

HOUSE JOINT RESOLUTION NO. 707

Establishing a joint subcommittee to study the overrepresentation of African-American students in special education programs.

Agreed to by the House of Delegates, February 7, 1999

Agreed to by the Senate, February 23, 1999

WHEREAS, with the passage of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), as amended, America recognized the unique needs and the rights of special needs children to "a free and appropriate education in the least restrictive environment"; and

WHEREAS, the nation began the revision of its public school system to accommodate and include such children in the American mainstream, especially in public school classrooms; and

WHEREAS, under federal and state laws, identification of these children and the development of an individualized education plan (IEP) to address their unique learning requirements became the responsibility of parents, teachers, counselors, pupil services personnel, physicians, therapists, and specialists; and

WHEREAS, although professionals engaged in the identification of special needs children are experts in their respective fields, some have no real exposure to African-American and other minority students; and others labor under erroneous perceptions and stereotypes about minorities, making it very difficult for them to distinguish between the influence of socioeconomic and cultural deprivations and the manifestations of certain disabilities; and

WHEREAS, due to cultural differences in child rearing among African Americans and other minorities, such young children approach learning, social interaction, and personal relationships differently than other students; and

WHEREAS, these cultural characteristics are too often misinterpreted and misdiagnosed as learning and emotional disabilities, resulting in a disproportionate number of African-American students, particularly males, identified for such programs; and

WHEREAS, once identified, these students are labeled for the rest of their school career, without any efficacious way to remove this negative imprimatur, and hindered throughout life by the inability to complete high school, obtain gainful employment or higher education, or to pursue their life goals and dreams; and

WHEREAS, although all special education placements of African-American and other minority students are not illegal, statistical odds indicate that the number of minority students identified for special education deserves scrutiny; and

WHEREAS, in accordance with House Joint Resolution No. 570 (1997), the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia has identified this problem as among the most serious affecting African-American and other minority students in the Commonwealth, as evidenced by recent litigation and investigations by the U.S. Office for Civil Rights in response to complaints from minority citizens in the Commonwealth whose children have been adversely affected; and

WHEREAS, the cumulative effect of this practice if continued unabated would be the crippling of inquisitive minds, wasted talents and gifts, and the evisceration of the spirits of a generation of minority children; and

WHEREAS, simple justice and fairness and the Commonwealth's dedication to high principles, especially as public policies affect our progeny, require that we are resolute in addressing this problem to correct this travesty; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the overrepresentation of African-American students in special education programs. The joint subcommittee shall be composed of 11 members as follows: 6 members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of Rule 16 of the Rules of the House; and 5 members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

In conducting its study, the joint subcommittee shall consider (i) federal and state laws and regulations governing special education; (ii) the process of identifying students for special education; (iii) the training and qualifications of persons who typically are involved in developing IEP plans for students; (iv) the composition of students identified for special education in Virginia public schools, for grades K through 12, by gender, race, age, disability, grade level, if applicable, and school division; (v) the types of recognized disabilities; (vi) the criteria for determining whether a student is learning disabled, educable mentally retarded, or emotionally disturbed; (vii) the types of services, including

related services, provided special education students; (viii) the costs of providing such educational and related services; (ix) the process for reversing the identification of a student for special education; and (x) such other related issues as the joint subcommittee may deem appropriate.

The direct costs of this study shall not exceed \$10,900.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.