

**Special Education Advisory Committee (SEAC)
Norfolk Public Schools
2/11/21 Meeting Minutes – Adopted 3/4/21**

Due to the Covid-19 Pandemic and Governor Northam’s Executive Order Number 53 (2020), effective March 23, 2020, this meeting was held via Zoom Communications, in accordance with Code of Virginia §2.2-3708.2.

Meeting, time and date: 2/11/21, 6 p.m.

Members present:	Halima Akar, Nate Almeida, Nicole Anthony, Theresa Apker, Rita Bell, Charlene Christopher, Briana Collins, Shirley Confino-Rehder, Ellen Fitzenrider, Vicky Greco (Secretary), Matthew Moynihan (Chair), Diane Outlaw, Barbara Walsh, Tasha Washington, Vashti Washington (Vice Chair)
Members absent:	Betty Boone, Seraphine Nyuydine
NPS Consultants present:	Dr. Glenda Walter, Learning Support Director; Jerri Smith, Learning Support Senior Coordinator; Denise Williams-Patterson, Learning Support Assistant Director
Guests:	Sarah Bailey, Education Advocacy Coordinator, Endependence Center; Carter Melin, NPS parent

Welcome/Introductions/Purpose of SEAC: The meeting was called to order at 6:04 p.m. by SEAC Chair Mr. Moynihan, who welcomed newly appointed and returning members, as well as NPS Learning Support administrators and guests. Meeting attendees introduced themselves.

Minutes: Ms. Greco presented draft minutes from the December 3, 2020 meeting, which were approved as amended. She will update the January meeting minutes to reflect current members not in attendance. Approval of the draft minutes from January 7, 2021 and tonight's meeting will take place at the March meeting.

Public Comments: Following the review of guidelines for public comments, Mr. Moynihan opened the floor for public comments.

Ms. Bailey and Mr. Melin provided written comments regarding the proposed Restraint and Seclusion Policy. These statements were included in the PDF document emailed from Mr. Moynihan to the Committee in advance of the meeting.

Committee Discussion on Use of Restraint and Seclusion Policy/Procedures in NPS: Mr. Moynihan opened the floor for discussion regarding the draft procedures relating to Policy JM: The Restraint and Seclusion of Students. Additionally, regulatory background info was provided in the meeting's Chat Forum by Dr. Walter via these two links:

- 1) <https://law.lis.virginia.gov/vacode/title22.1/chapter14/section22.1-279.1:1/>
- 2) <http://register.dls.virginia.gov/details.aspx?id=8093>

The School Board has requested that SEAC provide feedback, which Mr. Moynihan will organize in a letter to the Board after receiving additional recommendations, concerns and questions from Committee members. He asked that members email their input to him by Sunday, February 21, 2021.

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The Committee's initial discussion included the following suggestions and concerns:

- Provide a clear definition of physical restraint in the draft procedures and a clear statement that restraint should not be used as a disciplinary measure. SEAC noted that the draft procedures defined or provided more clarity around what constitutes seclusion but not restraint.
- Provide such written information relevant to Policy JM and related procedures as in the annual "NPS Student Handbook, including Standards of Student Conduct" publication for students/parents/guardians about their rights/responsibilities established for the purpose of student behavioral supports and student safety, or the process to address grievances or complaints around incidents of implemented restraints.
- Provide more clarity regarding the restraint debrief, investigation process, and interview protocols following use of restraint on a student. Specifically a member commented that following a restraint incident, if staff involved or present were interviewed together it raises concerns around collaboration of the details of the incident. This comment was raised in the context of staff incidents that occurred in a district-wide/self-contained class at an elementary school during 2019-2020.
- Address the need for board certified behavior analysts (BCBAs) or Applied Behavioral Analysts (ABAs). NPS currently does not staff these positions. Best practices were discussed regarding least restrictive environment (LRE) placements for students with disabilities and the hiring of BCBAs/ABAs as part of establishing proactive behavioral interventions and supports. Mr. Moynihan noted earlier advocacy by SEAC in a previous report to the Board to consider investment in staffing these positions.
- Expand the division's recommendations and guidance in the draft procedures related to mitigating strategies that should be used or efforts for de-escalation that should be made prior to a restraint, including the collaborative roles of schools counselors, psychologists and social workers and the regulatory provisions for quality staff training and appropriate access to student information relative to conflict prevention and crisis response.
- Develop guidance regarding the collection and public reporting of student data related to the use of restraints by school personnel, as well as general information to the public regarding the internal regulations, policies, and procedures governing the use of restraint and seclusion.

Ms. Greco noted that the School Board will vote on the policy in March. She also encouraged members to review the Board's discussion at its January 20, 2021 meeting which pertained to student and school safety relative to Policy JM, as well as the Board's subsequent adoption of the Memo of Understanding (MOU) for the City of Norfolk School Resource Officers (SROs). This MOU is required to incorporate the pending regulations, policies, and procedures governing the use of restraint and seclusion.

2020 JLARC Study (<http://jlarc.virginia.gov/landing-2020-special-education.asp>): Mr. Moynihan led discussion of key findings from the Commonwealth's Joint Legislative, Audit and Review Commission (JLARC) resulting from its study of K–12 special education services in Virginia. The overall purpose of the study was "to examine the processes used by school divisions to enroll students in special education, to determine the

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services needed by students with disabilities, and to provide needed services, as well as to review the effectiveness of VDOE in its supervisory role."

Mr. Moynihan, who was interviewed as part of the study, presented these primary findings, which are included in the report summary and further reflect shared concerns raised in previous SEAC discussions:

- ***Graduation rate has improved among students with disabilities but remains lower for students who are Black; in 2018, students with disabilities were 30% less likely to graduate high school than students without disabilities***
- ***Enrollment in special education varies across Virginia school divisions, both overall and by disability***
- ***IEPs are not consistently designed to be effective and reliable guides for special education services***
- ***Shortcomings in post-high school transition planning require VDOE intervention***
- ***"Applied studies diploma" for students with disabilities does not help students access future opportunities and is not well understood***
- ***Despite emphasis on inclusion, Virginia does not prepare general education teachers or administrators with necessary special education-related skills***
- ***School divisions rely on under-prepared teachers to fill gaps in special education teaching positions***
- ***VDOE's handling of complaints against school divisions does not ensure all problems are resolved***
- ***VDOE's ongoing monitoring is too limited***

Mr. Moynihan encouraged members to refer to the detailed report for supporting data and information. The Committee then discussed at length observations and concerns at the district-level, including:

- Preparation, continual training, and retention of special education teachers, as well as instructional and professional development expectations for general ed co-teachers assigned to inclusion classrooms
- Availability of other teacher supports and resources, such as mentoring, instructional coaching, and the ODU Teacher-in-Resident program, which offers MEd level teacher and licensure preparation for math, science and special education (K-12 General Curriculum) tracks
- Efforts in parent-teacher collaboration, including disabilities and cultural competencies, parent responsiveness and engagement, and shared evaluation of student progress in the classroom and the transfer of skills to other functional settings such as home
- Communication and guidance of student assessment options relative to graduation

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Ms. Christopher offered to give a status update on any recent General Assembly legislation stemming from the JLARC study recommendations. Mr. Moynihan noted that continuation of our discussion of the JLARC report will be on the March meeting agenda.

Announcements/Adjournment:

Ms. Greco announced that the School Board is scheduled to hold a public hearing on the proposed 2021-22 School Budget following its work session on Wednesday, March 3, 2021. She and Mr. Moynihan invited attendees to advocate and provide public comments as individual stakeholders.

The meeting adjourned at 7:45 p.m.

The next meeting is scheduled for Thursday, March 4, 2021 at 6 p.m. via Zoom conferencing.

Respectfully submitted,
Vicky Manugo Greco
Secretary