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HOUSE JOINT RESOLUTION NO. 423

Offered January 8, 1997

Continuing the Joint Subcommittee to Study the Efficacy and Appropriateness of Authorizing Waivers of Class Size and Teacher Qualification Requirements in Special Education in the Public Schools.

Patrons—Cooper, Councill, Darner and Hull

Referred to Committee on Rules

WHEREAS, recognizing that the demands of overcrowding, teacher shortages, and fiscal constraints have created a need for increased flexibility in the delivery of some educational services, the 1996 Session of the General Assembly adopted House Joint Resolution No. 116, establishing a joint subcommittee to study the efficacy and appropriateness of authorizing waivers of class size and teacher qualification requirements in special education in the public schools; and

WHEREAS, in its first year of study, the joint subcommittee sought the input and expertise of agency representatives and considered current funding and staffing practices for special education in the Commonwealth's public schools as well as existing mechanisms for waivers in class size and teacher licensure in Virginia; and

WHEREAS, while the Standards of Quality (SOQ) do not specify pupil-teacher ratios for special education classes, the State Board of Education, in revising the Standards of Accreditation (SOA), has been directed to "seek to set pupil-teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with specific learning disabilities"; and

WHEREAS, class size and pupil-teacher ratios for special education are currently set in Program Standards, effective February 26, 1994, that include maximum caseload standards, teacher assignment, and class mix for self-contained, resource, combined, and departmentalized programs; and

WHEREAS, flexibility in special education requirements lies primarily in these Program Standards, as local superintendents and directors of non-public education agencies are authorized to request waivers of the program standards "when the programs provided for students with disabilities are outside the boundaries of these program standards"; and

WHEREAS, the current SOA are now being reviewed by the Board of Education, and the State Special Education Advisory Committee, in its October 24, 1996, report to the Board of Education, has recommended, among other things, incorporation by reference of the current Special Education Program Standards into the SOA with no change at this time; and

WHEREAS, the Advisory Board on Teacher Education and Licensure (ABTEL) and the Board of Education are currently reviewing new special education licensure requirements that would consolidate the current eight special education endorsement areas into six; and

WHEREAS, continued careful examination of any waivers for maximum caseloads and teacher qualification requirements in special education is necessary to identify any potentially adverse effects of such practices, and further study is needed as changes are contemplated in those standards and regulations governing class size and teacher qualifications in special education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Study the Efficacy and Appropriateness of Authorizing Waivers of Class Size and Teacher Qualification Requirements in Special Education in the Public Schools be continued for one additional year. The joint subcommittee shall consider federal and state law and regulations governing special education, current funding and staffing practices for special education in the Commonwealth's public schools, existing mechanisms for waivers from special education requirements in Virginia and other states, proposed revisions to the Standards of Accreditation affecting special education class size and teacher qualifications, the policy implications of authorizing waivers in special education, and such other issues as it deems appropriate.

The members duly appointed pursuant to House Joint Resolution No. 116 (1996) shall continue to serve. Any vacancies shall be filled as provided in the enabling resolution. Staffing shall continue to be provided by the Division of Legislative Services.

All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The direct costs of this study shall not exceed \$5,400.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint

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60 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
61 study.