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SENATE JOINT RESOLUTION NO. 361
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 6, 1995)
 (Patron Prior to Substitute—Senator Lucas)

Expressing the sense of the General Assembly in supporting the appropriate identification and inclusion of students with disabilities.

WHEREAS, as a result of the increasing costs of special education, more school systems are moving inappropriately to place all special-needs students in regular classrooms regardless of whether these students can benefit educationally from such placement; and

WHEREAS, special-needs students are diverse and have unique needs, and a range of educational placements is required by federal and state laws to meet these needs, including placing some students in separate classroom settings and some in regular classroom settings; and

WHEREAS, although federal and state laws require the provision of supplemental aids and related services to support students with disabilities in regular class placements, adequate resources often are not provided in the general classroom setting; and

WHEREAS, schools should be given the resources to address the needs of such students and to support the efforts of teachers in general education settings; and

WHEREAS, while placing some special-needs students in regular classrooms is beneficial, federal and state regulations governing special education require that public schools ensure that placement decisions are made on an individual, case-by-case basis, and that a full continuum of placement options is available; and

WHEREAS, many teachers and support staff have not received adequate training and licensing to respond to some special-needs students, such as administering special medical treatments, and thus should not be asked to perform such treatments; and

WHEREAS, administrators, teachers, guidance counselors, principals and other educational personnel should be given additional training to understand the unique needs of African-American students, including those with special needs, and should be discouraged from inappropriately placing African-American students in special education programs; and

WHEREAS, there is strong evidence that African-Americans, particularly African-American males, have been inappropriately tracked into special education programs; and

WHEREAS, extra scrutiny should be given to those African-American students who have been placed in special education programs to establish procedures for removing students who have been inappropriately labeled and placed, and to assign such students to general education classes with appropriate resources to support their educational development; now, therefore, be it

RESOLVED by the Senate, the House of Delegate concurring, That appropriate identification and inclusion of students with disabilities should be supported. Indiscriminate "inclusion" of special-needs children should be addressed by the full enforcement of existing federal and state laws that require a full continuum of placements for special education students, and strict adherence to the procedures prescribed by such laws for determining individual and appropriate placements, including the use of supplementary aids and related services to support students with disabilities in regular classroom placements; and, be it

RESOLVED FURTHER, That the Department of Education through the use of existing state special education funds make available, upon the request of public schools, training and technical assistance on effective practices to be used in including children with disabilities in regular classrooms and in the development of appropriate supplementary aids and related services; and, be it

RESOLVED FURTHER, That the Department of Education report (i) the proportion of African-American students by special education disability category compared to the proportion of African-American students in the total student population, (ii) the efforts made by the Department to train and provide technical assistance pertaining to the inclusion of African American students with disabilities in regular classrooms, and (iii) the numbers of students by school division assigned to regular education classrooms who are receiving special education services for more than half of the school day to the Senate Committee on Education and Health and the House Committee on Education by December 1, 1995; and, be

RESOLVED FINALLY, That the Clerk of the Senate transmit a copy of this resolution to the Secretary of Education, the Board of Education, the Virginia School Boards Association, and the Virginia Special Education Advisory Committee requesting that they apprise their respective constituencies accordingly, so that they may be apprised of the sense of the General Assembly in this matter.

SENATE SUBSTITUTE

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