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Loudoun County School Board, Special Education Advisory Committee (SEAC) Meeting, Wednesday, March 6, 2024

Date Wednesday, March 6, 2024
Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 3h 3m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/920444894?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-21. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:03:27] - Good evening, everyone. If you could please take your seats and we will get started with our SEAC meeting. Welcome, welcome. I'm so glad you all could be here with us this evening. We are going to start off tonight's presentation.

[00:03:42] We are very excited to have Dr. Varya here from MindWell speaking to us today about executive functioning. I know this is a topic that, I mean, affects probably most of us with our kids, but also probably us as adults, too.

[00:03:58] So I'm looking forward to learning a lot of new tips and tricks. So Dr. Varya, if you would please come and join us, and I'll let you take it away. Hi, everyone. Thanks for having me.

[00:04:15] My name is Rachna Varya, and I'm a clinical psychologist. I've been a psychologist for 26 years, so I'm now over that 25 bump, and also a mom to college-age daughters.

[00:04:31] And so I've been through the journey of public school and services that they need as well. So today I want to talk about executive functioning, but I'm going to put a slight psychological spin on it. So this conversation isn't going to be about necessarily, oh, you need this planner, or you need this agenda book, or you need this app.

[00:04:55] It's actually going to talk more about mindset and as parents, how can we promote executive functioning. I just, I wanted to, so as I thought about this talk, I was like, I wanted to know what chat GPT, how they defined executive functioning.

[00:05:30] And it's, it's, tell me what you think. Executive functioning refers to a set of cognitive processes that allow individuals to plan, organize, manage time, prioritize tasks, problem solve, regulate emotions, and control impulses.

[00:05:49] It involves higher order thinking skills that are crucial for goal-directed behavior and adapting to new situations. That's one sentence, okay? So that's a lot, but what does it really mean in real life. I want to talk to you about, sort of as parents, what questions we have for our children. So, and the, oh, it's also behind me. Okay, sorry. Oh no. So what, as parents, what

[00:06:26] questions, as parents, what questions do we ask? We might ask, how do I get my child to get their homework done? Or study ahead of time. Turn off YouTube. Not wait until the last minute. Stop Snapchatting, listen the first time. And really, the translation to that is, how do I get my kid to do what I want him or her to do? But maybe there are better questions to ask and sort of

[00:06:56] change the context to, how do I get my child to feel motivated, to feel competent, to persevere through frustration, to believe that they can achieve? And the translation is, how can I make my child resilient. Because the goal of any executive functioning is to make a child feel and be independent at a developmentally appropriate level. So executive functioning looks very different for a seven-year-old than it does for a 12-year-old than it does for an 18-year-old

[00:07:34] than it does for a 50-year-old. So it's very developmentally based, and that's why I'm not going to talk specifically about, oh, if you're eight, you need these skills, or 10, you need those skills because we have kids, you know, probably from 5 to 18 here. So in general though, what we're up against is our child's point of view. Now Calvin at Hopps. Mom asked Calvin, would you set the table for me, please? I don't think so. I'm not enthusiastic about setting the table. I don't think you should have to do something unless you're enthusiastic about it.

[00:08:10] How much does this come up? Where our kids will say, well, I don't like it or it's not fun. And something I hear over and over again when I talk about attention is parents will say, well, they can pay attention if they like it. We can all pay attention if we like something.

[00:08:28] At a developmentally appropriate level, can you pay attention when it's boring, when it's hard, when it's challenging, or when it's tedious? And that's one of the core issues with executive functioning, that even if you're not enthusiastic about it, how do you persevere?

[00:08:50] Okay, so how do we improve it? Really, does everyone have the app? There is no app, okay? I wish it was that easy. And it isn't. It's something that's going to take both a real understanding of specific tools, but also about mindset, and it's going to require explicit teaching, persistence, effort, practice, and modeling, both by the parent and the child.

[00:09:23] And I really want to emphasize this because I focus on testing at MindWell, and people often think, well, once we get the testing done, then everything's going to be easier. And I'm like, no, no, no, no. Everything now, I'm going to outline everything you have to do.

[00:09:41] The harder work, the more in-depth work, this is just the beginning of the journey. but it's never a quick fix. And as much as we can model and persist and practice, then our children will hopefully pick up on that too. Be prepared. This is something that is a long-term, lifelong project. So let's watch the brain change. New research shows that executive functioning, which rests in the frontal lobe part of the brain, doesn't come fully online until age

[00:10:15] 26. Okay, so what are we fighting against? We're fighting a little bit against biology. So the yellow and green parts are sort of the undeveloped parts of the brain starting at age seven. And then this is about 12, 13, 15, 18, 21, 26. It doesn't come fully aligned until then.

[00:10:38] So not only are we fighting biology, but we're fighting our environment. And the society we're living in today is instant gratification, right? Screen, next, next, next, like, don't like, next, Snapchat, YouTube. It's changing our brains. It's an addiction, and that's a whole other talk, but it's absolutely fighting against executive functioning, which is the power to be reflective, the power to pause, the power to think. And with these, we're sort of nulling that out.

[00:11:18] So we're fighting against two things. Okay, so let's break it down. We're going to talk about cognitive regulation and behavioral regulation. And both of those together make up what we know as executive functioning. So let's start with behavioral regulation. Three sort of main areas, self-monitoring, sort of noticing how your behavior affects others. So this might be the eight-year-old in third grade who tells a joke in class and is funny and then tells another joke

[00:11:54] and tells another joke and tells another joke and doesn't know when to stop. Okay, so there's not a sense of, oh, everyone laughed the first time. Now everyone's rolling their eyes. Now people are avoiding me. Just a lack of self-monitoring. Hyperactivity sort of explains itself, but I think in pop culture, people think of hyperactivity as literally bouncing off the walls. Hyperactivity can also mean strumming your fingers, needing to chew gum, shaking your foot, twirling your hair, some sort of motor movement. And the research actually shows that for these kids, that motor

[00:12:33] movement helps them focus, but until you cross the line where whatever they're doing from a motor point of view becomes more interesting than the task itself. And then inhibition, being able to pause before reacting or stopping an action. And one of my favorite quotes is from Viktor Frankl, who's a psychologist, and he said, change occurs in the pause. Okay, so there's a stimulus and a reaction. So the stimulus might be the teacher saying, everyone get your homework out, or the

[00:13:12] dad saying, it's time to empty the dishwasher. The reaction is, I don't want to, or that's too hard. How do we have our children create a pause where we can teach them coping skills, or how to talk to themselves, or gain perspective? Now cognitive regulation is probably what most people think of when they're thinking of executive functioning so just as an outline attention and I'm going to talk a lot about that initiation which I'll also focus on shifting shifting is being able to move from

[00:13:47] one mode to another and especially in this world of screens and because it is an addiction having our child move away from the screen can sometimes be a meltdown process they might show more irritability. They might be moody, which is what happens when you're taking, you know, an addiction away. So that ability to shift from one mode to another. Okay, I'm moving from dinner time to sleep time. I'm moving from studying math to English. That's an executive functioning skill. Organization

[00:14:25] and planning. Working memory, which I'll also talk about. Now, working memory is very different than short-term and long-term memory. So your child might have an incredible memory of their birthday three years ago or the movie they watched five weeks ago.

[00:14:45] That's episodic and short-term, long-term memory. Working memory is in the moment, in the second. Can you hear or can you see what I'm saying or doing and not only hold on to it, but manipulate the information.

[00:15:06] So working memory almost always involves some form of sequencing. So for example, if you say, I need you to go upstairs and get your white sneakers, blue socks, and yellow shirt, then the child is having to put those in order and remember all three and remember to come back downstairs.

[00:15:27] So a lot of kids with working memory issues, you know, might do one. Or they get upstairs and they get distracted by their dog or by their Legos. But working memory is considered one of the biggest predictors of academic success. Because when you think about the classroom, it's based on lectures, learning information in the moment, and then storing it in long-term memory.

[00:15:53] And then finally, task monitoring. That's really knowing what you're doing as you're doing it. So, let's say you're writing an essay, and you can sort of tell yourself, oh, I'm halfway through.

[00:16:09] Or you're planning for a big project, and you know that, okay, the next step is going to be the hard step that's going to take a long time. Let me create space for that. So, knowing what you're doing as you're doing it.

[00:16:26] Okay, so let's first talk about attention, and I talked about this. Whether you're hearing something or whether you're seeing something, the first part of any learning process is are you paying attention? Now, once if you're paying attention, you encode it into your memory.

[00:16:45] So let's say you're learning math facts or you're learning state capitals. Then you store it. It stays in memory, and then there's recall. And the recall, whether it's for a test, homework, a dinner discussion, that's the process of learning.

[00:17:03] But if you're not fully paying attention in the first place, the memory process is never going to occur. So I have a lot of parents come in and say, well, you know, they just have a terrible memory, or they forgot.

[00:17:19] More often than not, it's not a memory issue. It's an attention issue. They were never attending at a deep level in the first place. So whenever you see someone basically studying for the test the night before and then a week later they don't remember any of the information, that's because the full attention process wasn't there.

[00:17:43] So another talk is how do we actively engage? How do we get kids to attend and interact with the material that they're presented? So let's talk about sustaining attention. There are a few things that are very helpful for all kids, but especially kids who have ADHD, and that includes taking breaks, but taking the right type of break.

[00:18:08] A break is usually, if let's say they're doing homework or even if they're in class, it might be just three or four minutes, and you're giving permission to zone out. You're giving permission to move around.

[00:18:24] You're giving permission to not do anything. It's resting the brain so that they can get back on track. A lot of times we recommend extended time for tests. And I often have to explain to parents and to

students, the goal of extended time is not necessarily to work longer.

[00:18:45] That's actually exhausting, right? If you already are taking a test for an hour and now you're given an hour and a half, 50% extended time, are you expected to work 90 minutes at that level? No, you build in breaks that allows, because you have the 90 minutes, you can take two to three minute breaks.

[00:19:06] So knowing how to use the extended time is really important. Connect auditory and visual. I just tested someone this morning, and I told her a story, and I told her, tell it back to me, and there were a lot of sort of disjointed details, and I said, well, how are you trying to remember what I said. And she said, well, I was just saying what you're saying. So by the time I'd gotten to the middle of the story, she's still rehearsing the first part of the story, has no idea what I'm saying. Then here's the end of the story, and then doesn't remember it as a narrative.

[00:19:46] So I asked, and I asked all my students this, do you get a picture of it in your head? And she's like, no. A lot of times if kids aren't explicitly taught visualization, they don't think to do it. an exercise I often do is I'll ask a child to think of an animal, a whale. And I said, okay, tell me what the whale looks like in your mind's eye. And they might start with, okay, it's a blue whale. It's really big. Okay. What ocean is it in? Atlantic Ocean. What direction is it going?

[00:20:26] East. How deep is it? What shade of blue? Is it hungry? Is anything around it? What is it feeling? And I tell them, in a year from now, if I asked you what was the animal I asked you to think of, you would remember, because they filled in the details, right?

[00:20:49] So how do we teach our kids that in classes, if a teacher's giving a lecture on mitochondria or the Civil War, it's not just about rote memorization or passive learning. How are they creating a picture, making connections, making it interesting to them so that they can sustain their attention, which leads to long-term learning.

[00:21:14] Fidget aids. I'm a big fan of chewing gum. A lot of kids, you know, just sort of need that motor movement. The issue is finding the fidget aid that helps them focus and not cross the line of becoming so interesting.

[00:21:33] So I had one student who loved to doodle, and that worked fine until she started creating these masterpieces of doodling, and she became so focused on the art that she wasn't listening to the lecture. So we don't know what fidget aids work for which kid.

[00:21:51] It's trial and error. Mindfulness. One of the strongest interventions for ADHD or any attentional issue is for the child or for the person to themselves notice when they're not paying attention. So instead of everyone else saying, Johnny, did you hear that?

[00:22:17] Are you listening? Which is shaming, right? How can they notice without judgment? So no negative judgment, but just sort of almost like a mantra. Oh, I was thinking about baseball. Back on track. Oh, I was thinking about hanging out with my friend. Back on track. I often encourage developing a mantra, again, no judgment to that mantra, but you might notice you're saying that mantra 10 or 20 times in 10 minutes. You might say it 10 times in one minute. The more you make that

[00:22:50] explicit, what we call metacognition, the more the brain wiring is actually going to change so that you will become aware as you slip in to an inattentive mode. So we want these kids to feel in control of their brains instead of everyone pointing out, you know, what you aren't doing.

[00:23:11] I just wanted to mention a couple more things about ADHD. You know, the urgent thing, let's say whether it's the morning routine or completing homework that someone with ADHD might have may make them feel bad, right? Because it's challenging and it's hard. So they switch to something they'd rather be doing? Playing Legos, watching TV, playing with their sibling. And then due to the working memory deficit, they may have truly forgotten what they were doing in the first place.

[00:23:46] So oftentimes it's not deliberate. It's that it's challenging. They shift away and then their ability to shift back to it is really, really hard. So again, the more that we can anticipate for them, that type of issue, very helpful. Okay, beware of the amygdala hijack. So the amygdala is the part of the brain that is our threat detector, fight or flight. So you're being

[00:24:20] approached by a saber-toothed tiger, you're running. There's a thunderstorm, you're seeking cover. It also happens when people perceive a task as a threat. And that task might be something like, go ahead and start that essay, or we need you to start planning for that science project.

[00:24:50] And even if they intellectually recognize that, okay, if I procrastinate, then that's going to cause more problems, the amygdala takes over and says, threat, threat, threat. This task is hard. Don't do it. Protect yourself. Protect yourself. So how do we override that amygdala? Because oftentimes kids get into this vicious cycle. And I often plot out many different vicious cycles.

[00:25:16] Every child is different. This is one example. You know, getting distracted by a non-essential detail and then thinking, okay, this is too hard. And then because it's too hard, then you might be missing the point of the task or risk going off tangent your efficiency starts to decrease and from that you get more distracted and then initiating a task or attempting to re-issue re-issue with even less focus so you get caught in the cycle so initiation and planning um these

[00:25:51] are common sense things okay define the objective and one of the acronyms is smart make sure that it's specific, measurable, achievable, relevant, and time-bound. Break it down, chunk it. Now, at first, the child might need scaffolding to chunk it. So the teacher might need to say, we're going to break this writing assignment down into three different parts. The parent might say, we're going to do the first two rows of math and then do the second two rows. Eventually,

[00:26:27] we want the child to internalize that sense of chunking that they know, okay, this is an enormous task, but I'm going to start one bit at a time. So again, that they feel in control, creating a timeline. So again, common sense, but a lot of kids with executive functioning issues don't know how long something should take. So oftentimes something that should take 10 minutes, they're doing for 30 or 40 minutes and something that should take 30 or 40 minutes require reflection

[00:27:04] they're rushing through in five minutes okay so again explicitly modeling teaching you are now working on this writing assignment it will probably take about 30 minutes to do a first draft and tomorrow you'll probably need to review it again and then the third day you'll do a third review. Not knowing the steps of the task. Allocate resources. I mean, again, very basic,

[00:27:35] but you have to have the right pens or pencils or calculators or, you know, poster boards. It all has to be there before you start. Monitor the progress. And that goes back to the task monitoring. Okay, I've gotten about 10% done, or I'm halfway done. Let me go back and review what I've done. Oh, I'm at the end. Now it's time for, you know, checking up on it. Celebrate their

[00:28:09] achievements. Make it a big deal that you started. I mean, starting, you know, a goal without a plan is just a wish. You started, and that really is the beginning of goal making. And then, yeah, talk to your child about it. Yeah, that was really hard to start, but this is what I observed. Now, this is the very sort of toolbox part of executive functioning, which executive functioning coaches and tutors and often teachers can give a lot of information on. This is not my area of expertise,

[00:28:48] but I'll just read them, you know, making sure that you're decluttering, using a calendar, prioritizing, breaking tasks into manageable steps, creating to-do lists, designating specific spaces. Now let's go back to number two and six. Using a calendar, designating a specific space.

[00:29:09] One thing I really have to educate parents about is that their system is not necessarily the system that will work for their child. So you just sort of assume, well, of course, you know, I put everything in an agenda book, or I put everything on my phone, or I have everything on a desk calendar. That's what you need to do. No, we need to find out what works for that child. The more they can create their own organizational system, the more they'll buy into it, own it, and use it.

[00:29:45] So the same thing happens with designated specific spaces. A lot of parents ask, well, is it okay to do homework in a bedroom? Is it okay to do it in the kitchen? It depends. It depends on that child. It depends if they benefit from the background music. It depends on if they're in their room without any supervision, can they stay on task? So again, having just an open discussion with your child about what works for you, let's be in trial and error mode, and let's both notice

[00:30:18] what works and doesn't work. So, you know, as a parent, I think it's really important to promote executive functioning by making sure you're not over-functioning for them. So making a list of everything you do for your child in a week, and then see, actually, can they do it independently?

[00:30:42] Now, they might not do it as well as you, or as fast as you, or on your timeline, but let them do it. A huge thing I'm seeing, especially post-COVID, is teenagers who don't know how to get out of bed by themselves. I mean, 15, 16, 17, the parent has to come in, wake them up. They don't get up.

[00:31:05] Come in and wake them up again. I had actually one child say, well, because we talked about setting an alarm. He's like, well, I don't want to be woken up to a loud noise. I'm like, well, if you're not waking up naturally, we're going to have to wake up to a loud noise.

[00:31:24] And we might need to put the alarm clock across the room so you actually get out of bed and turn it off. So one thing that I just think really promotes executive functioning skills is independently getting through the morning routine. And I'm going to say as young as age seven or eight, that they are getting out of bed by themselves.

[00:31:49] Now, you can still be there, but it shouldn't be, it's time to get up, it's time to get out of bed. Now, time to brush your teeth. Did you brush your teeth? Let me check if you brushed your teeth. Now, brush your, it's, you're over-functioning. A seven-year-old can get up and brush their teeth and brush their hair and get downstairs.

[00:32:08] And if that's not happening, you have to create a behavioral plan for it to happen. And the reason I'm just emphasizing this is because when I'm not seeing it at age seven, I'm not so worried, but again, I'm seeing it at 13, 14, 15, and now college students who aren't getting up and failed out of the first semester of college. Always ask, what's your plan before giving them the plan, right? Give them a chance to

figure it out. So that's probably a phrase I used with my kids all the time. You know, they would ask me a question, and I'd say, figure it

[00:32:47] out. And if they needed my help, that's fine. But I wanted them to practice figuring it out. Know their limits. Know what they can do and where they need assistance. But again, be careful to provide only the amount of help they need to keep going. And let them do the work. You're along the way to lead them in the right direction. You can't do the work for them because you will be doing it when they're in college. It's not good. Okay, so let's talk a little bit more about mindset.

[00:33:23] I'm sure a lot of people have heard about the growth mindset versus the fixed mindset Calvin has the fixed mindset so he's asking his friend what are you doing homework and his friend is saying well I wasn't sure I understood this chapter so I reviewed my notes from the last chapter and now I'm rereading this you do all that work well now I understand it huh I used to think you were smart so a lot of times children will equate all adults people will

[00:33:56] equate being smart with not needing effort. And it's actually just the opposite. So in a growth mindset, intelligence is not a fixed trait. It's something that can be developed and you're in control of and you can change the way your brain works. Challenges are actually embraced. Bring it on instead of being avoided. Effort is the path to mastery as opposed to, oh, if I have to try,

[00:34:32] what's the point? Feedback is taken constructively as opposed to taken very defensively. You know, why'd you say that? Or you don't think it's good enough. And the success of others is actually inspiring rather than threatening. Okay. And so we want our kids to have a growth mindset.

[00:34:56] in my neuropsychological testing, I give kids, you know, different tasks to do, whether it's puzzles or drawings or memory. And I can often tell who has a growth versus a fixed mindset by when a child immediately says, that's hard, and backs away. Instead of, ooh, this is tricky. Okay, let me try. I can't wait. I love to see that because they're on for the challenge.

[00:35:24] I'm going to tell you my favorite study. It was with Carol Dweck, and she worked with 400 fifth graders, and out of the 200 fifth graders, they were all asked to do a puzzle, and half of them were praised on their effort, okay? So, half of them were praised on, wow, you really worked hard at that. You approached that in a creative way, and half were approached at, wow, you're really smart at this. They're smart. And they went away. Then the researchers came back and said, we have a

[00:36:01] harder puzzle. Who wants to do it? Who wants to attempt it? 90% of the kids who are praised for their effort said, yes, bring it on. Less than half of the kids praised on being smart wanted to do it.

[00:36:17] Why? Because how about if they did it and didn't get it and would no longer be smart? Okay, so the word smart, I think, is very loaded. Again, just as a parent myself, it's a word I never used with my kids, because to me, it's a binary term. You're smart or you're dumb. Oh, you're smart at math or you're not smart at math. So we'll talk about specific ways to praise intelligence,

[00:36:49] creative thinking, problem solving, instead of the you're smart. So addressing the perfectionism and fixed mindset. Now, one thing that happens is that a child will express a feeling, a true feeling about how hard or challenging something is. We have to connect with the feeling first.

[00:37:15] I think so often as parents, we go into problem solving mode, but we want to validate that that feeling is real. So I want to just give you a couple of examples. If a student says, I'm so bad at math, then

the parent might want to say, you have a 96% average. That can't be true. Wait, instead saying, hmm, it sounds like you don't feel confident about your math skills. That's what the child is communicating. Someone might say, I read so slowly. Again, as a parent, you might want to

[00:37:50] say, no, you don't. You're a great reader. Acknowledge that they feel that way. Well, okay, you feel like reading really does take a long time. A child might say, I'm so stupid, and instead of just, no, you're so smart, hmm, sometimes you feel like you're not doing as well as you should be doing.

[00:38:10] I'm the only one not reading chapter books. Hmm, it doesn't feel good that some of your friends can read longer books than you. Now, you don't just stay with the feeling, then you address the distortion, okay, the cognitive distortion. So, two things are happening at once. They're having a feeling about not succeeding, not feeling good about themselves, not feeling that they can achieve. Validate and acknowledge that feeling in one sentence. You don't stay there, but let them hear you and let them know they've been heard. Then move into challenging the cognitive

[00:38:48] distortion because what they're doing is negative self-talk. 98% of our thoughts are actually repetitive thoughts. And unfortunately, 70 to 80% of those thoughts are negative. So I really want to focus here on different cognitive distortions that your child might be using, that we as human beings use, and again, explicitly labeling them. So all or nothing thinking. I got a C on the math

[00:39:25] test. I'm terrible at math. I'm not a math person. You're going from it's not perfect to it's terrible. If that happens, you have to tell your child and process it. Whoa, what is this? This is all or nothing thinking. Overgeneralizing. Well, I didn't get picked for the team. I'm never the one anyone wants. Hold on. I think you're overgeneralizing. Disqualifying the positive. Sure, I got an A, but it was easy. I mean, everyone got an A, so my A doesn't count. Well, wait a minute. That's

[00:40:01] disqualifying the positive. And you might think, gosh, am I going to use those terms with my seven, eight-year-old? Yes, use those terms. The more we can use metacognition to label what's happening automatically, the more we can change it. Should statements, I call it the tyranny of the shoulds.

[00:40:22] well, I should have perfect handwriting. I should get an A. I should be perfect at this. Watch out for the shoulds. Intolerance for uncertainty. So a lot of times, and this goes with intolerance for discomfort, this brings in test anxiety. The idea of, well, I don't know what the outcome is going to be. Am I going to pass or fail or get an A or a B? So the actual process of taking the test is uncertain. And human nature is when things are uncertain and you don't know

[00:40:59] the outcome, that can create paralysis. So how do we say, you know, I anticipate that this might happen? Pessimism, you know, bad things will happen and I won't be able to deal with it. And then catastrophizing, you know, I am doing terrible in algebra, I'm never going to get into college. So again, these are sort of eight common distortions. There are many, many more, and you have to find the ones that are unique to your child and openly discuss them. But remember,

[00:41:34] always address the feeling first, and then say, hmm, you know, you're feeling really frustrated, and now let's talk about the all or nothing thinking. So this goes back to the providing specific praise. Instead of you're smart, things like great problem solving, or that showed a lot of creativity, or you were so efficient, that took a lot of initiative, nice way to think outside of the box, that reading really got you thinking, you made some great links in your writing,

[00:42:08] you're approaching the math in a very organized way. The more specific you can be about what you observe, number one, the child will pick up on that. They will feel pride that you noticed I was being efficient. They will feel pride that they were being creative. And if you're just limiting it to you're smart, again, it puts it in a box. Remember, overcoming challenges is critical to

[00:42:43] developing self-efficacy. So a phrase that I often use is that both things can be true. Yes, it's hard and we still need to work at it. Or this is an example. Yeah, this is good writing and it can be stronger. So anytime you're noticing that you're using an or statement, just check yourself. Can I make it an and statement? And can I recognize that both things

[00:43:11] are true, that it's not that the writing is terrible, it's that it can also be better. And this is just an exercise I do with kids of all ages. And you can form your own questions, but they're sort of like, this is an example, what do you want to be? In one month, what do you want to be? In one year, what do you want to be? In five years, what do you want to be? What do you want to have? So what you want to have is sometimes very different from what you want to be. What do you

[00:43:48] want to do? You can make questions like, what do you want to overcome a month from now, one year from now, five years from now? What do you want to be free of a month from now, a year from now, five years from now? So again, just getting and thinking about what's going on in my immediate future a year from now and five years from now. And again, I think this works really well with teens, but it's also really fun to do with, you know, elementary school kids too. So those are my

[00:44:22] sort of abstract thoughts and executive functioning so thank you i'll take any any questions yeah for those who are watching via the live stream feel free to use the qr code that's up there and we will get those questions submitted here on the google form and we can ask those um but we can also take questions from those who are here in person as well what do people think about the um addressing the feeling statement and then uh identifying the cognitive distortion does that

[00:45:01] make sense i had a question not about that but about the um morning routine so i thought that was a really interesting statement and not only them getting themselves up but doing all those other things and to create some sort of behavioral plan do you uh have any kind of best practices for that or any suggestions on some things that are good for i don't know maybe a seven or ten year old child on creating a behavioral plan for the morning routine? Yeah. So again, it's so child

[00:45:39] specific. Some kids really benefit from the visual cue where it's literally a picture of them brushing their teeth, them brushing their hair, them going downstairs, them sitting down at the table and they get to check it off. And if they can do all of those things without a prompt or a reminder, you get the token for that day. And then it's a system. If you can get five tokens in a row, then you get the reward, whether it's special time with mom and dad, playing a game,

[00:46:17] screen time can be a reward. But screen time should never be a reward immediately for that day. That's something that they would have to work up to. I've had a lot of parents use timers or a Alexa so that kids can get a sense of, okay, this is how long something should take. Or a time timer.

[00:46:38] So that's a picture where it's like an analog clock and it shows in red how much time is left. So sometimes, you know, seeing like numbers count down is, it can make you stressed out. But just sort of seeing the red getting smaller and smaller. But again, just be aware that the kids aren't going to be like, oh, this is fun. I can't wait to be in charge of my own morning routine.

[00:47:08] So I've had parents, and we've talked about using a timer, and I've had parents come back to me and say, yeah, it really worked. You know, she was up and going, but, you know, she really didn't like it. So we stopped. It's okay if she doesn't like it. That's fine. We don't need to do things that our kids like. At some point, yeah, we don't want her to use the time timer for the rest of her life, but until she can internalize it and it's working, we're going to use it. So just like Calvin said

[00:47:43] at the beginning, I don't have to do it if I'm not enthusiastic about it. I think sometimes as parents, we buy into, oh, well, if it's too hard or they really don't like it, then let's not make them do it. But how do you then create resilience? I mean, resilience is doing the hard things and knowing that you have the tools to do it and knowing that there are supports with you, but not that someone's going to swoop in and do it for you. That was really helpful. Thank you.

[00:48:20] I want to thank you for this wonderful presentation. And my question to you is, you mentioned strategies that can be done to improve executive functioning. And I think you mentioned like internal strategies like rehearsal and visualization and making connection and chunking and all that good stuff and also you mentioned like what we call external strategies which is modifying the environment and those all those organizational system but I was wondering if you

[00:48:54] in in your practice did you feel like maybe if you train the child to use those internal strategies, is it better and more lasting than the external, like when they find the environment and all that, or it doesn't make a difference? My other part of the question is, do you know where to refer a student to somebody who really focused on that, what I call the internal

[00:49:27] strategies training? Yeah. So to answer the first part of the question, both things are true. It's going to be a combination of the internal strategies and the external strategies. And they should pair up.

[00:49:43] We need the external strategies of the agenda or a calendar or a reminder bell. But internally, yes, we want to also get a sense of how long something should take. Or, hmm, these are my procrastination triggers.

[00:50:01] And I will tell you, executive functioning is not learned overnight, it's not learned in a week, it's not learned in a month, but it can be learned. So even with kids with poor executive functioning, if it's explicitly taught and practiced and then gets internalized, these kids become great executive functioners.

[00:50:31] But a lot of people give up too quickly because they're like, well, it's taking too much effort. Yes, it's going, it's usually very tedious, and it does take a lot of effort. But do that for the short term to get the long-term goal. In terms of practicing the internalized, internal strategies, they're executive functioning coaches.

[00:50:55] Some of them do more of the organization will help, you know, organize the backpack or figure out what assignment is due. But some will, you know, come into the home and just really talk to your child, almost like a mentor, and coach them on some of those cognitive distortions or what they're thinking or how they might be sabotaging themselves and point it out to them.

[00:51:22] So executive function coaching. I have a quick question. You said that executive functioning was kind of set by age 26.

[00:51:37] Does that mean that we need to work on it and have all the coaching in place by 26? Can you fix it after that? 100%. It just means that the capacity to fully learn, embed, take on executive functioning

doesn't come fully online until 26.

[00:51:59] But you can learn executive functioning until you're 90. Absolutely. Are there questions? I got a couple online here. So, first of all, awesome presentation.

[00:52:16] It's commented here. So, for teens in academically challenging classes, how do you address negativity towards needing to study to do well? Beyond, this is a large volume of info, you need to give yourself time.

[00:52:32] There's a lot of, I hate this class, I have to study again. Okay, so the question being, how do you handle that? First, you validate the feeling. You hate this class.

[00:52:48] why do you hate the class? You know, let there be a little bit of a discussion. You really want to understand, is it the teacher? Is it the content? Is it the amount of homework? Is it the style? And then breaking down what they hate. Because again, right, that's a very broad statement.

[00:53:05] I hate this class. Okay, let's figure out what actually is so aversive about it. And then um we have to do things that we don't always like to do um and so how are we going to make that most manageable let's chunk it let's do a little bit and you get rewarded you get a break um we don't have to do it all at once but we have to start and then we will reward that effort Another.

[00:53:43] What are evidence-based programs to teach executive functioning for elementary age students that can be utilized in schools? And I kind of piggyback, I guess, to the next question with what strategies can schools utilize to explicitly teach executive functioning to students?

[00:54:03] That's a great question. I'm not aware, and again, this isn't my area to do the actual intervention of any explicitly researched executive functioning courses, because again, it's so individual to the child. And just like I said, there's no app for it. It's something that needs to be morphed for that child. That being said, the idea of linking visual and verbal is

[00:54:40] a really important one. And a book that I love, it's called Visualizing and Verbalizing by Nancy Bell. And she teaches that, you know, how when you hear a sentence, are you getting a picture in your mind's eye? When you're reading a book, are you getting a picture? And by learning how to visualize you can take better notes you can be a better studier you can be a more in-depth reader you can be a stronger writer but in terms of the other tasks like organization planning that that

[00:55:19] would again would be with up to the teacher and the coach about what systems they want to set up for that child um are you done do you sure a follow-up question to what jennifer asked you made a comment that screen time shouldn't be a reward for that day. I'm curious as to why.

[00:55:48] So meaning, especially just given the morning routine. Oh, you got through the morning routine because I had this with a parent maybe just two days ago. If he gets through the morning routine, then I allow him to get on his computer before school. Ideally, there should be no screen time before school day. TV, iPad, phone, it sets the brain in a certain frantic mode that can set the

[00:56:19] tone for the day. So I know in the moment it could feel like it's making it easier to get through the morning routine, but the way screens are set up now and what's set up on screens is that it's really getting the brain into a impatient mode that usually doesn't involve reflection and you're going into a school day that's going to require a fair bit of concentration and when I mean screen

[00:56:56] time I mean like watching a movie or YouTube or you know I know a lot of there's educational things on the screen, but the more you can limit sort of the interactive, just pat and looking at something, it sets the tone for the day. Makes sense. So if you have a child that struggles with a lot of different executive functions, is there like a specific, not order, but what do you pick first? You can't work on all of them at the same time, right? So if you were going to try and

[00:57:34] translate this into an IEP or goals are there some that should be worked on first I think the cornerstone is always attention and sustaining attention over time so remember attention when someone has an attentional issue it doesn't mean they can't pay attention all the time ADHD is often actually called the disorder of inconsistency right sometimes they're super focused, and sometimes they're not, and today's a good day, and today's a good hour, and today's a bad hour. It's that unpredictability that makes it so tough. So how do we get a child to sustain

[00:58:14] attention over time so that they have the vigilance for the task? That's going to come from mindfulness techniques. That's going to come from, you know, the mantra back on track. That's going to come from them noticing if they're off track and allowing the attentional breaks and the fidget aids. But then I would say probably the second one I would really emphasize is initiation.

[00:58:39] Just start. You know, it's so hard to start, but once you've started, you've taken a huge step. Thank you. Another one? Can ABA help with executive functioning? ABA? So ABA is Applied behavioral analysis. My experience with ABA is that it's usually used more for language and behavioral concerns. I think if you're maybe focusing on a very basic executive functioning,

[00:59:18] like we need you to, I think of a good example, sit at the dinner table and use your utensils of behavior, then ABA is helpful, but I usually don't associate that with executive functioning.

[00:59:41] I have a question on the mindfulness. I'm going to piggyback on yours now. We'll just go back and forth. So that mindfulness mantra that you talked about, that get back on task, I don't, is that something that someone's supposed to be thinking about all day? Or because you said like when they notice. Okay. And the goal, it can be whatever mantra you want, but as long as it's not, you're not judging yourself, but you're just noticing. Oh, okay. Back on track. Um, a lot of

[01:00:18] kids with attentional challenges don't necessarily know they're not paying attention. So the minute they can notice it, the more they'll become aware of it. And the more there's a chance that it can change. Okay. So it would be as soon as they notice it, they should repeat this mantra to themselves to help. Well, just once. Okay. Yeah. And maybe mantra is not the right word. Just, it's a statement, just a noticing statement. Oh, you know, I was in the clouds and you have to notice it. And that's what mindfulness is, right? Noticing what your brain is doing. It's not

[01:00:57] your brain going blank. It's like noticing you're having a thought and letting it be and then moving on and then the more again you can notice it the more you can actually feel in charge awesome thanks how do you teach that so if i'm the parent and i want you do i simply say to you say x to yourself when you notice that you're off track i mean this is where i will um recommend apps um so um

[01:01:34] Headspace for Children is a really good one. And Calm. And there's also, I'm blanking on the third one. What I like about Headspace for Children is it uses a lot of visualizations, and they're three minutes long. And it's basically teaching them, you know, to notice what their brain is doing.

[01:02:00] But, you know, as a parent, yes, you can just say, hey, every time you notice that, oh, I didn't hear what mom said, or I was thinking about something else, just, you know, you can either do a little tap on your shoulder, you can say something, you can go, hmm, just make it explicit that you knew it was happening. And do we repeat this? Every time it happens. No, but I'm saying as the parent, do I repeat that to the child? You didn't listen, I had to ask you five times to come to dinner.

[01:02:31] Do I say, don't forget to tap, or like, how do I, how do I scaffold that as a parent and a teacher? or how would that, like, what does that look like at home to repeat that, and as a teacher in the classroom? Good question. I think maybe after the moment, just, you know, there were three times during dinner where, or this evening, where it was hard to, for you to focus on what I was saying.

[01:02:57] Did you notice that? And they'll probably be like, no, and then sort of pointing it out to them, I'm like, oh, these were the three times. It gets tricky when you're doing it in the moment because you just have to be careful about not shaming them.

[01:03:16] It's so hard. But at the same time, you want them to do what they need to do. But then maybe I would develop a statement as a parent, like you just say the same thing every time. Like, oh, we're back in the cycle, or something's happening right now.

[01:03:34] again sort of taking a bird's eye view of it instead of getting into why didn't you hear me say that you had to empty the dishwasher does that make sense so just a general statement like this is what is happening to me you know and they know that when you use that statement that means they weren't paying attention i mean i i don't know what you can have to make the teacher

[01:04:04] do or not do i i don't know so i guess this might be what you just addressed but how do you help students increase their noticing without prompting after I mean you have to decide whether you're going to call it out in the moment or after the fact let me tell you three things that went

[01:04:35] really well today and that I noticed that you did in a very effective way and let me talk about the three things that you know need improvement and then maybe writing it down if the child's old enough and you're keeping a list of of it um and again by making it i'm just going back to the story making it more explicit this is what happened here's the data hopefully they will become more

[01:05:06] aware of it so i believe there are three dimensions we are either in the present or the past or the future as human beings so the child maybe if we pull him to the present time and i think that's what you mean by you said mindfulness or presence it just focus on the action verb like what are we doing like we're doing this so maybe that will help to answer your question is the action what

[01:05:44] are we involved in doing so that's why because the goal is to bring him to now instead of being in the past children just like us the other are going back or they are planning for the future so they bring them to now we need to focus on the action what we call action verbs so that will help with the attention and that's part of the executive functioning so to improve that attention would really have to be in the now or the moment I like that absolutely that's very good any other

[01:06:20] questions okay thank you all right guys we're gonna take a break until 7:15 and then we will come back and get into our business meeting thank you so much 7:15

[01:07:00] yeah all right we are going to go ahead and get started

[01:17:29] Oop, one second. Let me just get to the right spot in our slides. All right.

[01:17:59] Thank you all for being here tonight. I'm going to go over our introductions of our leadership very quickly. My name is Liz Crotty. I am the SEAC chair. Our vice chair of planning is Jennifer DiDonato.

[01:18:16] Carla Sola is our vice chair of membership. Our vice chair of communications is Shanaz Khan. Our SEAC Secretary is Katie Rosenbrook, our SEAC past Chair is Sharon Troff, Dr. Paige Carter is our Director of Special Education, Carrie LaBelle is our School Board Liaison, and tonight we also have here our School Board Liaison Alternate, Ms. Melinda Mansfield who's out in the audience.

[01:18:45] Melinda, you want to give away? She's our alternate, so. All right. The role of SEAC and Virginia regulations. The regulations governing special education programs for children with disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services.

[01:19:06] The regulations mandate that an active SEAC exists as well as specific functions of the SEAC as specified by Virginia Code, which are to advise the local school division of needs in the education of students with disabilities, to participate in the development of priorities and strategies for meeting the identified needs of our students, submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board, assist the local school division in interpreting those plans to the community for meeting the special needs of students

[01:19:44] with disabilities for educational services. And then review the policies and procedures for the provision of special education and related services prior to submission to the local school board. And then we also participate in the review of the local school division's annual plan.

[01:20:00] All right, we are going to start off with public comment. SEAC uses public feedback to inform our work to advise the school board on special education needs. We focus on system-wide issues rather than individual concerns or specific situations.

[01:20:18] Please do not use student or staff names. Verbal comment may be given. Please complete and submit comment forms tonight. Or you can just email them to the RCAC secretary or to the chair.

[01:20:34] Certain comments can be read by the author or by me, and remarks are limited to three minutes. So tonight we have two people signed up for public comment. Our first is Lisa Williams. Lisa Williams: Good evening.

[01:21:04] My name is Lisa Williams, pronouns she/her. I've taken the better part of the year off for my own mental health, but decided to come back tonight to share our final experiences of elementary school in hopes to effectively name the systemic breakdowns that have plagued our family and we believe demonstrate very real systemic inequities.

[01:21:24] As we end fifth grade, our daughter is functionally illiterate. She's been at her elementary school for seven years, since 2017, where she started kindergarten, repeated first grade, and she'll graduate in June reading at the first grade level, physically writing at a second grade level, and does not know her math facts with automaticity.

[01:21:45] Loudoun County continues to point towards the fact that with her technology, she's at a Tier 1 and Tier 2 level in math and reading. They continue to claim delivering FAPE through this narrative,

ignoring the real child in front of them, the passionate, smart, and trusted in learning child that now asks, why won't they teach me the way I need to, and if they won't, why won't they let the teacher that can do it?

[01:22:08] No answers as we're starting to leave fifth grade, so tonight here are my four takeaways on how the system continues to be broken. First, not being held accountable to deliver analyzed assessment data that shows progress that aligns with the functional skills of the child. We've been asking for meaningful structured assessments due to our daughter's needs, and Loudoun County refuses to provide the data for the last four years.

[01:22:32] Their offer for me is to take more pictures of pieces of paper. Our case manager recently shared with me last week that, quote, we're not required to provide our logic, just the data. Number two, student blaming, lack of teacher training, which results in a culture of bias, a belief that neurodivergent students cannot learn.

[01:22:54] This is represented in Loudoun County's own writing in our IEP from a couple of weeks ago that states, quote, the general consensus of the team agreed that the child has processing deficits. These processing deficits are related to a pattern of underachievement. There is no focus at all on her strengths and really understanding how she, in fact, can learn.

[01:23:16] Number three, system failure. No formal goals to support structured approach to remediating phonetic awareness. In our IEP meeting, the teacher, the reading teacher stated that she does not believe having a goal is necessary because of the amount of time it takes to record progress.

[01:23:34] She would rather be teaching. I don't believe that should be her choice, and yet our daughter's IEP has no phonetic awareness goal. In the same category of systemic failure, there are no documented goals or methodologies captured to recognize, remediate, or accommodate dysgraphia, which is the learning difference of physical reading.

[01:23:55] Circling back to item two, the audacity of the system to blame the child when they don't even provide documented tools or methodologies to support it. Number four, the lack of the IEP team power and or accountability. There is a very heavy, top-heavy command and control power structure with fractured cultures across the eligibility and the special ed teams.

[01:24:17] This creates an environment of mistrust and hostility and is a traumatic experience that feels purposeful for those of us who go through it. It does not foster collaboration. This includes everything from small administrative items to the extreme where the IEP teams don't know, read, review the suggestion of the specialists who perform the formal evaluations and recommendations.

[01:24:39] The system is not for the child. It is to protect Loudoun County Public Schools. While there are many more examples, if any one of these started to be addressed, our special ed system would be better for it. Thank you.

[01:24:56] Our next public comment is the Rockridge Performing Arts. Hi, everyone.

[01:25:11] Good evening. My name is Kaylee Rivers. I play the role of Anna in my school's upcoming production of the full-length musical Frozen, and today I'm joined with Maggie Miller, who plays our Oaken, as well as Bella Hasbon, who plays our Duke of Weselton.

[01:25:32] We have nine performances, one of which is Saturday, April 27th at 11 a.m. This will be our relaxed performance, and if you don't know what a relaxed performance is, It is an adaptive performance

that is catered to all ages and abilities.

[01:25:49] These adaptations include lowered yet lit house lights, choir to music and sound effects, no pyrotechnics, and a shortened performance time, which is approximately 45 minutes to an hour. Audience members are also allowed to move around as they please or see fit and leave whenever they feel the need.

[01:26:08] Information about tickets for this performance can be found on the back of the flyers that were just passed out. This is the sixth relaxed performance that we have hosted. We also have a sing-along on Thursday, May 2nd at 7:00 p.m.

[01:26:23] The sing-along will be held as any other performance, meaning that all adaptations, thank you, I listed earlier, will not be applied, meaning that it will be just like a regular performance. All audience members are allowed to engage and are in fact encouraged to express themselves during those two performances.

[01:26:43] We love to hear feedback while we're on stage our audience members. Both performances will be covered by our understudies. Any information I covered and or missed can be found on the back of those flyers. We hope you consider joining us in April and May for our state premiere. Thank you. All right, thank you so much. Next we have our

[01:27:10] Office of Special Education Update. Good evening everyone. I wanted to share, this is a big increase, We're serving 10,227 students with disabilities as of today.

[01:27:30] And that's an increase in January and February combined of almost 200 students. Our vacancies are fairly stable from February to March. That could have been the focus on new staffing and not fidelity of tracking.

[01:27:47] So I need to check on those numbers tomorrow because they have remained unchanged from February to March. So I'll have an update with that correction if that's inaccurate next month. And then I wanted to share some celebrations and shout-outs, as promised, last month.

[01:28:04] I want to share the increased collaboration for staffing this year across departments has been phenomenal. Of course, this is my first year as director here in Loudoun, but I did serve last year during the staffing season. And it is a season, last year, and it was incredible.

[01:28:21] I especially want to give a shout out to the executive principals who worked with me to communicate across the schools to find locations for 33 new programs. So it was very exciting. We also yesterday had a successful professional development day with over 1,000 teachers and related services providers present.

[01:28:41] I, along with Wes Allen, conducted the keynote, which was increasing efficacy, confidence, and compliance through data. certainly a topic that's near and dear to all of us, but I wanted to share with you one slide from that presentation. Lots of words, didn't read it to them, but basically we talked about the benefits of data to the overall stakeholders in the IEP team. That it increases communication, decreases the overall angst about it for all participants, and solid information puts us on the same footing so we all understand where we are, and it just fosters an environment

[01:29:21] that is better for doing something that benefits students. I also shared with all of the folks who came, I thanked them for coming to the required keynote, which they all did, but the one thing that we shared was I don't make a move with staffing or with anything without data, and neither should IEP teams.

So we spent about an hour together yesterday, but Wes Allen, our division lead counsel, shared that keynote with me and shared about different case law and the benefits

[01:29:56] of using database decisions throughout the IEP process. We made it fun. We had lots of references to movies and carried on a bit, but the teachers really seemed to enjoy it and the feedback has been positive so but I just wanted to share you with you that that is a focus of our team and it was the theme of our keynote yesterday all right Nikki is going to come up and provide our department

[01:30:25] of student services update good evening I am here because Tedra could not be with us so I know it's a really hard act you know to stand in for but I will try my best so I am here I don't know if she has, yep. The DSS Delights, that is Tedra's segment, always has a fun name.

[01:30:54] So for the updates, the one LCPS strategic plan for excellence, last month's mid-year update provided for the board was in February. Some of the upcoming items from our office or from DSS, school board presentations on MTSS, so mark that on your calendars, student mental health and LCPS will be March 12th at 4 30 p.m. She was going to give us kudos again. Paige just talked about it but yesterday was phenomenal. Lots of our supervisors are here with us tonight. It was a

[01:31:29] big deal. So round of applause for them for that. We were expecting 1,400 people. Not sure the official count yet but again all of the feedback from yesterday was phenomenal and SEAC was there with us we did we did fool around a little bit uh-oh I thought there was more to this slide but that's okay um to give you some updates on MTSS because I know Chudra usually fills you guys in on like how many people are trained and what and what we've been doing um over 12,000 12,000 plus

[01:32:07] students which is about 15 percent of our population have been supported through intervention plans and literacy, math, behavior, and social emotional learning and mental health. So knowing the climate that is phenomenal. MTSS guidance training and resources have also been provided to support teachers in the classroom in their implementation especially of our new math interventions and we did some work here around that a few months ago. So in the area of bullying bullying prevention, substance use education, and mental health. Some more numbers and percentages.

[01:32:45] 57% of 6th to 12th graders have received bullying prevention lessons. 38% of 6th graders, 87% of 8th graders, and 100, 100% of 9th graders, 53% of 11th graders have received substance abuse or mental health awareness presentations during the school day.

[01:33:13] Secondary student focus groups have also been created to improve the advisory lessons that students are engaging in during the school day to help better meet the needs of the students, so to find out what the students want to hear about, what the students' needs are. So those stakeholder focus groups have been formed.

[01:33:32] Upcoming presentations that we talked about for March 12th, What is on the agenda for that day is MTSS will provide information on the multi-tiered system of supports with regard to the evolution of MTSS and LCPS, aspects of the model, tiered supports for students, and the dynamic supports that are provided to schools from the MTSS office.

[01:33:57] And then under the heading of Student Mental Health, the Office of Student Mental Health Services will provide an overview of the evolution of the office. So any changes, new things you need to be aware of, information on aspects of the office, share division resources.

[01:34:12] So again, we always talk about how do we know this? So there will be a lot of sharing of what resources are available for students and for families. Highlight community partnerships and spotlight the key roles of the professionals across the disciplines within the school mental health office here in DSS.

[01:34:33] so those are going to be some really nice updates if you're able to make it march 12th at 4 30 and those are all of the updates thank you thank you so much nikia all right shanaz do you want to come up and join me for this one and sharon yeah i'll let you guys so megan cannon could you please come up so megan is our amazing amazing person who puts together our video and photography

[01:35:13] for our SEAC award ceremony. And I will tell you, she really, she puts it together. She puts it together at the last minute. I'm still getting photos and videos. And in the morning of, I'm like, Megan, can you please add this in? And it's always in the right order.

[01:35:29] It's always presented so well. And it's her fault when we mess up. It's not, you know, like it's seriously. Thank you so much, Megan, for putting up with us and dealing with us with these last minute changes. So on behalf of CEAC, we would like to give you a shout out.

[01:35:46] And we're really hoping to see you next, this next CEAC ceremony. So thank you. Yes, thank you. Thank you. Really, truly. It absolutely, I mean, for anyone who's been to the CEAC Awards, the slideshow, like that is so impactful seeing the pictures of these teachers out and students and everyone out doing their thing.

[01:36:15] It's really incredible. and there's videos embedded i mean that's it gets the tears going for sure all right so next um we have our long anticipated presentation on virginia foia with alan gernhart who is the executive director of the virginia freedom of information advisory council and we are doing something a little um new for me anyway um we are he is down in richmond i believe and is going to be doing this presentation virtually so we haven't tested it so i'm really hoping that our connections are

[01:36:54] good and that he should be able to present virtually so if you'll all just bear with us if it doesn't go completely smoothly okay oh hi alan hi there can you all see and hear me yes all right excellent um so tonight we are going to talk about the virginia freedom of information act and just to introduce myself, I am an attorney. I am the Executive Director of the FOIA Council, the Freedom of Information Advisory Council, and I'm going to talk a little bit about what we do,

[01:37:30] but first thing, I am going to try to do a little screen sharing with PowerPoint here and see if this comes up where you can see it. Let's see, can you all see the PowerPoint there? Yes. Okay, then let's see if we can get this to actually play properly.

[01:37:55] Okay, so if you see this first slide, I'm, by the way, I'm not going to go through because we have about a half an hour or so as we're going to try to keep this fairly short. This presentation is usually an hour and a half with a lot of questions. It goes to two hours. So I'm not going to try to go through the whole thing because it gets really into all the nuts and bolts about records, meetings, and remedies. But I wanted to give you some of the beginning stuff, particularly this first slide is really the most important thing I can share with anyone because it's got our website address, it's got our email address, and it's got our main phone

[01:38:30] number. One of the things we do as staff is answer questions about FOIA pretty much every day from citizens, from government folks, and from the media. So you can always reach out to us with any questions you have. And the website itself just has a lot of different resources. It's got a lot of kind of

frequently asked questions guides on, you know, the various issues that come up with FOIA. It's got the advisory opinions, and we've been doing those now for 24 years. It's got FOIA itself, if you ever need to get a copy of the current law, and just a ton of other resources

[01:39:06] linked there. That said, the way this training usually works, we'll start with an introduction. We then talk about the requirements for training for local officials. We then get into nuts and bolts, like I said, about records, meetings, remedies, and then there's additional resources at the end. For our purposes, we're going to start with this first part about the FOIA Council and the purpose and policy of FOIA. But before we get into that, I always like to tell people a bit about the structure of FOIA so that if you want to look at things for yourself, you have an idea of where to go. This is all in the Virginia Code, which you can find on the Legislative

[01:39:45] Information System website. You can find it on our website. And I will note, if you go to the FOIA Council website, you will find on the reference materials page, we have all of our PowerPoints and handouts there, including this PowerPoint. And everything you're seeing up there on the screen that looks like a hyperlink actually is a hyperlink. So, if you download the PowerPoint, you can then click through to find the section of the law you want to look at. FOIA is structured.

[01:40:13] It doesn't have sub-articles or anything. It's all one chapter with just subsections. The first set of sections deals with various general provisions. It starts with the policy statement. It has definitions. It talks about some of the requirements for training and becoming familiar with FOIA, talks about some of the bodies that are not subject to FOIA. It follows that up with all of the records procedures and exemptions and the specific training requirements for certain local officials, which I will note, generally school board members who are elected

[01:40:48] school board members would have to have FOIA training. SEAC members who are appointed do not have to have FOIA training. It's always a good idea for anyone on a public body because you are subject to FOIA for both records and meetings, but you're not actually required to have FOIA training. The other people that are required are the FOIA officers. Usually each school system has one or sometimes more than one FOIA officer, and they and the school board members have to get their training every two years. For the training and all the records, excuse me, provisions, you go into the meetings provisions, and that covers open meetings, closed meetings, and electronic meetings.

[01:41:28] So that's the next set of sections, and then at the very end, you have remedies and penalties. Moving to the next slide, this is a little bit about who we are at the FOIA Council. Just a little background. Back in the 90s, the press did a survey where they went around and asked for open public records.

[01:41:45] They had about a 50% compliance rating in Virginia. At that point, Virginia FOIA had been enacted since 1968, so it had been in place close to 30 years. and the legislature kind of went, wait a second, why are we only getting a 50% compliance? That's not good. They did a two-year study. They revamped a lot of the provisions of FOIA, and they also created the FOIA Council. We are a legislative branch agency. The council members themselves, there are 14 of them for our legislators. The others are representatives from citizens, media, local, and state government, and they serve primarily as a legislative forum

[01:42:25] for various FOIA issues and for bills that get referred by the General Assembly. Generally, each year we get some bills referred, and then they will study them and make recommendations to the next session of the General Assembly the next year. We also answer, as I said, with staff, you know, we answer

questions from government, citizens, and media pretty much all day, every day. That's one of the primary things we do.

[01:42:46] We publish advisory opinions and educational materials, and of course we do training presentations like this one. but what we are not. We are not an investigative or enforcement agency. We are not a complaint-driven agency. All of the things we do are advisory in nature. They're not legally binding. Enforcement is always through the court system. They're the only ones who can make legally binding decisions and issue orders to remedy FOIA problems. Going to the purpose and policy FOIA a little bit, the policy statement itself says that FOIA is there to ensure ready access

[01:43:24] to public records to the citizens of the Commonwealth and free entry to meetings of the public bodies. FOIA has rules of construction that say everything in FOIA is to be liberally construed to promote the awareness of governmental activities and operations, except for the exemptions. And I would note, currently in FOIA, there's over 150 different records exemptions, and I think it's currently 54 or 55 meetings exemptions that allow either records or meetings to be closed to the public. So there's a whole lot of stuff in there, but all of those exemptions have to be narrowly construed. Legally, that means when you read an exemption, you can't stretch it.

[01:44:01] If you're looking at a record, you're looking at an exemption, you say, well, this might apply maybe if I kind of turn it sideways and stretch it a little around the corner, then no. You can't do that with FOIA exemptions. They are to be narrowly construed. So you read them as written, And if you have multiple ways you can interpret it, interpret it in the way that favors openness.

[01:44:20] That is always the overarching policy for everything in FOIA. FOIA is also, I would notice, it is a mandatory disclosure law. So if someone comes in and asks for a public record, the initial response is always yes. You can only withhold things if there is an exemption that applies or a prohibition.

[01:44:40] The policy statement has a few other provisions that I didn't put on the slide that are still important. One of them is towards the end, it talks about public bodies and their officers' employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

[01:44:58] Now, FOIA is a procedural law. There's a whole bunch of rules on procedures to follow when answering a request. But that provision also means you can always make a deal with somebody. We hear a lot of the time these days, I'll just practical stuff, with email especially, people have hundreds and thousands of emails.

[01:45:17] When someone comes in and starts requesting email, a lot of time they get a response that looks huge in cost because of the time involved in searching and redacting various emails. This is an example where almost always you can work something out with somebody. You can talk to them to either narrow the scope of the request, or sometimes people make a deal for things like we'll lower the fees in exchange for more time to respond and process the request.

[01:45:44] And that's where the policy comes. And just practical advice, again, I've been doing this since 2004, talk to people. Whenever you get a FOIA request, communicate. Clear communication facilitates everything. The more you can speak to someone about, well, these are the records we have, this is how we keep them, this is how we do a search, and you can work things out, the better it's going to be.

[01:46:07] I will be very practical here and mention, I hear from a lot of special needs parents. I rarely hear from ones who are happy with the way their school systems are responding to their FOIA requests. Usually, you know, that's typical of our job. We don't usually hear from the happy people.

[01:46:24] We hear from the people who are upset with things or feel that they're being stonewalled in accessing records. I've heard from parents who say they can't get their kids IEP records, this, that, the other. You know, and that's unfortunately something we deal with a lot.

[01:46:41] We try to help resolve these disputes. And so part of our role, we don't have, like I said, any enforcement or investigative powers, but at least on an informal basis, we do try to help people just work out and reach a deal, reach an agreement to avoid disputes or resolve disputes without going to court.

[01:46:59] So that's one of the other things we do. And to a little bit of the requirements, like I said, this stuff does not specifically apply to the SEAC, it applies to the school board members, so I'm just going to go real blast through it basically to this part where other laws may also apply. This is where I would note FOIA itself, like I said, it's got procedural rules for access to records. It's got procedural rules for open, closed, and electronic meetings. It has a total of over 200 exemptions between records and meetings, but that's not everything. There's a lot of other laws that can come into

[01:47:37] play. I'll note just, I mean, looking at the stuff we just heard about social services, There are various provisions outside of FOIA and a different title of the code that talk about social services records. General rule there, those are usually prohibited from release. And that leads me to a quick discussion of prohibitions versus exemptions.

[01:47:57] In FOIA, the vast majority of the exemptions are just that. They say for records, you don't have to release a record, but you still can in your discretion as the custodian, unless there's some other law that acts as a prohibition. Similarly, for meetings, there's the 54 or so meetings exemptions that allow for closed meetings, but they do not require closed meetings.

[01:48:20] So people do not have to have a closed meeting unless there's some other provision that says they have to. Usually, most of those provisions that are actual prohibitions where they say you shall not do this in public or you shall not release this record, those things are almost always outside of FOIA.

[01:48:36] There's only really two or three in FOIA itself out of the 150-plus, so the majority of that stuff will be found outside of FOIA. In the school's context, I actually had a question that's fairly relevant just the other day where someone said, it was a school attorney who asked, you know, I've got a request here where we were responding, and the person said treated as FOIA, not FERPA.

[01:49:01] So for those unfamiliar, FERPA is the Family Educational Rights and Practices Act, I guess, or Rights and Privacy Act, I forget. Anyway, FERPA, federal law dealing with access to student records, what must be given out, what may not be given out.

[01:49:17] And I had to explain to him, well, you know, really both apply because FOIA also addresses scholastic records and student records. And that's not all. We also have to look at Title 22.1 for K-12 education, Title 23.1 for higher ed. Because those also have rules about access to student records and other things, like if you look at measures of, I think it's the student growth percentile measurements, various things like that.

[01:49:42] There are lots of different laws that can apply. As I said, social services, you'll find that out in Title 63.2. In a worst-case scenario, criminal laws might come into play, and there are specific rules for law enforcement records concerning juveniles, again, outside of FOIA and separate from some of the adult stuff.

[01:50:02] So there are a ton of other laws that may apply, but because our authority is always limited to FOIA itself, I'm happy to discuss those kind of in the hypothetical, but I cannot independently interpret other laws. So there are times when someone calls me for advice and I have to tell them they need to consult their own attorneys.

[01:50:21] In the school's context, if you have a question about IDEA or ADA or federal FERPA or any of the other federal stuff that comes into play, that's where I'm going to say usually consult your school board attorney rather than me. If it's strictly FOIA, I'm happy to talk about it.

[01:50:39] All right, that said, got some examples here, but I just discussed various ones. After this, we can get into some of the nuts and bolts. I want to go pretty quickly through some of this stuff just to get you the basics. With public records, again, the presumption is they're all open unless there's a specific exemption or a prohibition that applies. The definition of public record is intentionally broad to cover just about everything we do in government. And about 10 years ago, we did actually SEAC training for every district across the state. So we got to deal with a lot of members of SEACs. And a lot of people didn't

[01:51:18] really kind of recognize right away, you know, if you are appointed to the SEAC, you are part of government now. I like to remind people about just some real basic civic stuff that really has a practical effect with FOIA. Things like the Constitution, or excuse me, not the Constitution, the Declaration of Independence has a line about, we have government by consent of the governed.

[01:51:45] I always ask people, well, have you ever gone to the doctor and they wanted to do something? And what do they have to get from you? Your consent, of course, but what kind of consent? It has to be informed consent. Otherwise, it's not meaningful. And the same idea applies to government. If we are going to have government by consent of the governed, the people who are governed need to know what their government's doing. It has to be informed consent to be meaningful. And the way they access that information is through FOIA.

[01:52:12] I also like to remind people about the Gettysburg Address from President Lincoln and the famous line about, we are a government of the people, by the people, for the people. So when you're serving on a SEAC, you are government. You're also a citizen.

[01:52:28] When you're a government employee, which I am, I'm still a citizen. So I remind people when we talk about FOIA training and I talk about the responsibilities placed on government, I'm also talking about your rights as a citizen. because, you know, particularly, I know the vast majority of people serving on a SEAC are special needs parents, and a lot of them, you know, you may be the one making the FOIA request the next time around, because you may have questions concerning your kid or your school's policy, or you might move to a different jurisdiction and have lots of questions, all that. So keep in mind, these are your rights as well as your responsibilities here. Going back into the slide,

[01:53:05] a real quick definition of public record. The first part of it talks about all these different types of records. The ellipses there, the three dots, has a laundry list of different kinds of actual records that are listed out. The important thing to remember, though, is it's got to be a record. If someone comes in and

asks, I want every communication about a particular topic or about my child or something, and there's no actual record, then there's nothing to provide. However, if there is a record, and it could be an email, it can be a text message, it can be a social media post, it can be almost anything, any type of record. It could be audio, it could be visual, whatever type

[01:53:42] record it is that can be subject to FOIA if it meets the rest of the definition. Something that's not explicit in that, but it does become quite clear, is FOIA does not care what device is used to store a record, or when we're talking electronic records, what account is used. So if someone is using their personal email and, say, a personal cell phone or a home computer to do public business such that it meets the rest of the definition, that will still be a public record. It is still subject to FOIA. Flip side of that, since looking down, you see transaction of public business is

[01:54:22] one of the critical things about what is a public record. If it's personal business or private business, then that's not going to be subject to FOIA. The middle one there, prepared owned by in the possession of the public body officers, employees, or agents, that is usually pretty obvious for people who are doing government work, whether it's as an appointed member of the SEAC or, say, a school employee. If it's something we prepared, we did it, we own it, we have it, we know it. That part's easy most of the time. Where it's not always easy is when you're working with third parties, independent consultant doing something else, and someone else has prepared

[01:54:59] something and they may own it, but they share it with you and it goes into your possession as part of your public business. And then it becomes a public record. That can be a letter from a parent with concerns. It could be the public comments we heard tonight if someone submits written comments along with it, anything like that. Last note here, some versions of FOIA, and I will note federal government has their own version of FOIA and other states have their own version. Some of them accept draft versions and say the drafts are not public records.

[01:55:29] Virginia FOIA does not do that. Sometimes certain drafts may be exempt from FOIA for specific reasons, but as a general rule, a draft is still a public record, still subject to FOIA unless some exemption applies to it. Really quick, I'm going to skip through some of these slides. So just who has a right to make a request under Virginia FOIA? This is the statutory answer. It's citizens and certain media representatives, but the real answer is on this slide. Anyone can get a Virginia citizen to make a Virginia FOIA request, so we recommend respond to everybody. Virginia's law actually was challenged all the way up to the U.S. Supreme Court, and they did uphold our law and our

[01:56:08] limitation, but they even noted there, anybody can work around it just by getting a Virginia citizen to do it, and there are commercial services and free services out there who will do it for people, so we recommend just respond to everyone. For how people ask for public records, the first part is the most important. All they have to really do is tell you what they want in a way that you can tell what they want. That is the most important thing. The public body can require them to provide name and address, but the request doesn't have to be in writing, doesn't have to use a form, does not have to say FOIA, and the purpose of the request doesn't matter.

[01:56:42] That is not part of the equation in a FOIA request. I'd also note there, it's the requester's choice whether to inspect records, meaning, hey, I want to take a look at that, or to get copies. With responding, I always hold up, especially for educational presentations in a school setting, one hand, as if you were raising your hand in class, and if you look at your hand and you have five fingers, then you have a FOIA

cheat sheet built into your body because there are five days to respond after you receive a request, there are five responses to choose from. I would note you should always respond because if you do not respond at all, that is deemed a denial of the

[01:57:18] request and a violation of FOIA. Also note you don't have to create records if someone asks for something that you do not already have. And again, just to reiterate, you can always make an agreement with a requester on something. The five responses are listed here. Your number one, of course, is to say yes here, have the records. Your number two and three are versions of no. You're either withholding everything, or you're giving part of the record and withholding another part of the record, usually redacting out things like names, things like that. With both of those, you are required to cite the exemption or prohibition that allows or requires the record to be withheld.

[01:57:56] You have to identify the subject matter of what's being withheld, and if you're withholding everything, you also have to identify the volume of what's being withheld, and that has to be done in writing. With number four and five, those also require written responses. Four is when you don't have the records. And sometimes you, for example, they asked Loudoun County schools for it and it's not a Loudoun County issue. It was a Fairfax or an Arlington or something like that. And you say, oh, that's not ours. You need to go to the other district. And you give them the contact information for the other district's FOIA officer. Last one is if you can't do it in the first five working

[01:58:31] days after the request, you can always invoke an additional seven. But to do that, you have to specify why you can't do it in the first five and you have to respond in the first five in writing. I'm going to skip over the rest of this for records, just so we can get a little bit in on meetings here real quick.

[01:58:51] Again, the policy for meetings, all meetings must be open to the public unless they're legally closed following FOIA's procedure. We'll talk a little bit here about the definitions and then go through a little bit of the procedures on them. So definition of a public body for our purposes, school board is the main public body.

[01:59:11] The SEAC is the second bullet point as a committee of the school board created to form a delegated function or advise the school board. The SEAC is also a public body, so you are subject to FOIA for meetings. Note, it does include other organizations supported by public funds, as well as constitutional officers, but only for records purposes for them.

[01:59:31] The other organizations supported by public funds, this can include some tax-exempt organizations who are primarily supported with public funds. It includes sometimes other things like area agencies on aging and some other things, which occasionally you may end up working with some of them.

[01:59:48] So it's good to just be aware they can also be subject to FOIA. With the definition of a meeting, first thing to note, it explicitly includes work sessions. So I've had people say, oh, it was just a work session, not a meeting because we weren't voting on anything. Well, that doesn't matter.

[02:00:04] Work sessions are meetings because what we're really looking at is whether you are discussing or transacting any public business in a sufficient number. and the number is three or more, or a quorum if less than three. That only really happens if you have a two or three-member subcommittee, for example, then a quorum would be two.

[02:00:23] Next, going real fast here, things that are not meetings. Gatherings of employees. So we don't count the employees towards what's a meeting, only the members. Gatherings where there's no part of the

purpose is the discussion or transaction of public business. So for example, If members of the SEAC went to a graduation ceremony or something like that or a ribbon cutting, some sort of celebration, award ceremony, you know, what have you, social events where there's no discussion of SEAC business, then that is not considered a meeting.

[02:00:57] Last one, public forums, candidate appearances or debates. Since you're not elected, that probably doesn't happen too much, so I wouldn't worry about it. With open meeting requirements, the main one is it has to be noticed to the public in advance at least three working days prior to the meeting. It must be open to the public so that the public can actually come in and see the meeting, and you have to take minutes.

[02:01:18] I'm going to skip over the details here because we're running short on time, and go to real quick stuff on closed meetings here. This is the part I want to focus on. When you do a motion to convene a closed meeting, if you have one, you always have to state the purpose, which is usually just quoting the exemption itself.

[02:01:39] You have to refer to the exemption. Typical examples are personnel, or that's the number one, or number two is scholastic records matters. You're dealing with student issues, which I know doesn't usually happen at the SEAC level. But the hard part of a closed meeting is to identify the subject matter because it has to be more than just talking about the exemption.

[02:02:00] There was a Supreme Court case a couple years ago where they said that, and we've said it for a long time. So that's where you have kind of an opportunity for creative writing if you have a closed session. In the closed session, you only discuss the things that you talked about in your motion that are legally allowed to be discussed under FOIA.

[02:02:21] At the end of it, you come out of the closed session and vote to certify that that's what happened. So that's, in a nutshell, the closed meeting procedure. And then electronic meetings, I just want to note in this part, there are three different categories of electronic meetings now.

[02:02:37] First one is remote participation. This is where you're planning a regular meeting, someone can't make it, and so they're either, you know, calling in, Zooming in, WebEx, whatever technology you choose to use, but that's where the individual member is participating electronically, but the main body is still physically assembled in one place.

[02:02:57] Second category is all virtual public meetings. This is where everybody is virtual, and so everybody's calling in. And the last one is under states of emergency declared by the governor or the locality. This is pretty much what people were doing during COVID, where, again, everything is virtual.

[02:03:14] One of the differences here, there are a lot of procedural details that are different that we don't really have time to get into. But for both remote participation and all virtual public meetings, the public body must adopt a policy on those things before they can use them.

[02:03:32] And I'm going to note there is a bill before the General Assembly right now, which has passed, I believe, the House and Senate. So we're waiting to see what the governor signs it or not. It will double the amount of all virtual meetings public bodies are allowed to have, but it's going to require that the policy statement be adopted annually.

[02:03:50] So you can't just have one and just leave it in place. You're going to have to readopt it every year. Let's see. There's a whole ton of other things, but I think at that point I'm going to go ahead and close down this and just say, do you all have any questions you would like to ask?

[02:04:11] And I know I did get an email there from Liz. Let me go through this. So what is FOIA was the first question. I hope that's clear now. It is the rules and procedures on access to government records and meetings. Why do we have FOIA?

[02:04:27] I like to, again, go back. You know, it's one of those things. We didn't have it until the 60s. A lot of the FOIA stuff came about along with the civil rights movement. People wanted to know what government's doing. And there are versions of FOIA before that.

[02:04:43] There are other rights people have recognized at common law all the way back to England. I know as a FOIA trivia piece, the King of Sweden had a FOIA version giving access to certain government proclamations in the 1700s, you know, and that's considered the very first one that we know of.

[02:05:01] But the basic idea, again, is people get to know what their government's doing. And so I always try to remind people, if you think about government that doesn't tell people what it's doing, usually a dictatorship, sometimes other monarchies, things like that, a lot of those governments are very, very efficient because they get things done really, really quick, but people don't know what's going on.

[02:05:24] And a lot of them end up in horror stories like World War II. So we don't necessarily want that. We would rather have FOIA and know what's going on. Next question I've got is, how does the FOIA apply to SEAC and why is it important?

[02:05:40] So again, SEAC is itself a public body and is subject to FOIA for both records and for meetings purposes. And so, you know, it's pretty much important to keep in mind for the SEAC members, it does apply to you all the time whenever you are doing public business, meaning business on behalf of the SEAC.

[02:06:03] One of the questions I got a long time ago, and this is something I bring up just so everybody's aware, had a SEAC member who said they were in a private Facebook group and they were concerned about whether their participation in the group turned things into a public record. And we ended up concluding that it actually did because they were discussing issues that came before the SEAC with other special needs parent Facebook group, which effectively turned those things into public records because they were in their possession and they were using them to inform their business as a member of the SEAC.

[02:06:38] So watch out for things like that. Watch out for things like instant messenger and group chats and things where the members might be trying to communicate on an issue and they end up communicating electronically in real time without giving notice.

[02:06:57] That could be construed as an improper electronic meeting. So you have to be aware of those things and watch for them. And other than that, again, on the record side, pretty much anything you do for the SEAC, if it is in the form of a record and it's about the public business, keep in mind that may be subject to further disclosure.

[02:07:16] There are tons of exemptions, like I said, but most of them go to the specific scholastic record level dealing with individual students. And my understanding is most of the times the SEACs are dealing

more with broader policy issues. So most of your stuff is probably open when it's dealing with those broader issues.

[02:07:34] Hey, Alan, we've got a question here in the audience. Here, go for it. Hi there. I have two quick questions. One involves whether or not parents are going to be required to pay a fee to request student records under VFOIA.

[02:07:59] As of, I think it's 2022, or actually I should look really quick whether it's 2022 or 2023. The answer is no. So current law, and if anybody needs to cite this, I'll just give it to you. is 2.2-3704 subsection F as in Frank. The very first thing it says is except with regard to scholastic records requested pursuant to subdivision A1 of 2.2-3705.4 etc that must be made available for inspection pursuant to the federal FERPA and such requests for scholastic records made by a parent or legal guardian of a minor student or by a student who is 18 years of

[02:08:39] age or older, then if it's not those, a public body may make certain charges. So that was, let's see, I believe that was 2022 when they made that change. Let me just take a look. Yes, that was 2022. So that's been in place for about a year and a half now. I do not believe that is subject to any bills that are currently before the General Assembly, that they're not planning to changed that. And I've talked to education attorneys because, as I said, I don't really do FERPA. I have a passing familiarity with it, but it's not my focus. So I asked them, you know,

[02:09:17] which of those records are the ones subject to inspection under FERPA? And their kind of quick, flippant response was everything. So basically, scholastic records, as requested by the parent, legal guardian, or the student themselves, if they're over 18, should be free.

[02:09:35] Thank you so much. You're welcome. My next question is, can you provide some clarity when a family requests records? Is the school division, I don't know how to word this, but there seems to be some confusion about FERPA versus FOIA as far as if a parent makes a FOIA request for student records, can the school cite FERPA as a reason to delay providing FOIA records, FOIA requests?

[02:10:12] That's an extremely complicated question to which I don't really have an answer. FOIA is the default rules for records. I will tell you, I have heard multiple lawyers over the years. Like I said, this is my 20th year doing this.

[02:10:30] I have heard different lawyers have different interpretations of FERPA itself. I have heard some different things depending on which administration was in office and how they were arguing FERPA cases federally. So my advice when it's a question about FERPA, the U.S. Department of Education has their Family Policy Compliance Office.

[02:10:54] You can just Google that and you can find their contact information. So I would ask them because it's there within their bailiwick, I guess, to serve as the administrative arm. And they administer FERPA and some of the other acts that deal with access to student records. As far as FOIA itself, one of the provisions in 3704, and I'll just mention that 2.2-3704, is the main code section on records procedures.

[02:11:21] The very first thing it says is, except as otherwise specifically provided by law, all public records shall be open to citizens and the certain media representatives. So by saying except is otherwise specifically provided by law, FOIA does recognize other laws.

[02:11:38] So that's where, you know, if there's an instance where FOIA says, okay, here's the basic rule on records, but FERPA says, oh, but here's this more specific rule for this particular type of record, FOIA is going to recognize that. And that's why I mentioned things like in Title 22.1, there's a whole section on, I think they use the word pupils, but pupil records.

[02:11:58] They don't call it student records or scholastic records, they call it pupil records for whatever reason. I'll give you a very real example. Under FOIA, there is a scholastic records exemption. That exemption is discretionary, meaning schools do not have to turn over scholastic records, but they may choose to do so in their discretion.

[02:12:22] Now, contrast that with some of the things in 22.1, 23.1, FERPA, some other provisions, like if it was social services records that were shared with the schools and the stuff in social services that say you do not release well that's where the answer is going to be no almost across the board unless you are the parent or the student or a legal guardian but back in 2017 there was a situation this came from higher ed but a bunch of students got politically persuasive I guess cell phone messages they were getting texts on their cells about vote a certain

[02:12:59] way in the upcoming election. And a lot of them said, hey, wait a second, what's this? How did this, you know, it's kind of a get out the vote group. How did they get my cell number? This is crazy. And so they were asking, and they found out their schools gave it to them. This is where you may or may not be familiar with the idea of directory information, which comes from FERPA.

[02:13:19] The idea there is FERPA generally says you don't release scholastic records to other people, but you may release directory information. And then it lists a bunch of things which may be considered directory information, but it leaves it up to each school to decide what they actually include as the directory information for that school. There are similar provisions in titles 22.1 and 23.1, but in FOIA, it just has this discretionary exemption, which still complies with it because FOIA says you can release it or not. You don't have to. So you get a kind of a

[02:13:54] two-tier situation. Most scholastic records, people say no, except for the directory information, and that's where each school got to decide what it included. What happened in 2017 was that about half the schools of higher ed included things like email address and cell phone numbers and all that for their students as part of their directory information. About half the schools did not.

[02:14:14] So when this get out the vote group asked for these things, a bunch of students' information was given to them, but then a bunch more was not from the other schools. And so there was a dichotomy going on with that. There was an outcry from a lot of the students and everything. And as a result of that, the General Assembly passed another layer to the Scholastic Records, which is a prohibition saying you cannot release a student's address, email address, or phone number without written permission. And they put that in FOIA, in Title 22-1, and in Title 23-1, so it would apply across

[02:14:49] the board. So we actually have kind of a three-layer system there of generally Scholastic records are exempt except must be given to the student, parent, or legal guardian. But director information can be released except for the contact information that has to be withheld unless there is written permission. It's actually more complicated than what I just said, so I apologize for that. But you don't, I mean, these things shouldn't be seen as an either-or. They are all to be read in conjunction with each other. Sometimes one is controlling over another, but they all have to be read together. They can't be ignored.

[02:15:29] Thank you so much. I think, are there any other questions? I have a question. Yeah, so just how, have you guys been taking a look, so at the Virginia Consumer Data Protection Act, have you been, I know that doesn't apply to government entities, but have you been taking a look at the trend in data privacy when talking about releasing personal information under a FOIA request?

[02:15:55] Not directly, necessarily, because that does fall outside of FOIA. But, yeah, we have at various times done some studies, looked at some things. For example, there was a bill that would have made it so basically all government employees' e-mail addresses were exempt.

[02:16:16] The problem with that, of course, is the reason as government employees that we have e-mail addresses is so we can communicate not just with each other but with the public. So it kind of doesn't make sense for us to withhold our e-mail addresses from the public. And it's pretty hard to distinguish between, you know, a legitimate citizen request versus spammer or someone who's a hacker potentially or whatever.

[02:16:37] So with things like government email addresses, I mean, those are open as a general rule, and they always have been. There have been, you know, issues, and we did discuss it with IT security folks, and like the Virginia Information Agency was represented and others.

[02:16:54] But the way the General Assembly decided on that one was to keep them open on that. So, peripherally, we do see some of that. I would note, and this surprises people sometimes, there is no blanket exemption for personally identifiable information.

[02:17:10] A lot of people kind of presume that, but it is not true. There are various exemptions that may apply to PII in certain places. There are various ones that apply in certain contexts for contact information, including, you know, email, phone number, address, all that stuff.

[02:17:27] But there's no blanket exemption for it. And this is something that, as my former boss, the first executive director, Maria, used to say, you know, you don't really get to deal with government in secret. That leads to corruption. So most of the time, keeping, you know, if you're interacting with government, it's almost always public interaction.

[02:17:49] There are, you know, again, lots of records exemptions, lots of meetings exemptions. Most of them follow certain patterns of protecting privacy or protecting government finances to try to minimize the waste of taxpayer dollars, that kind of thing when you're negotiating a deal.

[02:18:05] But even with those, usually when the deal is done, everything becomes open. So, yeah, I mean, we're aware of some of that stuff, but it's not directly what we do. Yeah, so I would be more interested, right, you made the case about the Facebook group, right? The Facebook group and the information in there. Facebook is a company that is regulated by the Virginia Consumer Data Protection Act. The other resources and people putting their information in there would expect that personal information to be regulated under

[02:18:37] the VCDPA. However, you pointed to the fact that we did consider FOIA for Virginia. So if that person tried to, right, when we talk about data flows, went to Facebook and asked the right to be deleted, right? But however, you housed that and we're trying to sell it so I can see conflicts there. Yeah, social media gets kind of tricky because the FOIA side of it is surprisingly simple. When you keep in mind, FOIA only requires people to produce existing records. So FOIA does

[02:19:13] not address things like hiding posts, deleting posts, blocking people. We see a lot of issues related to that with social media, with people using it as a public forum and people get into First Amendment freedom of speech questions. And we see there's a lot of court cases on that in Virginia and other states. It's kind of a developing area of the law. But on the FOIA side of things, we just look at, you know, usually social media, it can have meetings implications for certain things where you could have a sufficient number of members of a body communicating in real time electronically, like Facebook Live or something like that. But normally we're looking

[02:19:52] at it on the record side and we're saying, okay, is there a post? Is that post in the transaction of public business? Is it something prepared, owned, or possessed by the public body? If all that's met, then it meets the definition of a public record. And in the specific context of this private Facebook group, a lot of what they were talking about was their own kids and their own students, you know, and so most of that stuff was either personal slash private in that sense, or it was exempt as a scholastic record concerning an identifiable student. So even though it was technically public record, it was also private. The problematic part was they

[02:20:29] also were talking policy, which was the business of the SEAC, and they had a SEAC member in there talking policy privately with parents and everything, and that's what turned it into a public record that could be turned over. And yeah, I mean, that's why I try to warn people about that.

[02:20:49] I'll tell you, I had another story like that where a group of public defenders was talking about they had their own private group. It wasn't on Facebook. It was, this was 20 odd years ago. They weren't doing Facebook that much back then. It was a different service they had. But again, they were discussing cases. They were discussing their work. They were talking about all of these different issues that were public business in what was a password-protected private group. It was, I think, just an internet forum at the time. The problem was, since they were discussing and transacting

[02:21:23] public business on it, it became a public record. So those are things, you know, I caution people about how they use, you know, social media is the big one these days, but anything where you generate a record, if it is something you would be doing as business of the SEAC and you are a member of the SEAC, that's a public record. The other flip side that I haven't mentioned yet that I should mention is there are also the record retention schedules, which are set by the Library of Virginia. If people are not familiar with them, you can go to the Library of Virginia website, look at their records management section, and you can find all of

[02:22:01] the record retention schedules there. They can be surprisingly complicated, but they are there. A lot of records that people generate don't have to be kept for any significant length of time, but some of them do, particularly the more important the record is, the more important the person is, the more likely it is that it has to be kept for some longer period of time.

[02:22:21] So I usually talk about the consequence of choice, and this is where if you choose to create a record and you are part of government, whether appointed member of the SEAC, school employee, whatever it might be, if it's in the transaction of public business, when you create that record, keep in mind, one, you may have to keep it for some period of time under those record retention schedules, and two, it may be subject to further disclosure unless it's exempt under FOIA.

[02:22:49] Thank you so much. We really appreciate your time. We have to get to our other business, but thank you so much for being flexible and for staying so late on a weeknight. It's really very much

appreciated. You're very welcome. And just as a final note, I am a special needs parent, so I'm right there with you.

[02:23:09] Thank you so much. We really appreciate it. You're welcome. Y'all have a good one. Thanks, you too. All right. So we have put up our QR code to access the draft policies that the Policy and Compliance Committee reviewed.

[02:23:25] We are going to have Carla very quickly run through roll call and make sure that we still have quorum. Please just acknowledge. Craig, sorry. Oh, thank you.

[02:23:41] All right. We need to admit our remote participants. Do I hear a motion? All right. Katie, second. Okay. All right. Let's vote all in favor. aye all opposed any abstentions all right beth carlson and melissa wall you are admitted to our meeting thank you greg all right now we will do roll call elizabeth baird elizabeth

[02:24:15] zina belleret beth carlson she's here i'm here virtual liz crotty here jennifer de donato

[02:24:30] Katie Lambert, Kathy, sorry, Tom Ketchum, Shanaz Khan, Rosina Katak, Alicia McFadden, Craig Metz, Catherine Moran, Sarah Plattenberg, Lakshmi Raghavan, Erin Rozelle Poe, Katie Rosenbrook, Carla Sola, here, Sharon Trow, Melissa Wall, here, thank you, Zakina Zarbush, thank you.

[02:25:15] All right. Great. Carlin, can you just confirm we have 10 members present? Yes. Okay. Perfect. Awesome. Well, then I will have Craig, and I believe Sarah is going to help us come present our policy that we are reviewing this evening.

[02:25:53] So I believe Liz emailed out the list of policies for which we believe we have no recommendations or the subcommittee has no recommendations. That's 6650, 2620, 7318, 8273, and 8550. I wish I had the titles.

[02:26:08] but has anyone looked at these does anyone have anything they wish to discuss with these then the subcommittee's recommendations we have no feedback on these uh could we get a motion to simply adopt that feedback as a slate moved and seconded the motion is to adopt the policy subcommittee's recommendations on these policies that we have no recommendations is there any further discussion seeing none all those in favor please raise your hand and say aye

[02:26:42] aye opposed nay and are there any abstentions uh beth carlson your vote please aye and melissa law. Your vote please. Aye. Motion carries unanimously. There is one that we do actually have some feedback on and that is emergency first aid CPR and AED and we have an expert on the subject. I don't know if I'm an expert. I know I'm not. I'll introduce myself. My name is Sarah Plattenberg. I am a parent in Loudoun County Public Schools. I'm also an educational advocate and

[02:27:19] I am definitely an expert on diabetes, although I wish I was not. Two of my children are type one diabetic, and I've been on this journey for quite a long time and been reviewing policies, not just in Loudoun County, but in multiple states and working with stakeholders just across the board to take a look at the policies and see if they're aligning with updated technology, updated requirements um and definitely have a particular interest in making sure Loudoun County Public Schools

[02:27:54] policies align with the needs of the students in this county but also align with the recommendations of the Americans with Disabilities Act as well as all of the other stakeholders in this area OCR has put out guidance i mean there's just guidance coming from every direction to be honest with you there's a

virginia council that's given out guidance and then of course the diabetes councils across the board have given out guidance so in reviewing all of that we reviewed

[02:28:32] it all together as a subcommittee and then took a look at the policy that we currently have in place and the current policy doesn't it's it doesn't even align currently with the state guidelines and recommendations and so there's a lot of change that needs to happen with it just to kind of get up to the standard that's required by the state but also in considering the technology that most students are using we need to bump it up to make sure that the students who are using technology to be able to come to school every day are protected so we worked really hard together as a team to look at the

[02:29:11] current recommendations and then we made some recommendations for our school Do you want me to read that? Oh, okay.

[02:29:26] I'm new to this. Okay. You want me to read this? Yes, please. Okay. So concern number one, and I think I already said this. So the policy as written does not explicitly reference diabetes in the title or the opening paragraph, although the policy does reference diabetic care later in the policy.

[02:29:45] So are we going to read all of the concerns and then go? Sorry. I don't know how to do it. Concern number two, the policy is not up to date with current diabetes management practices in schools as outlined by the American Diabetes Association and VDOE.

[02:30:02] And we created, like we gave a lot of reference material for anyone who's just bored one night and wants to read through it all. And it's not up to date with the current technology most students diagnosed with type 1 diabetes are utilizing to support diabetes management during the school day.

[02:30:21] Concern number three, current LCPS practice results in students with diabetes not being carefully monitored across the school day, resulting in unnecessarily being pulled from instruction to treat preventable highs and low blood sugar levels. Low blood glucose can develop over a very short period of time and impact students' functioning, including but not limited to concentration, processing, and behavior.

[02:30:48] If treated early, most episodes of hypoglycemia can be treated in the classroom with fast-acting sugar. Delayed treatment of high blood glucose can result in symptoms of illness, slowing of cognitive functioning and attention, and many long-term health issues.

[02:31:07] Current LCPS practice results in parents having to be on-call, me included, throughout the school day in order to monitor their child's CGM data from a remote location, insert or reinsert pump insets, and provide diabetes care.

[02:31:25] Should I add a little like just context here? So I can talk about diabetes forever so I'm going to try not to but what's happening to many families in this county particularly are that they've elected to keep their students home and homeschool their children due to just fear, complete fear of sending their children to school and having a diabetic emergency. An emergency could happen very quickly but fortunately there's technology that's available to prevent those emergency lows

[02:32:05] in our county the county is not monitoring that technology and in some schools is disregarding completely that the doctors made recommendations for the schools to monitor the students blood sugar throughout the day so just to kind of give you a really basic idea of diabetes a typical person's blood glucose

level is around 90. When someone's diagnosed with type 1 diabetes, the goal is to keep that student between 80 and 180. Anything over 180 can really impact in a variety of ways

[02:32:43] how a student is functioning, from being able to think clearly to being really emotional or really hungry or have to go to the bathroom a lot or need a lot of water, being really tired, just a whole variety of symptoms. Those highs are what causes the long-term health damage that diabetes does over time. And so as a parent, it's in our best interest, right, to keep our children in a place where not only are they functioning like their typical peers, but it decreases the fear of going

[02:33:17] blind or losing a limb or any of the other very serious health issues that come along with diabetes. Having a diabetic low is an emergency. Anything under 70, 80 requires an immediate response and treatment with sugar.

[02:33:38] And that can be, that's the only benefit, I think, for kids sometimes with diabetes is it could be Skittles or Smarties or juice or whatever. And that can be done relatively quickly in a classroom. Delivering insulin can be done very quickly in a classroom for highs or just for eating.

[02:33:58] A lot of the things that I'm, I guess what I'm seeing in general across school systems is there's a lot of fear because diabetes is so complicated, but managing it can be very simplistic and quick if you know what you're doing. The technology that's available right now, I'm sure you've all seen commercials for Dexcoms.

[02:34:19] There are others on the market as well, but the Dexcom allows for us to see predictively if a high is projected or if a low is projected and therefore keeps kids in range. So everything from testing to being just available for learning to going on the playground to going to lunch with your class, all of it is impacted.

[02:34:43] I say all the time diabetes is impacted just by the way the wind blows because there's so much variability, right? Like if you had a stressful night or you ate an extra pancake for breakfast or if you had a fight with your best friend, like it all impacts how your body is feeling because adrenaline and stress, all of it impacts the way our body is processing carbohydrates.

[02:35:08] So this particular policy, as you can tell, is really important, not just to me, but to many other families here in the county, because like I said, I'm really lucky. My kids are older. I've been on this journey for a really long time, like I said.

[02:35:24] One of my kids is in high school. I have identical twins. One of them is diagnosed with diabetes. One is not. And he's in middle school. I have two fantastic schools here in the county who are willing to do everything and anything I've asked them to do but that is not the story for most families in this county I've heard lots of stories about like I said just kids are home they're just home because their parents are so afraid so we really need to make some change here I'll go to the next one getting off on a tangent the policy this policy does not address the staff training requirements needed to keep our students

[02:36:02] with diabetes safe in our schools it's critically important to have staff who are trained to read and respond to the continuous glucose monitor alarms and trends, manage levels of blood glucose levels throughout the day, and reinsert pumps when needed. There need to be enough trained redundant staff to cover staff absences or illnesses so that our students with diabetes are able to attend school safely and without interruption. There are three tiers of training they're available and they're required. And it's really easy to take a look at the training

[02:36:41] and see like who would fall into one training versus another. For instance, a tier three trained staff member would be somebody who's delivering insulin, who's changing pumps, who's really responsible for that like day-to-day management versus a tier two staff member might be like the whole team of teachers who's around the student so they can pick up on whether or not the student in need of support. And so we've referenced that in the policy recommendations. All right. So

[02:37:15] recommendation one, change the title of this policy to emergency first aid, CPR, AED, and diabetes management to clearly articulate that this policy covers diabetes as well as emergency first aid, CPR, and AED. Recommendation two. Line three, add diabetes management, comma, and after training for. So I read the whole thing? Okay. Okay. Loudoun County Public Schools provides

[02:37:53] training for diabetes management and emergency first aid, cardiopulmonary, thank you, and automatic external defibrillators certification in accordance with the code of Virginia section 22.1-274. Add citation for 22.1-274.01 colon 1 on line 4 where relevant code of Virginia is

[02:38:31] referenced. This section of the code addresses students who are diagnosed with diabetes, Self-care, insertion, and reinsertion of insulin pumps. Recommendation four, replace at line nine, shall be at least two employees who have level three diabetes training in the administration of insulin, including the use and insertion and reinsertion of insulin pumps or any of its parts, reading and responding to continuous glucose monitors,

[02:39:04] alarms and trends, and the administration of glucagon and insulin. Staff working with students diagnosed with diabetes to include, but not to be limited to, teachers, bus drivers, playground monitors, cafeteria managers will receive level two diabetes training. Absolutely. Ms. LaBelle.

[02:39:28] So one of the things that we discussed in the subcommittee was the training is apparently a free computer-based training. So the cost is person time, but there's not a budget impact by that policy. It is the reconciliation season coming up. We wanted to make sure if there's a budget impact that we've thought of that question.

[02:40:05] Recommendation five, replace at line 14, having diabetes attend such school, there shall be at least two employees who have level three diabetes training and the administration of insulin including the use and insertion and reinsertion of insulin pumps or any of its parts reading and responding to continuous glucose monitor alarms and trends and the administration of glucagon and insulin all staff working with identified students diagnosed with diabetes including but not limited to teachers bus drivers

[02:40:38] playground monitors and cafeteria managers will receive level 2 diabetes training yes but the difference um because it's exactly the same is that the way the um policy was written and the code of virginia is written is that there's a difference between um if the school has more than 10 students in totality versus less than 10 students in totality so if it's less the way the code of virginia is is if it's less than 10 the requirement is to have one person who is trained

[02:41:14] which if that one person's out sick, how does the kid come to school? I'm not sure. But if it's more than 10, the requirement is 2. Like the surrounding counties, though, all have a requirement of 3 plus the nurse.

[02:41:32] Okay. Recommendation 6. Replace at line 17 a registered nurse or nurse practitioner unless another member of LCPS staff is authorized by the parent are per the Diabetes Medical Management Plan, known as the DMMP, shall assist with continuous glucose monitoring, the administration of insulin,

insertion, and reinsertion of insulin pumps, or any pump parts and administration of glucagon. At line 29, add the following cross-references.

[02:42:10] Okay. AM Diabetes Association, Helping the Student with Diabetes Succeed, and then the Virginia Department of Education, Diabetes Management, and Schools Manual for Unlicensed Personnel. I think that there are others too. And in the event anybody wants extra, I have lots of other resources. Add line three. Oh, sorry. So that was a lot. Why don't we just start by asking if there are any questions or discussion before we kind of get to the nuts and bolts of things. So just,

[02:42:45] I would make two comments. On recommendation two, I would suggest the drafting of the language to move diabetes management to the end of that list only to keep it in line with the suggested title change as well just so you have the things in the same order it's not about importance it's just keeping things in the same order otherwise it kind of weirdly reads hey real quick to the reason that we did that is because um the first aid cpr and aed those referred to certifications whereas diabetes management was not a certification.

[02:43:18] And so we wanted that recommendation to come first, to distinguish the fact that that was not a certification. It was just diabetes management. So that's the reason. So, I mean, we could change recommendation one and put it first, but that's why it was an intentional thing.

[02:43:41] So that is not clarified at all by the suggested language, right? It says diabetes management. and then the list the title says the list and diabetes management without distinguishing what is a certification and not so even in the suggested language that doesn't make that distinguishing difference i think if you look at where on line three it does in the full reading of that if you pull it up there you'll see that it says emergency for it'll say first aid cpr aed certification

[02:44:17] Okay. The second is with recommendation six, you mentioned the glucogen, but you did not mention insulin, which was a difference between every other time that you listed those out. And I'm going to assume that's just bringing it in line with state law, but it doesn't mention the same sort of language administration of glucogen, but not end insulin as in recommendation five above.

[02:44:56] Yeah. And it says that in every single other recommendation, but in recommendation six, it doesn't say end insulins okay glucagon is definitely imperative so we need to make sure that that's well right but it says administration of glucagon glucagon and insulin in every other recommendation but this one just says administration of glucagon this is the first part it's just in a different order it's just a different order it's still in there well but look at the recommendation five training in the administration of insulin including using etc and all of a sudden it just

[02:45:34] The issue is there's two administration ofs, really. The administration of should be insulin and glucagon and not separated by something in between. That's what makes the structure confusing there. Right. But in recommendation five, it also says administration of insulin, et cetera, et cetera.

[02:45:52] There's one administration of there. I mean, it's... It's just written poorly. It's written, right. It says administration twice in the other recommendations, but not in this one.

[02:46:09] Right. And look at the beginning of recommendation five in the administration of insulin. In the interests of time, let me ask, is the issue substantive or editorial? If the issue is editorial, that could tighten that up. Well, I guess the question is if it's bringing it in line with state law.

[02:46:29] Glucagon is part of Level 3 training, so where it says administration of insulin, right? It doesn't have that administration again there, but down here it says it here.

[02:46:49] Yeah, but up here it says administration of insulin. this it has it separate it has administration of insulin and then administration of gluten as long as it says the same thing i think it was just what i am taking away from this please tell me if i'm just interpreting this because it's about 8 50. is there some editorial tightening that needs to happen but that the substance is captured is that a fair assessment i mean i would agree with you when i'm looking at this the wording is cumbersome but that's something that can be done by staff later absolutely and i think that's it becomes a drafting question rather than a voting question, but I just wanted to point that out because if this is about bringing

[02:47:26] it in line with Virginia code, just want to make sure we don't have slightly different wording changes from Virginia code. Right. If it's an editing issue, we can do that, but substantively, we're in agreement. Okay. We'll double check the wording. Are you comfortable moving forward with this under the understanding that, yes, I think we agree that there's some editorial tightness. Yes. Yeah, I think this is an important question. And there's plenty of steps along the way that that can happen.

[02:48:11] I don't know if a seizure disorder has its own policy. I don't know. I do not know. So my concern, my question is we focused on diabetes, which is incredibly important and should remain.

[02:48:30] But currently having students in my room with seizure action plans and medication that is required to be with them at all times. And I, as the carey and the administrator, would like to see that included if it's not.

[02:48:48] I can respond, and there is a policy that we reviewed, I don't know, I think last year, I can look, that was specific to the medication management, and I believe it was inclusive of the seizure disorder you're speaking about.

[02:49:06] This policy specifically was only about training that was required for these items, but I think that you have a really valid, important point, and I don't know if there's a policy that's specific to the training for a seizure disorder, but I'm happy to look into that for you.

[02:49:32] There's required training for us for the seizure action plans, for administration of medication, all of those things. So if we're talking about training, it should be there as well.

[02:49:50] In the interests of time, how would you like to move forward on that? We can certainly, we can add it as a concern, but not have a actual concrete recommendation, or if you want to make a recommendation from the floor we would be happy to entertain it i'm just trying to figure out like i think you're right it's how do we want to move forward on that i think on this added as a concern i'm not at a point this at this moment to make a recommendation it's late um can we um can we add

[02:50:21] it for research we can basically the way this this is going to go forward to the student services subcommittee but miss labelle has heard you in the meantime we would certainly all work together to try to feed that feedback forward it just it would not make the window unless we decide to defer this so the question is do we pass this hit the window and then have to take a kind of a to-do on that action or do we table this so that we can come back after that i suppose there's a third possibility which is we we come back and do this again but we usually don't like to do that because you want us

[02:51:00] done so how would you prefer to proceed well can't we also we can always as a subcommittee we can pick up any policy we want at any time and take a look at it and draft it in you know make sure we're taking proper consideration and then you know elevate those concerns you know things don't have to you know this came up I think as a five-year review like it doesn't doesn't mean that it can't be revisited it's also part of the board's option to take up any policy that falls within its

[02:51:35] committee so we can always go back and work on this and make sure we get it right we don't want to be hasty I would suggest that we if it's all right if we add the concern and then we can research and then make at next month's meeting make an additional recommendation but we can send these forward and then come back if that we can take that back that part back to committee are you okay with

[02:52:10] that? Okay. I just want to make sure we're, I think there's a consensus on capturing the concern and I want to make sure that you're satisfied with our path forward. Okay. All right. I am hearing, ready to entertain a motion. So motion to adopt the policy subcommittee's recommendation on policy 6640 with the additional concern regarding seizure action plans and an ask for the subcommittee to address that in the future. Moving seconded, the motion is to adopt the

[02:52:49] policy subcommittee's recommendations for policy 6640 with the addition of a concern addressing seizure action plan and referring to the subcommittee for future study of that issue is there any further discussion hearing none all those in favor please raise your hand and say aye aye opposed nay abstentions beth carlson aye melissa wah aye motion carries unanimously thank

[02:53:19] you. All right. Okay. I'm so sorry. We just have to get through our officer slate because by our bylaws, we have to present the slate this evening. So I'm going to call up Carla and Alicia to go through our slate. Thank you. Thank you all for your patience. All right.

[02:53:54] So our officer slate for chair we have Liz Crotty. So Liz has served as chair of SEAC this past year. Prior to that she served as the vice chair of membership, co-chair of the meaningful inclusion subcommittee, and as SEAC PDO representative for her children's school. She also served as treasurer for the PTO at her children's school. Liz has three children with IEPs which has given her a broad hands-on experience over the last eight years with many areas of disability. From the beginning of Liz's time on

[02:54:33] she has eagerly enjoyed attending as many subcommittee meetings as possible and learning from the incredible breadth of knowledge that our members share so generously. She is invigorated by the collaboration with our schools, administration, and school board. Liz is most passionate about implementing inclusive practices across our school division and always believing in the potential of all of our students. Her goal for this upcoming year is to do her best to ensure that students with disabilities are always part of the conversation and considerations throughout

[02:54:59] our division. Oh, no. Yeah, I'm down. Is this here? No, just leave it.

[02:55:25] Well, no, not right now. Great, cool. Okay, perfect. Oh, everyone's to 2035. What a commitment. All right, for Vice Chair of Communications, we have Erin Roselle Poe. Erin has been an active member of the community and in our schools for many years. She has served on many PTOs as both president and member of the board. Erin has also volunteered in the classrooms of of her children as room mom and volunteer.

[02:55:53] Both of her sons attend LCPS schools and have IEPs. Erin's focus has been in the special education community for 12 plus years where she has navigated the road for her own children and most

recently now serves other families in the community as a board certified special education advocate. Her goal is to support families during what can be an emotional process.

[02:56:10] Erin has also helped advocate for changes in education in Richmond. Erin has always held a special place in her heart for all children but most particularly this demographic of students. And then we have our vice chair of membership, Carla Sola. Carla Sola and her family have been residents of Loudoun County for over 20 years.

[02:56:30] Her son graduated last year from Independence High School and is now participating in Project SEARCH, a vocational internship program administered by LCPS and Didlake Employment Services. She is very interested in making sure that special education students are integral members of their school communities and in promoting competitive integrated employment for recent graduates with applied studies diplomas.

[02:56:52] To that end, she serves as the co-chair of the Meaningful Inclusion Subcommittee and attends the Transition Subcommittee meeting. She is currently serving as the Vice Chair of Membership and looks forward to creating more opportunities for SEAC members to get to know each other and become working partners in SEAC initiatives. For Vice Chair of Planning, we have Catherine Moran.

[02:57:14] Catherine Moran, MA, currently serves as a CAS teacher for LCPS. Within LCPS, she's also served as a Project Search teacher, Middle School Transition Support and vocational evaluator. Ms. Moran formerly served as transition coordinator of a nationally recognized parent training and information center transition program funded by the U.S.

[02:57:38] Department of Education Rehabilitation Services Administration. She has worked with TACC, Technical Assistance Coordination Center, providing technical assistance on communities of Practice and Transition to the Technical Assistance and Dissemination Network Centers across the U.S.

[02:57:58] She actively partners with the National Community of Practice, Transition, and NTACT-C, National Technical Assistance Center on Transition, the collaborative, to support states and territories providing technical assistance on transitioning youth and their families.

[02:58:17] She received a master's degree in transition special education, collaborative vocational evaluation training from the George Washington University and teaching licensure from George Mason University. Using both personal and professional experience, Catherine encourages collaborative partnerships between families, students, educators, and service providers, leading to more effective school-to-life outcomes for youth.

[02:58:44] And for Secretary, Catherine Rosenbrook. Currently, Catherine's the Instructional Specialist for SOS, Start of Success, and a CAST teacher. She's been with Loudoun County for 17 years.

[02:59:01] She began as a teaching assistant while she earned her master's degree in education. Catherine's been serving on SEAC for the past four years as secretary, and it is her desire to remain the SEAC secretary for the upcoming year. That's our slate.

[02:59:22] - All right, and so next month on April 3rd, we will go ahead and vote on officers. Just as a reminder to everyone, nominations can be made from the floor, this is just the slate. It does not necessarily have to be what ends up happening, so if it's something that you are interested in, consider that.

[02:59:44] Okay, we are going to skip a lot of things because of the late hour. We will revisit our ESY, did you know, next month. Sakina is here in person with us tonight. Sakina, can you raise your hand?

[03:00:00] Welcome. We're so glad to have you. And Beth is at home. So we can't see her, but Beth, welcome. We're really happy that you've joined us as a SEAC member. Thank you. All right. And we are just going to fly through this.

[03:00:15] I'm going to put all of our upcoming subcommittee meetings and work sessions into our PTA, PTO talking points. And we will be sure to blast everyone so that you all know where you need to be so that you can enjoy SEAC in your life.

[03:00:35] And now we are going to go to Parent Resource Services with Leanne. Thank you so, so much for being here, Leanne. We truly appreciate it and apologize. Good evening, everyone who's here and at home still watching.

[03:00:57] I'm Leanne Kidwell with Parent Resource Services, and I just wanted to let you know about our upcoming workshops. This Saturday morning, this upcoming Saturday morning, we are having our summer resource fair. We have about 24 different vendors coming from Parks and Rec, Adaptive Rec, to the karate studio, the local karate studio, and everything in between.

[03:01:23] So I'm very pleased with that. Sorry, I ran up here. We also, on the 14th of March, we have Parenting the Anxious Child, which is a new workshop for us. So hopefully you can come out.

[03:01:41] And then finally, one of our very well-attended, very well-received workshops is Diploma Options. I know some people have done this more than once. There's always changes, like he did it for us last year. So that is us, and then happy St. Patrick's Day.

[03:02:02] And that's me. All right, Carrie, would you like to give an update this evening? I keep forgetting this microphone here. There's not much of an update.

[03:02:19] I do want to say that in my district, I am holding listening sessions, The last Thursday of every month, anyone is welcome to come. We're at the Purcellville Library upstairs in the Robey Room.

[03:02:35] We will be working and looking at some of the things that we talked about here today, specifically the seizure disorder policy, and I hope to be able to get you some more information about that and some suggestions.

[03:02:53] Thank you so much. and we'll see everyone next month at our April 3rd presentation. We are hopefully gonna be doing the 22-23 annual report. I am still awaiting getting the data analysis, so fingers crossed that that comes in.

[03:03:13] So I hope you all have a wonderful month, and thank you so much for coming this evening, and we look forward to seeing you next month. Thank you, and there's the attendance sign-in if you didn't get it before.



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