Core Special Education Assessment (CSEA) activities between August and December 2021. The CSEA validation process was concluded on April 15, 2022, by the VDOE. The attached review summary report identifies areas of noncompliance with the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, 8VAC20-81. It may also contain findings of or concerns regarding program improvement and/or emerging areas in need of improvement. This summary report is written in a manner as to not disclose any personally identifiable information in an effort to facilitate review with enumerated local stakeholders, including school board chairs and vice-chairs, and local special education advisory committees.

All noncompliance must be corrected in a timely manner, not to exceed one year from the date of this letter. Supporting documents from this review containing personally identifiable information will be sent under a separate cover, via a secure method. The due date of the Corrective Action/Improvement Plan will be determined collaboratively between Ms. Renee Simpkins, VDOE Monitoring Specialist for Special Education, and Mr. Michael Bloom and Mrs. Dawn Schaefer, Directors of Special Education, or an alternate designee of your choosing.

Fairfax County Public Schools' assistance and cooperation throughout the review process are appreciated. If you have questions about the summary report or supporting documents, please contact our office within 15 business days from the date of this letter. I may be contacted at Jeff.Phenicie@doe.virginia.gov or (804) 786-0308. The Office of Program Improvement staff look forward to the continued work with Fairfax County Public Schools.

Sincerely,

A handwritten signature in black ink that reads "Jeff A Ph".

Jeff Phenicie, M.Ed.
Director, Office of Program Improvement

c: Mrs. Dawn Schaefer, Fairfax County Public Schools
Mr. Michael Bloom, Fairfax County Public Schools
Dr. Samantha Hollins, Virginia Department of Education
Ms. Renee Simpkins, Virginia Department of Education

Virginia Department of Education

Office of Program Improvement

Summary Report of the Review of the Provision of Special Education in:

Fairfax County Public Schools

July 18, 2022

This summary provides an overview of the Virginia Department of Education (VDOE) Core Special Education Assessment (CSEA) results. It also includes items of concern and/or noncompliance that were not noted in the CSEA. The review included an assessment of your school division's policies, procedures, practices, and associated documents, including student records. Additional data may have been captured through staff interviews with support staff, and parents. Detailed information regarding the majority of the issues or concerns found during our recent review of the provision of special education programs and services in your school division has been communicated to your staff throughout the process.

The following Statistics/Demographics, Identified Strengths, Noncompliance Findings, and, if applicable, Emerging Areas in Need of Improvement as well as Program Improvement Findings are noted to facilitate the collaboration between your school division and the VDOE to improve outcomes for students with disabilities.

Review Statistics/Demographics:

- The division staff members reviewed 380 total student records (unduplicated count); 86 of those records were validated by the VDOE staff members, resulting in 28 confirmed individual findings of noncompliance.
- The VDOE staff members reviewed 28 additional student records, resulting in 2 individual findings of noncompliance.
- The VDOE staff members reviewed 4 general supervision regulations, resulting in 5 findings of noncompliance.
- Total interviews conducted: 26
 - Administrators: 2
 - General education teachers: 0
 - Special education teachers: 2
 - VDOE-selected parents: 22

Note: Surveys were randomly sent to Pre-K–12 teachers and administrators. Of the 50 surveys sent (20 special education teachers, 20 general education teachers, and 10 administrators), only 4 of the surveys were completed.

- Total classroom walkthroughs conducted on-site: 12

- Additional records (listed below) reviewed on-site: 28
 - Credit Accommodations audits
 - Least Restrictive Environment (LRE) and Graduation audits
 - A Specific Disability Category desk audit

Identified Strengths: These are areas in which Fairfax County Public Schools either exceeded minimum requirements or approached the provision of special education services within the school division with positive and/or innovative solutions worthy to note.

- The division has available and various resources to promote effective communication with parents.
- Based on parent interviews, there are dedicated school staff who display exceptional interest in student success.
- The divisions provided assurance that parents understand the graduation process to include diploma types and academic and career plans.
- The division maintains well-organized records.
- Technology is widely used, in classrooms observed, to increase student engagement and/or differentiation of instruction. Team members conducted 12 classroom walkthroughs during the face-to-face CSEA review. Observers noted a high level of student engagement in most classrooms visited; of 155 students observed, 143 (92 percent) were engaged in the lessons presented. Frequent use of technology was observed (Kahoot, Blookit, Web Quest, HD Read).
- Co-taught classes are listed in the schedule as team taught. Observers noted three team-taught classrooms where the special education teacher led content instruction as well as several classrooms where it was not obvious whether a teacher was the general education teacher or the special education teacher—both indicative of a strong co-teaching model.

Emerging Areas in Need of Improvement: These areas require Fairfax County Public Schools' continued focus to ensure implementation with fidelity across the school division. Follow-up on emerging issues will be discussed, and evidence may be required during closeout of the school division's Corrective Action/Improvement Plan.

- Many students with disabilities pursuing the standard diploma are served in a self-contained setting listed as “small group” on the master schedule. The VDOE staff members reviewed the master schedules, visited the classrooms, and observed the interactions of teachers and students within the general education and special education classroom settings in a limited number of high schools. The students in small group classes taught by special education teachers, some who do not hold the subject area licensure, appear to have access to the general education curriculum while addressing their learning needs in content, such as chemistry, algebra II, and world history, through a co-taught service delivery model.
- During a review of Special Permission Credit Accommodations (SPCA) in Fairfax County Public Schools, the reviewer analyzed a sample set of cumulative files from the 2021-2022 school year for students who are currently enrolled or matriculated in high school. During an initial meeting, two of the central administration leaders

described the division's local policies and procedures for considering SPCA, documentation requirements, and the appeals process which aligns with the Virginia Department of Education's guidance. Samples of professional development presentations that division leadership conducted for a variety of secondary staff were provided for the reviewer.

Very few of the sample set of student records reviewed demonstrated all local policies and procedures were implemented. Many of those student records indicated inconsistencies in policy and/or procedure and are characterized by one or more of the following:

- Missing or incomplete forms and/or transcripts.
- The Individualized Education Program (IEP) identified student(s) working towards an Applied Studies Diploma. However, there is no documentation of an IEP Team decision for a different diploma type that would lead towards consideration of SPCA, yet consideration forms and submission documentation exists.
- Very few high schools in the division are using credit accommodations as an alternative for students with disabilities in earning a Standard Diploma and verified credits to earn a Standard Diploma.

Program Improvement Findings: These are areas in which the noted findings must be addressed by Fairfax County Public Schools via corrective action to enhance outcomes for students with disabilities.

Sources: Parent, teacher, and administrator interviews/surveys, and CSEA

1. Curriculum, Instruction, and Assessment

- At least one student being educated in the jail program did not have the IEP updated to reflect strengths, weaknesses, or additional instructional needs. Students who transition to alternative educational settings should have their goals, objectives, and services reviewed and updated, as needed, to reflect additional educational needs.
- Some staff were not aware whether or not the division has curriculum alignment documents and resources.

2. Climate and Culture

- Most parents were not aware of the Special Education Advisory Committee or were not aware of when meetings were held nor the Parent Resource Center and the resources available for parent use. More advertisement should be promoted to increase parent and community awareness and participation.
- A few parents expressed concern with the length of time it took to get their children evaluated. Once evaluated, the children were found to be eligible. More information for parents and the community regarding the special education processes and the various legal logistics and rationales may be warranted.

Noncompliance Findings (General Supervision and/or Individual Student): These are areas referenced in the [*Regulations Governing Special Education Programs for Children with Disabilities in Virginia*](#) (the Regulations) for which findings of noncompliance must be addressed via corrective action by Fairfax County Public Schools. Based on validation by the VDOE and reporting by the school division, identified areas of noncompliance are listed below.

Sources: CSEA and Staff Interviews

1. Special Education Staffing Requirements

- **Item 1: Personnel Assignment – 8VAC20-81-40. A.2.a.**
A small percentage of special education teachers are teaching subjects outside of their teaching license endorsements.
- **Item 2: Caseload Standards Maximum per Teacher – 8VAC20-81-40. A.3.a. and 8VAC20-81-340**
A small percentage of special education teachers are over the maximum caseload standard. In addition, a small percentage of students were not assigned a case manager during the school year.
- **Item 3: Caseload Standards Single Class Standard – 8VAC20-81-40. A.3.b.(3) and VAC20-81-340**
A small percentage of classes (Pre-K–12) were over the maximum number of students in a single class.
- **Item 8: Children Enrolled by Their Parents in Private Schools – 8VAC20-81-50. A.3.a.(1)(2), e.(1), and f.**
There was no documentation that a timely and meaningful consultation process occurred during the past school year.

2. Evaluation and Reevaluation

- **Item 10: Evaluation and Reevaluation – 8VAV20-81-70. C.1.a.–d.**
A few students were not administered eligibility evaluations in their native language.
- **Item 12: Evaluation Report – 8VAC20-81-70. D. and D.1.**
For many students, there was no documentation that evaluation reports were available to the parents two business days before the meeting. In a few cases, no meeting notices were developed to invite parents to the meeting.

3. Individualized Education Program

- **Item 19: IEP Team Attendance: Excusals – 8VAC20-81-110. D.1. and 2.a., b.**
Many IEP Team members are excused, but no input from the excused members are submitted in writing to the parent(s) or IEP Team when modifications are made or discussions are held about that member’s area of expertise.
- **Item 20: General Notice – 8VAC20-81-110. E.2.a.(1)–(3) and 2.b.(1), (2)(a–c)**
Many notices for Part C transition did not inform the parents of the provisions relating to the participation of a Part C representative.

4. Parentally-Placed Private School Children with Disabilities
 - **Item 22: Consultation and Equitable Services Determined – 8VAC20-81-150. C.5.a.–c. and 6.b.**
There was no copy of the signed affirmation of consultation available for review.

5. Confidentiality
 - **Item 26: Parent’s Right to Inspect and Review Education Records – 8VAC20-81-170. G.1.a.**
When parents request a child’s record, the entire record is not made available to include the cumulative data unless the parents request the entire file. This is a violation of the *Code of Virginia* (§§ 22.1-16 and 22.1-321) and the *Family Education Rights and Privacy Act*. All information maintained by a school division is considered confidential, and the record should be presented as a whole entity.

 - **Item 28: Access Logs and Staff Training or Instruction on Records Management – 8VAC20-81-170. G.2. and 11.d.**
Access logs were not located in multiple folders. In some instances, the names on the logs did not match the names on the student folders.

6. Local Educational Agency (LEA) Administration and Governance
 - **Item 33: Programs in Regional or Local Jails – 8VAC20-81-230. G.1., 2. and 8VAC20-81-30. B.6.**
There appears to be no process in place to determine whether or not children are receiving educational services on the eleventh day of incarceration

Sources: VDOE’s *Special Education Regulations* and additional files reviewed in the division

1. Definitions
 - **Age of Eligibility – 8VAC20-81-10**
A child was evaluated before the age of eligibility (two-year-old birthday was after September 30). There was no updated evaluations once the child reached the appropriate age.

2. Individualized Education Program (IEP)
 - **Content of the Individualized Education Program – 8VAC20-81-110. F.1.b. and G.2.a.–b.**
 - a. At least one child’s IEP did not document the concerns of the parent for enhancing the child’s education.
 - b. A few student IEPs did not have a statement of measurable goals to meet the student’s educational goals. (Note: Goals were written in the IEP but not in a measurable format).

3. Procedural Safeguards
 - **Procedural Safeguards – 8VAC20-81-170. E.1.c.**
A few parents only gave verbal consent for initial IEP implementation. There was no documentation of written consent to implement the IEP.