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HOUSE JOINT RESOLUTION NO. 232

Offered January 24, 2000

Requesting the Department of Education to apprise the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs of the findings and conclusions of the State Improvement Plan for Special Education.

Patron—McEachin

Referred to Committee on Rules

WHEREAS, the Individuals with Disabilities Education Act Amendments of 1997 require states to collect, analyze, and report data concerning minorities in special education programs; and

WHEREAS, the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs, pursuant to House Joint Resolution 707 (1999), has found that data indicates a disproportionate number of African-American students have been placed in certain special education categories, to include being classified as learning disabled, educable mentally retarded, emotionally disturbed/behavioral disorders; and

WHEREAS, during the course of the joint subcommittee's study, it was determined that certain data that needed to be collected and questions that needed to be answered regarding this problem could be ascertained simultaneously via the Department of Education's collection of such information; and

WHEREAS, the joint subcommittee has requested the Department of Education to collect certain related data and statistics vital to the joint subcommittee's work while gathering information to comply with new federal reporting requirements, and representatives of the Department have agreed to collaborate with the joint subcommittee and also to keep it apprised of the State Improvement Plan for Special Education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Education shall apprise the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs of the findings and conclusions of the State Improvement Plan for Special Education. The Department of Education is also requested to collect, analyze, and report to the joint subcommittee the following information:

1. The adequacy of the preparation and training of prospective and in-service classroom teachers, guidance counselors, psychometricians, and administrators concerning cultural diversity issues; the impact of race, culture, language, socioeconomic status, and class on the education of students; and the identification of students for special education programs.

2. The number of special education students by gender, race, grade level, disability, and the reason for withdrawal from a special education placement or designation of students who were re-assigned to the regular instructional program during the 1994 through 1999 school years. Of the number of students returned to the regular instructional program, the number of such students who were accelerated or provided supplemental instruction and support services to elevate students to grade level and assist them in the transition from special education to regular education programs shall also be reported.

3. The outcomes of student-teacher arrangements in special education programs that permit students to remain with a primary teacher for most of the school day.

4. The number of students who have Standard English as a Second Language (SESL), the prevalence of this phenomenon, the regions of the Commonwealth primarily affected, and the implications of the problem relative to the disproportionate representation of African-American students in special education programs, and equity in programmatic, learning opportunities and outreach and support services afforded other students, i.e., limited English proficiency (LEP) students with similar social disadvantages, economic deprivations, and cultural and language limitations.

5. A comprehensive briefing regarding the State improvement Plan for Special Education, including, but not limited to, the outline of the plan and the report submitted to the U.S. Department of Education's Office for Civil Rights in December 1999.

6. The collection, examination, analysis, synthesis, and reporting of data regarding new federal monitoring and reporting requirements pursuant to the Individuals with Disabilities Education Act Amendments of 1997 for determining (i) whether race is the basis of significant disproportionality in the identification and placement of African-American students in particular educational settings for students with disabilities, (ii) dropout rates of racial and ethnic minorities in special education, and (iii) the mandate that states address such problems.

All agencies of the Commonwealth shall provide assistance to the Department for this study, upon request.

INTRODUCED

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60 The Department of Education shall provide a comprehensive briefing concerning the State
61 Improvement Plan for Special Education to the Joint Subcommittee Studying the Overrepresentation of
62 African-American Students in Special Education Programs by June 1, 2000, and shall report its findings
63 and recommendations, in accordance with the objectives of this resolution, to the Joint Subcommittee
64 Studying the Overrepresentation of African-American Students in Special Education Programs, and to
65 the Governor, and to the 2001 Session of the General Assembly, as provided in the procedures of the
66 Division of Legislative Automated Systems for the processing of legislative documents.