



The Advisory Committee Representation Enhancement (ACRE) Act

**The Greater Good Initiative
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POLICY BRIEF

The Individuals with Disabilities Education Act (IDEA) is the federal law that requires that students with disabilities have access to free public education and that schools accommodate their needs in order for them to succeed. The law changed the education landscape by mandating that states and school districts were providing special education services to those who needed them. States and localities also created systems of governance and oversight for these programs. In Virginia, every district is required to have a Special Education Advisory Committee (SEAC); the committee is appointed by the school board and advises the board through the superintendent on matters relating to special education. Section 8VAC20-81-230 of the Virginia Administrative Code provides districts with guidance on the general purpose, organization, and membership of their SEAC boards. The Code requires that SEAC boards are made up of parents of students with disabilities, adults with disabilities, disability advocates from community organizations, a teacher, and a school board member. However, the Code doesn't require, or even recommend, that a student receiving special education support and services is a member on the board.

The goal of citizen advisory boards, the broad category that SEAC boards fall under, is to involve the community in district level decisions and include stakeholders voice's in advising the school board. Students themselves have some of the best insight regarding how district policy is truly implemented in the classroom and areas for improvement through their experiences. Yet, they are excluded from a committee that seeks to serve them.

The Advisory Committee Representation Enhancement (ACRE) Act calls for current students receiving special education supports and services through IDEA to be members of their district's SEAC through an amendment to Section 8VAC20-81-230 of the Virginia

Administrative Code. Because current law is quite broad and only states that “individuals with disabilities” should be members of SEAC boards, membership can vary greatly from district to district. Some school districts, like Fairfax County Public Schools, the largest in the state, have taken advantage of the leeway in Section 8VAC20-81-230 and have already placed a student representative on their SEAC. However, this is only one district; a student representative should be sitting on every local SEAC in Virginia.

PRELIMINARY REPORT

What is the problem that you're trying to fix?

Virginia law requires every school district to have a Special Education Advisory Committee (SEAC). These boards provide district school boards with guidance on how to manage special education services and supports, report data on the academic achievement of those programs, and help establish the goals for performance as well as their indicators.¹ In Virginia, 12.8% of students with disabilities are served under the Individual Disabilities Education Act (IDEA).² State law that mandates local SEAC boards has only general requirements for membership on the local boards, making representation on the committees vary from district to district. Currently, the Virginia state SEAC and local SEACs do not require the inclusion of a student representative on SEACs. As a result, students do not have a permanent voice in the advising of the politics designed for their academic excellence. When compared to other states that either require or recommend a student representative on the equivalent of a local SEAC, Virginia has a lower graduation rate among students with disabilities. Policies similar to this are already being implemented throughout the United States; Maryland and New Jersey are among the states that have student representatives on district SEAC boards. In 2018, the National Center for Education Statistics reported that only 61% of students with disabilities in Virginia graduated from high school (students without disabilities had an 87% graduation rate).³ In comparison, Maryland had a 87% graduation rate and New Jersey had a 80% graduation rate for students with disabilities.⁴ The Commonwealth needs to fill gaps in the lack of student

¹ Virginia Department of Education, 2010.

² US Dept. of Education, 2012.

³ National Center for Education Statistics, 2018.

⁴ National Center for Education Statistics, 2018.

representation in order to ensure local SEAC boards are fulfilling their mission of advising district school boards with voices from the community.

What is the solution proposed?

This policy recommends a change to Virginia Administrative Code 8VAC20-81-230 Section D. This section of the Code governs membership on local Special Education Advisory Committees (SEACs). Currently, the Code requires local SEAC membership to be composed of a majority of parents of students with disabilities or people with disabilities; in addition, one teacher from the district and a school district personnel consultant must be present.⁵ To remedy this issue, an addition to Section D stating that each committee shall include at least one student with a disability is proposed.

Why was this specific issue chosen?

Nationally, 7.1 million students aged 3-21 benefit from the Individual with Disabilities Education Act (IDEA). Of these students, the percentages of students receiving Individual Education Programs (IEPs) portrays a diverse array of needs that aren't adequately represented on state and local levels: Specific learning disabilities (33%), speech or language impairment (19%), other health impairment/unspecified (15%), autism (11%), developmental delay (7%), intellectual disability (6%), emotional disturbance (5%), multiple disabilities (2%), hearing

⁵ Virginia Dept. of Education, 2010.

impairment (1%), orthopedic impairment (1%).⁶ SEAC boards aim to address the needs of all students with disabilities. Given the diversity of needs within special education programs, as many perspectives as possible should be present at SEAC meetings.

If pathways to attain positions that would lead to local level representation are limited, the chances are slimmer for students with disabilities to represent themselves and their specific needs on SEACs or other committees. VDOE proves to be supportive of fair representation in stating that the primary purpose of SEACs is to provide an opportunity for parents and other school board appointees to have a voice in the way school divisions provide services for students with disabilities. Further suggestions on how to improve community engagement provided by the *Guide for Local SEACs in Virginia* builds a promising case for the state's acceptance of potential practices and changes to increase constituency representation. To address the lack of representation of disabled individuals on SEACs, it is imperative to implement a revision to the Virginia Administrative Code 8VAC20-81-230 Section D,⁷ a revision that seems to be looked upon favorably by VDOE. To serve the disability community and ensure their needs are being met, it is crucial to improve accessibility and remove barriers to participation. A trend of exclusion will likely widen the gap of representation and subsequent academic successes experienced by students with disabilities;⁸ as a result, it's necessary to take actions by encouraging local SEACs to comply with this code change and therefore have at least one student with a disability represented on their board to ensure equality, diversity, and inclusion.

⁶ National Center for Education Statistics, 2019.

⁷ Virginia Administrative Code, 2009.

⁸ National Center for Education Statistics, 2018.

What were the broad questions that guided research into this issue?

As we researched the state of IEPs and SEACs locally, statewide, and nationally the following broad inquiries arose: Are students with disabilities represented adequately at the district level in Virginia? How would a change to SEAC members involving student representation affect the community? How does Virginia compare to other states on the issue of student representation in IEP advisory boards? How can students and parents and/or guardians with disabilities get adequate input in decisions beyond representation in SEAC? What can schools, districts, states, and the nation do to make sure students have access to resources that could encourage direct involvement in important decisions regarding IEPs? What are some of the challenges that students with disabilities face to be represented in advisory boards? What are the positive outcomes of having students with disabilities represented at the district level?

What is the relevance of the issues to Virginia and its citizens?

According to the Center for Disease Control, 23.6% of Virginians live with some form of disability.⁹ While Special Education Advisory Committees (SEACs) exist to address issues concerning students with disabilities, there is no precedent for the involvement of students with disabilities in these committees. The Virginia Department of Education instructs local SEACs to provide an opportunity for parents and other school board appointees to have a voice in the way school divisions provide services to students with disabilities.¹⁰ However, fulfilling this purpose is challenging if students have no voice in the way services are provided to them. The SEAC does encourage public speakers at their meetings, so there is a time for students with disabilities

⁹ CDC, 2020.

¹⁰ Virginia Dept. of Education, 2010.

to vocalize their opinions. But, they are not included in more private or official conversations.

There is no history of officially representing students, so students affected by issues presented at meetings could face challenges in advocating for representation. The citizens of Virginia deserve to have a voice in issues that affect them, specifically in regard to those in the state who benefit from an IEP.

Why is this an issue that requires governmental response?

The Commonwealth of Virginia has both the power and potential to include a current student receiving special education supports and services on local SEAC through revision of 8VAC20-81-230. Compared to many other districts and states, Virginia lacks in its representation for students with disabilities on SEACs. The state of New York, for example, has a specific youth panel dedicated to Special Education. The seats are given to students who receive special education services.¹¹ In Virginia, Fairfax County Public Schools, the largest district in the state, includes a student representative in its SEAC.¹² The addition of student representation in special education decision-making is a feasible goal worth pursuing at the state level. Under 8VAC20-81-230, the only state law regulating local SEAC, districts are given considerable discretion to determine membership. Adding a membership mandate to state law is the most effective way to create broad change at the local level. This issue requires state involvement to ensure systems designed to help the academic success of students with disabilities as effective as possible.

¹¹ New York State Education Department, 2020.

¹² Fairfax County Public Schools, n.d.

What are the arguments for the creation of the programmatic or policy response to issues that will be proposed?

Currently, Virginia does not require that students with disabilities be represented on local SEACs. Existing state-level policy does not establish a precedent for students receiving special education support and services being sufficiently represented; while the majority of each local committee must be composed of parents of children with disabilities or persons with disabilities, the inclusion of students receiving special education support and services is not explicit.¹³ As such, these students have little-to-no direct representation or influence regarding issues that directly affect them.

Other states explicitly provide for students receiving special education support and services to be represented on SEACs. For example, Minnesota state policy requires that at least half of designated council members must be parents of students with disabilities or students with disabilities.¹⁴ New Jersey recommends that both students and former students be represented on advisory boards,¹⁵ and New York has a specialized youth panel composed of students who receive special education services, its mission focused on special education issues.¹⁶

There is a growing demand for youth perspective, and this policy can strengthen student voices in the future of special education. The Center for American Progress developed a model to illustrate types of student involvement in leadership in relation to collaboration with adults, called the Spectrum of Student Voice Oriented Activity.¹⁷ The type of involvement that students can currently have with SEAC boards falls into the “Expression” category of the model, the lowest level of adult collaboration and development of leadership skills. It is important to expand

¹³ Virginia Administrative Code, 2010

¹⁴ The Pacer Center, 2020.

¹⁵ State of New Jersey, n.d.

¹⁶ New York State Education Department, 2020.

¹⁷ Benner, M. B., Brown, C., & Jeffery, A, 2019

roles and representation from a larger student population to ensure they are being adequately represented as students may not feel empowered to share their opinion or express disagreements when adults are the majority of the representation on school-related boards. Adding student voices to SEACs can help students with their developmental process as they work strategically with adults.¹⁸ This would be a growing experience for both students and adults since this type of collaboration requires clear expectations, strong communication, and a step outside of their comfort zone to navigate this new shift of advocacy and leadership.

What is the basic form of your policy response?

The language provided by the Virginia Department of Education (VDOE) in its *Guide for Local SEACs in Virginia* already suggests that local Special Education Advisory Councils' (SEACs) membership representation mirrors that of the communities in which they serve. Some basic practices introduced by the guidebook include working with local education agencies to identify the needs of students with disabilities, soliciting public comments and hearings during local SEAC meetings, organizing local SEAC hotlines, asking parent resource centers to anonymously report concerns by local parents and educators, and holding informal groups to allow students and families to answer and discuss questions regarding IEP services.¹⁹

In order to further improve representation of students with disabilities on SEACs, the policy response would involve a change to Virginia Administrative Code 8VAC20-81-230 Section D,²⁰ which outlines SEAC membership requirements. Currently, the code entails A) a majority of the committee shall be parents of children with disabilities or individuals with

¹⁸ Norman, J, 2001.

¹⁹ VA Dept. of Education, 2010.

²⁰ Virginia Administrative Code, 2009.

disabilities, B) the committee shall include one teacher, and C) additional local school division personnel shall serve only as consultants to the committee. This policy will recommend an alteration to the code, which would state that a current student with a disability must be included as a member of the Board. This change in the Virginia Administrative Code will modify policy for all local SEACs going forward. Local SEACs are required to comply with this change in the code and therefore following the adoption of this policy all local SEACs moving forward will have at least one student with a disability represented on their board.

What ongoing questions do you have?

“Students receiving special education support and services” is a fairly broad category that includes many different experiences and perspectives. An ongoing priority in the implementation of this policy will be: *How can a wide array of disabilities be represented within the student representative seat?*

Most likely, a student representative joining a local SEAC would be the only young person in the committee. The student representative, being a new position in an adult dominated group, will need the camaraderie and support from other student leaders in the district. These students may be part of student government, serve on other citizen advisory boards, or are involved with local politics.

In research into and for this policy, a stark pattern was observed: There is a distinct lack of data into young adults with disabilities involved in politics. Thus, it was difficult to compare district-by-district, statewide, or countywide statistics about representation for students with disabilities in leadership.

POLICY PROPOSAL AND ANALYSIS

What is the programmatic or policy response to the problem that was chosen?

Currently in the Commonwealth of Virginia, students with disabilities are not required nor recommended to serve on local Special Education Advisory Committees (SEACs). This takes opportunities away from students with disabilities to represent themselves on boards created to serve their educational needs.

GGI proposes Section 8VAC20-81-230 of the Virginia Administrative Code be amended to add language that requires that a student that receives special education supports and services sit on each local SEAC. Virginia's current laws governing membership of local SEACs are broad and do not include specific criteria for how SEAC members are identified and placed on the Committee. The Code currently reads, "A) A majority of the committee shall be parents of children with disabilities or individuals with disabilities. B) The committee shall include one teacher. C) Additional local school division personnel shall serve only as consultants to the committee." The Code does not spell out exactly who the "individuals with disabilities" can or cannot be and leaves it up to the districts to decide.

Outline the process your policy proposal will take once implemented. Explain any systems that will be in place, administrative changes, agency authority changes, etc.

_____Following the passage of this policy, school districts would be responsible for implementing a plan to identify and place a student representative on the district SEAC. Current Virginia policy allows districts to have considerable discretion over who serves on SEAC boards. This proposal would follow suit, and continue to enable districts to make judgements about who should serve as the student representative to the local SEAC. While this proposal seeks to change

state policy, the substantive change happening would be at the district level. Thus, the policy's effect is relatively decentralized.

Why is this something that should be addressed at the state level?

Section 8VAC20-81-230 of the Virginia Administrative Code provides districts with guidance on the general purpose, organization, and membership of their Special Education Advisory Committee (SEAC); however, it leaves many specifics up to local school board's discretion.²¹ Some districts, like Fairfax County in Northern Virginia, have taken advantage of this broadness to include a student representative on their SEAC.²² Because state law requires SEAC boards, the state should also play a role in implementing policy that ensures the success that SEAC boards have in involving the community in matters of special education. While leaving local school boards to make many of the decisions regarding membership allows each district to implement 8VAC20-81-230 to fit the unique needs of their schools, state policy should reflect the principle that student representation matters and that the people most impacted by local SEAC boards, students receiving special education supports and services, have a voice.

Are there alternative responses that should be taken into account?

The long term issue this proposal seeks to address the underrepresentation of people with disabilities in elected office. 10.3% of elected leaders at the state, local, and federal level are people with disabilities,²³ compared to the total US population, in which 26% of the population lives with a disability.²⁴ To tackle the long term gaps in representation, efforts to create pipelines

²¹ Virginia Administrative Code, 2009.

²² Fairfax County Public Schools, n.d.

²³ Schur, L., & Kruse, D. (2017).

²⁴ Centers for Disease Control and Prevention (CDC), 2020.

for students with disabilities to be involved in student government and district policy are needed. This proposal seeks to contribute to one facet in which the Commonwealth of Virginia can contribute to a short term step to increase representation for students with disabilities. Advocating for a student representative district by district is another avenue to pursue this issue; however, given the broadness of current state policy regarding local SEAC membership, a statewide policy change is most effective.

Why is the policy you have proposed the appropriate/best response to the problem you have identified?

Currently, it is not required that a student benefitting from a special education program be a member of their district's SEAC. A seat on the local SEAC specifically reserved for a student with disabilities would be a direct way for students with disabilities to be represented in district decision making. Local SEACs have already established methods for community engagement in special education programs; adding a student with disabilities to the board would further and more effectively carry out the mission of the board. This direct representation will not only improve representation for students with disabilities, but also allow student representatives to develop leadership, communication, and problem-solving skills.

What are the resources that will be needed to carry out this programmatic or policy response?

Upon passage of this policy, each school district will have to implement a plan to identify potential student representatives and place them on the local SEAC. It is recognized that every school district in Virginia has unique and diverse needs and a one size fits all process to carry out this policy would be inappropriate for a requirement of this scale. Therefore, in line with the

current language in Section 8VAC20-81-230, districts would have administration over how a student representative is identified to be nominated for a seat on the local SEAC. The process to choose a student to fill this role could be contributed to by teachers, adult members of the SEAC, and school board members. In a current model in Fairfax County Public Schools, the student representative to the SEAC is nominated by the student representative to the school board.

Virginia law instructs that most members of local SEAC shall include “individuals with disabilities”; therefore, SEAC meetings should already be accessible for all. However, additional measures, such as adult mentors to new student representatives and committee meeting times that do not conflict with school hours, may need to be taken to assist a student with a disability to acclimate to the board and perform their duties to the fullest extent.

What criteria are you using to determine if your policy is successful?

_____ This policy will be successful if there is an increase in students with disabilities serving on local SEAC boards. Some districts, like Fairfax County, already include a student representative on their SEAC. Every year, local SEAC boards produce annual reports that are publicly accessible and include the names and roles of each member. These reports are how numbers of student representatives can be tracked.

What would happen with the problem if no action is taken and the problem were to continue on unchanged and undisturbed?

_____ The Commonwealth of Virginia should recognize that the voices of students with disabilities are needed on local SEACs. The policy proposed would signify to districts throughout the state that student’s voices are valuable on local SEAC boards and that school boards need to include them.

The unique perspective of students currently receiving special education services is currently being left out of many local SEACs in Virginia. It is a disservice to special education students as well as the goal of the Committee itself to leave out the voice of the students.

CONCLUSION

Upon passage of the Advisory Committee Representation Enhancement (ACRE) Act, students receiving special education supports and services will gain the voice in district level decision-making they deserve. ACRE will mandate that a student receiving special education supports and services is a member of each school district's local Special Education Advisory Committee (SEAC). This policy continues to allow districts to carry out 8VAC20-81-230 Section D as they see fit and to meet the needs of their district.

The Commonwealth is behind other states in representation for students with disabilities. Numerous other states have students with disabilities represented on district and state advisory boards. Additionally, the effects of the COVID-19 pandemic have hit special education programs especially hard. A student representative contributing to local decision making would not instantly solve all problems affecting students in special education; however, students' voices should not be left out of the conversation. While public comment periods are valuable opportunities for community members, including students, to make their voices heard on matters that pertain them, there is nothing that can match a permanent seat on a local SEAC for a current student with disabilities.

In order to provide a more equitable and suitable learning environment for students with disabilities, affected students must be in the advisory committees that advise district school boards on special education matters.

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SUPPLEMENTARY MATERIALS

Section 8VAC20-81-230 of Administrative Code of Virginia Amendment Amendments in red

D. Local advisory committee. A local advisory committee for special education, appointed by each local school board, shall advise the school board through the division superintendent.

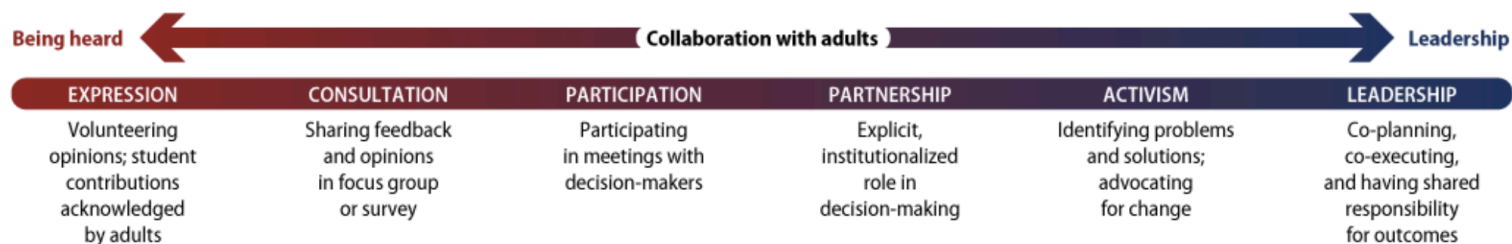
1. Membership.

- a. A majority of the committee shall be parents of children with disabilities or individuals with disabilities.
- b. The committee shall include one teacher.
- c. The committee shall include one current student receiving special education support and services under IDEA.
- d. Additional local school division personnel shall serve only as consultants to the committee.

The Spectrum of Student Voice Oriented Activity Model

Types of student voice

Adapted version of Toshalis and Nakkula's "The Spectrum of Student Voice Oriented Activity" and Mitra and Gross' "Pyramid of student voice"



Sources: This graph is adapted from Eric Toshalis and Michael J. Nakkula, "Motivation, Engagement, and Student Voice" (Boston: Jobs for the Future, 2012), available at https://jfforg-prod-prime.s3.amazonaws.com/media/documents/Motivation_Engagement_Student_Voice_0.pdf; Dana L. Mitra and Steven Jay Gross, "Increasing Student Voice in High School Reform: Building Partnerships, Improving Outcomes," Educational Management Administration & Leadership 37 (4) (2009): 522–543, available at <http://www.buildingpublicunderstanding.org/assets/files/increasingstudentvoiceinhighschoolreform.pdf>.



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<https://www.americanprogress.org/issues/education-k-12/reports/2019/08/14/473197/elevating-student-voice-education/>