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HOUSE JOINT RESOLUTION NO. 640

Offered January 10, 2001

Prefiled January 10, 2001

Requesting the Board of Education to review, consider, and address certain recommendations of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patrons—McEachin, Baskerville, Jones, J.C. and Watts

Referred to Committee on Education

WHEREAS, upon the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia, a joint subcommittee was created pursuant to House Joint Resolution 707 (1999), to conduct a comprehensive and thorough inquiry into the overrepresentation of African-American students in special education programs in Virginia, and to identify factors contributing to the problem and potential solutions to remedy the dilemma; and

WHEREAS, the resulting study conducted by the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs, pursuant to House Joint Resolution 231 (2000), entailed numerous hours of travel across the Commonwealth to visit special education classes, talk with special education students and their parents, consult with regular and special education teachers, division superintendents, school administrators, guidance counselors, school psychologists, and a range of educational, medical, and other experts in the field; and

WHEREAS, the joint subcommittee was the beneficiary of the technical assistance of several Virginians recognized nationally for their work and expertise in special education, and the considerable talents of the staff of the Department of Education, the Medical College of Virginia, Health Sciences Division of Virginia Commonwealth University, and the Council for Exceptional Children; and

WHEREAS, the joint subcommittee also received testimony from representatives of local school divisions, reviewed an extensive and exhaustive literature search concerning issues pertinent to its deliberations, and was assisted by the U. S. Department of Education's Office for Civil Rights relative to their compliance reviews of several school divisions; and

WHEREAS, it was determined that, nationally, a disproportionate number of African-American students are found in special education programs for the educable mentally retarded, the emotionally disturbed and behavioral disordered, and the learning disabled; and

WHEREAS, however, the data indicate that in Virginia, a disproportionate number of males, regardless of race, are in special education programs, and that African-American students are disproportionately represented in programs for the educable mentally retarded, and that significant numbers of African-Americans, particularly males, are found in programs for the emotionally disturbed; and

WHEREAS, the joint subcommittee agrees that there is a need for continuous professional staff development for all school personnel involved in the special education process, especially relating to the cultural diversity competency skills; and

WHEREAS, in Virginia, although the data indicate that the representation of African-American students in special education programs varies among school divisions for many reasons, some which cannot be quantitatively measured, several school divisions have been identified as needing to evaluate their special education programs, giving particular attention to the number of African-American students identified for special education in the school division; and

WHEREAS, it is the consensus of the joint subcommittee that these school divisions will need substantial and intensive technical assistance to review the process by which such students are referred, identified, assessed, placed, and reevaluated for special education programs; and

WHEREAS, these school divisions would benefit from the establishment of Parent Resource Centers and from technical assistance to help them provide and improve appropriate intervention and support services before students are referred for special education, and better parent and community outreach activities, in order to focus resources to more effectively serve disabled students; and

WHEREAS, a number of findings relate to professional staff development, inadequate funding and resources, parental involvement and understanding of the process and their legal rights, certain school practices, and social, economic, and cultural dynamics that converge to influence the overrepresentation of African-American students in special education; and

WHEREAS, the joint subcommittee fears that if the misidentification and inappropriate placement of African-American and other minority students in special education programs continues unabated, the

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59 tragedy will be the crippling of inquisitive minds, wasted talents and gifts, and the evisceration of the
60 spirits of a generation of African-American and other minority children; and

61 WHEREAS, the joint subcommittee agreed that this problem must be resolved with the collaborative
62 and cooperative action of the education community, state and local human services agencies, community
63 organizations, institutions of higher education, professional associations of multiple disciplines, parents,
64 advocates for children and youth, and other interested persons, and that certain of the recommendations
65 may only be effected through the leadership and initiative of the Board of Education; and

66 WHEREAS, the joint subcommittee hereby transmits the recommendations relating to the public
67 schools to the Board of Education, requesting deliberate and prompt response to alleviate the
68 disproportionate representation of African-American and other minority students in special education
69 programs; now, therefore, be it

70 RESOLVED by the House of Delegates, the Senate concurring, That the Board of Education be
71 requested to review, consider, and address certain recommendations of the Joint Subcommittee Studying
72 the Overrepresentation of African-American Students in Special Education Programs. The joint
73 subcommittee recommends that the Board of Education:

74 1. Monitor the identification and placement of African-American and other minority students in
75 special education and report its findings annually to the Governor and the General Assembly, beginning
76 January 2002 through January 2004;

77 2. Encourage cross-disciplinary training for all teachers in the identification of students for special
78 education services;

79 3. Report to the Governor and the 2002 General Assembly concerning the dissemination of
80 information to parents of students who have been identified for or placed in special education programs
81 of their legal rights under the Individuals with Disabilities Education Act, P. L. 101-17, as amended, and
82 state special education laws, including the right to withdraw their children from special education
83 programs at any time during the process;

84 4. Report to the Governor and the 2002 General Assembly concerning the status of the
85 implementation of the State Improvement Plan for Special Education, and concerning Virginia's
86 compliance with the 1997 Amendments to the Individuals with Disabilities Education Act, P. L. 101-17,
87 as amended, which requires all states to "(i) conduct a special education child count by race and
88 ethnicity to determine whether minority students are disproportionately represented in special education
89 programs, (ii) monitor the dropout rate among minority students in special education programs, and (iii)
90 revise policies, procedures, and practices used to identify and place such students to eliminate factors
91 that cause the over identification and placement of minority students in these programs;"

92 5. Require teachers and guidance counselors to identify appropriate academic and support
93 interventions specific to the educational needs of the child who needs assistance, and to use such
94 approaches in the classroom before referring the child for special education programs and services;

95 6. Urge local school divisions that have been identified as having a disproportionate representation of
96 African-American and other minority students in special education programs to establish Parent Resource
97 Centers that would provide a mechanism to aid the school division in communicating with parents,
98 disseminating relevant information to teachers and school staff, generating community involvement and
99 support in the public schools, and apprising parents, educators K-20, and the community of preventable
100 factors that contribute to the need for special education;

101 7. Assist school divisions identified as having a disproportionate representation of African-American
102 and other minority students in special education programs with funding to establish Parent Resource
103 Centers, and continue to find existing centers in other school divisions;

104 8. Clarify to teachers, administrators, guidance counselors, school psychologists, and other school
105 personnel that students in special education programs may be reevaluated at any time before the required
106 three-year reevaluation of the placement; and

107 9. Encourage teachers, administrators, guidance counselors, school psychologists, and other school
108 personnel involved in special education programs to notify school authorities of students who no longer
109 require special education programs and services, and who are capable of academic success in the regular
110 educational program, whether or not the mandatory three-year reevaluation has been scheduled.

111 All agencies of the Commonwealth shall provide assistance as requested by the Board of Education
112 to address the recommendations herein.

113 The Board of Education shall complete its work in time to submit its findings and recommendations
114 to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the
115 Division of Legislative Automated Systems for the processing of legislative documents.