



COMMONWEALTH OF VIRGINIA
Virginia Board for People with Disabilities

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TO: Dr. Cynthia Cave, Assistant Superintendent, Policy and Communications
Virginia Department of Education

FROM: Heidi Lawyer, Director
Virginia Board for People with Disabilities

RE: Comprehensive Review of the Standards of Accreditation

DATE: January 5, 2018

The Virginia Board for People with Disabilities (The Board) appreciates this opportunity to comment on the Virginia Department of Education's (VDOE's) comprehensive Review of the Standards of Accreditation (8 VAC 20-131-5 *et sec.*). The Board is cognizant and appreciative of the efforts of the VDOE to improve the standards and accountability measures for schools in the Commonwealth.

The Board is very supportive of the revised regulations' focus on "reporting groups," defined as "a subgroup of students who are identified as having common characteristics such as students identified as belonging to major racial and ethnic groups, economically disadvantaged students, students with disabilities, and English learners" (8 VAC 20-131-5). The inclusion of academic achievement gaps in English (reading and writing) and mathematics for designated reporting groups among the School Quality Indicators is an important step towards holding schools accountable for educating all of their students, including students with disabilities and other underperforming subgroups. However, the Board believes that the standards can be further strengthened to ensure that students with disabilities have an equal opportunity to receive a quality education in the Commonwealth.

Recommendation 1: Include reporting group disparities as a component of each of the School Quality Indicators.

The proposed School Quality Indicators include reporting group achievement gaps in English (reading and writing) and math, but they do not include reporting group discrepancies in graduation rates, dropout rates, or chronic absenteeism. In July 2017, the VBPD published an Assessment of education services for students with disabilities in the Commonwealth. The Assessment addressed graduation discrepancies between students with disabilities and students without disabilities, finding:

Virginia's graduation rates for students with disabilities continue to lag behind most other students and states on this measure. Only 53 percent of Virginia's high school students with IEPs graduated with a regular diploma in 2015. This rate is substantially lower than the 85 percent of all Virginia students who graduated with a regular high school diploma, resulting in a gap of 32 percentage points between Virginia students with and without disabilities. This rate is also substantially lower than the national average of 63 percent for students with disabilities. The ability to compare graduation rates across states is somewhat limited because states have different graduation requirements, diploma tracks, and levels of overall student performance, but the comparison is nonetheless useful in determining how well Virginia's special educational system is performing overall.

The Assessment further explained that:

[T]his statewide data masks significant regional disparities within Virginia. While an average 53 percent of students with IEPs graduated from Virginia high schools with a regular diploma in 2015, 69 school divisions fell below this statewide average while 43 school divisions fell above the statewide average. At the far extremes, more than eight in 10 students with disabilities graduated with a regular diploma in two school districts in 2015, while fewer than two in 10 did in four school divisions.

Reporting group disparities provides an important indicator of how well an educational system is serving all of its students. For this reason, the VBPD recommends that the VDOE report group disparities as a component of each of the Commonwealth's School Quality Indicators.

Recommendation 2: Include exclusionary discipline rates and reporting group discrepancies in exclusionary discipline rates as School Quality Indicators.

In its July 2017 Assessment of education services for students with disabilities, the VBPD found that:

Overly harsh disciplinary practices have been shown to yield negative educational, developmental, and societal outcomes. Multiple studies have suggested that harsh disciplinary practices do more harm than good for the

students subjected to them, as well as for the communities in which these students live. Studies have linked harsh disciplinary practices to:

- Diminished academic performance
- Negative impacts on overall school climate
- Increased likelihood of school dropout
- Higher rates of future challenging behavior
- Increased likelihood of involvement in the juvenile and criminal justice system

Students with disabilities are disproportionately affected by the use of exclusionary discipline in Virginia, and Virginia's *Discipline, Crime, and Violence Annual Report* suggest that these interventions are often used for relatively minor, nonthreatening behavior. Indeed, the VBPD found in its 2017 Assessment that:

The top three reported reasons for short-term suspensions during the 2014-15 school year, accounting for nearly two out of every five incidents of short-term suspension, were: 1) "Defiance of Authority/Insubordination", 2) "Classroom or Campus Disruption", and 3) "Disruptive Demonstrations." These same three offenses also make up three of the top four reported causes of long-term suspensions, accounting for over one in five long-term suspensions reported. Only three of the top twelve reported causes of short-term suspensions involve violent or threatening behavior: 1) "Minor Physical Altercation", 2) "Fighting: Mutual Contact--No/Minor Injuries, No Med Attn.", and 3) "Threatening Student (physical or verbal threat or intimidation)". Together, these three reasons involving violent or threatening behavior account for less than 20 percent of all short-term suspensions.

Given the harmful impact that overuse of exclusionary discipline can have on individual student success and the overall academic environment, the VBPD recommends including rates of exclusionary discipline among its School Quality Indicators; and given the demonstrated existence of reporting group disparities in the use of exclusionary discipline, particularly for students with disabilities, the VBPD recommends incorporating reporting group disparities in the use of exclusionary discipline into this School Quality Indicator.

The VBPD appreciates this opportunity to comment on this important matter, and looks forward to continuing to work with the VDOE to ensure that all students in the Commonwealth, including students with disabilities, have equal access to a quality education.