

## Observations and Recommendations

VDOE Department of Special Education and Student  
Services

October 10, 2023



## Purpose

Before the pandemic, many school systems struggled to effectively meet the needs of students with disabilities. The pandemic only magnified this challenge. Across the commonwealth there is a desire to improve outcomes and compliance and a hope that the Department can help. While there are significant challenges, fortunately, VDOE has many levers under its control to address them.

The purpose of this work and report is to develop a detailed, thoughtful plan on how VDOE can best support school systems, students, and families. This work centers on the internal systems, talent, and focus of VDOE, and will build on the many strengths of the Department. The VDOE team has talented and passionate individuals who want to see students with disabilities achieve high levels, and with purposeful planning and targeted shifts, positive changes can happen for children with disabilities in the Commonwealth.

## Commendations

All organizations can and should improve continuously, and there is much desire both within and without VDOE to see improvements in services, outcomes, compliance, and responsiveness to parents and school systems. It is also clear that there are several important strengths within the department. These strengths are a valuable foundation to build upon and are worthy of commendation, including:

### **1. The special education team at VDOE is committed to helping students with disabilities and school divisions be successful.**

The VDOE special education team is made up of caring, talented, and capable professionals. The culture is one where team members are constantly seeking ways to be supportive and there is a sense of pride in the role they play in helping school divisions. It's clear that the members of the team want to make a difference for students, families, and school divisions and are passionate about the work they do.

Many team members also have significant school and school system experience, which brings a sense of the realities of the challenges of the field to their work and enhances their credibility. They have both an understanding of and empathy for the needs of the schools they support. The state director of special education was highlighted by many VDOE team members as an effective communicator, hardworking, and regularly articulating the message of "putting kids first."

### **2. There has been meaningful improvement in graduation rates for students with disabilities.**

In 2008 there was a stark difference in the graduation rates of students with and without disabilities per the federal graduation indicator. The graduation rate for students without disabilities was around 81%, while the rate for students with disabilities was around 38% - a gap of 43 points. In 2015 the graduation rates rose to 90% and 53% respectively - still a 37-point gap, but growth for both groups. Over the next 7 years, there was significant improvement in the graduation rates of students with disabilities based on the federal measures of graduation. In 2022 the graduation rates were 92% and 70%, respectively, shrinking the gap to 22 points between the two groups.

### **3. The VDOE special education team has a sincere desire to ensure positive outcomes for students with disabilities.**

Some SEA special education teams mainly see their role as monitoring and ensuring compliance. The VDOE special education team takes this further and also sees their role as ensuring positive outcomes for students. It is not enough for the VDOE team for divisions to just be compliant – student success is an equally important goal for them. The team spoke with passion and excitement about Results Based Accountability, which puts student outcomes as critical measures of success, and there is also great support for the VA Literacy Act.

### **4. The understanding and messaging related to IDEA-allowable use of funds, maintenance of effort, and other special education financial matters is deep, nuanced, and thoughtful.**

Many SEAs struggle to provide comprehensive advice related to special education use of funds, often sharing with the field overly simplistic summaries and at times overlooking or even contradicting flexibility within the law. The VDOE finance team has a deep understanding of the flexibilities allowed, explains them in clear terms, and is willing to provide hands-on help through a variety of channels including in-person, Zoom, application reviews, webinars, and pre-recorded sessions.

#### **5. The VDOE special education team recognizes the importance of sharing best practices with school divisions.**

Many individuals on the VDOE special education team are knowledgeable about best practices, such as the importance of general education Tier 1 instruction for students with mild to moderate disabilities and believe in the importance of passing on this knowledge and providing support to school divisions to implement these best practices. The existence of the Special Education Instructional Services team, for example, signifies a commitment to sharing special education teaching and learning best practices.

#### **6. The TTAC regional support centers are perceived as helpful, relevant, and responsive to the needs of school system special education leaders and staff.**

Special education leaders expressed satisfaction with the professional development and support provided by Training and Technical Assistance Center specialists (TTACs), which has been an external partner with the VDOE since 1991. Division special education leaders named that the TTACs offer a variety of professional development that is tailored to the needs of their regionally-assigned schools, students, and staff.

## Opportunities

The recommendations that follow may seem contradictory to some VDOE leaders, as many of the opportunities call for changes or improvement in the areas that are commended above. Similarly, many in the field will be surprised by the commendations. This apparent disconnect stems from an overarching finding that the special education VDOE team has prioritized much that should be prioritized and works hard to deliver on these priorities, but often has not been able to find the approach, scale, or clarity in these efforts to successfully impact and support the field.

The special education team brings much knowledge and passion, and with a more focused plan, a greater emphasis on effective implementation, and a heightened sense of urgency, they can be expected to dramatically improve outcomes for students, families, staff, and school systems.

**There are five interconnected recommendations:**

**1. Embrace a more multifaceted and forceful role as a guide, champion, and monitor of services for students with disabilities and their families across the Commonwealth.**

- 1a.** Embrace both high compliance and high outcomes.
- 1b.** Provide empathy, support, and pressure.
- 1c.** Respect the demands of OSEP while maintaining a broader focus.

**2. Move from supporting a multitude of teaching and learning practices to a more narrow, specific, actionable, and research-based set of best practices.**

- 2a.** Shift from promoting a bountiful buffet of strategies to a more focused set of recommendations.
- 2b.** Add more clarity and specificity to instructional guidance, behavior management, and plans for addressing the staffing shortage by extending beyond the “what” to include the “how”.
- 2c.** Create a robust means to solicit candid feedback from school systems on the value of VDOE support.

**3. Set a Higher Bar for What Constitutes Success for Students with Disabilities.**

- 3a.** Embrace NAEP as a realistic measure of achievement.
- 3b.** Approach high-stakes data points with greater nuance and understanding.
- 3c.** Dramatically curtail the use of the Applied Studies Diploma as recommended in the JLARC report.

**4. Substantially increase the scale and intensity of practical, actionable technical assistance focusing on academic and behavioral best practices through long-term priority partners designed for a world with staffing shortages.**

- 4a.** Provide highly focused, large-scale, cross-departmental, sustained technical assistance tiered in intensity based on level of school system need.
- 4b.** Utilize long-term priority partners to increase the scale and reach of technical assistance.

**5. Support a multi-pronged effort to increase the role of general education in serving students with disabilities to expand inclusion, improve outcomes, and alleviate the special educator staffing shortage.**

- 5a.** Create a comprehensive plan to support wider adoption of inclusion as called for in the JLARC report.
- 5b.** Integrate responsibility for all teaching and learning, including for students with mild to moderate disabilities, into the VDOE teaching and learning team.
- 5c.** Reduce the pressure created by special education staffing shortages by supporting an expanded role for general education certified staff to provide intervention and other support to students with mild to moderate disabilities.

## **1. Embrace a more multifaceted and forceful role as a guide, champion, and monitor of services for students with disabilities and their families across the Commonwealth.**

The role of a SEA is inherently complicated, and finding the right balance of support and pressure is critical and hard. Moreover, creating coherence across the many demands of diverse stakeholders is also not simple. The hallmark of high-achieving states and high-performing SEAs is finding the right balance of direction, support, and pressure. VDOE has not yet found the optimal balance.

### **1a. Embrace both high compliance and high outcomes.**

SEAs should serve as the “North Star” for school divisions and special day schools. They should help set the direction, help them reach their destination, and intervene when school systems chronically fail in this effort. VDOE can better harness its considerable influence over special education by focusing on academics and compliance equally. To be fair and clear, the special education team wants to be an important force for improving outcomes, and some feel they are already.

Many in the field, however, believe VDOE prioritizes compliance and is not a driving factor or support for improved outcomes. The field has inferred this bias towards compliance based on the focus of VDOE reviews and guidance. For example, many special education directors view VDOE audits as 100% compliance-based and the feedback as focusing on changing wording on forms and written procedures, but seldom on improving actual services and outcomes for students.

Many VDOE special education leaders shared an “either/or” mindset between compliance and outcomes. They expressed a belief that the SEA had in the past embraced a focus on outcomes, as exemplified by Results Based Accountability, and then under pressure from OSEP and others had to abandon this focus to return to prioritizing compliance. This caused confusion in terms of the SEA’s role in informing school divisions on best practices and has led to a lack of clear direction for many departmental employees.

The mindset seemed to assume a choice: focus on compliance or outcomes. The team, however, must focus equally on both, since both are important. VDOE should establish a better balance between compliance and outcomes. VDOE collects data for all OSEP Indicators for each school division in the state, including those that focus on student outcomes, however, practices that contribute to student outcomes are not reviewed when site visits occur. This sends the message that what matters most is compliance.

VDOE should update its site review monitoring protocol to include, at minimum, classroom observations, assessing the alignment of services to best practices, and advice on essential practices that directly lead to higher academic outcomes for students with disabilities, in addition to compliance-related matters. What VDOE evaluates in its site reviews speaks loudly and persuasively about what they value and prioritize.

### **1b. Provide empathy, support, and pressure.**

VDOE can and should use its influence as a North Star to build understanding and win the hearts and minds for improvement, such as for increased inclusion as called for in the JLARC report, for adoption of

best practices, and for the urgency to improve outcomes. They should also take a firmer hand when needed.

VDOE leadership expressed a great deal of understanding, empathy, and concern for the challenges faced by school systems, such as the impact of COVID-19 learning loss, staff shortages, and funding constraints. VDOE special education leaders do have a great deal of empathy for the challenges faced by school systems.

Empathy, however, must be balanced with a more forceful role to drive higher outcomes and greater levels of compliance through both support and accountability pressure. Empathy for the challenges faced by districts can be interpreted as a reasonable excuse for *not* improving both inside and outside of VDOE. In states that have seen significant gains in achievement and/or compliance, the SEA provides significant pressure and high-quality support. Currently, VDOE is not viewed by the field as providing either a great deal of pressure or support related to special education.

One important example of this relates to increased inclusion across the state as called for by the JLARC report. The field does not seem to see increased inclusion as a burning priority or a moral call to action, but just another compliance requirement. When compared to some other SEAs and states, VDOE and the field do not demonstrate as much urgency for improvement. The VDOE special education leadership shared that they cannot be forceful and have limited control over school systems unless they are conducting a cyclical review (which is currently compliance-focused).

The experience of other states shows that SEAs can have a significant impact on school system behavior, practice, and focus. VDOE can utilize a wider range of tools and funds to impact the lives of children with disabilities. The balance of this report outlines actionable steps to create a more forceful and impactful role for VDOE. This will require several interconnected changes.

- **Re-direct funds and energy to align with a more focused list of priorities and best practices.** Doing a few things in depth, and doing them well and at scale, will have a greater impact than trying to help across a multitude of efforts.
- **Inspect what you want respected.** If the desire is to improve outcomes for students with disabilities across VA, then ensure equal emphasis on both outcomes and compliance.
- **Focus on effective implementation, not just thoughtful planning both internally and externally.** Having a good plan or the right intentions is not sufficient. VDOE must develop the skills and partners to implement change well at scale.
- **Pair support with pressure.** VDOE should challenge and demand better outcomes, more inclusion, and improved compliance rather than simply monitor or empathize with the challenges faced by school systems.
- **Less “leadership by email.”** VDOE or its partners must get shoulder-to-shoulder with schools. School stakeholders want and need direct connection with the VDOE. Working in partnership with school systems and being more visible at all corners of the state will likely require long-term third-party partners.

The balance of this report outlines actionable steps to create a more forceful and impactful role for VDOE.

### **1c. Respect the demands of OSEP while maintaining a broader focus.**

The Office of Special Education (OSEP) has a responsibility to act in good faith, uphold the law, Monitor state compliance, work within established IDEA frameworks, and support SEAs for continuous improvement. OSEP represents a necessary but not sufficient scope of concern for a successful SEA special education team. Federal requirements on the VDOE should be quickly met and not be an impediment to other important priorities.

In 2023, Virginia is currently in the *Needs Assistance* category (one year) related to IDEA Part B Determinations, issued by OSEP (they are in the *Meet Requirements* category for Part C). The working relationship with OSEP in recent years has not been healthy, productive, or beneficial to students with disabilities. Over the last few years VDOE has pushed back on OSEP, questioned their findings, and challenged some of their mandates. While most SEAs have some back and forth with OSEP and many SEA special education leaders may not agree with all of their findings, the relationship between VDOE and OSEP is different than most and not in a helpful way. There have been some changes, however, that are perceived to be more “positive and productive” in recent months.

Engaging in years-long battles with OSEP could cast the VDOE in a negative light. The public might question whether the department prioritizes the needs of students with disabilities if it appears to be resisting federal guidelines designed to protect those students. VDOE has had a multiyear confrontation with OSEP which is uncommon in its duration and intensity.

Engaging in disputes with OSEP is also resource intensive, requiring considerable time, person power, and financial resources. The time and energy spent on disagreements with OSEP reduces the time that could otherwise be spent on other priorities, such as improving the balance between compliance and outcomes, expanding the adoption of best practices, increasing inclusion, and addressing staff shortages.

OSEP represents a set of minimum requirements but need not limit the aspirations of VDOE. Therefore, the VDOE should partner with OSEP and comply quickly with the required changes so that it can focus its time, attention, and resources on the recommendations outlined in this report.

## 2. Move from supporting a multitude of teaching and learning practices to a more narrow, specific, actionable, and research-based set of best practices.

As best practice research has expanded and greater clarity of “what works” from researchers like John Hattie, the *What Works Clearinghouse*, and the science of reading has come to light, SEAs are now taking a more directive stance to encourage and support the adoption of best practices to improve outcomes. The Virginia Literacy Act is one such example.

### 2a. Shift from promoting a bountiful buffet of strategies to a more focused set of recommendations.

SEAs that effectively support the field hone in on a narrowly focused set of best practices. The Louisiana Department of Education is one [good example](#) – its Special Education Playbook has been [widely praised across the country](#). The VDOE provides guidance and professional development for a great many teaching and learning strategies, approaches, and service delivery models. The desire to recommend multiple strategies, approaches, and delivery models is understandable for avoiding “one-size-fits-all” methods for all regions and divisions throughout the Virginia Commonwealth. However, this eclectic set assumes all strategies and approaches are equally effective. Research has shown this is not the case.

Currently, VDOE PD encourages both research-based best practices as well as many more traditional strategies that are not supported by the research and have, unintentionally, led to many SWDs failing to master grade-level content.

Recommending a “bountiful buffet” of strategies has messaged to the field that nearly all the common or historic practices are reasonable and effective. This has resulted in confusion and consternation in the field and even within VDOE. One VDOE leader shared, “We have massive amounts of PD and guidance, it’s overwhelming. I’m not sure who reads and listens to it. It’s so much.”

Additionally, some recommended strategies are at odds with one another. As a result, some highly promoted and supported strategies have struggled to be widely embraced by the field or proven effective at scale, such as co-teaching, yet it remains an area of significant VDOE support.

Research has also shown that many of the most important and effective strategies for raising achievement apply to both general education students who struggle and students with mild to moderate disabilities, such as the science of reading embraced by the Virginia Literacy Act. Currently, there is little overlap or alignment between general education guidance and special education guidance.

The VDOE should actively promote and support the following best practices for improving academic outcomes for all struggling learners, including students with mild to moderate disabilities or no disability at all.

- **Focus on Core Instruction:** All students, including nondisabled students who are struggling and those with mild to moderate disabilities, should receive high-quality core instruction in the regular classroom. This must come first. This is also appropriate for some students with more significant needs as well.
- **Extra Time to Learn:** All struggling students, including those with mild to moderate disabilities, should receive extra instructional time for intervention. Extra time should not be in lieu of core

instruction received in the regular classroom, but as a way of supplementing—or double-dosing— instruction where the need is greatest; and

- **Content Strong Teachers:** All struggling learners, including students with mild to moderate disabilities, should receive both core instruction and intervention from *content experts* with deep training, skill, and aptitude for the subject. This means, for example, students struggling to read are taught by skilled teachers of reading, and students struggling in math are taught by staff with deep expertise in math and teaching math. The focus on core instruction and embedding extra time to learn is only as effective as its teacher teaching it.

**2b. Add more clarity and specificity to instructional guidance, behavior management, and plans for addressing the staffing shortage by extending beyond the “what” to include the “how”.**

The importance of providing clarity and specificity in its guidance, especially in the most sought-after yet complex areas like instruction, behavior management, and staffing cannot be overstated. Doing so improves the adoption of best practices, empowers educators with clear expectations, builds trust between the VDOE and school divisions, and lays the groundwork for continuous improvement. Most importantly, it provides specific, practical steps to take to address complex challenges. It can be a road map that makes great challenges feel less overwhelming.

VDOE’s most strongly recommended teaching and learning strategies (specially designed instruction [SDI], differentiation, and standards-based IEPs) are very high-level concepts that are open to misinterpretation of what changes or actions schools and staff should actually take. In too many cases, these high-level concepts do not actually communicate much that is actionable at the classroom, school, or division level. These VDOE-endorsed and promoted strategies are difficult for districts to translate into IEP services, specific interventions, schedules, or other concrete actions that will improve outcomes.

A senior VDOE leader described two key VDOE prioritized strategies this way: “SDI is more than accommodations and modifications—it’s an entire instructional design and delivery of instruction. An example of SDI is when a classroom teacher delivers the content but then a special educator works with small groups and modifies and delivers instruction differently. It’s a flavor of differentiation.” While not bad advice, few in the field would know how to operationalize and implement this recommendation.

In contrast, another SEA advised that all students with mild to moderate disabilities who struggle in reading K-2 receive 120 minutes of core reading instruction from the classroom teacher trained in the science of reading, plus an extra 30 minutes a day of extra reading support, also from a teacher (general ed or special ed) trained in the science of reading in groups of 5 students with similar areas of need, such as phonics or fluency. They also provided practical advice on staffing, scheduling, and sample IEP language to prove an implementation roadmap for school and division leaders. This level of detail and implementation advice is not common in VDOE guidance.

The field shared that VDOE guidance is often unclear, or they are uncertain about what exactly is desired or warranted. One special education director shared, “I just wish they would tell me what they think we should do, but they resist providing this level of specificity.” Another commented, “(Their guidance) is not bad guidance, but it’s just too vague.” This has led to ambiguity in the system, which then creates inconsistencies and varied practices from instructional and compliance perspectives.

For example, JLARC calls for more inclusion, but VDOE has not yet shared a practical roadmap on how school systems can navigate this difficult, but needed transition, nor has it spelled out what SDI intervention looks like for students struggling in reading or math. Other SEAs have provided much more concrete and actionable guidance.

Guidance coming from the VDOE should get into the “how” and not just the “what” when it comes to the work to be done. This could include, but is not limited to, creating streamlined step-by-step guides or checklists, sample schedules, staffing models, common pitfalls to avoid, or specific case studies of successful implementation. Not only should the guidance clearly spell out in detail “what good looks like” but as much detail should cover how to effectively implement in a time of staffing shortages.

Written guidance can be augmented by developing training modules and workshops that focus on the hands-on, practical application of the recommendations.

### **2c. Create a robust means to solicit candid feedback from school systems on the value of VDOE support.**

Many at VDOE want to be helpful and feel they are. The field sees things differently. Without soliciting feedback from the field, it’s easy for departments at the VDOE to overestimate the impact of their support which can lead to confirmation bias and continuing less-than-optimal support. As a result, professional development and support from VDOE can be less helpful for the work to be done or in meeting the needs in the field.

Soliciting candid feedback from school systems regarding the support provided by the VDOE is crucial to refining offerings, building trust, improving outcomes and compliance, and raising the status and importance of VDOE in the minds of system leaders. In some states, the SEA is the go-to source for support and PD. That is not yet the case in Virginia.

A system of independently gathered feedback could help ensure that educators can share their experiences with receiving, processing, and implementing VDOE guidance and PD and guide VDOE in refining and making future guidance and PD more valuable. Feedback should be focused on select VDOE priorities.

### 3. Set a Higher Bar for What Constitutes Success for Students with Disabilities.

Every student with a disability is different and “success” will look different for different students. While there can be no universal set of expectations for all SWDs, all should be well-prepared for success after graduation.

#### 3a. Embrace NAEP as a realistic measure of achievement.

For over 50 years the NAEP assessment has been providing stable and meaningful data around student achievement – it sets a high bar and provides states a clear picture of how their students is performing compared to national standards. Proficiency in this assessment for every student should be the gold standard for all SEAs.

Compared to the rest of the country, NAEP scores for students with disabilities in Virginia have historically hovered right around the national average. In 2022, Virginia scores were slightly above the national average in 8<sup>th</sup> grade, and slightly below in 4<sup>th</sup> grade (*Figure 3.1*).

**Figure 3.1 - NAEP Average Raw Scores for Students with Disabilities (2022)**

Assessment	Nat. Avg.	VA Avg.	Differential
4th Grade Reading	183	176	-7
4th Grade Math	212	210	-2
8th Grade Reading	229	229	--
8th Grade Math	243	250	+7

While this makes Virginia like other states, VDOE satisfaction levels are not typical. While nearly all other states express an urgent need to dramatically raise outcomes for students with disabilities, the VDOE special education team seems to celebrate the current level of achievement. While the NAEP has not released proficiency percentages for students with disabilities, with only a third of students overall demonstrating proficiency in mastering grade-level content on the NAEP assessment (*Figure 3.2*) and given what we know about the discrepancies in raw scores between the two groups, we know that proficiency data for students with disabilities would fall even lower. This should be an alarming, rather than comforting, statistic.

**Figure 3.2 - NAEP Proficiency Data for All Students (2022)**

Assessment	NAEP
4th Reading	32%
4th Math	38%
8th Reading	31%
8th Math	31%

Several VDOE special education leaders seemed very proud of the high level of achievement for SWDs, and in fact one was taken aback by the question, “What could VDOE do to dramatically raise achievement for students with disabilities?” They responded that the question presumes dramatic improvement hasn’t already taken place and is needed.

This heightened sense of accomplishment stems from a reliance on state-specific SOL data. When looking at results from the Virginia SOL, it is clear that NAEP and SOL have significantly different expectations when it comes to what constitutes proficiency. In 2022 for example, 72% of 8<sup>th</sup> graders scored proficient or higher on the SOL compared to only 31% on the NAEP. Figure 3.3 illustrates the discrepancies in the percentage of students scoring proficient between the two assessments in 2022.

**Figure 3.3 - NAEP vs. SOL Proficiency Data for All Students (2022)**

Assessment	NAEP	SOL	Differential
4th Reading	32%	72%	<b>+40%</b>
4th Math	38%	66%	<b>+28%</b>
8th Reading	31%	72%	<b>+41%</b>
8th Math	31%	57%	<b>+26%</b>

While it can be tempting to consider the SOL results as the full picture, NAEP should be embraced as a more realistic marker of student success. Students with disabilities deserve to be held to high standards and supported to reach mastery. The SOL data has sapped much of the urgency for improvement seen in most other SEAs.

**3b. Approach high-stakes data points with greater nuance and understanding.**

A key function of any SEA is to monitor outcomes, which VDOE takes seriously. It is important that VDOE not fall into the pothole known as Goodhart’s law. Goodhart’s Law states, “When a measure becomes a target, it ceases to be a good measure.” In other words, when we use a measure to reward performance, we provide an incentive to manipulate the measure to receive the reward<sup>1</sup>.

Several examples of this challenge were identified, including the (worthy and important) focus on graduation and reducing suspensions. In efforts to meet these worthwhile goals the data improved, but the measurement ceased to measure the original intent.

Graduation rates for SWD increased, in part by changing what it means to be a graduate. The Applied Studies Diploma greatly lowered what it means to graduate, yet many take pride in the improvement in graduation rates.

Similarly, some school systems reduced disciplinary suspensions by requiring parents to pick up their children and labeling this as a parent decision rather than a school-directed suspension.

The SEA should develop means to ensure that key indicators are not being distorted to show the appearance of improvement rather than actual improvement.

<sup>1</sup> Stumborg, Blasius, Full, & Hughes; Center for Naval Analyses; “[Goodhart’s Law](#)”

### **3c. Dramatically curtail the use of the Applied Studies Diploma as recommended in the JLARC report.**

All kids deserve to be set up for success beyond high school and districts must do all they can to ensure students have all the necessary skills, knowledge, and credentials to achieve that success. Currently in Virginia, 20% of students with disabilities are graduating with what is known as the “applied studies diploma” – a degree that just necessitates students meet the requirements of their IEPs, but not any content standards or curriculum requirements. With this diploma not being recognized as valid by 2- or 4-year colleges or the US DOE, these students are not set up for success after graduating.

Moreover, families seem to be mostly unaware of the diploma’s lower standards or its implication – making choices early in students’ academic careers that impact their ability to graduate with a standard diploma later on.

As recommended in the [2020 K-12 Special Education in Virginia JLARC report](#), the use of the applied studies diploma should be dramatically restricted. Students with disabilities should be held to a higher academic standard, and given the support needed to achieve that higher standard rather than lowering the bar. In circumstances where the use of this diploma is appropriate, it should be made clear to families the implications of such a choice and the much lower levels of acceptance, expectations, and requirements.

#### 4. Substantially increase the scale and intensity of practical, actionable technical assistance focusing on academic and behavioral best practices through long-term priority partners designed for a world with staffing shortages.

School systems need and want more help. VDOE wants to help but lacks the FTE to support the entire state. Tiered support and long-term partners can greatly expand the reach in a cost-effective manner.

##### 4a. Provide highly focused, large-scale, cross-departmental, sustained technical assistance tiered in intensity based on level of school system need.

Change is hard. Current special education practices are long baked into the “way things are done” in many schools and divisions. Current VDOE TA efforts can best be described as knowledge sharing, an effort to share and explain new ideas and approaches. Effective technical assistance (TA) must be more than just knowledge sharing, such as providing self-assessments and online resources. These approaches can pique interest, but seldom change long-standing practices.

Technical assistance is spread thin at VDOE. The VDOE TA team includes many “departments of one” such as IEP evaluation, nursing, speech and language, and so on that focus on narrow areas of expertise rather than systemic and comprehensive improvement. Improving compliance and outcomes requires comprehensive, rather than discrete and narrowly focused efforts.

The field shared that much VDOE TA and PD is provided just in Richmond and the number of attendees is greatly limited. One session of interest, for example, was capped at 200 participants statewide, yet a single large division wanted nearly 200 staff to receive the training. They sent just a handful.

Districts with great needs or long-standing challenges will require not just coordinated and comprehensive support, they will require a great deal of help with change management and effective implementation. Districts in great need do not receive the needed intensity of support nor sufficient change management support. For example, “intensive support” for a chronically underperforming division was characterized as one person for a day onsite each month for six months (six person days total). In other states, intensive SEA support might be as much as 50 times greater!

The field also reported that a great deal of VDOE TA was focused on process and compliance, rather than priority needs related to teaching and learning best practices, behavior management, and addressing staffing shortages. This results in a mismatch between what the VDOE provides for TA and what districts need and want. Additionally, concerns over the practicality of the PD were raised.

On a positive note, VDOE has utilized a longstanding partnership with Training and Technical Assistance Centers (TTACs) since 1991. Eight university-run TTAC regions across the Commonwealth of Virginia provide special education professional development and general assistance for school divisions that is relevant, accessible, responsive to their needs, and well-regarded by special education leaders. TTACs, like VDOE itself, however, provide a bountiful buffet of best practices, not all of which are aligned with best practices or SEA priorities.

To address these challenges, the VODE should consider the following:

- **Tiered approach:** Create a comprehensive three-tiered model of support. Tier I is statewide, but often delivered regionally or at pre-existing gatherings, focusing on a few high-yield strategies

and topics. Tier II is cohort-based and sustained over multiple years in which TTAC and other partners support school systems with greater need or interest, again focusing on a smaller range of key strategies and issues, such as behavior management, staffing issues, or teaching and learning best practices. Tier III, for a handful of school systems, is all-encompassing, multiyear, weekly or monthly support by a team who are skilled in change management, effective implementation, and best practices for improving outcomes or compliance.

- **Cross-departmental collaboration:** Ensure that various departments within VDOE (particularly on the general- and special-education sides of the house) collaborate and align, sharing expertise and resources as well as delivering a unified message and support.
- **Multiyear focus:** Plan for the long-term, ensuring that support and resources are not just a one-off, but are repeated, reinforced, revised, and refined for many years. Most change efforts need five years to take hold. Given the high levels of turnover, key training must be repeated annually.

#### **4b. Utilize long-term priority partners to increase the scale and reach of technical assistance.**

The complex challenges facing school systems include compliance, better outcomes, the need to embrace best practices, dispute resolution, inclusion, addressing staffing shortages, and more. The needs are great and the commonwealth is large geographically and has over 130 divisions. The VDOE team cannot realistically have all the needed expertise and the numbers of staff to provide support statewide, even in a tiered fashion.

Many SEAs have created long-term partnerships with experienced firms to provide intensive technical assistance, cohort-based support, and statewide professional development. The SEA does not have a large enough team to provide intensive or sustained support statewide. Without the ability to provide intensive or sustained support, however, the VDOE reduces its ability to impact school systems in important ways.

While the field spoke highly of the Training and Technical Assistance Centers (TTACs), which provide support that is both relevant and more accessible than the VDOE, other new partnerships should also be explored based on the needs of school systems and the priorities of the SEA.

It is important to note that long-term priority partners differ from traditional PD vendors and even from the current arrangement with TTACs.

- **Directed and focused by VDOE.** Long-term priority partners deliver the message and support as developed (or co-developed) by VDOE. They are an extension of VDOE priorities and focus, not parallel entities.
- **Integrated into VDOE.** These partners work closely with SEA staff, coordinate calendars, align across multiple departments within VDOE, and respond to VDOE leadership.
- **Highly accountable:** Priority partners are regularly assessed by the field and SEA and refine their services based on feedback or are replaced.

## 5. Support a multi-pronged effort to increase the role of general education in serving students with disabilities to expand inclusion, improve outcomes, and alleviate the special educator staffing shortage.

The VDOE special education team sincerely supports a greater role for general education in special education, but this message is not fully supported by its actions and has not effectively reached enough system leaders.

### 5a. Create a comprehensive plan to support wider adoption of inclusion as called for in the JLARC report.

Research is clear that too often students with disabilities, even mild disabilities, receive less instruction from content-strong general education teachers than do students without disabilities. Most states in the last decade or two have worked to increase inclusion for students with disabilities to improve outcomes, social interaction, and the IDEA requirements of serving students in the least restrictive environment. As reported in the JLARC study, Virginia has much more work to be done to achieve reasonable levels of inclusion and effective inclusion. The VDOE special education team (in partnership with the general education team) should be spearheading this effort.

The VDOE embraces and supports this shift, but currently, the field reports that VDOE has placed much of its efforts toward compliance monitoring and paperwork modifications and not enough toward expanding effective inclusionary practices. The field is uncertain how relevant or urgent the JLARC recommendations are, and few feel they have received actionable practical guidance on how to actually increase inclusion effectively.

Thoughtful and specific guidance will be needed, followed by effective TA, and change management support. Of special note, it is common for educators to convolute inclusion with co-teaching—yet they are not the same. *Inclusion* refers to the practice of integrating students with disabilities into classrooms, ensuring that they learn alongside their peers with appropriate accommodations and/or modifications. *Co-teaching*, on the other hand, refers to two educators, a general education teacher and a special education teacher who teach a group of students in a classroom setting, some with disabilities and others without. In an era of special education staff shortages and the lackluster results from many past efforts at co-teaching, inclusion guidance must be both practical and research-based and go well beyond an overreliance on co-teaching.

As the VDOE maps a strategy to increase inclusion, they must also keep Goodhart's law in mind. There are ways of increasing inclusion that undermine the intent of increased inclusion. For example, if SWD are physically placed in general education classrooms, but underserved by general education teachers and served mostly by less skilled, uncertified paraprofessionals, then the indicator might look better, but children would not be better served. Conversely, if an emphasis on inclusion drives IEP teams to not provide sufficient separate instruction for students who need it, again the indicator improves, but not the well-being of the student.

To accelerate inclusion the VDOE should:

- **Create a comprehensive, practical, road map for schools and divisions to support wider adoption of inclusion.** This plan should address the importance and expectation of school divisions adopting research-based inclusion practices that have been shown to work among all

struggling learners, particularly those with mild to moderate disabilities. It must also include practical advice on how to staff, schedule, implement, write IEPs, and also address the unique needs of students with more significant disabilities.

- **Win over the hearts and minds of school and system leaders.** Share the plan and hit the road to engage with school and system leaders to fully embrace effective inclusion. This will require winning over their hearts and minds and building the capacity of general education teachers. Again, this starts with having a clear and well-articulated vision of inclusion to use as a frame for high-quality education for *all* students, making it a mission rather than a mandated directive.
- **Embrace a “general education first” approach.** This means general education teachers must learn that general education best practices will benefit all students, *including* students with disabilities. This contrasts with the current VDOE desire to teach “special education law, practices, and approaches” to general educators, or in essence to become special educators.

On the contrary, greater inclusion will not come through general education teachers learning more about special education law but through learning and mastering high-quality, research-based instructional practices that benefit all students.

Providing general education teachers a deeper understanding of how different disabilities impact a student’s way of learning is helpful, for both students with and without disabilities.

#### **5b. Integrate responsibility for all teaching and learning, including for students with mild to moderate disabilities, into the VDOE teaching and learning team.**

Consistent with the concept that all students are general education students, including those with IEPs, a single team should drive and support teaching and learning best practices at VDOE, with an exception for support for students with severe disabilities, since their needs can be vastly different.

A VDOE partner mentioned, “It would be helpful if our touch point was the general education or instructional side of the VDOE so that we can better align our (special education) practices with theirs.”

Currently, a significant divide exists between the special education and general education teams at VDOE, but implementing best practices and expanding effective inclusion will require a cross-team effort. When special education leaders at VDOE as well as some external partners spoke of special education collaboration, it was primarily with other special education teams and departments, not necessarily inter-departmentally.

Messages related to high-quality teaching and learning currently come from two separate entities (general education and special education) and are at times incongruent, inconsistent, and even contradictory, which can create ambiguity in the system. Separate messaging and guidance reinforce separate and unequal opportunities for some students (typically students with disabilities) over other students (usually students without disabilities).

Making this move would:

- Signify a shift towards a more inclusive and integrated approach for all students, including those with mild to moderate disabilities; and

- Recognize that all students, regardless of background, label, or circumstance, can benefit from similar high-quality, teaching and learning best practices.

**5c. Reduce the pressure created by special education staffing shortages by supporting an expanded role for general education certified staff to provide intervention and other support to students with mild to moderate disabilities.**

The VDOE has an urgent responsibility to help address special education teacher shortages in Virginia. Although it would be ideal to have far more highly qualified, professionally licensed special education teachers in every Virginia school building serving students with disabilities (and across the US), there simply are not enough special education teacher graduates to meet the demand. Few forecasters believe this challenge will be resolved in the near term. Therefore, it is important that VDOE supports efforts that enhance teacher flexibility without lowering the skills and expertise of those who serve students with disabilities.

Unfortunately, in Virginia and across the nation as the number of special educators shrinks, the number of lightly trained, non-certified paraprofessionals increases. Students with disabilities are more likely now than ever before to receive instruction from staff without teaching degrees or content expertise.

The current VDOE focus for addressing the special education teacher shortages includes opening the door to more special education staff through expanding provisional licensing, which can lower the bar for special education teachers and therefore impact outcomes for students with disabilities. Some at VDOE and in the field believe that “higher skilled” paraprofessionals can also be a reasonable response to the teacher shortage. Research indicates that this approach will lower outcomes and should be discouraged (or perhaps prohibited).

A better solution would be to encourage and ease the use of general education teachers to provide services and interventions to students with disabilities. Current IDEA regulations and guidance already allow this. It is common however for SEAs and school systems to question if this practice is allowed. VDOE must be clear, persuasive, and supportive of this practice.

Several stakeholders within VDOE and School Divisions, however, expressed significant concerns with the VDOE teacher licensing department. Many stakeholders observed that the licensing process was slow, laborious, rigid, and ambiguous for the teachers who have applied and the school division employers trying to hire them. Indeed, one such stakeholder mentioned that a hired teacher quit before she even met her students because the processing of her license took too long. She added, “How is this helping the (teacher) shortages?!”

The shift to general education staff providing some IEP services will feel new to many in Virginia. Only five school systems voluntarily use Early Intervening Services funds from IDEA to provide general education support to students not yet identified for special education. Roughly 20-25 school systems are required to do so due to overidentification. The divide between special education and general education is common within VDOE and across the commonwealth.

## Moving Forward

While many of these recommendations will not feel “new” to the VDOE special education team, members of the team may still be challenged to address their existing priorities in the new ways and means outlined in the recommendations. In short, they may feel that they are already working on these recommendations, which they are, but how they work on them must be refined.

Outside third-party support will likely be required to help create a new normal way of helping guide, support, and pressure school systems. These recommendations call for adaptive, large-scale change, not minor tweaks to current practice.

## Appendix: Methodology

Multiple rounds of research, data review, and stakeholder engagement were conducted to examine the current role and impact of VDOE as it relates to supporting school systems in their work to serve students with disabilities.

### Stakeholder Engagement

Initial stakeholder engagement included interviews with special education department leaders to inform a preliminary understanding of the department's strengths and challenges. Interviews and focus groups with school system leaders and special education directors followed to build an understanding of the field's perception of support from VDOE. Engagement with TTAC directors was also sought out to gain additional insight into the professional development and support provided to schools and districts by those organizations.

### Research & Data Review

Multiple rounds of research and data review were also conducted as part of this work. A list of some of the areas of focus are as follows:

- OSEP correspondence
- 2020 *K-12 Special Education in Virginia* JLARC report
- NAEP & SOL assessment data
- Historical graduation rates
- The Virginia Literacy Act
- Published news articles
- Selected due Process, State Complaints, and OCR Complaints

In addition to research conducted by New Solutions K12, the team also coordinated and shared notes/highlights with Bob Pasternack and Sam Howarth throughout their parallel study. There was no overlap with individuals interviewed outside of the VDOE staff.