A Review of Equity and Parent Engagement in Special Education in Henrico County Public Schools

Anne Holton, Adai Tefera, Melissa Cuba, and Ashlee Lester

Acknowledgements

Henrico County Manager John Vithoulkas and Former Henrico Schools Superintendent Pat Kinlaw initiated this review and charged us with full independence, asking only that we tell them what’s working, what’s not, and how the county can improve. They, Dr. Kinlaw’s successor Superintendent Amy Cashwell, and their respective staffs have bent over backwards to accommodate our many requests for information and to offer us valuable insight. In particular Nyah Hamlett, Assistant Superintendent for Instructional Support; Donice Davenport, Director of Exceptional Education; and Dr. Tiffany Hinton, Director of Research and Planning have been exceptionally helpful to our work. In addition we wish to acknowledge the Virginia Department of Education, and especially Tara McDaniel and Jeff Phenicie, who responded patiently to our many requests for data and other information. Finally, we are grateful to the many parents, advocates, attorneys, educators, students, providers, and community leaders who shared their time and thoughts with us so generously. We share their hopes for the success of all students in Henrico County and hope this report helps further that cause.
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Reviewer Information

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1Two other individuals contributed their considerable skills to this review. Michael Broda, Ph.D., Assistant Professor, School of Education, Virginia Commonwealth University provided invaluable advice and support on the quantitative data analysis, and Kim Bridges, EdLD, contributed immensely to the final drafting of this report.
Ashlee Lester
Ashlee Lester is a doctoral student in Virginia Commonwealth University’s School of Education studying Educational Psychology. Born and raised in Richmond and a graduate of Henrico County Public Schools, her work focuses on equitable educational opportunities for all students in our local context. Her research interests focus on educational equity, and as such, she is engaged in various projects that investigate racial disproportionality in discipline practices, explore demographic change in local school systems, and consider how these two overlap. Secondarily, she focuses on student access and engagement in out-of-school contexts such as afterschool programs.
Executive Summary

In early 2018, Henrico County Manager John Vithoulkas and Henrico County Public Schools’ then Superintendent Patrick Kinlaw sought an independent review of the school division’s special education programs and policies. The division’s strategic goals emphasize equity and opportunity for all students in the county. The division was cited in recent state evaluations for disproportionately disciplining students with disabilities and students of color with disabilities. In addition, legal disputes with Henrico parents regarding special education programming have increased.

The school division has begun a number of promising initiatives to address these and other equity concerns, including notably the recent creation of the Office of Equity and Diversity. This review, completed under the tenure of Superintendent Amy Cashwell, is intended to complement those efforts.

The review examined the following topics:

- Racial disproportionality in the placement and identification practices of racial minority students in Henrico’s special education programs;
- Disproportionality in school discipline of racial minority students in special education and of all students in special education; and
- The accessibility and usability of Henrico’s special education programs to families/guardians and students.

With respect to each of these, the review focused on what is working, what is not working, and how the school division can improve. It included extensive analysis of data from Henrico and the state regarding special education placements and school discipline, including comparisons with other similar jurisdictions; over 100 structured interviews with parents, educators, community leaders, attorneys involved in special education, advocates, education consultants and service providers; a written survey of special education teachers in the county; and a review of the literature on best practices.

The review resulted in extensive findings on each of the topics considered. We found many areas where the school division has made progress, most notably in decreasing the overall use of out-of-school suspensions and expulsions, as well as dramatically reducing student arrests and referrals to juvenile justice, all of which take students away from the learning environment and should be used sparingly. We also found the division is making strides on educating students with disabilities in inclusive environments alongside their more typically abled peers.

However, we found a number of areas of concern. Most notably, Henrico’s schools discipline students with disabilities and students of color with disabilities at a much higher rate than other students, and Henrico’s rates of such disproportionality are high compared to similar jurisdictions. On parent engagement, the majority of parents involved with special education in Henrico’s schools appear to be satisfied with the services their children are receiving, but many parents especially those whose children have more complex needs expressed concerns on some consistent themes. The findings on these topics led us to look at underlying staffing issues as
well. Some of the findings particularly regarding staffing reflect challenges facing schools not just in Henrico but across the Commonwealth and nation.

The report begins with an introductory section, which describes the work in more detail and puts it in the context of relevant research. The next section contains key findings, organized around four topics: racial disproportionality in the identification and placement of children in special education; disproportionality of discipline for children with disabilities and children of color with disabilities; parent engagement in special education processes; and staffing. We highlight key findings in bold. Finally the report concludes with twenty-seven recommendations, organized around the same four topics. The recommendations include some that can be implemented relatively easily without new resources, some medium-term suggestions that may require modest new or re-allocated funds, and some that may be more ambitious to implement due to funding and/or structural challenges but that can serve as useful north-stars. We note that Henrico is already implementing a number of new initiatives consistent with the recommendations made here. We hope this report furthers the school division’s goal of equity and access for all students.
List of Frequent Acronyms

Individuals with Disabilities Education Act (IDEA)
Civil Rights Data Collection (CRDC)
Comprehensive Coordinated Early Intervening Services (CCEIS)
Henrico County Public Schools (HCPS)
Virginia Department of Education (VDOE)
Least Restrictive Environment (LRE)
Individualized Education Program (IEP)
Functional Behavioral Assessment (FBA)
Behavior Intervention Plan (BIP)
Positive Behavioral Interventions and Supports (PBIS)
In-School-Suspension (ISS)
Out-of-School-Suspension (OSS)
Adverse Childhood Experiences (ACEs)
Virginia Tiered Systems of Supports (VTSS)
Response to Intervention (RTI)
Free Appropriate Public Education (FAPE)
Special Education Advisory Committee (SEAC)
Local Educational Agencies (LEAs)
State Education Agencies (SEAs)
State Performance Plan (SPP)
Family Education Resource Center (FERC)
Instructional Assistants (IAs)
Virginia Randolph Education Center (VREC)
Specific Learning Disability (SLD)
Emotional Disturbance (ED)
Intellectual Disability (ID)
Introduction and Background

As we approach the commemoration of the 65th anniversary of *Brown vs. Board of Education* (1954) declaring racial segregation to be unconstitutional, and the 45th anniversary of the *Individuals with Disabilities Education Act* (IDEA) ensuring a public education for students with disabilities,\(^2\) we are reminded of both the progress made and the barriers that persist for students of color, students with disabilities, and students at the intersection of race and disability categories. Among today’s most significant equity challenges is disproportionality in school discipline of students of color and students with disabilities, and lack of access to quality educational opportunities for all students with disabilities. Disproportionality is the under- or over-representation of a student group in a given educational experience or outcome. It can arise in the process by which students are identified for special education services (“identification”) and in the classes in which they are placed (“placement”). It can also arise when students with disabilities and students of color are over-represented in school discipline. For example, data from the Civil Rights Data Collection (CRDC)\(^3\) suggests that in 2014, Black students were suspended at about three times the rate of their White peers across the nation. Additionally, ongoing research has illuminated the persistence of the disproportionate identification of Black and Native American students with disabilities.\(^4\) This can impact not only students’ access to proper educational opportunities but also their educational outcomes.

Significant structural inequalities have contributed to racial and economic opportunity gaps in education, healthcare, housing, and law enforcement.\(^5\) These inequities contribute to challenges related to disproportionality in identification, placement, and discipline of students in special education. Thus, disproportionality is a complex, systemic challenge that requires complex and systemic solutions.\(^6\) In addition to these systemic challenges, schools in the U.S. are becoming increasingly racially, ethnically, linguistically, and religiously diverse. In the era of IDEA, schools serve students with disabilities who, sadly, in an earlier time would not have had access to public education. It is projected that by 2055, the U.S. will no longer have a single racial or ethnic majority. These shifts have major impacts on our society at large and our nation’s schools. Many schools across the nation are serving more diverse student populations than ever before. These shifts are occurring in urban and suburban districts alike.\(^7\)

\(^2\) In this review, students with disabilities are defined as those with a special education disability who have an active Individualized Education Program (IEP) as mandated by IDEA.


\(^6\) Ibid.

Henrico County Public Schools (HCPS) also has experienced changes in its student demographics. Over the past 10 years, HCPS has more than doubled its number of Asian and Latinx\(^8\) students, while its Black student population has increased slightly and its White student population has declined. Given these shifts, HCPS' current student population is highly diverse - 39.9% White, 35.5% Black, 9.1% Latinx, 10.5% Asian, and 4.9% other races. Students with disabilities have remained steady at approximately 12% of the student population.\(^9\)

This diversity creates opportunities for improved academic achievement, positive long-term life outcomes, and enhanced intergroup relationships.\(^10\) It also creates challenges as schools navigate how to best meet the diverse needs of their students. Teachers nationally report receiving “scant support or resources to effectively” serve and support all students.\(^11\) Moreover, though our student population is becoming increasingly diverse, our nation's teacher workforce is predominantly White and female.\(^12\) This discrepancy often leads to cultural mismatch between school staff and students, which is cited as a contributing factor to persistent biases.\(^13\) These biases have the potential to manifest in the ways that students are taught, disciplined, identified, and placed at school.

IDEA is a federal law, enacted in 1975 and reauthorized in 1990, 1997 and 2004, with much responsibility for enforcement delegated to the states. The 1997 reauthorization of IDEA recognized disproportionality in special education and provided guidance for Local Educational Agencies (LEAs) and State Education Agencies (SEAs) on how to identify the issue. However, the regulations were ineffective in abating inequities in special education and were amended again in the 2004 reauthorization. The 2004 policy approach clarified how disproportionality was measured and resulted in states adopting State Performance Plan “indicators” to monitor multiple special education outcomes. These outcome measures for Virginia are specified in the state’s special education State Performance Plan/Annual Performance Report.\(^14\) The Virginia Department of Education (VDOE) reports annually on statewide and division-level results on the indicators, several of which focus on disproportionality. For example, Indicator 9 measures the disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and Indicator 10 looks at the disproportionate representation in identification in specific disability categories. Indicators 4a and 4b focus on disproportionality in the disciplining of students with disabilities and students of

\(^8\) Latinx is a gender-neutral term referring to both Latinas (females) and Latinos (males).
color with disabilities respectively. Indicator 5 measures the degree to which students in special education are placed in inclusive settings alongside general education students. Virginia assesses school divisions annually on whether they meet state targets on the indicators, and cites divisions that fail to meet those targets. If a division is repeatedly cited for deficiencies on specified indicators, the division is required by law to use 15% of its federal special education funds for initiatives to prevent disproportionality through Comprehensive Coordinated Early Intervening Services (CCEIS).

Racial Disproportionality in Special Education Identification and Placement
Schools across the nation struggle to provide equitable identification and access to special education programs to students of color. Research demonstrates the persistence of disproportionality in the identification of disabilities for students of color.\(^\text{15}\) According to the U.S. Department of Education (2010), Black students across the nation were twice as likely to be identified with an Emotional Disturbance and 2.7 times more likely to be identified with an Intellectual Disability than their White peers. Thus, despite protections set in place by IDEA (1975, 1997, 2004), students of color remain overrepresented in high-incidence disability categories.\(^\text{16}\)

Disproportionality in special education is not limited to identification; it manifests in access to high quality programming as well. According to IDEA, students with disabilities are required to receive educational services in the least restrictive environment (LRE). Yet, evidence suggests that students of color often do not receive the same high quality educational services compared to their White peers in the same disability categories.\(^\text{17}\) Thus, students of color are not only over-identified for special education, they experience inequities in placement in appropriate, high-quality services once identified.

Disproportionality in School Discipline
Alongside disproportionate outcomes in identification and placement is disproportionate discipline of students with disabilities and students of color with disabilities. By definition, racial disproportionality in discipline highlights the fact that students of color are suspended and expelled from public schools at higher rates than White students.\(^\text{18}\) This disproportionality begins early, from the moment children enter the school doors, with Black students making up 48% of students receiving one or more out-of-school suspensions in preschool, despite making up only


\(^{16}\) High-incidence disability categories include learning disabilities (LD), emotional/behavioral disorders (EBD), mild intellectual disabilities (ID), and speech and language disorders.  


18% of overall enrollment. Further, the disproportionate disciplining of Black students often occurs in relation to the use of “D-codes.” D-codes are the more subjective discipline codes such as disrespect, disrespect, or defiance, which differ from more explicit codes such as fighting or drug-use. A recent report provides evidence of dependence on D-codes in Virginia, reporting that the majority of suspensions in 2014-2015 were issued for non-violent offenses, including cell phone usage, insubordination, and disrespect. Further, another Virginia-based report suggests that Black students are more likely to be disciplined for these subjective offenses and more likely to receive harsher punishments for the same infractions than their White peers. Likewise, students with disabilities are disproportionately disciplined in schools across the nation. Research shows schools often struggle to adequately address behavior problems associated with a child’s disabilities.

The impacts of this disproportionality are costly to students’ academic success. Evidence suggests that nationally over 12 million days of instruction are missed yearly due to school discipline. Policies such as out of school suspensions remove students’ opportunities to access instruction and are correlated with negative academic outcomes. Further, students who have been suspended or expelled have higher rates of entry into the juvenile justice system and incarceration as adults. Research shows that disparities based on race, disability status, income, gender, and their intersections in school discipline contribute to detrimental consequences for historically marginalized learners. Furthermore, students of color are subjected on average to harsher punishments for less objective reasons such as disrespect, insubordination, and disruption. Perhaps most importantly, research evidence does not suggest that removing misbehaving students from school will improve school climate/safety or student behavior.

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21 Heilbrun, A., Cornell, D., & Lovegrove, P. (2015). Principal attitudes regarding zero tolerance and racial disparities in school suspensions. Psychology in the Schools, 52(5), 489-499. This evidence of disparity helped prompt a revision of Henrico’s Code of Student Conduct in 2015, which is discussed more below.
Research Based Programs
National research provides insights into alternative behavior and discipline programs that may be useful for school divisions facing issues of disproportionality and seeking to improve services for students with disabilities. Many of these programs include an emphasis on relational aspects of discipline and practices that are culturally responsive to diverse students. Additionally, research points the way to approaches that are evidence-based and promising for addressing other challenges that may be impeding the success of all students. This review has relied on this best practices research in formulating its findings and recommendations. References will be included throughout, and in addition, Appendix A provides a summary of evidence-based programs and resources for further exploration.

Our Charge and Topics Addressed in the Report
HCPS, a large suburban school division in central Virginia, faces many of the same challenges as districts around the country, particularly related to disproportionality. VDOE has cited HCPS for excessive disproportionality in disciplining students with disabilities (Indicator 4a) and in disciplining students of color with disabilities (Indicator 4b) for three consecutive years, one of just two Virginia jurisdictions currently meeting that criteria. HCPS has undertaken a number of initiatives in recent years to reduce its disproportionality on these scales and has made progress, but continues to exceed the allowable benchmarks. As a result, HCPS is required to expend 15% of its federal IDEA funds on prevention efforts, specifically comprehensive coordinated early intervention services. 28 This is one of several indications that HCPS faces ongoing challenges related to equity for students with disabilities, particularly those who are students of color.

An ongoing focus on reducing disproportionality is moreover consistent with the emphasis on equity and opportunity in HCPS’s 2018-2025 strategic plan. The plan commits HCPS to “reduc[ing] disparities among students from varying demographics and backgrounds” and to “lead[ing] dialogue to ensure equity and access for all.” 29

Given HCPS’s history with disproportionality, the emphasis on equity and opportunity in its strategic plan, and an increase in due process complaints, Henrico County and HCPS sought an independent review of the jurisdiction’s special education programs and policies. 30 To that end, this review examines the following topics in HCPS:

- Racial disproportionality in the placement and identification practices of racial minority students in special education;
- Disproportionality in school discipline of racial minority students in special education and of all students in special education; and
- The accessibility and usability of special education programs to families/guardians and students.

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30 In 2009, at the request of HCPS, VDOE conducted a review of special education programs in the division. The report focused on demographic data, staffing, disability specific issues such as inclusion, and quality of programs, to name a few. Our report includes some of the same areas of focus, but also expands the focus by including an emphasis on disproportionality in identification and discipline.
With respect to each topic, the review focuses on what is working, what is not working, and how HCPS can improve. Following this introduction, we detail the evaluation methods used for data collection and analysis, present qualitative and quantitative findings on each of these three topics, and address staffing issues that cut across the topics. We conclude with recommendations for the school system’s consideration.

We note here that this review is one of a number of initiatives in which HCPS is engaged that address the issues raised here. Some of these have resulted in HCPS already implementing a number of actions consistent with our recommendations, and we will note them as appropriate in the report. We acknowledge here also that many of our recommendations mirror recommendations that HCPS leadership has raised in various other forums as well.

Review Methods
We used a multi-method approach to evaluate disproportionality for students with disabilities in Henrico County and the parent engagement issues in our charge. We obtained quantitative data from HCPS and VDOE. This included discipline, identification, placement, and staffing data. All quantitative data were de-identified. These data were used to report raw numbers and percentages, as well as calculate discipline and identification rates and risk ratios for student groups based on disability, race, socioeconomic status, and gender.

In our analysis of school discipline, we focused on analyzing data from HCPS for short-term out-of-school suspensions. Suspension rates were calculated for each subgroup. In order to assess disproportionality, we used these suspension rates to calculate both risk ratios and relative risk ratios, analogous to measures used by VDOE in its indicators of disproportionality described above. Risk ratios represent the likelihood of a negative consequence being given to a specific group of students. For example, the risk ratio for students with disabilities would be 25% if 25 suspensions were given to 100 students with disabilities. Relative risk ratios go a step further, allowing for the comparison of the rate at which students of a specific group are disciplined in relation to other students in a similar group. For example, a relative risk ratio of 3.0 for Black students with disabilities compared to other students with disabilities would mean that Black students with disabilities are disciplined at 3.0 times the rate of their peers. After calculating risk ratios and relative risk ratios, we used case control statistical analysis to determine if the differences between the group of interest (e.g., Black students with disabilities) and the comparison group (e.g., all other students with disabilities) were statistically significant. All relative risk ratios reported in this review are statistically significant.31

Further, we analyzed data from VDOE on short- and long-term out-of-school suspensions, and the missed number of days due to these suspensions. We compared HCPS to similar school divisions throughout the state. We also considered VDOE’s special education performance reports on HCPS, as well as data analyses conducted by HCPS and Henrico police.

Additionally, we conducted a 20-question survey of special education teachers throughout HCPS to gain an understanding of their experiences with HCPS special education policies and

31 All relative risk ratios are significant at the p < .01 level, meaning there is a 99% chance that the relative risk ratios reported were not due to chance.
practices. Of the 478 special education teachers who received the survey, 141 responded to our request, for a 29% response rate. Participation was voluntary, and the responses were completely anonymous and confidential. Teacher responses and data from the survey are in Appendix B.

To complement this quantitative analysis, we used purposeful qualitative sampling32 to collect qualitative data through individual interviews with special education stakeholders. We conducted interviews and/or focus groups with 13 district leaders, eight community leaders, over 50 parents, seven advocates, ten attorneys and hearing officers, and 18 HCPS educators. We used different interview protocols adapted for each participant group but which contained primarily the same elements. The Parent Interview Protocol is attached as Appendix C as an example. Prior to the start of the interviews and focus groups, each participant received a consent form detailing the confidential nature of the data collection, and all participant questions were answered. We recorded the interviews and focus groups if parties consented so we could use the recordings later for qualitative data analysis. We visited and/or interviewed staff at six special education programs in the county and visited private providers as well. Thematic analysis of the qualitative data provided an opportunity to explore stakeholder perspectives on HCPS’ current special education policies, programs, and practices. Themes reported in this review represent frequently expressed sentiments heard among and across multiple stakeholder groups interviewed.

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Findings

Section 1: Identification and Placement

Identification
In this section, we provide findings on special education identification rates by racial group, gender, and economic background in HCPS.

- Based on state guidelines, HCPS does not demonstrate racial disproportionality in identification of students with disabilities. HCPS meets the state thresholds on the applicable indicators 9 and 10.\textsuperscript{33}
- However, Black students with disabilities are identified with disabilities at slightly higher rates than their peers.

As evidenced in Figures 1 and 2, of students with disabilities, 48.5\% were Black - an overrepresentation of 13 percentage points. Special education identification rates for all other racial groups were either similar to their overall enrollment or they were slightly underrepresented.

Figure 1: HCPS Enrollment for All Students by Race, 2016-17

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\caption{HCPS Enrollment for All Students by Race, 2016-17}
\end{figure}

Source: Henrico County Public Schools.

Figure 2: HCPS Enrollment of Students with Disabilities by Race, 2016-17

Source: Henrico County Public Schools.

- Black students are more likely to be identified with disabilities than their peers.

Figure 3 shows that in 2016-17 there were 17,889 Black students in HCPS, 3,102 of whom were identified with disabilities, a risk ratio of 17.3% (3,102/17,889). Meanwhile there were 32,431 students of other races/ethnicities of whom 3,301 were identified with disabilities, a risk ratio of 10.2% (3,301/32,431). The relative risk ratio for the identification of Black students with disabilities compared to all other students with disabilities is 1.7. This means that Black students are 1.7 times more likely to be identified with disabilities than their peers.

Figure 3: Risk Ratios for Black Students and All Other Racial Groups of Students Identified with a Disability

Source: Henrico County Public Schools.
• In addition, boys and students who are economically disadvantaged are identified for special education at higher rates than girls and students who are not economically disadvantaged.

• Boys are identified with disabilities at twice the rate of girls.

As seen in Figure 4, analyzing gender differences in special education placement, we found that in 2016-17, 2,049 of the total 24,571 girls were identified with a disability, a risk ratio of 8.3% (2049/24571). But, 4,353 of the total 25,749 boys in HCPS were identified with a disability, a risk ratio of 16.9% (4353/25749). The relative risk ratio for boys compared to girls identified with disabilities is 2.0, meaning that boys are identified with disabilities at twice the rate of girls.

Figure 4: Risk Ratios for Identification of a Disability for Girls and Boys

Source: Henrico County Public Schools.

• Economically disadvantaged students are nearly twice as likely to be identified with disabilities compared to their peers who were not economically disadvantaged.

Specifically, 3,763 of the total 21,252 economically disadvantaged students in HCPS were identified with disabilities, a risk ratio of 17.7% (3,763/21,252). However, 2,640 of their total 29,068 not economically disadvantaged peers were identified, a risk ratio of 9.1% (2,640/29,068). Thus, the relative risk ratio for economically disadvantaged students identified with disabilities is 1.95 in comparison to their not economically disadvantaged peers.

These analyses suggest that Black students, students from economically disadvantaged families, and boys are more likely than their peers to be identified with disabilities in HCPS, but not to the same degree as for other factors (see discipline findings below).

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34 Economic disadvantage refers to students who are eligible for Free/Reduced meals, receive Temporary Assistance for Needy Families (TANF), or are eligible for Medicaid.
Despite common assumptions that poverty explains racial disproportionality in special education identification, we found that Black students who are not from economically disadvantaged backgrounds are more likely to be identified with a disability than White students who are not economically disadvantaged.

Specifically, Figure 5 shows the risk ratio of Black students who do not come from economically disadvantaged backgrounds being identified with disabilities is 13% (778/6,007), versus a risk ratio of 8.9% of White students who do not come from economically disadvantaged backgrounds being identified (1,436/16,224). After calculating the relative risk ratio, we found Black students who are not economically disadvantaged are 1.5 times more likely to be identified with a disability compared to White students who are not economically disadvantaged.

Black students who are economically disadvantaged are as likely to be identified with disabilities compared to White students who are economically disadvantaged.

Further, we found Black students from economically disadvantaged backgrounds were just as likely to be identified with a disability compared to their White peers with the same economic background. Figure 5 also shows the risk ratio of Black students from economically disadvantaged backgrounds being identified with disabilities was 19.6% (2,324/11,882), versus a risk ratio of 20.4% for White students from economically disadvantaged backgrounds (794/3,892).

Figure 5: Risk Ratios for Identification of a Disability by Race and Economic Background

Source: Henrico County Public Schools.

Our analyses of HCPS identification rates of students with disabilities suggests that while HCPS meets state guidelines on identification, it is important that HCPS continues to make strides by continuing to move beyond compliance and closely monitor identification rates by multiple categories, including race, gender, and economic background. Doing so requires questioning commonly held beliefs that minimize the significance of racial disproportionality in identification, or by framing special education programs as a benefit to students “in need.” Instead, it is important for HCPS to continue to focus on ensuring all students, including students of color, have access to the most appropriate, rigorous, and high-quality educational setting to ensure adequate opportunities to learn for all students.
**Placement**

IDEA states that public schools must ensure that students with disabilities are educated, to the maximum extent possible, with students who do not have disabilities, as close as possible to their homes, and in schools they would attend if they were not identified to have a disability. In addition, IDEA requires that students with disabilities are educated in their Least Restrictive Environment (LRE), or in general education classrooms with students who are not identified with disabilities, as much as possible. Therefore, the starting point for students with disabilities is to place them in the general education classroom. An Individualized Education Program (IEP) may determine, however, that a student identified with a disability be placed in a more restrictive environment if it is determined that the general education classroom is inappropriate to meeting the needs of the student, even with appropriate aids and services. Therefore, IDEA requires a number of possible placements that Local Educational Agencies (LEAs) must provide. These include special classes, special services, as well as public and private facilities, including public separate and private day placements.

Some examples in the Richmond metropolitan area include Northstar Academy, The Faison Center for Autism, and Dominion Academy. While scholars have debated the value of separate programs for students with disabilities, especially those identified with more severe disabilities or low-incidence disabilities, the research is clear that while challenges remain, inclusive school climates and collaborative learning environments create a beneficial community of learners for both students and educators.

In this section we focus specifically on percent time students with disabilities spend in general education classrooms that is greater than or equal to 80% of their time, and less than 40% of their time by race. We also compare HCPS to similar jurisdictions--Chesterfield County Public Schools, Prince William County Public Schools, Virginia Beach City Public Schools, Chesapeake City Public Schools--as well as to state figures.

- **HCPS has a high rate of inclusion for students with disabilities across races in general education classrooms 80% or more of the school day.**

See Tables 1-3. Compared to similar jurisdictions, HCPS has the highest rates of inclusion for students with disabilities across racial groups. We found 67% of Black students, 71% of Latinx students, and 70% of White students were included in general education for 80% or more of the school day.

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### Table 1: Time in General Ed Classrooms >=80%, Black Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Black SWD in General Education Classrooms &gt;=80%</th>
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</tr>
<tr>
<td>Virginia Beach City</td>
<td>1288</td>
<td>2393</td>
<td>54%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>948</td>
<td>2547</td>
<td>37%</td>
</tr>
<tr>
<td>State</td>
<td>24495</td>
<td>45744</td>
<td>54%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.

### Table 2: Time in General Ed Classrooms >=80%, Latinx Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Latinx SWD in General Education Classrooms &gt;=80%</th>
<th>Total Number of Latinx SWD</th>
<th>Percent Latinx SWD in General Education Classrooms &gt;=80%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>553</td>
<td>830</td>
<td>67%</td>
</tr>
<tr>
<td>Henrico County</td>
<td>379</td>
<td>532</td>
<td>71%</td>
</tr>
<tr>
<td>Prince William</td>
<td>1990</td>
<td>3362</td>
<td>59%</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>490</td>
<td>872</td>
<td>56%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>250</td>
<td>543</td>
<td>46%</td>
</tr>
<tr>
<td>State</td>
<td>13087</td>
<td>24746</td>
<td>53%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.

### Table 3: Time in General Ed Classrooms >=80%, White Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of White SWD in General Education Classrooms &gt;=80%</th>
<th>Total Number of White SWD</th>
<th>Percent White SWD in General Education Classrooms &gt;=80%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>2594</td>
<td>3780</td>
<td>69%</td>
</tr>
<tr>
<td>Henrico County</td>
<td>1639</td>
<td>2351</td>
<td>70%</td>
</tr>
<tr>
<td>Prince William</td>
<td>2211</td>
<td>3526</td>
<td>63%</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>2190</td>
<td>3736</td>
<td>59%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>1434</td>
<td>3093</td>
<td>46%</td>
</tr>
<tr>
<td>State</td>
<td>50583</td>
<td>83043</td>
<td>61%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.
• Alternatively, the percentage of students with disabilities spending 40% or less of their school day in general education settings was lowest in HCPS, and HCPS was lower than the state average.

See Tables 4-6. Only 6% of Black students, 5% of Latinx students, and 5% of White students with disabilities spent 40% or less of their time in general education classrooms. HCPS meets state thresholds on relevant state indicators (Indicators 5a and 5b).

Table 4: Time in General Ed Classrooms <40%, Black Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Black SWD in General Education Classrooms &lt;40%</th>
<th>Total Number of Black SWD</th>
<th>Percent Black Students in General Education Classrooms &lt;40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>243</td>
<td>2302</td>
<td>11%</td>
</tr>
<tr>
<td>Henrico County</td>
<td>190</td>
<td>3073</td>
<td>6%</td>
</tr>
<tr>
<td>Prince William</td>
<td>369</td>
<td>2648</td>
<td>14%</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>304</td>
<td>2393</td>
<td>13%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>463</td>
<td>2547</td>
<td>18%</td>
</tr>
<tr>
<td>State</td>
<td>5654</td>
<td>45744</td>
<td>12%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.

Table 5: Time in General Ed Classrooms <40%, Latinx Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of Latinx SWD in General Education Classrooms &lt;40%</th>
<th>Total Number of Latinx SWD</th>
<th>Percent Latinx Students in General Education Classrooms &lt;40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>72</td>
<td>830</td>
<td>9%</td>
</tr>
<tr>
<td>Henrico County</td>
<td>26</td>
<td>532</td>
<td>5%</td>
</tr>
<tr>
<td>Prince William</td>
<td>313</td>
<td>3362</td>
<td>9%</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>95</td>
<td>872</td>
<td>11%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>76</td>
<td>543</td>
<td>14%</td>
</tr>
<tr>
<td>State</td>
<td>2426</td>
<td>24746</td>
<td>10%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.
Table 6: Time in General Ed Classrooms <40%, White Students with Disabilities, 2016-17

<table>
<thead>
<tr>
<th>County</th>
<th>Number of White SWD in General Education Classrooms &lt;40%</th>
<th>Total Number of White SWD</th>
<th>Percent White Students in General Education Classrooms &lt;40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>307</td>
<td>3780</td>
<td>8%</td>
</tr>
<tr>
<td>Henrico County</td>
<td>113</td>
<td>2351</td>
<td>5%</td>
</tr>
<tr>
<td>Prince William</td>
<td>270</td>
<td>3526</td>
<td>8%</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>457</td>
<td>3736</td>
<td>12%</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>395</td>
<td>3093</td>
<td>13%</td>
</tr>
<tr>
<td>State</td>
<td>7179</td>
<td>83043</td>
<td>9%</td>
</tr>
</tbody>
</table>

Source: Virginia Department of Education.

Private Day Placement

- HCPS has the highest rate of private placements among similar jurisdictions. HCPS is also higher than the state threshold on Indicator 5c, which measures the percent of students served in public separate or private school settings.

See Table 7. Approximately 4% of students with disabilities in HCPS are placed in private placements. Table 7 shows that this is nearly double the rate of Chesterfield County and greater than the state average of 2.4%. While some we spoke with expressed concern that HCPS is reluctant to approve private placements, we did not find their placement to be lower than comparable jurisdictions or lower than the state average. On the other hand, HCPS’s higher than average private placement rates may signal possible challenges related to offering appropriate aids and services within inclusive settings for students.
Table 7: Private Placement by Gender and Race, 2016-17

<table>
<thead>
<tr>
<th>Division</th>
<th>Percent of SWD in Private Placement</th>
<th>Male</th>
<th>Female</th>
<th>Asian</th>
<th>Black</th>
<th>Latinx</th>
<th>Native American</th>
<th>White</th>
<th>Two or More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chesterfield County</td>
<td>2.1%</td>
<td>94</td>
<td>17</td>
<td>&lt;</td>
<td>34</td>
<td>&lt;</td>
<td>&lt;</td>
<td>66</td>
<td>&lt;</td>
</tr>
<tr>
<td>Henrico County</td>
<td>4.1%</td>
<td>134</td>
<td>48</td>
<td>&lt;</td>
<td>86</td>
<td>&lt;</td>
<td>&lt;</td>
<td>79</td>
<td>&lt;</td>
</tr>
<tr>
<td>Prince William</td>
<td>0.8%</td>
<td>50</td>
<td>13</td>
<td>&lt;</td>
<td>17</td>
<td>11</td>
<td>&lt;</td>
<td>21</td>
<td>&lt;</td>
</tr>
<tr>
<td>Virginia Beach City</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
</tr>
<tr>
<td>Chesapeake City</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>&lt;</td>
<td>12</td>
<td>&lt;</td>
<td>&lt;</td>
<td>19</td>
<td>&lt;</td>
</tr>
<tr>
<td>State</td>
<td>2.4%</td>
<td>2221</td>
<td>581</td>
<td>61</td>
<td>886</td>
<td>150</td>
<td>&lt;</td>
<td>1539</td>
<td>150</td>
</tr>
</tbody>
</table>

*Numbers <10 are suppressed with the < symbol.

Source: Virginia Department of Education.

Public Separate School Placement

Compared to similar jurisdictions, Henrico has a relatively low number of students in public separate programs. HCPS has one such program, the Virginia Randolph Education Center (VREC), where students with disabilities receive supports and services separately from their general education peers. VREC is a program for students with disabilities that provides both academic and behavioral services to PK-12 students with autism and K-8 students with disabilities who have demonstrated significant behavior challenges in comprehensive schools. It is located along with other HCPS facilities on the Campus of Virginia Randolph, named after the pioneering, nationally recognized educator who expanded high-quality schooling opportunities for Black students in Henrico starting in the early 1900s.\(^{37}\) All or most students placed at VREC have disabilities and significant behavioral needs; the program served just over 50 students at the end of the 2017-2018 school year.\(^{38}\) This number includes 14 students with autism who received specialized services through the Rhonda Banks Center, a subprogram within VREC that provides specialized services for students with autism. By providing intensive structure and support, VREC aims to equip students with tools needed for academic and/or behavioral improvement so they can make progress and return to their home schools. In addition to analyzing data from HCPS and VDOE, we spoke with HCPS parents, educators, and administrators as well as advocates and providers about VREC.

\(^{37}\) The Campus at Virginia Randolph also houses the Academy at Virginia Randolph. It is a distinct program from VREC, providing secondary education with a career technical emphasis. While that program may serve a significant number of students with disabilities, an evaluation of it was beyond the scope of the current review. The findings and recommendations herein apply only to VREC. Also next door to the Campus at Virginia Randolph is the Virginia Randolph Museum, a cottage that once housed Randolph’s home economics classrooms, now a museum dedicated to Randolph’s legacy operated by Henrico Recreation and Parks.

\(^{38}\) If sustained into the next school year, this would represent a significant reduction from the prior population, which had been stable at approximately 65 for several years.
We found evidence of racial disproportionality in placement in HCPS’s one public separate school, VREC.

We found that Black students are disproportionately placed there relative to White students. As shown in Table 8, Black students made up the vast majority of students at VREC from 2015-2017. When looking at 2017 specifically, 72% of students were Black, whereas 22% were White.

*Table 8: Enrollment at Virginia Randolph Education Center*

<table>
<thead>
<tr>
<th>End of Schoolyear</th>
<th>Asian</th>
<th>Black</th>
<th>Latinx</th>
<th>White</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>&lt;</td>
<td>40</td>
<td>&lt;</td>
<td>19</td>
<td>&lt;</td>
<td>65</td>
</tr>
<tr>
<td>2016</td>
<td>&lt;</td>
<td>40</td>
<td>&lt;</td>
<td>20</td>
<td>&lt;</td>
<td>62</td>
</tr>
<tr>
<td>2017</td>
<td>&lt;</td>
<td>46</td>
<td>&lt;</td>
<td>14</td>
<td>&lt;</td>
<td>64</td>
</tr>
</tbody>
</table>

*Numbers <10 are suppressed with the < symbol.
*Source: Henrico County Public Schools.*

Additional significant concerns about the VREC program

- **The physical facilities are of questionable appropriateness for the student population being served and raise safety issues for students and staff.**

The program is housed in open-style campus buildings, with individual classrooms opening onto open-air walkways joining the several buildings. The buildings are located just yards from a busy road. They are surrounded by a chain-link fence facing a parking lot, which is approximately 3 feet high except on the side next to the road, which is approximately 5 feet high. It is not clear that the fence is adequate to protect students who may have a propensity to run away.

From our observation, the VREC buildings appeared to have a number of major maintenance needs. Most strikingly, there was peeling paint on exterior walkway poles, with students regularly walking and playing nearby. Educators at VREC reported raising concerns about the peeling paint and other maintenance issues over a number of years. We learned from HCPS that the peeling paint was evaluated and tested positive for lead in 2016, and that abatement work was scheduled to take place in the summer of 2018 as part of ongoing facilities work funded by Henrico’s meals tax. Lead paint in this location is of particular concern because some students with autism have pica, a disorder associated with eating non-food items.

We saw a teacher alone in a classroom with two students with significant cognitive disabilities with no other adults in the immediate proximity, although she did have a walkie-talkie. Other teachers had instructional assistants present, but in each case we were concerned about their physical isolation from other staff in light of the student population being served.
• VREC faculty have higher provisional licensure rates than HCPS special education teachers as a whole.

Overall, VREC faculty lack sufficient training, expertise, and experience for serving some of HCPS’ students with the most complex needs. Based on HCPS data for 2017-2018, 3 out of 14.5 special education teachers at VREC had provisional licenses, and 1 additional position was considered unfilled (filled by a substitute). This means over 25% of special education positions there were not filled by fully-licensed teachers, which is more than double the rate of special education teachers division-wide.  

• VREC faculty and staff are not adequately trained to address the complex needs of the students they serve.

VREC staff have not received in years past any significant in-service training beyond what other HCPS teachers receive. Of particular concern is the lack of uniform Mandt training for VREC faculty and staff. Mandt is a system HCPS uses to prevent and de-escalate students from exhibiting behaviors that pose a threat to themselves and/or others, in a manner that is safe for students and staff. Of the 14.5 teachers at VREC at the end of the 2017-2018 school year, HCPS indicates five had completed Mandt training (34.5%). In addition, three administrators, one counselor, and five instructional assistants received Mandt training. In light of the students served at VREC, all teachers and staff should have Mandt training, for their own safety as well as that of their students. Apparently it has been made available but not mandated, and insufficient paid training time has made it less than universally accessed. We note that HCPS has a multi-day, paid VREC pre-school training academy scheduled for faculty and staff in August 2018, including Mandt certification, an important step toward addressing these concerns.

• Finally, we heard anecdotal concerns about the program design/quality at VREC.

An evaluation of these concerns is beyond the scope of this review but we note some of them here for potential future consideration, without reaching any conclusion as to their validity. When we asked why there were so few white students at VREC, we heard several comments to the effect that “Rich West end parents won’t allow their children to go to [VREC].” While this sentiment may be due to a number of factors, it appears to be at least partly due to those parents’ concerns about the quality of the program and facility. We heard concerns about VREC from Black parents as well, but posit that some of those parents felt they had no accessible, affordable alternative. We also heard anecdotally that there are more referrals to VREC from teachers in East End schools serving primarily students of color. Some also expressed concerns about the entry criteria for VREC, particularly that some students not well-matched to its services are

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39 We calculated the provisional licensure rates for VREC and HCPS special education teachers for 2017-2018 by using HCPS data. Based on these numbers, 12% of HCPS special education teachers division-wide hold provisional licenses.

40 HCPS conducts one day of training every year for special education teachers assigned to integrated services (i.e. self-contained) classrooms. We do not know whether or not VREC special education teachers are included in this training day.
placed there due to lack of perceived alternatives, and about entry processes, particularly that students are on occasion transferred there without advance notice or planning to allow VREC staff to meet their needs upon arrival. Other concerns included the small size of the autism program and whether it can consequently meet students’ needs adequately, without the support that a larger comprehensive school setting would provide. Ironically, HCPS’s successful efforts to keep more students in inclusive settings may have resulted in shrinking particularly the Banks Center program at VREC to a below-optimal level given the setting.

- Based on all of the above, we find VREC in need of significant revamping or closure.

We met a number of educators at VREC who are clearly devoted to their students and exceptional educators in every sense of the term, and they are truly heroes to serve these needy children under such difficult circumstances. However, without better physical circumstances, training, and staffing, they face exceedingly steep challenges as they strive to ensure every student gets a free and appropriate public education.
Section 2: School Discipline

Background
Disparities based on race and ability in exclusionary discipline are a serious problem in U.S. schools. Exclusionary discipline consists of discipline that removes or excludes a student from her or his typical educational setting. In-school-suspension (ISS), short-term out of school suspensions (10 days or less), long-term suspension (11-364 days) and expulsions are all forms of exclusionary discipline. Research shows that disparities based on race, disability status, income, gender, and their intersections in school discipline contribute to detrimental consequences for students. Consequences include loss of learning time, higher likelihood of repeating a grade, higher dropout rates, and increased likelihood of being pushed into the juvenile justice system.

According to the Government Accountability Office (GAO), nationwide, in 2013-14, Black students made up 15.5% of all public school students, but represented approximately 39% of students suspended from school—an overrepresentation of about 23 percentage points. On the other hand, White students made up approximately 50.3% of students in the country, yet accounted for 32.5% of students suspended from school—an underrepresentation of 17.8 percentage points. The GAO report also points out that overall discipline of students is dropping, with OSS dropping to 5.7% of students nationwide in 2013-14.

Despite these gains, however, the report from GAO concludes that deep inequities in discipline remain, particularly for Black students, boys, and students with disabilities, who also face the most significant learning loss due to disproportionate discipline. It is important to note that while the overall number of OSS is highest in urban areas, racial disparities in school discipline are stark in suburban communities as well. Furthermore, research shows that students of color are subjected on average to harsher punishments for less objective reasons such as disrespect, insubordination, and disruption. Perhaps most importantly, research evidence does not suggest that removing misbehaving students from school improves school climate/safety or student behavior.

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41 Virginia Governor Ralph Northam signed a bill on June 1, 2018 cutting the maximum length of long-term suspension from 364 days to 45 days.
Disciplinary Shifts in HCPS

- HCPS has reduced total OSS--expulsions, and short- and long-term suspensions--in recent years.

Based on Henrico’s school board report presented in November of 2016, from 2011-12 through 2015-16 there were 3,455 fewer OSS (from 9,165 to 5,710). These reductions were made for Black and White students as well as students with disabilities. More specifically, there was a 38% reduction in the rate of OSS for Black students, and a 41% reduction in the rate of OSS for White students. Students with disabilities experienced a 21% reduction in OSS during the same time period. It should also be noted that 94% of students overall never received OSS, while 6% received one or more OSS.

The reduced rate of expulsions and OSS are partly a result of changes to the Code of Student Conduct and HCPS’ prior zero tolerance policy, as well as a focus on these metrics. In addition to the changes to the Code of Student Conduct, HCPS has instituted a number of new programs focused on addressing student behavior issues proactively. These changes collectively have reduced the overall use of suspensions and expulsions in the division and contributed to the drop in disproportionality reflected in the state indicators. Overall expulsions have declined nearly 83% from 35 in 2015-16 to 6 in 2016-17, an achievement that has benefited students in all categories. The drop in suspensions is discussed more below.

- HCPS has reduced rates of disproportionality in discipline as measured by VDOE

VDOE’s measures of disproportionate discipline are based on expulsions and suspensions of greater than 10 days in a school year (longer term suspensions plus short-term suspensions for a given student that cumulatively exceed 10 days). Based on this measure, Henrico has made progress. For example, as judged by VDOE Indicator 4b, in the 2014-2015 school year, Black students with disabilities were 6.66 times more likely to be disciplined than their peers with disabilities. By 2016-2017, Black students with disabilities were 3.94 times as likely to be disciplined as their peers. This is still well above the 2.0 state threshold but demonstrates progress.

- Yet as HCPS has reduced expulsions and total OSS suspensions, there has been an increase in the number of long-term suspensions. Further, Black students make up the vast majority of students who receive long-term suspensions.

Specifically, long-term suspensions increased from 57 in 2015-16 to 80 in 2016-17, a nearly 29% increase. 76% of those who received long-term suspensions in 2016-17 were Black. HCPS leadership reports that since 2014-15, all HCPS students who were suspended long-term and/or expelled were placed at an alternative site, which would mitigate the impact of this increase somewhat. We did not analyze the long-term suspensions data in any further detail for reasons stated below.
● For short-term OSS, disproportionality in discipline remains a concern across multiple student categories:
  ○ black students,
  ○ black students regardless of economic status,
  ○ students with disabilities,
  ○ black students with disabilities,
  ○ students with disabilities regardless of economic status,
  ○ girls and boys with disabilities, and
  ○ black girls and boys with disabilities regardless of economic status.

We focused our analysis of exclusionary discipline in HCPS on short-term OSS, which is somewhat different than the data used in VDOE’s discipline indicators. We chose to focus on this outcome because short-term OSS is much more prevalent than longer term suspensions and expulsions, and consequently has the greatest impact on lost learning time and on student outcomes. We also focus on short-term OSS because the larger volume of data enables us to discern trends, particularly for categories and subcategories of students, more reliably. We also note that while the VDOE data used in the state indicators is for “distinct offenders”, most of our analysis focuses on offense data, which means that we (unlike VDOE) count suspensions of “repeat offenders” multiple times. However, later in our analysis when comparing HCPS rates to similar Virginia jurisdictions, we rely on the VDOE data and therefore on “distinct offenders.” We do not believe these differences have any implications for our analysis, except as noted at appropriate points below.47

● Black students have a high rate of overrepresentation for short-term OSS.

Figure 6 shows the racial breakdown of short-term OSS. In 2016-17 there were a total of 5,702 short-term OSS in HCPS. 4,293 short-term OSS were given to Black students, with 75.3% of short-term OSS given to Black students (4,293/5,702). Meanwhile, 864 short-term OSS were given to White students, so 15.2% (864/5,702) of short-term OSS were given to White students.

Figure 6: Percent Short-Term OSS for All Students by Race, 2016-17

Source: Henrico County Public Schools.

47 We did not analyze in-school suspension (ISS) data in this review; there is some potential pressure to increase the use of ISS when OSS is reduced, so this may be a fruitful area for further examination in the future.
Black students are more likely to receive a short-term suspension than all of their other peers.

Figure 7 shows there were a total of 17,889 Black students enrolled in HCPS who collectively received a total of 4,293 short-term OSS, for a risk ratio of 24% (4,293/17,889). Meanwhile, 1,409 short-term OSS were given to the remaining 32,431 students, for a risk ratio of 4.3% (1,409/32,431). The relative risk ratio for Black students compared to all other students is 5.6, meaning Black students were 5.6 times more likely to receive a short-term suspension than all of their other peers.

*Figure 7: Risk Ratios of Short-Term OSS for Black Students and All Other Groups of Students, 2016-17*

![Bar chart showing risk ratios of short-term OSS for Black Students and All Other Groups of Students.](chart.png)

*Source: Henrico County Public Schools.*

- Black students, regardless of their economic background, are more likely than their white peers to receive a short-term OSS, even when controlling for poverty.

Figure 8 shows the risk ratio of Black students who do not come from economically disadvantaged backgrounds receiving a short-term OSS is 12% (723/6,007), versus a risk ratio of 2.7% of White students who do not come from economically disadvantaged backgrounds receiving a short-term OSS (439/16,224). Comparatively, the risk ratio of Black students from economically disadvantaged backgrounds receiving a short-term OSS was 30% (3,570/11,882), versus a risk ratio of 11% for White students from economically disadvantaged backgrounds receiving a short-term OSS (425/3,892). Therefore, disproportionality in suspension rates between Black and White students is more severe for students who are not economically disadvantaged. After calculating the relative risk ratio, we found that Black students who are not economically disadvantaged are 4.4 times more likely to receive a short-term OSS compared to White students who are not economically disadvantaged, while Black students who are economically disadvantaged were 2.7 times more likely to receive a short-term OSS compared to White students who are economically disadvantaged.
**Figure 8:** Risk Ratios of Short-Term OSS by Race and Economic Background, 2016-17

![Risk Ratios Chart](image)

*Source: Henrico County Public Schools.*

- **Students with disabilities are more likely to receive a short-term OSS compared to students without disabilities.**

Figure 9 depicts the risk ratios for students with and without disabilities in the 2016-2017 school year. In 2016-2017 there were 6,403 students with disabilities in HCPS, who collectively received 2,083 short-term OSS, for a risk ratio of 32.5% (2,083/6,403). Meanwhile there were 43,666 students without disabilities who collectively received 3,688 short-term OSS, for a risk ratio of 8.4% (3,688/43,666). The relative risk ratio for students with disabilities compared to students without disabilities is 3.9, meaning students with disabilities are 3.9 times more likely to receive a short-term OSS compared to students without disabilities.

**Figure 9:** Risk Ratios of Short-Term OSS for Students With and Without Disabilities, 2016-17

![Risk Ratios Chart](image)

*Source: Henrico County Public Schools.*
● Black students with disabilities have a high rate of overrepresentation for receiving short-term OSS in HCPS.

Figure 10 shows the percent of short-term OSS given to students with disabilities by race in 2016-17. We found that 2,083 short-term OSS were given to students with disabilities, with 1,585 short-term OSS given to Black students with disabilities. Therefore, 76.1% of short-term OSS to students with disabilities went to Black students (1,585/2,083). Meanwhile, White students with disabilities received 328 short-term OSS. That is, 15.7% of short-term OSS to students with disabilities went to White students.

Figure 10: Percent Short-Term OSS for Students with Disabilities by Race, 2016-17

Source: Henrico County Public Schools.

● Black students with disabilities are more likely to receive a short-term OSS compared to White students with disabilities.

With regard to risk ratios of Black and White students with disabilities, we found that in 2016-2017 there were 3,102 Black students with disabilities in HCPS, who collectively received 1,585 short-term OSS, for a risk ratio of 51.1% (1585/3102). Meanwhile there were 2,230 White students with disabilities who collectively received 328 short-term OSS for a risk ratio of 14.7% (328/2230). The relative risk ratio for Black students with disabilities compared to White students with disabilities is 3.48, meaning that Black students with disabilities were 3.48 times more likely to receive a short-term suspension compared to White students with disabilities.

● Both girls and boys with disabilities are more likely to receive a short-term OSS compared to girls and boys without disabilities

Figure 11 shows the percent of short-term OSS given to girls and boys with and without disabilities. In 2016-17, 1,119 short-term OSS were given to girls without disabilities out of 22,522 girls without disabilities, for a risk ratio of 5% (1,119/22,522). Meanwhile, 479 short-term OSS were given to girls with disabilities out of 2,049 girls with disabilities, for a risk ratio of 23% (479/2,049). Calculating the relative risk ratio, we found that girls with disabilities were disciplined at 4.6 times the rate of girls without disabilities.
Similarly, we found boys with disabilities were at higher risk of receiving a short-term OSS than boys without disabilities. That is, 2,500 short-term OSS were given to boys without disabilities out of 21,395 boys without disabilities, for a risk ratio of 11.7%. Comparatively, 1,604 short-term OSS were given to boys with disabilities out of 4,354 boys with disabilities, for a risk ratio of 36.8%. The relative risk ratio for boys with disabilities compared to boys without disabilities is 3.5, meaning that boys with disabilities were 3.5 times more likely to receive short-term suspensions than boys without disabilities.

*Figure 11*: Risk Ratios of Short-term OSS by Gender and for Students With and Without Disabilities, 2016-17

![Graph showing risk ratios for short-term OSS by gender and disability status.]

*Source*: Henrico County Public Schools.

- Regardless of economic status, students with disabilities are disciplined with short-term OSS at notably higher rates than their peers without disabilities.

Figure 12 shows that in 2016-17 there were 3,763 economically disadvantaged students with disabilities. 1,676 short-term OSS were given to economically disadvantaged students with disabilities, for a risk ratio of 44.5%. On the other hand, 2,727 short-term OSS were given to economically disadvantaged students without disabilities, out of 17,489 economically disadvantaged students without disabilities, for a risk ratio of 15.6%. Economically disadvantaged students with disabilities received a short-term OSS at 2.85 times the rate of students with disabilities who were not economically disadvantaged.
**Figure 12**: Risk Ratios of Short-Term OSS by Economic Background for Students With and Without Disabilities, 2016-17

- **Black girls with disabilities, regardless of economic status, are more likely to receive a short-term OSS compared to White students with disabilities.**

Figure 13 shows the risk ratios for Black and White girls with disabilities by economic background. In 2016-2017 there were 382 short-term OSS given to economically disadvantaged girls with disabilities. The 767 economically disadvantaged Black girls collectively received 340 short-term OSS, for a risk ratio of 44.3% (340/767). Meanwhile the 253 White economically disadvantaged girls with disabilities collectively received 26 short-term OSS for a risk ratio of 10.3% (26/253). The relative risk ratio for Black girls with disabilities who were economically disadvantaged compared to White girls with disabilities who were economically disadvantaged was 4.4, meaning Black girls with disabilities receive a short-term OSS at over 4.4 times the rate of White girls with disabilities.

When comparing the number of short-term OSS given to Black and White girls with disabilities who were not economically disadvantaged, 97 short-term OSS were given to girls with disabilities who were not economically disadvantaged. The 233 Black girls in this group collectively received 47 of short-term OSS, for a risk ratio of 20.1% (47/233). Meanwhile 473 White girls with disabilities who were not economically disadvantaged collectively received 42 short-term OSS for a risk ratio of 8.9% (42/473). The relative risk ratio for Black girls who were not economically disadvantaged compared to White girls who were not economically disadvantaged was 2.3, meaning Black girls who were not economically disadvantaged received a short-term OSS at over 2.3 times the rate of White girls who were not economically disadvantaged.
Figure 13: Risk Ratio of Short-Term OSS for Girls with Disabilities by Race and Economic Background, 2016-17

Source: Henrico County Public Schools.

- Black boys with disabilities, regardless of economic status, are more likely to receive a short-term OSS compared to White boys with disabilities.

Figure 14 shows the risk ratios for Black and White boys with disabilities by economic background. In 2016-2017 there were 1,294 short-term OSS given to boys with disabilities who were economically disadvantaged. The 1,557 Black boys in this group collectively received 1,024 short-term OSS, for a risk ratio of 65.8% (1024/1557). Meanwhile 541 White boys in this group collectively received 159 short-term OSS for a risk ratio of 29.4% (159/541). The relative risk ratio for Black boys with disabilities who were economically disadvantaged compared to White boys with disabilities who were economically disadvantaged was 2.2, meaning economically disadvantaged Black boys with disabilities receive a short-term OSS at 2.2 times the rate of economically disadvantaged White boys with disabilities.

Furthermore, 310 short-term OSS were given to boys with disabilities who were not economically disadvantaged. The 545 Black boys in this group collectively received 174 of these short-term OSS, for a risk ratio of 31.9% (174/545). Meanwhile the 963 White boys in this group collectively received 101 short-term OSS for a risk ratio of 10.5% (101/963). The relative risk ratio for Black boys who were not economically disadvantaged compared to White boys who were not economically disadvantaged was 3.0. This means Black boys with disabilities who are not economically disadvantaged receive a short-term OSS at 2.2 times the rate of White boys with disabilities who are not economically disadvantaged.
**Figure 14:** Risk Ratio of Short-Term OSS for Boys with Disabilities by Race and Economic Background, 2016-17

![Risk Ratio Chart]

*Source:* Henrico County Public Schools.

**Comparative OSS Outcomes**

In addition to analyzing HCPS specific data, we collected data from VDOE on short- and long-term OSS for students with disabilities across racial groups for comparable jurisdictions. We chose Chesterfield County, Prince William County, Virginia Beach, and Chesapeake as comparable jurisdiction given their similar size and demographics to HCPS. As previously noted, discipline data in this section were calculated for “distinct offenders.” This explains why the percentage of students suspended appear lower in the state reported data compared to data reported by HCPS, which was based on offense data including multiple offenses for some students.

- **After analyzing distinct offender data, HCPS had among the highest rates of short- and long-term OSS for students with disabilities compared to similar jurisdictions.**

Figure 15 shows that the percentage of students receiving OSS was high for students with disabilities across jurisdictions. HCPS was second to Chesapeake for the highest rate of OSS for students with disabilities. In addition, Figure 16 shows that across jurisdictions, Black students with disabilities had the highest rates of OSS. Again, HCPS and Chesapeake had the highest rate of OSS for Black students compared to similar jurisdictions.
Figure 15: Percent Short- and Long-Term OSS for Students with Disabilities by Jurisdiction, 2016-17

Source: Virginia Department of Education.

Figure 16: Percent Short- and Long-Term OSS for Students with Disabilities by Race And Jurisdiction, 2016-17

Source: Virginia Department of Education.
• The racial disparity in lost days of instruction for Black students with disabilities compared to White students with disabilities due to short- and long-term OSS was greatest in HCPS compared to similar jurisdictions.

Based on Figure 17, Black students with disabilities in HCPS lost 5.7 times more days of school than White students with disabilities due to short- and long-term OSS. We also found that while Black students with disabilities in HCPS had the second highest number of lost days of instruction compared to similar jurisdictions, White students with disabilities in HCPS had the lowest number of lost days of instruction due to short- and long-term OSS. This disparity is noteworthy given that missing instruction due to discipline takes away students’ opportunities to learn and thus affects their academic outcomes.

• With the exception of Chesapeake, HCPS’s total number of missed days due to short- and long-term OSS is the highest amongst the comparison jurisdictions.

See Figure 17. This is true even though all of the jurisdictions except Chesapeake have larger student populations than HCPS, with Prince William and Virginia Beach considerably larger. HCPS’s overall use of short- and long-term OSS remains high relative to its peers despite reductions in recent years.

Figure 17: School Days Missed Due to Short- and Long-Term OSS for Students with Disabilities by Race and Jurisdiction, 2016-17

Source: Virginia Department of Education. Note: Total number of school days missed is based on aggregate of numbers of days missed by disability category. Numbers less than 10 by category were suppressed in the data. Therefore, the data in this figure underestimate the actual number of school days missed due to OSS.
Subjective Infractions Leading to Short-Term OSS

Given the alarming rate of disproportionality in school discipline, we examined what students were being suspended for. Research shows that Black students are more likely to be suspended for more subjective offenses than their peers. Subjective offenses include disrespect, excessive noise, threat, and loitering.48

Despite changes in HCPS’s Code of Student Conduct that focused on these codes and which brought down the overall suspension rate, our analysis shows that suspensions for more subjective offenses continue to contribute to disproportionality in HCPS. We classified subjective infractions as disruptive demonstrations, disruption, defiance, disrespect, minor insubordination, and attendance violations. Objective infractions include alcohol use, theft, marijuana, fighting (with or without injury), and a threat to staff or student, to name a few.

- Though there has been a reduction in the number of short-term OSS due to subjective infractions for all groups, students with disabilities, and Black students with disabilities, are still more likely to receive a short-term OSS for subjective infractions compared to their peers.

Our analysis shows that Black students with disabilities were approximately 5.1 times more likely to receive an OSS for a subjective infraction compared to White students with disabilities in 2016-17, even after HCPS implemented changes that reduced the overall number of OSS for subjective infractions.

While the overall number of OSS declined for all students, the reduction was less for Black students with disabilities compared to White students with disabilities. We also found that all students with disabilities were 6.4 times more likely to receive an OSS for a subjective infraction compared with students without disabilities, despite the decline across all groups from 2015-16 to 2016-17.

Table 9 contains data for 2015-2016 and Table 10 shows the comparable information for 2016-2017.

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Table 9: Infractions for Students With and Without Disabilities Receiving OSS by Race, 2015-16

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Total Subjective Infractions, Students without Disabilities</th>
<th>Total Infractions, Students without Disabilities (Subjective &amp; Objective)</th>
<th>Total Subjective Infractions, Students with Disabilities</th>
<th>Total Infractions, Students with Disabilities (Subjective and Objective)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
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<td>46</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Black</td>
<td>1282</td>
<td>2820</td>
<td>747</td>
<td>1441</td>
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<tr>
<td>Latinx</td>
<td>75</td>
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<tr>
<td>White</td>
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<td>175</td>
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<tr>
<td>Other</td>
<td>69</td>
<td>144</td>
<td>51</td>
<td>90</td>
</tr>
</tbody>
</table>

Source: Henrico County Public Schools.

Table 10: Infractions for Students With and Without Disabilities Receiving OSS by Race, 2016-17

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Total Subjective Infractions, Students without Disabilities</th>
<th>Total Infractions, Students without Disabilities (Subjective &amp; Objective)</th>
<th>Total Subjective Infractions, Students with Disabilities</th>
<th>Total Infractions, Students with Disabilities (Subjective and Objective)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
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<td>5</td>
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<tr>
<td>Black</td>
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<td>2708</td>
<td>717</td>
<td>1585</td>
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<tr>
<td>Latinx</td>
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<td>26</td>
<td>66</td>
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<tr>
<td>White</td>
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<td>340</td>
</tr>
<tr>
<td>Other</td>
<td>53</td>
<td>129</td>
<td>55</td>
<td>99</td>
</tr>
</tbody>
</table>

Source: Henrico County Public Schools.
Juvenile Arrests and Student Referrals to Juvenile Justice
Disproportionality in school discipline based on race and ability plays an important role in perpetuating the school-to-prison-pipeline -- the funneling of students into prisons from schools given disparities in school discipline.\(^49\) Given the importance of the school-to-prison-pipeline, we examined juvenile referral and arrest rates in HCPS.

- Henrico reduced the number of charges that resulted in arrests of HCPS students by 96\% from 369 arrests in 2014-15 to 16 arrests in 2017-18. In addition, the total number of student offenses referred to juvenile justice authorities with recommendations that the student be charged dropped from 369 in 2014-2015 to 179 in 2017-2018, a decline of 51\%. These dramatic reductions in student arrests and total juvenile justice referrals are the result of a concerted, successful effort by Henrico’s leadership across sectors to reduce student referrals to law enforcement.

As part of those efforts, Henrico’s police department changed its policies regarding juvenile arrests starting July 1, 2015, discouraging arrests for minor offenses and encouraging diversion options.\(^50\) The police department also issued written guidance to its school resource officers and any other officers who might respond to school-related incidents, clarifying that police are not responsible for enforcing the Code of Student Conduct, and discouraging arrests for incidents in which the police officer determines the school could and should handle the situation without arrest.\(^51\) These policy changes were accompanied by rigorous new training requirements especially for school resource officers. The police chief, school superintendent, and county manager also began meeting on a quarterly basis to monitor arrest and referral data. These changes collectively played an important role in the reduction of overall arrests and referrals. In particular, the new policies adopted in July of 2015 to “divert” incidents that do not justify formal criminal charges to other options seems to have been especially useful.

- Although there has been an overall reduction in referrals to juvenile justice and arrest rates of juveniles, Black students continue to be referred at higher rates than their White peers.

For instance, 80\% of students recommended for charges in 2017-18 were Black compared to 19\% White students recommended for charges. Black students have benefited along with White students from the dramatic reductions highlighted above, but this disproportionality suggests there is more work to be done. Juvenile justice referrals of students with disabilities are not currently tracked, and therefore we are unable to include arrest and referral rates for students with disabilities in our findings.

\(^{50}\) Currently codified at Henrico County Police Department Line Procedure No. LP-02B-16REV, Juvenile Arrest Procedures, effective 7/22/16.
\(^{51}\) Currently codified at Henrico County Police Department General Order No. G-120-17, Henrico County Public Schools, effective 12/7/17.
HCPS Initiatives to Reduce Exclusionary Discipline of Students, Particularly for Students with Disabilities

- In recent years HCPS has begun a number of promising initiatives to reduce exclusionary discipline, especially amongst students with disabilities.

In addition to the revisions to the Code of Student Conduct discussed above, HCPS has instituted behavioral programs consisting of school-based staff assigned to work intensively with identified students and their families. For instance, the Behavior Learning Intervention Supports and Services program (BLISS) assigns a team comprised of a special education teacher and an instructional assistant to work intensively with a small number of students with disabilities who are primarily placed in general education classrooms. We met with BLISS teams at two schools. Each BLISS team determines how best to support their students. Both teams we met describe their roles as being available to the assigned students and their teachers on an immediate basis to intervene when behavior issues arise. They get to know their students well and interact with them daily. Interventions are individualized but generally are designed to address underlying issues and help students learn positive ways to interact. At both schools, BLISS staff work closely with parents also.

The BLISS teams received several weeks of training when the program first started three years ago; since then, there have been county-wide meetings but of declining frequency. There are no division-wide reporting requirements or metrics that we could identify. BLISS is now present in 4 elementary schools and 7 secondary schools; the initial schools were selected based on a combination of local need and interest, with the expectation that teams will be added eventually to other schools based on local need.

Another program we visited is the Dean of Students, which is led by a non-licensed school professional. This individual is placed at a school with the purpose of establishing an ongoing relationship with students identified as potentially having behavioral problems. The students served are not limited to students with disabilities. The Dean with whom we spoke is available to students and faculty on an immediate on-call basis like the BLISS personnel, and helps students find positive alternatives to inappropriate behavior. He also focuses on underlying issues and sometimes interacts with parents as well. This program is present in 10 secondary schools.

The final program we visited is the RESET program. RESET is run by the staff person assigned to monitor in-school suspension, and is designed to include character education and restorative practices alongside work to help these students stay caught up academically during the suspension. RESET staff can also refer student needs to other school personnel or initiate contact with parents. RESET is present at all secondary schools.

The Social Emotional Support Services (SESS) Program consists of either a school psychologist or a school social worker placed at a school. Initially the plan was for a team of a psychologist and a social worker, but it has evolved to one or the other. We did not interview SESS personnel but understand it is primarily a one-on-one counseling program. It is present at 4 elementary schools and 2 secondary schools.  

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52 HCPS has other programs in place to address student behavior issues as well. Due to time constraints, we were not able to visit or gather information about all of them.
- These initiatives have significant promise but would benefit from a more systemic approach.

All of these programs are intensive, relationship-based, individualized, and focused on helping students find constructive alternatives to problematic behavior, all of which factors have been shown to be effective. They require a significant investment in personnel, and HCPS is to be commended for making this investment. The programs appear to be lacking clearly defined training protocols or structure, reporting requirements, success metrics, ongoing professional development, and consistent approaches to parent engagement. They also lack coordination with each other and with other school personnel such as school counselors. At one school that had several programs present, for instance, personnel from several different programs could unknowingly be reaching out to parents about the same matter.

- Coordination between the offices of Student Support and Disciplinary Review, Exceptional Education, and the new office of School Equity and Diversity is needed to ensure more deliberate focus on addressing the discipline outcomes of students of color, students with disabilities, and especially students of color with disabilities.

One important priority for these three offices is to consider further revising the Code of Student Conduct so that students who commit a “minor” or more subjective offense, such as disruption, disrespect, or disobedience, are not removed from school. While HCPS has made important strides in removing the option to suspend primary school students for minor infractions, it is still possible (albeit more difficult since the revision of the Code) for students in secondary schools to receive OSS for a minor infraction. After reviewing the Code of Student Conduct, for example, it is currently the case that classroom or campus disruption is a “category 3” offense (i.e., 1-5 days of removal from school) for secondary students. Given that a significant number of students of color with disabilities are being disciplined for “D-code” violations, these three offices would benefit from increased and improved collaboration to create alternative disciplinary actions for minor infractions, particularly in secondary school. Doing so would likely improve OSS rates, especially for students of color with disabilities.

- HCPS does not have a systematic approach to integrating services with outside providers including Henrico Mental Health, Social Services, etc.

An effective tiered-services approach requires that children identified as needing services beyond the capacity of the schools be connected effectively with outside services. If a student is identified as needing mental health services, for instance, ideally a school caseworker would contact Henrico Mental Health or other provider identified by the family, help schedule an appointment, share information (with the family’s permission) on the reason for the referral, and serve as a contact for any necessary follow-up at school. This kind of “warm hand-off,” as part of a case management system, appears to be lacking. Some students may have case managers at other agencies already, and schools need not duplicate this. But when problems arise initially at school, the case management function belongs naturally at school, or at least school personnel should follow through until an outside entity assumes the role.
Section 3: Parent Engagement in Special Education

Background
Special education laws require that every child is entitled to a free appropriate public education (FAPE). Virginia regulations mandate procedures for divisions to follow to ensure that goal is met. The regulations require an Individualized Education Program (IEP) for every student. The regulations also require that the child’s parent be included on the IEP team that meets regularly to determine the child’s eligibility for special education services and then to create, review, and update the plan for those services.

If parents and the school division cannot agree on an IEP plan for the child, or if they disagree about whether the plan is being properly implemented, or about whether the required procedures are being followed, parents can pursue any of several options to resolve disputes. In addition to informal communications with the school division, they can seek mediation, file a complaint with VDOE, or request a hearing before an independent hearing officer (a “due process hearing”). In certain circumstances, a further appeal to federal court is allowed.

The challenge of properly educating a child with a disability is often significant, and special education legal requirements are complex. This combination means that parents often find the IEP planning and implementation process difficult. Often, parents need professional assistance in navigating the process. Various kinds of help are available to those who can find and afford it, including lawyers who specialize in this area of law, educational consultants who advise parents and may participate in planning meetings as advocates, and non-lawyer advocates who represent parents in IEP meetings, due process hearings, etc. Regulations allow parents to designate anyone they choose as an advocate for these proceedings, unless matters go beyond administrative processes to court; then, only a licensed attorney can represent them.

As part of this review we spoke with over 50 parents and a dozen attorneys and advocates about their experiences with IEP planning and dispute resolution procedures in Henrico. We also met with HCPS educators and the attorneys who represent them, and analyzed various HCPS policies. We read due process notices, decisions by hearing officers, and related documentation, and we met with hearing officers as well. Finally, we met extensively with the leaders and then the full membership of the Special Education Advisory Committee (SEAC), Henrico’s advisory committee on special education services, and considered their thoughtful recommendations based on their years of hearing from parents on these topics. We considered the parent responses to surveys conducted by SEAC in 2016 and 2017. Several themes emerged in these conversations, which are identified in the findings below.

But first, three caveats worth noting:
First, we did not conduct our own survey of parents. SEAC’s parent survey in 2016 received 115 responses from the 6,000+ parents surveyed. SEAC worked to boost the response rate to its

53 We use the term parent here and throughout to mean parent and/or other legal guardian. Many of the family members with whom we met were grandparents, step-parents, etc.
54 VDOE’s Parent Guide to Special Education is over 60 pages long. See: http://www.doe.virginia.gov/special_ed/parents/parents_guide.pdf
2017 survey and got 268 responses. The 2017 survey focused on topics directly relevant to this evaluation, specifically behavior issues amongst students with disabilities and parents’ assessment of HCPS’ responses thereto. We determined that in light of the low response rates, any further survey efforts were unlikely to get a large enough response rate to add value. Random polling mechanisms were beyond the scope of the time and resources available for this evaluation.

Second, the parents with whom we spoke were not a random sampling of parents of children with disabilities in HCPS, and were heavily weighted toward those who have experienced problems with special education services in HCPS. We found the parents we spoke with in several ways. Some reached out to us. Others we reached through lawyers, consultants, and advocates who have assisted parents in Henrico. We met with Henrico’s SEAC and parents to whom SEAC referred us. Finally, some parents referred us to other parents with whom they were in contact.

Almost all of the parents with whom we met have children with disabilities such as autism and severe intellectual disabilities, and therefore face more complicated issues than parents whose students have more routine needs such as speech therapy, even though the latter make up the vast majority of students with disabilities in HCPS. The parents we met also tended, by virtue of the circumstances that connected us, to be those who have experienced some degree of conflict with HCPS regarding their child’s services and have therefore sought out the services of an attorney, consultant or other advocate. For example, a high percentage of the parents with whom we spoke have engaged in some form of dispute resolution with HCPS, whereas data show that only a very small percentage of special education parents in HCPS overall have done so.

However, our sample was diverse in every other way. We spoke to parents with a wide range of incomes, geographies, ethnicities, and students’ disabilities. Moreover, we frequently heard similar concerns from the numerous parents with whom we spoke, despite their different circumstances. Many of them, in addition, have had years of engaging with HCPS on behalf of their children, across multiple schools and placements. Many of the concerns they raised were supported in various ways in our interviews with HCPS educators, providers in the community, attorneys and advocates. Accordingly, we think their voices merit inclusion in this report even though they may not be representative of the wider population of special education parents.

Finally, many of the concerns raised by parents in our interviews may well relate not just to special education in HCPS but to special education more generally. For instance, frustration with the cumbersome nature of special education paperwork is likely universal. We were not able, within the scope of this review, to interview parties and evaluate IEP planning and appeals practices in other jurisdictions for comparison purposes. We did occasionally hear anecdotally of practices that might be different or similar elsewhere, but we did not attempt for the most part to assess those claims. The validity of Henrico parents’ concerns need not be diminished by the fact that others may experience them as well. We simply note that we are not singling out HCPS as more or less challenged relative to other divisions with respect to the findings in this section.
Findings

- **There are indications that most parents are reasonably satisfied with the special education services their children receive in HCPS.**

Every year, most parents participate only in the routine IEP planning processes and do not have the occasion to seek dispute resolution through mediation, complaints, or due process hearings. There has been a rise in the number of such actions filed in the last school year in HCPS. There were 7 due process hearings and complaints filed in Henrico in the 2014-2015 school year, 6 in 2015-2016, 7 in 2016-2017, and 17 in 2017-2018 as of 2/2/2018. Virtually all the complaints and hearing requests filed in 2017-2018 have been filed by a single advocate. Even at the increased rate, these represent less than ½ of one percent (.5%) of the more than 6,000 children with IEPs in HCPS. Moreover, from 2014-2015 forward, virtually all the complaints and hearing requests filed have been withdrawn, dismissed, or resolved amicably between the parties. Only 3 have proceeded to a hearing officer’s decision, of which one resulted in a ruling for the parent and two for the division.

HCPS conducts a bi-annual survey of its parents through an independent survey organization, with a high participation rate. In 2016, 94% of 7,999 respondents agreed that “students with disabilities are provided with appropriate support to meet their instructional needs.” Note: this survey question did not distinguish between parents with children with disabilities and other parents.

- **SEAC, the advisory committee comprised largely of parents of students with disabilities, reports satisfaction with many aspects of special education services in Henrico.**

SEAC conducts annual surveys of parents and hears from parents regularly through various forums. SEAC reports, among other things, that HCPS is doing well overall on ensuring student safety, and is making progress on efforts to include students with disabilities more effectively in mainstream classes. SEAC also applauds efforts to provide more evidence-based dyslexia services and training, and to promote trauma informed care approaches, as well as new programs aimed at addressing behavioral issues amongst students with disabilities as well as others. SEAC praises HCPS leadership for mass communication efforts, for being responsive to input from SEAC, for the resolution of individual issues within schools, and for the recent hiring of a Director of Equity and Diversity.

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55 A number of the due process hearing requests represent repeated filings per child, so the percentage of families requesting such hearings may be even lower.

56 All data reflects the status of cases as of 2/2/2018.


SEAC’s parent survey in 2016, conducted in May to July of 2016, asked parents about their satisfaction with the special education services their children were receiving in HCPS. 65.8% (75) of the total 114 respondents reported they were very or somewhat satisfied, while 20.2% (23) were somewhat or very dissatisfied. The 2017 SEAC survey, conducted in February/March of the 2016-2017 school year, focused more specifically on behavior issues and asked parents whether their students with disabilities had incurred behavioral consequences during that school year. Students of 19.4% (52) of the total 268 respondents had faced some form of consequence that year, including 11.6% (31) who had faced out-of-school suspensions and 8.6% (23) who had faced in-school suspensions. Of the 52 parents whose students had incurred behavioral consequences, 43.1% (22) were very or moderately satisfied with the school’s collaboration on the matter and 47.1% (24) were somewhat or very dissatisfied. Qualitative responses to other survey questions were incorporated into SEAC’s overall recommendations.  

- **SEAC also identified a number of areas for improvement.**

SEAC singled out the need--especially in light of high turnover in some areas--for better training for teachers and administrators, particularly in trauma-informed care, mental health issues, conducting detailed Functional Behavioral Assessments (FBAs) and Behavioral Intervention Plans (BIPs), and Mandt training, among others. SEAC also identified the need for more evidence-based instruction for students with dyslexia, the need for more academic rigor especially for students in self-contained classrooms who are not pursuing standard diplomas, and more efforts to include those students in self-contained classrooms in activities with general education students where possible. SEAC identified a need for more qualified special education teachers and trained instructional assistants. SEAC also raised concerns that school suspensions are disproportionately used with students with disabilities and students of color, including the use, on occasion, of informal, undocumented actions that amount to suspensions even though not called that. SEAC found that collaboration with parents on IEPs needs to improve so that all members of the team truly are engaged and heard. SEAC pointed out that many of the needed changes will require a commitment from HCPS as a whole, including principals and general education faculty, not just special education staff.  These and other concerns were echoed in the parent interviews more generally and are detailed more below.

- **Communications between the parents with whom we spoke and HCPS staff regarding their children’s education is not consistently sufficient for effective parent engagement. Many parents reported that they do not feel included as valued members of their child’s IEP team.**

Parents reported frequently encountering an attitude from the professionals that “we know best what your child needs.” The parents perceive that their knowledge of their own children’s needs and circumstances is not fully appreciated. They also often find the processes and terminology confusing; they noted being faced at meetings with a phalanx of open laptops – perceived as a defensive wall -- and foregone conclusions. They feel they have to, on occasion, push harder than they should for appropriate options for their children, and that there is often insufficient knowledge of those options or willingness to consider them when raised (for instance the variety

59Ibid, Appendix B.
60Ibid, and interviews.
of potential extended school year options are often hard to find or access). Often parents are not consulted in advance of an IEP meeting regarding what is or is not working, what they might like to see addressed in the IEP, or their questions or concerns. If they receive a draft copy in advance, it is often untimely and confusing to them.

- **Parents also expressed frustration about more routine communications with their children’s teachers and instructional assistants.**

Some rarely hear from their child’s teacher or case manager except when it is time to address the child’s IEP. Some said instructional assistants, with whom they interact more frequently at times such as pick-up and drop-off, have been forbidden to speak with them about their child. **Some parents with children in self-contained classrooms report they have been prohibited from having any contact with their children’s classrooms, even for simple social gatherings such as celebrating a child’s birthday or volunteering in the class.**

Some parents complained they have been unable to get a class directory to facilitate an invitation to another child for a play date, a connection especially important for children with disabilities who are often socially isolated. Routine class access that parents would typically expect in a general education classroom is not allowed. Parents find this especially frustrating if their children have limited verbal skills. Schools adopting this approach cite the need to protect other students’ privacy as a basis for these restrictions, but other schools in the division manage this challenge differently.

HCPS has an Observation Protocol revised in April 2018, but HCPS leadership told us that it is not intended to cover such routine interactions. Even for the formal observations it covers, the protocol expressly states that “Parents of students… in a self-contained class may conduct an observation of the special education class without obtaining written permission from the parents of the other children in the class,” contrary to some schools’ understanding. We also note that HCPS issued an Instructional Memo on July 2, 2018 to all school-based administrators and teachers in response to these concerns. The memorandum clarified that “parents who have students with disabilities who are served in the self-contained classroom should have the same types of access to their student’s learning environment as those parents of students who are served in the general education setting,” including the opportunity to visit and volunteer in the classroom. These guidance documents are not easily accessible to parents.61

- **Concerns about self-contained classrooms were cited as intermittent and depending largely on the individual school and teachers involved.** Parents reported that some teachers in self-contained classrooms, for instance, employed routine permission forms to address privacy issues, regularly welcomed parents into their classrooms, and effectively and regularly communicate with parents regarding their students in general.

- **Staffing quality amongst the special education teachers is inconsistent.**

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61 The Observation Protocol and Instructional Memorandum referenced here are internal documents accessible to school personnel and made available to parents as needed, per HCPS leadership. They are not posted on the HCPS website as of this writing.
Many parents report extraordinarily positive experiences with teachers who have made tremendous differences in their children’s lives. But in another year, they experienced staff who were clearly unprepared or overwhelmed, who left or were fired in the middle of the year, or who lacked the training to address their children’s particular needs. Several experienced losing a strong special education teacher after a few years, and dealing with others who were new and inexperienced.

- **Staffing quality amongst Instructional Assistants (IAs) is likewise inconsistent, and there are significant problems with the staffing model for such assistants in HCPS.** Most instructional assistants in HCPS, unlike in some comparable jurisdictions, are hired part-time for 29 hours/week or fewer. Their hours barely--or fail to--cover the students’ full school day. They are not included in IEP meetings or planning or training, even for students in whose care they are intimately involved. The positions are hard to fill and turnover is high. Despite the obstacles, some IAs do remarkable support work for students, but their quality overall is at best inconsistent, and the staffing model makes it difficult for special education teachers to incorporate them as effective members of their education teams.

- **Some principals and general education teachers have little understanding of the needs of students with disabilities, or perceived commitment to advancing their success.**

Especially in light of the increasing inclusion of students with disabilities in mainstream classrooms, these students’ success depends not just on high quality special education faculty but on all the adults who interact with them. For instance, often general education teachers, school resource officers, and other adults in the school are perceived as having little or no awareness about how a student’s disability affects behavior issues or about the behavior plan ostensibly in place to address them. Principals sometimes seem singularly focused on SOL scores and perhaps other generally applicable outcomes; except for those who have a particular background or interest in special education, they may not see special education student success as a major part of their job descriptions. Because principals have oversight for all the adults in the school, this is a major impediment to good outcomes for students with disabilities, particularly in light of HCPS’s high rate of including students with disabilities in general education classrooms.

- **Communications surrounding IEP meetings and dispute resolution processes has been hampered by an increasingly defensive, adversarial atmosphere in some instances.**

Many parents and educators report that this is not new but has gotten worse in the last couple of years, possibly due to the increase in due process filings and HCPS’ response thereto. Sometimes there is a general lack of trust--on both sides--that all are focused on the same goal, i.e. student success. Many of the parents feel that they have been unable to get appropriate services for their children without an advocate, consultant, or attorney in some instances. In light of the

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62 All instructional assistants in Henrico receive a full day of training within 60 days of their initial employment, including state-mandated autism training. This is the only training the part-time instructional assistants typically receive.
complexity of these students’ needs and special education legal requirements, this is not surprising. Effective advocates help families understand their rights and often are successful in obtaining solutions at IEP meetings, or via mediation or informal dispute resolution. However, sometimes when parents advocate vigorously for their children, and particularly when they utilize the services of an advocate, some HCPS staff find it hard to accept the input dispassionately and are not comfortable with the role of advocates. These perceptions reach across diverse parent backgrounds, races, and geographies and across a range of advocates.

Many parents--particularly those who could not easily afford to hire an educational consultant, attorney or other advocate--expressed that it is difficult to find help obtaining effective special education services. Many parents are unaware of the parent resource center or other resources within HCPS that might be available. Many are unaware of the Special Education Advisory Committee or other support groups.

- **When disputes arise, HCPS leadership is effective in resolving most individual concerns.**

Most advocates, consultants, and attorneys report that HCPS leadership is typically able to successfully resolve concerns brought to their attention, whether through informal communication, mediation request, or a formal letter to HCPS’s lawyers. Even matters in which formal due process hearings are initiated mostly end in resolution agreements between the parties.\(^{63}\) Some parents are less well informed about informal dispute resolution options than others. Some advocates routinely decline to participate in mediation, thus depriving their clients of this effective dispute resolution tool.

- **When disputes arise, most matters proceed to resolution appropriately, but on occasion advocates and attorneys have unnecessarily heightened the adversarial nature of the proceedings.**

Whether right or wrong on the law, parents in these proceedings are typically just seeking the best for their children in the most effective way they know, and often without the benefit of legal assistance. Parents may be angry and upset if they feel their children are not getting the support they need to be successful. Particularly in light of our nation’s historic treatment of Black students and students with disabilities, such impassioned anger is understandable, but it can also be an impediment to effective communication.

In some cases, advocates have alleged that HCPS staff have falsified documents or committed crimes. There have also been threats against the staff’s licenses or employment status as well as personal attacks against them. We found no examples where such allegations were substantiated or justified. Such baseless personal attacks and aggressive language undermine the effectiveness of what could otherwise be invaluable advocacy, and they also add to an increasingly adversarial atmosphere that is not conducive to achieving the best outcomes for students in HCPS.

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\(^{63}\) One advocate who represents a number of families in Henrico disagrees with this assessment regarding successful resolution via informal communications or mediation but concurred that many cases are resolved via agreement once due process hearing requests are filed.
HCPS’s lawyers, in representing HCPS in these matters, can take an approach that aims to get to the best result for the child or fight matters aggressively using all procedural tools at their disposal. They also can choose to show courtesy and respect to all parties regardless of the disputes at hand. Independent observers suggested to us that on occasion HCPS’ outside legal counsel has not gotten this balance right. In-house counsel, i.e. attorneys in the employ of the county attorney’s office, are widely perceived as solutions-oriented and fair.

- SEAC plays a useful role in advising HCPS and particularly in raising issues on behalf of special education families, and there is opportunity for an enhanced role for the group, particularly if it can expand its participation amongst parents of color.

SEAC is an effective mechanism whereby to address systemic issues with special education in Henrico but is underutilized. Its membership, participation and activity have increased in recent years. However, many parents with whom we spoke were not aware of its existence. SEAC would benefit from additional participation from parents in the East End and parents of color. SEAC leadership has worked to include those perspectives more fully and expressed eagerness to recruit more robust participation from those communities. Many families are similarly unaware of Henrico’s Family and Educators Resource Center and any potential help it can offer to families of students with disabilities.

Section 4: Special Education Staffing

Background
As in any aspect of education, a high quality teaching staff who are well supported and empowered to do their jobs is crucial to the success of students with disabilities. In special education, this means not just general and special education teachers but also instructional assistants, who play an important role day-to-day particularly for students with complex needs.

Because concerns with staffing came up in our discussions of all three of the topics addressed above, we thought it worthwhile to make distinct findings and recommendations on this topic.

As part of the review, we spoke with numerous special education teachers in HCPS as well as with HCPS leadership about special education staffing matters. We also received feedback from parents and other stakeholders regarding special and general education staff. We then conducted a survey shared with all special education teachers in the county. This section first describes the survey process and results, and then summarizes our findings.

The Survey
In order to gain insight from special education teachers about what they need to be more effective and satisfied practitioners, we developed a 20-question survey with scaled and open-response questions. The survey was distributed in early June 2018, and teachers had three weeks to respond. Participation was voluntary and respondents could choose not to answer any question. No potential identifiable information was collected, so the responses were completely anonymous and confidential. Of the 478 special education teachers who received the survey, 141
responded to our request, for a 29% response rate. The responders represented a wide range of experience levels, school types, and demographics. See Appendix I for further details.

The survey questions were divided into the following five sections: training and support, school discipline, collaboration, job satisfaction, and demographics. The questions aligned with our focus on racial disproportionality in identification, placement, and school discipline, with the intention of learning how HCPS could better support special education teachers. The job satisfaction questions were added because of attrition-related themes and concerns regarding special education teacher turnover rates that arose from interviews with stakeholders. This summary is based on both the scaled responses and the most typical responses to the open-ended questions. The survey questions and scaled responses are described in more detail in Appendix B.

### Training and Support

More than half of the respondents indicated they have the training, capacity, and support to implement research-based instructional strategies and develop special education documents. However, when asked what HCPS could do to help special education teachers be more effective practitioners, the most common response was to provide relevant and sustainable training. The majority of respondents believe special education teachers need consistent training on how to use the current version of EdPlan, the new software platform now being implemented for IEP documentation in Virginia. Many teachers also suggested other areas of training, such as how to co-teach with general education teachers, how to manage student behavior, and how to complete an FBA and implement a BIP.

There were other suggestions on how HCPS could support teacher effectiveness. Many teachers requested better communication from Central Office about EdPlan updates and other special education issues. Another common response suggested that all instructional assistants (IAs) should be full-time employees with benefits, so they can receive training and be recognized for the important work they do to support classrooms. Some teachers suggested a guide on policies and procedures related to special education and training for administrators on compliance issues.

### School Discipline

The majority of respondents also believe they have satisfactory knowledge of how to manage behavior when working with students with disabilities. However, when asked an open-response question on how HCPS could help special education teachers manage behavior, the majority asked for more training. Many respondents believe general and special education teachers as well as IAs need behavior management training, training on de-escalation techniques such as Mandt, and FBA and BIP training.

We also asked special education teachers how HCPS could reduce the disproportionality of suspensions from school for students with disabilities and students of color with disabilities. The most common response was that HCPS should provide more behavioral supports and training on how to address the needs of students with emotional disturbances. The next most common answer suggested that HCPS provide behavior management training for all staff, followed by reconsidering placement, such as self-contained options, and working closely with parents. One
A common suggestion, specific to addressing the needs of students of color with disabilities, was to hire more racially and ethnically diverse staff.

**Collaboration**

Most of the teachers who responded believe they have the capacity and support to collaborate with general education teachers. When asked how HCPS could support practitioners in this area, teachers believe they need more co-planning time within contractual hours. They also stated special education teachers should be placed in fewer content areas with the same general education teachers for more than a year, so they can develop skills and rapport with their collaborative teams. Another common response, mentioned earlier, was to provide both general and special education teachers with training on how to effectively co-teach and share responsibilities for students with disabilities.

**Job Satisfaction**

Teacher satisfaction is an important area of inquiry because it impacts retention and the ability for schools to build capacity. When we asked special education teachers about their level of satisfaction with their job in HCPS, 5% said they were extremely dissatisfied, 20% said dissatisfied, 15% said neither dissatisfied or satisfied, 51% said satisfied, and 9% said extremely satisfied. We also asked teachers how likely they were to continue their current employment for 3-5 years or more. Of those who responded, 9% said they were extremely unlikely, 19% said unlikely, 17% said neither likely nor unlikely, 35% said likely, and 19% said extremely likely. The question did not ask why respondents are likely to leave their current employment so there could have been multiple factors, including for instance some respondents approaching retirement, impacting their answers.

Since we wanted to target factors that impact retention, we asked how HCPS could improve job satisfaction. Special education teachers indicated the most important factors in retention are 1. Workload (84%), 2. Compensation (73%), 3. Support from leadership (70%), 4. Large caseloads and class sizes (67%), and 5. Behavioral supports (62%). When asked what HCPS could provide special education teachers to improve job satisfaction, the most common open-ended responses were to add planning time for case management and IEP paperwork, increase compensation, and provide support by hiring more IAs.

**Findings**

- **HCPS has many dedicated special education teachers who are making a difference in their students’ lives every day.**

We heard from numerous parents about transformative experiences they and their children have had with many dedicated and talented HCPS special education teachers over the years.

- **Special education teacher quality in HCPS is uneven. Teacher shortages and turnover are impacting the ability to provide high-quality services to students with disabilities in HCPS.**
We heard frequently from parents about great teachers who left after a few years; teachers who were enthusiastic but inexperienced; teachers who were not up to par and departed, sometimes mid-year; and classrooms led by long-term substitutes.

In the most recent year for which data is available, 12 HCPS special education teacher positions went unfilled, and 52 were filled by provisionally-licensed teachers, for a total of over 12% of special education teacher positions. Teachers with provisional licenses, especially in special education, may have had little or no training before starting their employment with HCPS in classroom management, special education law, effective teaching strategies for children with various disabilities, including culturally diverse students with disabilities, or even in teaching strategies more generally. Special education teachers are at the top of the ten most critical shortage teaching endorsement areas in Virginia, and evidence suggests the same is true in HCPS. These high teaching shortages are impacting HCPS’s ability to effectively and adequately serve all students with disabilities.

- **Inexperienced and less-than-fully-licensed special education teachers are often working in positions serving the neediest students and schools in HCPS.**

As in many jurisdictions and in general education positions as well, new special education teachers in HCPS often are serving in positions considered to be the most challenging--in self-contained classrooms and in schools with the highest rates of poverty. Newly hired teachers are eligible to transfer within the division after their first year, and many do. New teachers can be strong teachers, but experience matters in special education as in every profession. It is unfair to students and teachers alike to have brand new teachers, often with minimal relevant academic training, teaching students with complex disabilities, especially in high-poverty schools where community and family resources may also be strained. Under current practice, teachers serving the neediest children are often least equipped to do so.

- **HCPS has a number of well-qualified central office coordinators in place to support special education teachers, but there may be room for improvement in how these positions provide sustained professional development to the schools and programs they oversee.**

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64 Virginia law allows teachers who have completed most of the requirements for licensure to teach under a “provisional license” for several years, if supported by a jurisdiction who has employed them, while they complete the additional requirements. In addition, due to acute special education teacher shortages, there is an additional category of “special education provisional license” for teachers hired to work in a special education position who have completed a bachelor’s degree and initial coursework in special education; they can teach for several years while they complete their other coursework and requirements. The statistic above includes provisionally licensed teachers in both categories.


66 This finding is based primarily on observations from principals and HCPS leadership interviews, not on quantitative data, which we were not in a position to assess at the school/position level. HCPS may want to conduct an internal data analysis to confirm or refute this observation.
HCPS special education coordinators are available to support special education teachers, particularly those in self-contained classrooms. Some of these coordinators already may be informally implementing a coaching model. There are evidence-based instructional coaching models that are efficient, relationship driven, inquiry based, and student centered.\textsuperscript{67} Resources on how to support the implementation of these models are in Appendix A. For example, a relationship-driven coaching cycle provides non-threatening support. This is particularly important if a coordinator might otherwise be perceived as someone who overrules local teacher authority, for instance in IEP meetings, rather than acting as a support to the local teacher. To implement a coaching model well, teachers need time built into their contracts to benefit fully from working with the coordinators—effective coaching takes time for both parties. When there are these constraints, research shows relationship building is fundamental to implement efficient instructional coaching focused on identifying a goal, learning a strategy, and improving practice.\textsuperscript{68} Particularly in light of the high percentage of provisionally-licensed and new teachers, a well-designed and implemented model of coaching and expert support would be beneficial.

- **Special education teachers lack sufficient time in their contracts to plan and to receive training.**

Survey results and interviews confirm that a major training need is time for all special education teachers to take advantage of available professional development opportunities, such as offerings from VCU’s Autism Center for Excellence, which are offered free of charge to HCPS teachers but are often under-enrolled. Likewise HCPS has offered Mandt training, for instance, to any teacher at VREC, but many have not taken advantage of it citing insufficient contractual time away from their classrooms. Specialists available within HCPS are constrained in their ability to work with newer teachers who have little planning time outside the classroom. Special education teachers likewise lack time to collaborate with each other in professional learning communities and with general education teachers with whom they are co-teaching.

In addition to evidence-based training on techniques for assisting students with specific disabilities, special education teachers would benefit from additional training in behavior management and trauma informed care, among other topics. There is also a need for effective training on the IEP planning process, including implementation of the EdPlan software, proper documentation, parent engagement, and how to navigate the dispute resolution process successfully for all parties.

- **As in jurisdictions across the Commonwealth and nation, HCPS lacks racial and ethnic diversity in its teaching staff.**

Research shows that all students, and especially students of color, benefit from being taught by teachers of color. Evidence also shows teachers of color serve as role models, tend to hold higher expectations of minority students, and may be more culturally sensitive and less biased about


their students.\textsuperscript{69} In addition, students of color are also less likely to be targeted for punitive discipline by teachers of color.\textsuperscript{70} HCPS’s faculty is 79.6\% White, 16.4\% Black, 1.8\% Latinx, 1.6\% Asian, and 0.6\% other races. This compares to student representation of 39.9\% White, 35.5\% Black, 9.1\% Latinx, 10.5\% Asian, and 4.9\% other races,\textsuperscript{71} which means that people of color are underrepresented in HCPS faculty compared to the student body, an issue faced by school districts nationwide.

- **HCPS provisions for tuition reimbursement for teachers during the recession have not generally been restored, which has impacted the ability of all teachers to improve their teaching abilities through additional education.**

- **Instructional assistants in HCPS are generally part-time employees, and this prevents them from being used effectively in supporting students with disabilities with complex needs.**

Students with more complex disabilities often require an aide, either one-on-one or as part of a team working with a special education teacher and other aides. HCPS generally staffs these positions with part-time employees who are not allowed to work more than 29 hours per week. In light of the length of the typical school day, their work hours are spent almost entirely with students. They typically participate in only the minimum legally-required training and are rarely available for IEP meetings or planning time. Some comparable divisions, such as Chesterfield and Virginia Beach, hire instructional assistants as full-time employees and include them as full members of the IEP team, as do private placements in the region. Instructional assistants often spend the most time with students with complex disabilities and supporting integrated classes. Many of these are caring and committed individuals who make strong connections with students and families. With a different structure, instructional assistants could better support the needs of the students they serve and the teachers with whom they collaborate. We also heard anecdotally from interviews and the teacher survey that these positions are hard to staff. Full-time positions, particularly if coupled with a grow-your-own teacher preparation initiative leading to special education teacher licensure, could attract a stronger hiring pool for these positions.

- **Principals’ knowledge of and commitment to special education student success in HCPS is uneven.**

Our interviews indicated that principals are crucial to special education student success. Some principals in the county are particularly well-trained and committed in the field. They can and do set the tone for an inclusive environment, they help limit discipline of students with disabilities to appropriate circumstances, and they help general education and special education teachers


work together effectively toward all students’ success. Other principals are perceived as focusing solely on SOL scores and student discipline data, and don’t see a connection between special education student success and those metrics. Absent effective leadership at the school level, it is difficult to ensure students with disabilities get the attention they need.

- **Staff satisfaction among special education teachers appears generally high, but there are some warning signs.**

In the survey, 60% of the respondents indicated they were satisfied or extremely satisfied with their employment, while only 25% indicated they were dissatisfied or extremely dissatisfied. This generally appears positive, though we do not have comparison data on other jurisdictions. On the other hand, 28% indicated they are unlikely or extremely unlikely to continue their current employment for 3-5 years or more. Moreover, we heard anecdotally of staff morale issues among special education teachers in HCPS, particularly around frustration with the increasingly adversarial nature of the IEP planning and dispute resolution process. A number of teachers report having sought counseling or legal advice related to a perceived hostile environment including personal attacks from certain advocates. More have expressed frustration with the amount of time required for special education paperwork in developing IEPs and later in defending their actions in dispute resolution processes. HCPS leadership reports that eight or more have specifically indicated they are looking for other employment due to the increasingly adversarial atmosphere they have experienced in HCPS special education proceedings. Teachers typically see themselves as wanting to work with students and families and find it frustrating to be seen as opponents rather than partners, as these proceedings sometimes cast them.
Recommendations

1) To improve equity in Special Education Placement and Identification, HCPS should:

   a. Maintain its strong focus on including students with disabilities in settings with their general education peers when possible, recognizing that the division’s high inclusion rate necessitates sustained efforts to ensure supports are in place to make inclusion successful. This should include strong professional development and collaboration opportunities for general education professionals as well as special education faculty. We note that HCPS is scheduled to include training for administrators and general education faculty relevant to special education issues in 2018-2019, beginning in the summer of 2018.

   b. **Significantly revamp or close the VREC program.** HCPS may want to consider: moving the program to a comprehensive school where more supports are available, undertaking major building renovations and program improvements on site, exploring options for a regional program, or developing a new alternative program for students with significant disabilities and behavior issues. If the VREC buildings are closed or renovated, this should be done with caution not to negatively impact the nearby Virginia Randolph Museum, a National Historic Landmark.

2) To reduce disparities in Discipline, HCPS should:

   a. **Regularly collect and analyze discipline data by intersectional subgroups of students (e.g. Black girls with disabilities who are low-SES) and pursue specific goals to reduce discipline by sub-group.** Despite HCPS’s successful efforts in recent years to reduce suspensions and expulsions overall, the division still struggles with excessive discipline, particularly for Black students and students with disabilities. In addressing this persistent issue, HCPS should consider setting targeted goals around the reduction of suspension and expulsion rates for certain subgroups of students. For example, instead of focusing on overall reduction in their use of exclusionary discipline, they should target these efforts towards reduction in their use of OSS and expulsion for Black students, especially Black students with disabilities, specifically. This is important given findings that Black students with or without disabilities are suspended at higher rates than their peers regardless of economic background. By setting specific goals for the disciplining of Black students and students with disabilities, HCPS will target efforts to the exact populations of students who are currently receiving inequitable treatment at school. This step will promote their efforts towards addressing disproportionality head on, as opposed to through the indirect attempt to reduce discipline rates overall. Setting specific goals to reduce exclusionary discipline for certain groups should be coupled with monitoring and accountability processes at the school and division level. Targeted goals should focus on

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72 Virginia has encouraged divisions to consider such regional programs as a way to support high-quality specialty services for children who need them, and a number of regions have established them. See for instance the Southeastern Cooperative Regional Programs, [https://www.secep.net/domain/25](https://www.secep.net/domain/25).
short-term suspensions (OSS) and in-school suspensions (ISS) as well as the long-term suspensions and expulsions that are the focus of VDOE reporting.

b. **Consider designing and implementing a locally-tailored plan that explicitly focuses on race and culture to reduce exclusionary discipline practices in elementary and secondary schools.** Currently, HCPS is working to align its behavioral support services within a tiered-system of support model incorporating Positive Behavior Intervention Supports (PBIS). PBIS relies on proactive rather reactive discipline practices. This shift in how to approach student behavior has been critical to advancing how to re-think discipline, particularly for students with disabilities. However, growing evidence show persistent racial disparities even as these support systems help reduce discipline rates overall. The challenge, in part, is that these models are often racially and culturally neutral. As a result, innovative new approaches to tiered systems of support, such as Culturally Relevant-PBIS (CR-PBIS),\(^{73}\) show promise in more effectively considering complex school contexts within racially and culturally diverse schools (see Appendix B). CR-PBIS focuses on genuine collaboration with families and students, particularly those from culturally and linguistically diverse backgrounds, to collectively examine school culture, disciplinary practices and processes. Adopting this type of participatory model can also help improve relationships between division leaders, families, and students. The Family and Educators Resource Center can play a pivotal role in facilitating such activities. We also recommend exploring partnerships with external organizations such as the Urban Collaborative (https://www.urbancollaborative.org/who-we-are), which works with school districts across the country on improving outcomes for students with disabilities from a critical, equity-minded perspective.

c. **Consider further amending the Code of Student Conduct to promote alternative discipline approaches for minor infractions in lieu of exclusionary discipline.** The current limitation on exclusionary discipline for minor offenses in effect for elementary schools could be expanded to secondary schools. For example, making an infraction such as disobedience and disrespect a “Category 1” offense rather than a “Category 1 or 2” offense may help reduce suspensions, and provide clearer guidance to schools by mitigating discrepancies in how students are being disciplined. This could be combined with providing more alternative options for consequences in the spirit of restorative justice (for example students making apologies, engaging in some affirmative conduct to right a wrong).

d. **Mandate training for all staff on implicit bias, trauma-informed care, restorative practices, understanding of diverse cultures, and basic understanding of the needs of children with disabilities.** We note HCPS has recently added a number of new training opportunities on these topics, for example training on restorative practices beginning in the spring of 2018.

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e. Train and provide supportive coaching on behavior management techniques appropriate to the students they are serving to all special education faculty and staff working with children with identified behavior issues.

f. Continue and expand its specialized behavior programs such as BLISS, but consider adopting a more systematic approach to training protocols, success metrics, reporting requirements, coordination with faculty and other support personnel, and parent engagement. The intensive relationship-based approach of these programs is well-supported in the literature, but the programs may have more effective and wider reach if they coordinate more effectively with each other and with other school personnel. Schools may want to identify one program as taking the lead for each student identified as needing additional behavioral support, to avoid duplication. Also the programs should be integrated into the IEP planning process as appropriate.

g. Adopt a proactive approach to linking students with health, mental health, and/or socio-emotional needs that cannot be fully met by HCPS staff to services in the community, ensuring every student has effective case management as needed and that all the different agencies serving a child and/or family are working together effectively to support the family. This will require effective collaboration between teachers, specialty behavior program staff, guidance counselors, and social workers within HCPS. An effective tiered-services approach will also require connection with outside services for children identified as needing services beyond the capacity of the schools. For instance, if a student is identified as needing mental health services, ideally a school caseworker would contact Henrico Mental Health or other provider identified by the family, help schedule an appointment, share information (with the family’s permission) on the reason for the referral, and serve as a contact for any necessary follow-up at school. This kind of “warm hand-off,” as part of a case management system, appears to be lacking. Some students already may have case managers at other agencies, and schools need not duplicate this. But when problems arise initially at school, either the case management function belongs naturally at school, or school personnel should follow through until an outside entity assumes the role.

h. Expand data collection and analysis on student referrals to juvenile justice and arrests to include students with disabilities in addition to race and gender. As strides have been made in the number of students being referred to juvenile justice, HCPS should begin tracking these data not only by race and gender, but by disability as well. This is important given students and people with disabilities are incarcerated at significantly higher rates than the general population. Expanding data collection and monitoring to include students with disabilities will provide useful information as HCPS continues to work toward reducing disparities in overall referrals and arrests.

i. Expand school quality indicators by tracking the number of school days missed due to suspension for all students by subgroup. Given HCPS’s commitment to student learning and success, it is important that the division collect and analyze the number of days of instruction students lose due to expulsion and suspension. The current loss of
instructional time is alarming, potentially contributing to the learning opportunities and outcomes of students, most significantly Black students and students with disabilities.

j. **Consider adapting procedures for manifestation determination reviews to cover a broader range of suspensions.** By law, schools are only required to hold a manifestation determination review for students with disabilities who are suspended more than 10 days (either at one time or cumulatively). This procedure allows the school to determine if the student’s behavior was caused by the disability, and if so, to develop an appropriate behavior intervention plan. However, the vast majority of suspensions of students are for less than 10 days. Therefore, many suspended students with disabilities are being disciplined without the benefit of an express review of whether the offending behavior is a result of their disability. For example, under current practice a student identified with an Emotional Disturbance can be suspended for classroom or campus disruption. Given the extremely high rate of suspensions of students with disabilities, a review analogous to the legally mandated determination reviews should be considered for all OSS for students with disabilities or at least for all repeat offenders or for suspensions that are between 5-10 days. This process should include evaluating the reasons for disciplinary action and alternative approaches.

k. **Coordinate efforts of the offices of Student Support and Disciplinary Review, Exceptional Education, and the new office of School Equity and Diversity to ensure more deliberate focus on addressing the discipline outcomes of students of color, students with disabilities, and students of color with disabilities.** One important priority for these three offices is to consider further revising the Code of Student Conduct so that students are not removed from school for committing a “minor” or more subjective offense, such as disruption or disobedience. For example, it continues to be the case that classroom or campus disruption is a “Category 3” offense (i.e., 1-5 days of removal from school) for secondary students. Given that a significant number of students of color and students with disabilities are being disciplined for these “D-codes,” these three offices would benefit from increased collaboration.

3) **To foster Parent Engagement in Special Education, HCPS should:**

   a. **Continue to support SEAC’s role as a voice for parents in special education and work with SEAC to enhance it.** Henrico’s SEAC does strong work helping parents support each other and advising HCPS on how to ensure all students with disabilities succeed, and the committee has increased its activity in recent years. However, the group remains less well known than it could be. HCPS should work with SEAC to host listening sessions in schools throughout the county, and to interact with PTAs in every school to help educate all families about children with disabilities. HCPS special education teachers and parent advocates, including those in the Family and Educator Resource Center, should also share information about SEAC with families. HCPS should also work with SEAC to strengthen its participation amongst all key demographics and especially in the East End. With a heightened presence, SEAC could contribute to enhanced trust amongst parents in the system.
b. **Work to improve communication and trust with special education families who are currently disaffected.** Despite increasing pressures toward an adversarial atmosphere, HCPCS must work to promote trust, open communication, and common purpose, recognizing that both parties are working towards the success of all HCPS students.

c. **Clarify that special education parents with students in self-contained classrooms are welcome to interact with their children’s classrooms just as fully as parents of general education students are welcome to do.** HCPS should amend its Observation Protocol to clarify that it does not apply to routine parent interactions, which should be welcomed just as for general education students. The division should publish the revised Observation Protocol and the July 2, 2018 Instructional Memorandum on the HCPS website for parents’ benefit and reinforce with staff that if a parent requests a formal observation, the Protocol allows parents to observe without obtaining written permission from the parents of other children in the classroom. Confidentiality concerns can be adequately addressed without excluding parents from full engagement with their students’ classrooms.

d. **Consider enhancing the capacity of its Family and Educators Resource Center (FERC) and its family advocates by moving toward a peer family support advisor model.** FERC has strong educational offerings for parents on topics that include special education, and HCPS has family advocates on staff in many of its schools, especially those serving low-SES families. We encourage HCPS to adopt a model whereby FERC and the family advocates can serve special education families in an active ombudsman/support role. The advocates would need professional training to include special education services and processes, including formal and informal dispute resolution options. They could help parents advocate successfully for themselves, guide them to HCPS’s effective dispute resolution processes, and connect families to SEAC, support groups, and external sources of assistance as needed. One approach being used to good effect in similar contexts is a peer family support advisor model, using trained parents who have navigated systems on behalf of their own children to help others do likewise.74 We note that a HCPS family engagement team is working to incorporate a Family Learning Liaisons model in 2018-2019 that could be a useful step in this direction.

e. **Use HCPS in-house legal counsel to represent HCPS in special education proceedings to the maximum extent possible.** These attorneys have a solid reputation for addressing, expeditiously and fairly, special education matters assigned to them. In light of the current volume of due process hearings, in-house counsel is likely most economical as well. In-house counsel also should provide training and guidance to HCPS staff on special education matters, and help draw lessons from individual matters to inform potential systemic changes.

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4) To promote effective staffing, HCPS should:

a. Hold principals accountable for promoting the success of students with disabilities in their schools and for ensuring that general education as well as special education faculty are contributing to the success of HCPS’ inclusive approach to serving students with disabilities. This should be part of principals’ annual evaluations and professional development. HCPS is a leader in promoting inclusive practices and we encourage the division to continue in that role, which necessitates engaging everyone in special education success.

b. Make Instructional Assistants full-time employees who are trained and included as full members of the special education teams with whom they work. These paraprofessionals provide support to students with complex needs and teachers in integrated settings. They also work with some of the students with the most challenging behavioral issues, which requires training to address their behavioral needs and implement de-escalation techniques.

c. Explore differential salary scales for special education teachers who serve in hard-to-staff schools and positions, combined with longer contract hours for additional professional development and collaboration during the school year and the summer. School divisions everywhere face the dilemma of how to match their best teachers to the students and schools that need them the most. This is not an easily solved challenge but is crucial and therefore worthy of exploring options creatively.

d. Employ a coaching model with new and provisionally licensed special education teachers, as well as professional learning communities to enable teachers to collaborate with each other. New teachers should be coached through their first five years. The payoff from such an approach can include increased teacher retention, which over the long term can save money by investing upfront in teacher induction, and can help increase faculty diversity. Mentors from diverse backgrounds are particularly important for culturally diverse teachers. Many of HCPS’s current special education coordinators function partly as coaches already; a formal coaching model could enhance their work. We note HCPS has committed funding for 8 new instructional coach positions starting in 2018-2019, four of which will be focused on special education. They will join a number of other existing coaching programs in the division.

e. Consider developing a grow-your-own program to help alleviate special education teacher shortages by recruiting and supporting potential candidates for special education teacher licensure. Instructional Assistants might be targeted as potential candidates for such a program, which could enhance the quality and quantity of applicants for Instructional Assistant positions as well as for teacher positions. For

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77 See Resources on Best Practice in Appendix A.
example, Virginia Beach City Public Schools has implemented a field-based endorsement program for Instructional Assistants in partnership with Old Dominion University called the Teachers Reaching Youths Intervention Training (T.R.Y.I.T) initiative. Such a program might also have benefits for increasing faculty diversity.

f. **Experiment with hiring school-based administrative support for special education teachers.** Some divisions provide school-based compliance officers to help special education teachers meet the sometimes onerous paperwork requirements of IEP planning. It may be possible to use trained, non-licensed personnel to meet some of this need, for instance with scheduling IEP meetings, ensuring notices are sent in timely fashion, and tracking consent documents. This could potentially make the process work more smoothly for parents and free up educators’ time for teaching and planning. If implemented, the division should monitor this initiative to ensure it increases rather than decreases communication between parents and teachers.

g. **Expand opportunities for professional development amongst all its faculty on special education topics.** High-quality professional development is cost-effective and should include tuition reimbursement, summer programming, and training imbedded into teachers’ work during the school year. Special educators would benefit from more training in evidence-based practices to address the unique learning needs of their students with disabilities, and general education faculty would benefit from broad training on learning disabilities and on how to collaborate with special educators to meet the learning and behavioral needs of all students. The limiting factor may be teachers’ time. As HCPS considers opportunities for salary enhancement for all teachers, building more time for professional development into teaching contracts may need to be a priority. We note HCPS has added new trainings on special education topics in the summer of 2018 and for the 2018-2019 school year.

h. **Consider creating a Henrico-specific Special Education Policy and Procedure Manual to benefit staff and parents alike.** A number of teachers in the special education survey mentioned such a manual would be useful.

i. **Convene a task force to assist HCPS leadership in reviewing these recommendations, prioritizing them, and overseeing implementation of any adopted recommendations.** The task force should include the Directors of Exceptional Education, Student Support and Discipline Review, and Equity and Diversity; and representatives of SEAC. Additional parent representatives with diverse backgrounds should also be included, pending more diverse participation in SEAC.

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Conclusion

We commend HCPS for its commitment to the success of all its students, as evidenced by its many efforts mentioned in this report toward inclusive practices for students with disabilities, and toward reduction of exclusionary discipline. We also commend HCPS leadership for its openness in seeking this review and in facilitating our work.

We hope this report will be food for thought on potential next steps as HCPS pursues continuous quality improvement and particularly the equity goals of its strategic plan. The ultimate beneficiaries will be the students of Henrico County.
# Appendix A

## Resources on Best Practices

<table>
<thead>
<tr>
<th>Best Practices</th>
<th>Resources</th>
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<tbody>
<tr>
<td><strong>Culturally Responsive Practices</strong></td>
<td>• <a href="https://educationnorthwest.org/sites/default/files/resources/culturally-responsive-teaching-508.pdf">Culturally Responsive Teaching: A Guide to Evidence-Based Practices for Teaching All Students Equitably</a></td>
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<tr>
<td></td>
<td>• <a href="http://niusileadscape.org/docs/FINAL_PRODUCTS/LearningCarousel/GuideCoachingDialogues.pdf">Culturally Responsive Coaching for Inclusive Schools</a></td>
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<td></td>
<td>• <a href="http://crpbis.org/learninglabs.html">Learning Labs</a></td>
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<td></td>
<td>• <a href="http://www.equityallianceatasu.org/sites/default/files/CRPBIS_Matters.pdf">Culturally Responsive Positive Behavioral Support Matters</a></td>
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<td></td>
<td>• <a href="https://eji.org/videos/education-in-america-gilliam-spencer-with-howard-stevenson">Education in America: Race, Implicit Bias, and Protecting our Children</a></td>
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<td></td>
<td>• <a href="https://www.bcps.org/bbcswebdav/institution/PUBLIC/INFO1112/CAO%20Leadership%20Institute%20%20SY11-12/November%20%201-4%2C%202011/What%20Good%20Coaches%20Do.pdf">What Good Coaches Do</a></td>
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<tr>
<td><strong>Peer Family Support Advisors</strong></td>
<td>• <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC29387">Family-Driven Care in America: More Than a Good Idea</a></td>
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</table>
Getting Behavior in Shape at Home [Link](http://www.pbis.org/common/cms/files/pbisresources/behaviorshape.doc) (English version) [Link](http://www.pbis.org/common/pbisresources/publications/behshapespanish.doc) (Spanish version)  
Positive Behavioral Interventions and Supports: A Multi-tiered Framework that Works for Every Student [Link](https://www.nea.org/assets/docs/PB41A-Positive_Behavioral_Interventions-Final.pdf) |
| Professional Learning Communities (PLCs) | 10 Steps to Implementing Effective Inclusive Practices [Link](http://laspdg.org/files/10%20Steps%20Final%20Guide.pdf)  
All Things PLC [Link](http://www.allthingsplc.info/about) |
| Response to Intervention (RTI) | Responsive Instruction: Refining Our Work of Teaching All Children [Link](http://www.doe.virginia.gov/support/virginia_tiered_system_supports/response_intervention/responsive_instruction.pdf)  
Culturally Responsive RTI [Link](http://www.niusileadscape.org/docs/pl/culturally_responsive_response_to_intervention/activity1/RTI%20Academy%201%20FacMan%20over%201%20FINAL%20 kak.pdf) |
<table>
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<tr>
<th><strong>Response to Instruction &amp; Intervention (RtI²) for English Language Learners</strong></th>
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<tbody>
<tr>
<td><a href="https://www.wida.us/professionaldev/educatorresources/rti2.aspx">https://www.wida.us/professionaldev/educatorresources/rti2.aspx</a></td>
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<tr>
<th><strong>Restorative Practices</strong></th>
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<tbody>
<tr>
<td><strong>Restorative Justice: What It Is and Is Not</strong></td>
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<tr>
<td><a href="https://www.rethinkingschools.org/articles/restorative-justice">https://www.rethinkingschools.org/articles/restorative-justice</a></td>
</tr>
<tr>
<td><strong>Restorative Justice: A Working Guide for Our Schools</strong></td>
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<tr>
<td><a href="http://schottfoundation.org/restorative-practices">http://schottfoundation.org/restorative-practices</a></td>
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<tr>
<th><strong>Trauma-Informed Care</strong></th>
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<tbody>
<tr>
<td><strong>Adverse Childhood Experiences (ACEs)</strong></td>
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<tr>
<td><strong>Essentials for Childhood Framework</strong></td>
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<tr>
<td><a href="https://www.cdc.gov/violenceprevention/childabuseandneglect/essentials.html">https://www.cdc.gov/violenceprevention/childabuseandneglect/essentials.html</a></td>
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<tr>
<td><strong>Veto Violence</strong></td>
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<tr>
<td><a href="https://vetoviolence.cdc.gov/">https://vetoviolence.cdc.gov/</a></td>
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<tr>
<td><strong>Children’s Bureau</strong></td>
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<tr>
<td><a href="https://www.acf.hhs.gov/cb/focus-areas/child-abuse-neglect">https://www.acf.hhs.gov/cb/focus-areas/child-abuse-neglect</a></td>
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<tr>
<td><strong>Trauma-Informed Classrooms</strong></td>
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<td><a href="https://www.ncjfcj.org/sites/default/files/NCJFCJ_SJP_Trauma_Informed_Classrooms_Final.pdf">https://www.ncjfcj.org/sites/default/files/NCJFCJ_SJP_Trauma_Informed_Classrooms_Final.pdf</a></td>
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Appendix B

Results from the Special Education Teacher Survey

I. Response Rate
The survey was distributed to 478 special education teachers and 141 responded to our request, for a response rate of 29 percent.

II. Demographic Data
In addition to the questions below, we also collected information about them and their school.

Title I Status
First, we asked them if they teach in a Title I school. Of those who responded, 41% said yes and 59% said no.

Years of Experience
We also asked them how many years of experience they have as practitioners. From the sample, 14% said they have 1-3 years of experience, 14% have 4-7 years, 22% have 7-12 years, 12% have 12-15 years, and 38% have 15+ years.
Race/Ethnicity
The last question in the section on demographics asked them about their race/ethnicity. Of those who responded, 75% identify as White, 17% identify as Black/African American, 2% identify as Latinx/Hispanic, and 6% identify as belonging to more than one race/ethnicity.

III. Scaled and Open-Response Data
In the table below we provide the scaled and open-response questions from the survey as well as the average score for the numerical data. The scaled responses ranged from 1 - 5, where a score of one represents strongly disagree, extremely dissatisfied, or extremely unlikely and a score of five represents strongly agree, strongly satisfied, or strongly likely.
<table>
<thead>
<tr>
<th>Survey Questions</th>
<th>Average Scores or Most Common Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1: Training and Support</strong></td>
<td></td>
</tr>
<tr>
<td>1. I have the training needed to implement research-based instructional strategies for students with disabilities?</td>
<td>3.91</td>
</tr>
<tr>
<td>2. I have the capacity and support needed to implement research-based instructional strategies for students with disabilities?</td>
<td>3.44</td>
</tr>
<tr>
<td>3. I have the training to develop special education documents, such as Individualized Education Plans (IEPs), written notices, and documents for a reevaluation?</td>
<td>4.00</td>
</tr>
<tr>
<td>4. I have the capacity and support to develop special education documents, such as Individualized Education Plans (IEPs), written notices, and documents for a reevaluation?</td>
<td>4.01</td>
</tr>
<tr>
<td>5. What types of special education have you received while working for HCPS? Check all that apply.</td>
<td>1. PBIS</td>
</tr>
<tr>
<td>a. Behavior management (e.g., Positive Behavioral Intervention Supports – PBIS)</td>
<td></td>
</tr>
<tr>
<td>b. Research-based instructional strategies</td>
<td></td>
</tr>
<tr>
<td>c. Social emotional supports</td>
<td></td>
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<tr>
<td>d. Culturally responsive practices</td>
<td></td>
</tr>
<tr>
<td>e. Other (please specify)</td>
<td></td>
</tr>
<tr>
<td>6. What could HCPS do to help special education teachers be more effective practitioners?</td>
<td>Provide training on EdPlan and co-teaching, better communication from Central Office, instructional assistants with full-time positions, and a guide on special education policies and procedures</td>
</tr>
<tr>
<td>7. I have satisfactory knowledge of how to manage behavior when working with students with disabilities?</td>
<td>4.09</td>
</tr>
<tr>
<td>8. What could HCPS do to help special education teachers manage behavior when working with students with disabilities?</td>
<td>Provide training on behavior management for all faculty/staff, de-escalation techniques, how to</td>
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<tr>
<td>Part 2: School Discipline</td>
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<td>--------------------------</td>
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<tr>
<td>9. Based on research, students with disabilities are disproportionately suspended from school compared to general education students, what can HCPS do to reduce this disproportionality?</td>
<td></td>
</tr>
<tr>
<td>Provide more behavioral supports and training on behavior management for all faculty/staff; reconsider placement and self-contained options; and work closely with parents/families</td>
<td></td>
</tr>
<tr>
<td>10. Based on research, students of color (e.g., African American/Black, Hispanic/Latino) with disabilities are more likely to be suspended from school than their White peers with disabilities, what can HCPS do to reduce this disproportionality?</td>
<td></td>
</tr>
<tr>
<td>Hire more racially and ethnically diverse staff; provide more behavioral supports and training; and work closely with parents/families</td>
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<tr>
<th>Part 3: Collaboration</th>
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<tbody>
<tr>
<td>11. I have the capacity and support needed to collaborate with general education teachers?</td>
</tr>
<tr>
<td>3.67</td>
</tr>
<tr>
<td>12. I have the training needed to collaborate with general education teachers?</td>
</tr>
<tr>
<td>4.11</td>
</tr>
<tr>
<td>13. What could HCPS do to help special education teachers collaborate with general education teachers?</td>
</tr>
<tr>
<td>Provide more co-planning time within contractual hours and training on how to effectively co-teach; place special education teachers with the same general education teachers for more than a year to develop skills and rapport</td>
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<table>
<thead>
<tr>
<th>Part 4: Job Satisfaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. How satisfied are you with your job as a special education teacher in HCPS?</td>
</tr>
<tr>
<td>3.38</td>
</tr>
<tr>
<td>15. How likely are you to continue in your current employment for 3-5 years or more?</td>
</tr>
<tr>
<td>3.35</td>
</tr>
</tbody>
</table>
16. What do you think are the most important factors in retaining HCPS special education teachers and improving job satisfaction? Check all that apply.
   a. Compensation
   b. Workload
   c. Behavioral supports
   d. Teacher autonomy
   e. Support from leadership
   f. Family engagement
   g. Equitable resources
   h. Reduction of tests
   i. IEP planning and dispute processes
   j. Large caseloads and class sizes
   k. Support for new teachers and professional development
   l. Other (please specify)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workload</td>
<td>84%</td>
</tr>
<tr>
<td>Compensation</td>
<td>73%</td>
</tr>
<tr>
<td>Support from leadership</td>
<td>70%</td>
</tr>
<tr>
<td>Large caseloads and class sizes</td>
<td>67%</td>
</tr>
<tr>
<td>Behavioral supports</td>
<td>62%</td>
</tr>
</tbody>
</table>

17. What could HCPS provide special education teachers to improve job satisfaction? Add planning time for case management and IEP paperwork; increase compensation; and hire more instructional assistants
Appendix C

Sample Interview Protocol

Parents

Part I: Information for Interviewee

Thank you for agreeing to participate in this interview and the review we are conducting to understand (1) racial disproportionality in the placement and identification practices of racial minority students in special education, (2) disproportionality in school discipline of racial minority students in special education and of all special education students compared to general education students, and (3) the accessibility and usability of special education programs to families/guardians and students. Remind the participant that except as required by law or with their express permission, we will not attribute any information we receive from them, nor will we attribute information in ways that can be identified as coming from them. Information will be shared in the final report with attribution via categories, for instance, “Community leaders indicate xyz”. The only exception to this confidentiality guarantee would be if they give express permission to attribute specific information to them in the final report, and if the consultants determine that such attribution will contribute to the value of the report.

- Be sure to answer any questions the participant has and help frame the interview within the larger review if needed.
- Confirm interviewee knows that you will be jotting down and taking notes as you speak. Interviews will be recorded with participant consent.
- Confirm interviewees can stop being interviewed at any time if they would like.

Part I: Description of Role/Job

1. First can you tell us a little about yourself, your family and your interests.
2. Can you describe how you have come to interact with special education in Henrico?
   a. Probe: Can you briefly describe your child (children’) schooling experience in Henrico? [explain if they would prefer not to share specific information about their child, we can skip this, but it will help us understand their experience more generally – see confidentiality rules above]
   b. Probe: What has your role as a parent been vis a vis HCPS? [allow parent to elaborate more or less at his/her option]
   c. What if any other ways have you had an opportunity to interact with special education in HCPS – advocate for others, SEAC member, observer, other?

Part II: General Impressions of Henrico County Public Schools

1. What are your general impressions about Henrico County Public Schools?
   a. Probe: Please describe what you appreciate about the division, and what you struggle with.
2. What are your general impressions about what is working well in the division?
3. What are your general impressions about what is not working in the division?
   a. Probe: Can you provide more information about that?

4. In the most general sense how would you describe the leaders in the division? What about special education leaders?
   a. Probe: Can you elaborate on your answer?
   b. Probe: Can you describe what you appreciate about leadership? Struggle with?

5. In the most general sense how would you describe teachers in the division? Special education teachers?
   a. Probe: Can you elaborate on your answer?
   b. Probe: Can you describe what you appreciate about the teachers? Struggle with?

6. In your opinion would you describe the school or division as diverse?
   a. Probe: If yes, in what sense? Can you elaborate?
   b. Probe: If no, in what sense? Can you elaborate?
   c. Probe: What does the diversity look like? Or, what seems to be some of the most diverse elements of the division?
   d. Probe: How does the diversity affect your job or how the school or division operates?

Part III: Race and Disability – Placement, Discipline & Opportunity

1. How would you describe the challenges Henrico County is experiencing with regard to racial disproportionality in special education?
   a. Probe: Can you elaborate? Is there anything about your child's experiences that might be connected to racial disproportionality in special ed – placements? Identification?
   b. Probe: Is/was there anything in the division or community that you believe might be contributing to this challenge?

2. How would you describe racial disproportionality in school discipline for students in special education?
   a. Probe: Your child's experience? Can you elaborate?
   b. Probe: Is/was there anything in the division or community that you believe might be contributing to this challenge?

3. How would you describe disproportionality in school discipline for all students in special education?
   a. Probe: Your child's experience? Can you elaborate?
   b. Probe: Is/was there anything in the division or community that you believe might be contributing to this challenge?

4. How would you describe opportunities to learn for racial minority students in special education?
   a. Probe: Your child's experience? Can you elaborate?
b. Probe: Is/was there anything in the division or community that you believe might have contributed to this challenge?

5. What do you think will help to address racial disproportionality in the placement of racial minorities in special education in HCPS?
   a. Probe: What role does special education law have in addressing the issue?
   b. Probe: What role do the school and community have in addressing the issue?
   c. Probe: Can you elaborate?

6. What do you think will help address racial disproportionality in discipline of racial minorities in special education in HCPS?
   a. Probe: What role does special education law have in addressing the issue?
   b. Probe: What role do the school and community have in addressing the issue?
   c. Probe: Can you elaborate?

7. What do you think will help address disproportionality in discipline of all students in special education in HCPS?
   a. Probe: What role does special education law have in addressing the issue?
   b. Probe: What role do the school and community have in addressing the issue?
   c. Probe: Can you elaborate?

8. What do you think will help improve the opportunities of racial minorities in special education in HCPS?
   a. Probe: What policies would need to change to improve the opportunities of racial minorities in special education in HCPS?
   b. Probe: What practices would need to change to improve the opportunities of racial minorities in special education in HCPS?
   c. Probe: Can you elaborate?

Part IV: Special Education Law & Policy

1. What special education processes have you had the opportunity to participate in and/or observe in HCPS?
   a. IEP meetings -- initial, review
   b. Dispute resolution proceedings: complaints, mediation, due process hearings, informal dispute resolution efforts
   c. Manifestation determination review
   d. Other?

2. With respect to each, what has been your experience with understanding and participating in the process?
   a. Probe: Did you find the process accessible? Productive? Understandable?
   b. Probe: What is your assessment of whether your and your child's perspective was heard and incorporated appropriately?
   c. Probe: What helped you understand/participate effectively?
   d. Probe: What hindered you?
3. Did you get help from anyone or any source as you navigated your way through the special ed processes?
   a. Probe: From who/where?
   b. Probe: How effective was the help?
   c. Probe: What other help might have been useful?
4. What is your understanding regarding what Least Restrictive Environment means for your child and did you have challenges obtaining this for your child?

Part V: Potential Recommendations
1. Please tell us about the status of your child's education. Is he/she getting a free appropriate public education?
2. Please tell us what you think three key steps are that would improve Henrico’s processes and programs for special education students, particularly regarding the topics we’ve discussed today. Please be as specific and constructive as possible.
3. Do you have documents in your possession that you would like to share with us regarding the topics of our discussion today?

Part VI: Conclusion
1. Do you have anything you’d like to add that we haven’t already discussed?
2. Do you know of other people we should talk with? Specifically, do you represent parents who would like to speak with us and are willing to help us connect with them?
3. We may at some point decide that it would help us make our review more effective if we have the opportunity to review a sample of HCPS special education files. How would you feel about granting us written permission to review your child's file, solely for the purpose of this review and understanding we will keep any identifying information completely confidential?