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HOUSE JOINT RESOLUTION NO. 637

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Requesting certain state and local agencies of the Commonwealth to inform parents and the public of certain preventable health and social conditions to avoid the need for costly special education programs and services for children.

Patrons—McEachin, Baskerville and Watts

Referred to Committee on Health, Welfare and Institutions

WHEREAS, the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs, pursuant to House Joint Resolution 231 (2000), was directed to identify factors that contribute to the disproportionate representation of such students in special education programs, and to recommend solutions to address this problem; and

WHEREAS, the findings of the joint subcommittee regarding the disproportional representation of African-American students in special education programs indicate several determinants, which may be characterized as systemic and societal factors; and

WHEREAS, systemic and societal factors, when considered separately, each carry sufficient weight under certain circumstances to trigger the referral of African-American and other minority students for special education; and

WHEREAS, when these factors are considered together, they can provide substantial cause to justify referral, identification, and placement of African-American and other minority students in special education programs; and

WHEREAS, the joint subcommittee defines systemic factors as those that relate to federal and state laws, policies, regulations, certain school practices, and the process and procedure for referring, identifying, assessing, and placing students in special education programs, and for evaluating the appropriateness of such placements; and

WHEREAS, systemic factors also include professional staff development of school personnel, the preparation and qualifications of medical professionals, and other professionals engaged to develop the Individualized Education Plans for students; and

WHEREAS, societal factors include measurable and immeasurable indicators and agents that are associated with the disproportionate representation of African-American and other minority students in special education programs, such as socioeconomic deprivation, certain health conditions, poverty, substance abuse, cultural and language barriers, delayed development and learning disabilities, race and ethnicity, lack of prenatal care and access to health care, poor parenting skills and lack of parental involvement in school, low immunization rates and newborn screenings, low parent and teacher expectations, environmental hazards such as exposure to lead, incentives to obtain certain financial benefits, lack of knowledge of parents regarding the stigma of special education and its long-term implications, and other cultural and socioeconomic dynamics; and

WHEREAS, the joint subcommittee determined that because several social factors converge to influence the identification, referral, and placement of these children in special education programs, state and local agencies should be requested to inform parents and the public, through special concerted efforts, of certain preventable health and social conditions to avoid the need for costly special education programs and services for children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That certain state and local agencies of the Commonwealth be requested to inform parents and the public of certain preventable health and social conditions to avoid the need for costly special education programs and services for children. The following state agencies, together with their local counterparts, are requested to collaborate and cooperate regarding similar tasks, and to perform the following through existing mechanisms and resources:

The Department of Health and the Department of Mental Health, Mental Retardation and Substance Abuse Services are requested to publicize broadly the need for immunizations against diseases that cause mental retardation, the effects of delayed development on learning, the health-related causes of learning disabilities, brain injury, and other learning impairments. The Departments are requested to increase their outreach to parents and the public, concerning the effects of nutritional deficiencies, the lack of prenatal care, substance abuse, and exposure to lead on learning and the need for special education. The Departments shall also provide information regarding how the inaccessibility of health care compromises the health of children and may lead to the worsening of preventable diseases

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59 and chronic conditions. How racial prejudice affects the psyche, and the implications of lack of
60 community support and the phenomenon of "racial misidentification" or accusations of "acting white"
61 influences the learning of children are issues that the Departments are requested to address in their
62 outreach efforts.

63 **The Department of Medical Assistance Services** is requested to explain to Medicaid recipients how
64 the lack of prenatal care and inaccessibility to health care compromises learning and the educational
65 outcomes of children. Also, the Department is requested in its outreach programs to explain to recipients
66 the relationship between racial prejudice, impoverished communities, lack of community support, and the
67 need for special education programs and services.

68 **The Department of Social Services** is requested to engage its local departments in conveying to
69 clients that the need of children for special education programs and services are associated with poverty,
70 socioeconomic and cultural deprivation, many of which are preventable. Although poor parenting skills,
71 one-parent families, dysfunctional families, impoverished communities, and the lack of community
72 support are indirectly related, clients need to understand and appreciate the potential influence of these
73 factors on the likelihood of referral and identification of children for special education programs because
74 each of these factors is associated with children's need for nurture, attention, love, stimulation, guidance
75 and encouragement, and support. The phenomenon referred to as "racial misidentification" or "acting
76 white," is one in which African-Americans who strive for academic achievement, pursue higher
77 education, or aspire and seek professional employment are scorned for accepting white middle-class
78 values or "acting white." Such persons usually meet with great disdain by peers, family, and their
79 community. This phenomenon permeates the African-American community at all educational, social, and
80 economic levels. However, children from homes and communities in which education is not a priority
81 may deliberately mask their abilities, fail coursework, or engage in conduct that may be misinterpreted
82 as a need for special education or criminal justice services in order that they may be accepted by their
83 peers, parents, and the community. The Department is requested to work with other agencies who also
84 have this charge to dispel the notion that academic, social, and economic achievement are an anathema
85 to preserving one's racial identity and the African-American culture, and that this type of response to
86 reality serves only to reinforce and preserve racial and ethnic stereotypes.

87 In addition, this agency is requested to monitor clients who actively seek to have their children
88 identified for special education programs and services, giving particular attention to the number of
89 children of a client so identified. Anecdotal information presented to the joint subcommittee indicates
90 that among some young minority public assistance clients, having one's child identified for special
91 education programs is an incentive to obtain certain financial benefits.

92 The Department is requested to provide information regarding the stigma of special education and the
93 long-term implications of such identification. Further, it is important that social workers, especially those
94 who work directly with poor and minority children and their families, understand and appreciate diverse
95 cultures and their experiences.

96 **The Department of Education** is requested to provide leadership in informing parents and school
97 personnel concerning the relationship between the referral and identification for special education and
98 the following factors: poverty, socioeconomic and cultural deprivations, low parent and teacher
99 expectations, race, poor parenting skills, one-parent families, limited parental involvement in the
100 education of children, linguistic differences, learning disabilities, delayed development, ADD/ADHD and
101 autism, impoverished communities, lack of community support, and the phenomenon of "racial
102 misidentification" or "acting white." The Department is requested to work cooperatively with other state
103 agencies and local school divisions to provide broad dissemination of this information.

104 **The State Council of Higher Education** is requested to provide information to minority students and
105 institutions of higher education concerning the nexus of the phenomenon referred to as "racial
106 misidentification" or "acting white" to the academic underachievement and low retention rates of
107 African-American college students. Even on college campuses, African-American persons usually meet
108 with great disdain and may be shunned by peers, family, and their community, if they strive for
109 academic achievement and other scholastic honors or recognition. This phenomenon permeates the
110 African-American community at all educational, social, and economic levels. The Council is requested to
111 encourage institutions of higher education with approved teacher education programs at the
112 undergraduate and graduate levels to offer coursework that will prepare and assist prospective and
113 in-service educators to instruct at-risk, poor, and minority students effectively. The Council is requested
114 to work collaboratively with each of the noted state agencies to educate and inform students, parents,
115 faculty and staff, K-12 educators, public assistance clients, and the community regarding preventable
116 factors, and systemic and societal factors that converge to influence the referral and identification of
117 African-American and other minority students for special education; and, be it

118 **RESOLVED FURTHER**, That the Clerk of the House of Delegates shall transmit copies of this
119 resolution to the Directors of the Departments of Health, Mental Health, Mental Retardation and
120 Substance Abuse Services, Medical Assistance Services, Social Services, Education, and the State

- 121** Council of Higher Education, requesting that they further disseminate copies of this resolution to their
122 local counterparts and their respective constituents so that they may be apprised of the sense of the
123 Virginia General Assembly in this matter.

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