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Loudoun County School Board, Special Education Advisory Committee (SEAC) Meeting, Wednesday, May 1, 2024

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- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/941990426?rel=0>
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[00:01:11] - Good evening, everyone. If you could get seated and we'll get started. We've got lots of fun stuff to do this evening. Thank you so much for coming to our last SEAC meeting of the school year. It's been a wonderful year.

[00:01:27] I've really enjoyed our meetings and all the collaboration that's happened here, meeting so many new faces. So thank you for being a part of SEAC, whether you are here in person or at home watching submitting comments via our QR code. We appreciate your participation. So if everyone could go ahead and scan the QR code and let us know that you're here or sign in on the sheet in the back. My name

[00:02:00] is Liz Crotty. I am the chair of SEAC. To my left we have Jennifer DiDonato, our vice chair of planning. Normally next to her we have Carla Sola, our vice chair of membership. I'm sure she'll be there in a minute. To my right, we have Shanaz Khan, our vice chair of communications. We have our SEAC secretary, Ms. Katie Rosenbrook. And our SEAC past chair is Sharon Troof. Then we have our director of special education, Dr. Paige Carter. And joining us virtually tonight is our school

[00:02:39] board liaison, Carrie LaBelle. So she will be here participating with us just virtually. And our Our alternate school board liaison is Melinda Mansfield. We have talked a lot about the role of SEAC in Virginia regulations this year.

[00:02:58] The role of SEAC is to advise the local school division of needs in the education of students with disability, participate in the development of priorities and strategies for meeting the identified needs of students with disabilities. We submit periodic reports and recommendations. We assist the local school division in interpreting those plans to the community.

[00:03:18] We review the policies and procedures for the provision of special education, and then we also participate in a review of the local school division's annual plan. So we are going to begin this evening with public comment. We use public comment to inform our work to advise the school board on special education needs.

[00:03:39] We like to focus on system-wide issues rather than individual concerns or specific situations. Please do not use student or staff names. comment may be given, but please complete and submit comment form tonight and follow up with the SEAC Secretary, Katie Rosenbrook, with your written comment. Written comment may be read by either the author or by myself, and remarks are limited to three minutes. Carla, was there a public comment? Cheat. Okay. Could someone grab, oh, I think Sharon's grabbing it right now.

[00:04:13] All right. We have one public comment this evening. Natasha Peckett, you'd like to come up.

[00:04:48] I am the parent of a child with a disability that attends an LCPS elementary school. Parents, guardians are supposed to be equitable members of the IEP team, but often it doesn't feel this way. Since 2019, I've been told and or provided incorrect and misleading information many times.

[00:05:11] This has caused delays in my child having an appropriate IEP in receiving the help needed to access the curriculum. December 2023, I requested raw FBA data to be sent electronically so I could prepare for an upcoming FBA meeting.

[00:05:26] My first request received no response. My second request, I was informed LCPS practice requires that data be reviewed in person with a member of the administrative team. I was able to get to my child's school for this document review. As a result of the delayed response in LCPS practices, I was forced to reschedule the FBA meeting right before winter break.

[00:05:51] This caused delay in helping my child who was in crisis. Come January 2024, LCPS was still insisting on document review meeting despite my attorney making multiple requests to various LCPS staff to intervene and follow the law.

[00:06:08] And in the end, once we saw the data, it was agreed it would need to be redone. So from November of 2023 through January 2024 was just wasted time, time my child couldn't afford to lose. The amount of time, effort, and cost for me to enforce my rights under VFOIA can't be quantified.

[00:06:27] I did in fact prevail in my legal case in Loudoun County Circuit Court. LCPS was ordered to pay 7,500 of my legal bills in addition to paying for a law firm to represent LCPS in court against a parent whose rights were being violated while trying to help her child.

[00:06:45] What became clear to me during this nightmare is that LCPS policies and practices do not comply with the law. While I'm grateful for Dr. Carter's informing the school staff that data review meetings are no longer to be required as a prerequisite for parents getting copies of their child's records and data, LCPS policies and practices need to be reviewed and brought into compliance with the law and rights under the law should be made transparent to parents and guardians.

[00:07:14] SEAC will be voting tonight in recommendation for the Policy Subcommittee to amend LCPS's policies regarding student records. I hope you will support their efforts. Thank you. Thank you.

[00:07:31] Thanks so much. Just a quick thing. I don't know if you guys noticed as you came in, but we have our CAS students tonight operating. It's normally a snack cart, but they're making do with the security space over there, and They have snacks and they are learning job skills to help them when they go out into the big world.

[00:07:56] So if you are feeling a little peckish and need a little something to eat, I would encourage you to go out there. They have fantastic service and they take credit cards, no cash. So also no Amex, just so you know. But Apple Pay, yes, Apple Pay as well.

[00:08:14] Sorry, I'm not technologically savvy like that. Next on our list, we have John Clark with us this evening, who's the Director of Safety and Security for LCPS, to present to us on the Blue Ribbon panel. All right. Good evening, everyone. Thank you for letting me pop in here tonight.

[00:08:42] Again, my name is John Clark. I'm the Director of Safety and Security here in LCPS. And most of you probably already know this, but part of Dr. Spence's entry plan into LCPS was to convene a blue ribbon panel to examine safety and security here at LCPS.

[00:09:00] So you may be wondering, what the heck is a blue ribbon panel? So in the simplest terms, it is a group of external experts that come in and take a look at one aspect of an organization. So in this case, a group of safety and security experts that came in and took a look at safety and security here in LCPS.

[00:09:23] It's an apolitical group, and they have no direct authority, but all of their recommendations will be provided to Dr. Spence for his consideration. We had a very focused mission set, so we looked at physical security, technical security, cyber security, and mental health.

[00:09:45] And when I'm speaking of physical security, I'm talking about SSOs, SROs, patrols, threat assessment, training, crisis planning. When I'm talking about technical security, I'm talking about intrusion alarms, video cameras, security cameras, badge readers, things like that.

[00:10:07] And then cybersecurity, we're talking about network intrusion detection, anti-phishing campaigns, intrusion response, things like that. And then mental health, of course, we're talking about counselor support, student engagement plans, anti-bullying efforts, anti-drug efforts.

[00:10:27] So those were the parameters for this panel. So we started planning for this as soon as Dr. Spence arrived back in September. And between December and March, the panel met multiple times.

[00:10:43] And during those meetings, we really pulled back the curtain. And we gave them anything and everything as it pertains to safety and security here in LCPS. And in March, they did come up with a list of recommendations that they believed could potentially enhance security here in LCPS.

[00:11:02] In April and May here, I've gone out, and what I'm doing is soliciting feedback from key stakeholder groups. All right, so that's what I'm doing tonight. So we had an outstanding group of external participants here. You'll recognize most of these.

[00:11:19] Of course, the Loudoun County Sheriff's Office, Percival Police Department, the Leesburg Police Department, the Middleburg Police Department, Loudoun County Fire Rescue, Loudoun County Fire Marshal's Office, Loudoun County Office of Emergency Management.

[00:11:38] Leesburg's Office of Emergency Management, Loudoun County Mental Health, the Virginia Department of Criminal Justice Services, their Virginia Center for School and Campus Safety, the FBI, the U. S. Department of Homeland Security, K-12-6, which is a cyber organization dedicated to the K-12 environment, and then the Williams Center.

[00:12:07] It's a local mental health facility here in Loudoun County. So those were our external participants. As you can imagine, we had a host of internal subject matter experts that helped us out throughout the process. So obviously a lot of folks from this building, you can see on that list right there.

[00:12:26] And then every educational level was represented with principals from Hutchinson Farm Elementary, River Bend Middle School, and Heritage High School. So, the overwhelming sentiment from the panel was extremely positive.

[00:12:47] They clearly recognized the outstanding work that we're doing with safety and security here in LCPS. A lot of great comments that we captured here on this slide. But, of course, we wanted some honest feedback. We wanted to identify some potential gaps.

[00:13:05] And they were, like I said, able to come up with some recommendations on how to potentially improve security. So I'm going to go over the recommendations with you, and these are in no particular order. All right? So the first one is adding more security personnel to elementary schools, adding more security coverage to after-school events, ensuring Wi-Fi coverage throughout the entire school building, creating a full-time supervisory position for our security operations center.

[00:13:41] That is our 24-7 nerve center for all things safety and security here in LCPS. Currently, that center does not have a full-time supervisor. Prioritizing training at the school level. Having the school board label us as a law enforcement unit, and that term's a little misleading.

[00:14:05] That is just a FERPA legal definition. Doesn't mean we're going to start carrying guns and arresting people. What that simply means is security videos, which we already maintain here in LCPS, would be labeled as such.

[00:14:20] So there would be no loss of any FERPA protections, but the security videos would be labeled as security videos and not educational records. Ensuring SROs and mental health folks are involved in every threat assessment, creating a formal alternative education site, assessing public safety radio coverage throughout our schools, creating a basic cybersecurity and social media best practices course, And then finally adding a digital analysis piece to all of our serious and very serious threat assessments.

[00:14:59] So that would take the form of a social media workup on the subject of the threat assessment and an open source workup on that subject. Okay, so those were the recommendations. And now what I'd love to do is get your feedback. So we're gonna use a platform called ThoughtExchange and it's pretty cool.

[00:15:18] Anyone used it before? Okay, so I'm gonna get over to this code here. So if you could take out your mobile devices, go ahead and grab that QR code and it'll take you right into the platform and you'll have to answer a question saying what your role here in LCPS is, whether you're a parent, staff member, other, choose one of those.

[00:15:50] You'll hit next a couple times and then you should get to a position where you can add your thoughts on the recommendations that I just talked about. So I'm going to put these recommendations back up on the screen so you can see them as soon as everyone is logged in.

[00:16:08] Would it be possible for us to have some time for discussion to ask questions or anything like that? Well, let me get this going, then we can ask questions. Sure. Thank you. And also, just as a reminder to everyone, this will be individual feedback. SEAC will provide their own feedback as a SEAC at a later point.

[00:16:30] Okay. Are we all in? Do we need a couple more minutes to get in? Anyone still trying to get into the system? Okay, looks like everyone is in. So let me get you back to the recommendations. So what you're going to do is you're going to provide your thoughts.

[00:16:45] What jumps out to you? Reference the items that I discussed there. And it could be something that jumps out in a positive way. Could be something that jumps out in a negative way.

[00:17:17] So whatever your first thoughts are there. So again, whatever jumps out to you, you do not have to go in there and provide a thought on every one of these recommendations, you can just simply pick and choose whatever's resonating with you.

[00:17:44] We're going to take about two minutes. I'll set a timer here. And then we're going to switch over and you're going to provide ratings on some of the other thoughts that you're seeing within the platform. And then I'll show you what it looks like once everything starts bubbling up here.

[00:18:02] What it will allow us to do is see what is really resonating with the community, what you all think is important and what you don't think is important. And that'll help inform Dr. Spence's decision. Yep.

[00:18:27] While we're waiting on that, I had a question. I was really surprised to see, not see any findings on third-party supplier management from a cybersecurity and privacy policy here, because the number of applications that are being used for our students is staggering in how they keep coming up.

[00:18:48] I would expect to see, and especially with the executive order from President Biden on securing the supply chain, was that an area that was looked at, that third-party supplier management and the audits that LCPS was hopefully conducting of those companies before allowing them to be used on our workstations? Yeah. So audits were brought up, um, but not specifically to the degree you're talking about. Okay. Just as a little hint, I found a few that were non-compliant

[00:19:15] with our privacy law. So are you good, ma'am? You in? Okay. Okay.

[00:19:36] So you can feel free to start rating some of the other thoughts that you see within there and you're not going to get kicked out of this so you can continue this after i leave if you would like and then we also have this posted

[00:19:54] on our website so you can go get back into it there if you would like as well for mental health

[00:20:27] officials not involved in every threat assessment currently your recommendations that ensure yes so these are not my recommendations these are the panel's recommendations so there are occasions when sometimes mental health folks may be left out of a threat assessment.

[00:20:45] I'm not aware of any offhand, but we want to make sure that never happens, obviously. So let me show you what this looks like if you haven't seen ThoughtExchange. So you can see here that whatever is resonating with you all, with the public in general, is going to rise to the top here.

[00:21:09] So you can see Wi-Fi is getting a lot of traction, getting 4.4 stars out of five. That's the highest rated subject area right now. And then this will go all the way down to see what the lowest rated one is so far.

[00:21:35] Apropos with the question right there, SROs and mental health folks. So that's 3.8 stars out of five. Still a pretty high rating, but you can see it kind of runs the gamut there and then everything in between.

[00:21:54] And what we're going to do is, once the entire community has a chance to weigh in, we're going to grab all that data, organize it, and provide that to Dr. Spence for his review and consideration. Yes. Potentially, yes.

[00:22:30] Potentially. It's a good point. Yeah, it's a good point. Can I ask a question? What is it that the panel envisioned, like, the SRO officers doing in an elementary school? So I think it's providing some of the same services they provide in high schools and middle schools.

[00:22:49] So it's mentoring. It's being that friendly face, that trusted adult in the school. It's helping out wherever they can. And then obviously enforcing criminal laws should they rise to that level. So it's a lot of different things that an SRO does in a school every day.

[00:23:14] I do have a question regarding the moving of the changing the videos to not be educational records. So would that prevent a parent from observing a video of an incident that involved their child?

[00:23:36] No, ma'am. There would not be any loss of the FERPA protections that all parents and students have. It's just a classification of videos. Since we own the videos here in LCPS, as the security unit here for LCPS, they would become security videos.

[00:23:57] So following up on that, I'm also quite concerned with this video issue because one example with our population of students, we have many students with disabilities in Loudoun County that are what we call nonverbal.

[00:24:15] So it's very difficult for them to express what's happened to them in a classroom and maybe in a hallway or somewhere else. And so it's beyond mission critical that families still have access to those videos.

[00:24:31] And so I'm just curious, If it's not going to do something like prevent parents from having access, what's the point? Why are we changing the name? There has to be a reason, and we really need to know what it is because this could hurt our kids. Sure.

[00:24:46] So, again, no parent protections are going to be taken away. What it means is we can easily share these videos with law enforcement when necessary, when it rises to that level. That's the main benefit to that. Most videos are re-recorded every 30 days, unless they're saved for evidentiary purposes.

[00:25:17] Any other questions? Yes. So I think that raises a kind of a comprehensive problem with your presentation. We were given the recommendations. We were not given the original tasking or the problems that were intended to be solved.

[00:25:38] And we were not given any context of what deliberations or considerations happened. So we're given the outcome of the process and said, what do you think of this? But it's difficult to evaluate that if we don't understand what problem it is we're trying to solve. There were no problems identified before going into this.

[00:25:56] This was a wide open process. The group came in, like I said, and took a look at physical, technical, cyber security and mental health. There were no problems identified on the front end. That's a lot of recommendations for not having any problem we're trying to solve.

[00:26:13] I would disagree. I think it's a good amount of recommendations. So, I mean, I've seen that this is being presented, you know, for SROs or security officers in elementary school. I would also like to know what was the feedback that brought that conversation about.

[00:26:33] I know we've had that conversation before, but what now has really prompted that we need our SROs or security officers in elementary schools? Yes, I think it's just a general conversation, knowing full well that elementary schools do not have full-time security staff in place on a daily basis.

[00:26:53] So that, I think, is what the genesis behind that discussion was. But do we have data or anything that says there is a need to have full-time security or SRO officers at the elementary level? So we have lots of data that can be skewed one way or the other.

[00:27:16] But no, no specific data was looked at during this process. This was something the panel came up with without specific data. I have one other question regarding, I'm sorry, Tom. When you looked at camera coverage within the schools, did their team identify areas of the schools that did not have camera coverage and question why they didn't have camera coverage?

[00:27:44] Like, are all hallways covered within a school where there are classrooms leading out into a major area? No camera coverage issues were brought up. Yes.

[00:27:59] So you've mentioned the video issue. What other changes in constabulary power is involved in this change in designation? Because that probably means more than just video. So not really. I mean, they're really talking about security records and videos are the primary security records that we keep as a division here.

[00:28:21] But if you go to the webpage and you go into ThoughtExchange, you can see the list of recommendations and there's a link to the legal definition of a law enforcement unit and what it entails. And I understand that. So why not just reclassify these records?

[00:28:39] Why the change in designation? Because I'll research certainly the definitions of these. But having been through something similar in a different environment, there are other consulatory impact. Absolutely. That's a great point.

[00:28:55] Please put that in the thought exchange. That's the exact feedback we're looking for. It's perfect. Yes. So, sorry, on the video thing again, I just so happen to have a copy of FERPA with me, ironically.

[00:29:13] Didn't even know you were coming today. But actually, it says, for the purposes of this section, which is FERPA, the term education record does not include records maintained by a law enforcement unit of the educational agency or institution that were created by the law enforcement unit for the purpose of law enforcement.

[00:29:35] So, if it's no longer an education record, then I don't see how you could say that this is not going to affect the parents' rights under FERPA, because previously parents did have a right to be able to view these videos. And so under FERPA, if it's no longer an education record, then they would actually be losing that right.

[00:29:55] So I'm a little confused. So now there are no plans to take away parents' rights to view videos. They would still have that right. It's just a classification of the video. And again, that's great feedback. Please let us know. Again, these are recommendations.

[00:30:11] Okay, these are just recommendations at this point. We did not come up with these here in LCPS. These were derived from the panel and that's why we're here. We want your feedback. So those are good points. Please put it in there. And following up on Sharon's question, so was there any discussion about putting new cameras in classrooms, for example, for our severely disabled children, particularly those who are nonverbal?

[00:30:37] because at this point the parents have no way to see what's happening and these children cannot report back. If there are, and unfortunately in LCPS, like every other school district, there's all, bad apples happen, right? There are few and far between, thank the Lord, but it happens and kids get hurt in these classrooms and there's no cameras.

[00:30:58] So is there any discussion about expanding that into those classrooms for the, you know, more severely disabled at a minimum? - No. - And then on the SRO issue, So I think one of the big concerns about increasing SRO, school resource officers, or any police presence in the elementary schools is that there is evidence that that contributes to the school-to-prison pipeline, particularly for our students with disabilities and our students of color.

[00:31:27] And so it is a very hot-button topic that you're probably going to get a lot of pushback from the disability community and otherwise. But, you know, without actual data to show why that's necessary, that's going backwards after years and years of strident advocacy by parents of children with disabilities to get more of the police presence out of our schools because it was actually harming our students.

[00:31:56] Great feedback. I'd like to just, it's been talked about, but I think it's important to follow up with this. On the reclassification, it would 100% be removing a right from the parents under FERPA to gain access to those videos. While you may not intend for that to happen, it 100% will remove the right to access those videos.

[00:32:16] And while, right, everybody, we hope everybody's good actors, right, there are issues where you need those laws supporting, those federal laws supporting your right to gain access to information in educational records. So I'll put it in here, but I'd like to just echo that. I am vehemently against that reclassification due to the removal of a right for a parent to gain access to those videos under an educational record thank you question um also for the sro portion of it adding extra tourist school i think if that were to happen there needs to be clear communication to the

[00:32:53] administrators of the school as to what the actual role role of the sro is because in my own experience it was threatened to use the sro for disciplinary and that goes against the agreement between LCPS and the LCSO.

[00:33:10] So there needs to be, and I was the one who had to bring that to their attention. So I think that if that is to happen, there needs to be clear delineation of what their roles are so that they're not utilized in a way that they're not supposed to be.

[00:33:26] Absolutely. I also want to share that if at the elementary level, as we see mental health impacting our younger students more and more, that having the SRO there may, I know, contribute to the student's fear versus them feeling safe. I know that I've had reports of our younger students being afraid

[00:34:00] they're going to be arrested and taken away from their parents. So I know that it's not the intent, And I know the intent is to build strong relationships with our law enforcement, but I think we also have to understand that these are very young children and easily frightened, and they're already in a heightened and a very vulnerable place.

[00:34:32] So I'm not sure if during threat assessments at an elementary level, if that would be a good fit. Thank you. Any other questions? I just have a comment, really. We've had discussions, internal discussions, and the same opportunity to share our concerns. And some of the concerns that you guys have brought up have also been mentioned by school staff.

[00:35:00] So I want you to know that this is not the first time that John has heard these comments. And I think the other thing that I want to share is that I am in favor of the presence of SROs for the purpose of safety from external things, right?

[00:35:20] Because I know that safety is paramount. so I think that we also have to consider that when we're thinking about this that the the presence of the SRO is also a deterrent from others from folks who should not be in the schoolhouse coming in the schoolhouse um and so that that's a and we haven't really talked about that much tonight but I know student safety is paramount for me and that is one way that I like um to think about it um but I also see the other concerns and certainly there would need to be protocols and practices in place that would help the students to feel safe and build those positive relationships.

[00:35:58] I'd just like to chime in on that one because I was thinking about that too. I just kept racking my head about, okay, so what is it that these school resource officers are going to do in the schools? And, you know, the obvious one is, yes, maybe they will protect our students a little bit better. But then I think back to everything I read in the news when we do have these situations of violence, know external violence coming into our schools and I can't think of a time where the presence of the security person or SRO actually stopped anyone so

[00:36:37] I if this is a path that we're gonna take I would personally like to see data showing that that would make a difference and that has made a difference before we would introduce something like that into our schools Thank you.

[00:36:54] I have to agree with Liz. And one of the things that I would want to say is that there has to be some data that came out suggesting we need SROs or security officers in kindergarten.

[00:37:10] Because so far, we've been saying the security here at LCPS is amazing, right? Our schools are doing an amazing job, which I really do feel they are, that we do it well with checking in IDs and having our security. what was the need all of a sudden so it's really some you know yeah I mean it's really not all of a sudden if you remember about four years ago there was a proposal to start a pilot program for SROs in elementary schools and that was presented by the sheriff's office and that was rejected by our school board at the time so this is not really new a lot of our elementary school

[00:37:48] principals do want the added resource in their schools but yeah it's not really a new issue any other questions yes I share the same concern about having an SRO in the threat assessment meetings with students particularly because I've had a lot of reports also of students who have made an off-the-cuff kind of comment who might struggle with anxiety and they find themselves in a setting going through a threat assessment which is sometimes incredibly anxiety

[00:38:24] provoking humiliating all the things especially for the population of special ed students that we support. And so I wanted to understand the rationale behind having an SRO officer in those meetings with students. I don't know what the positive outcome would be. Yeah, no, great question.

[00:38:46] That is a legal requirement. Per the state of Virginia, an SRO has to be involved in every single threat assessment we do. There's no wiggle room on that. Any other questions? Okay, well, Thank you so much for your time.

[00:39:07] Really appreciate the feedback. Thank you.

[00:39:19] All right. Now we have our Office of Special Education update from Dr. Paige Carter. Good evening, everyone.

[00:39:39] I wanted to point out that we are 100 more students than we were this time last month. Exactly 100. And I also, this is the same slide from April. There was no new data from HRTD for vacancies.

[00:39:58] so I made a little call and there's been very little change in the averages for this month and you know we start looking at this is the time of the year that we start looking for our vacancies for next year and really getting ready to hire and posting new things and so I can't believe we're already here and that it's May but I did want to share some celebrations from 23-24 first a personal one winding down the first year as director here in Loudoun still coming to work every day still liking the job and facing challenges every day and I think that's a celebration. I also wanted

[00:40:34] to highlight and I know we talked about it for several months now but the successful completion of our comprehensive special education audit from VDOE with many strengths identified and only five areas of need for corrective action. We were very proud of that. I also want to celebrate active and ongoing collaboration with the Office of Teaching and Learning and school leadership. We are at the table together weekly. That's new for special education, and we're really thankful for that collaboration and the exchange of information. In addition, I want to

[00:41:14] celebrate the ongoing work groups and parent communication with the subcommittees for literacy and math and transition. And I also wanted, perhaps we can do a special celebration later in the year, but our supervisor, Arlene Satin-Bask, is retiring. She's had 29 and a half years here in LCPS, but she first started teaching in 1974. That is 50 years of service, and certainly something to be memorialized in a very special way, and we are working on that as we speak, but I know this is our last opportunity to be together for the year, so I wanted to share that with all of you.

[00:41:54] And we are actively planning for 24-25, and I do want to share that we're working on special education dean allocations and special education specialized instructional facilitators that will be going out to the schools. And we will be focusing on academic performance of students with disabilities and other factors wrapping our support around schools that need it the most, but wanted to assure that all 100 schools will have access for targeted tiered support from those CIFs.

[00:42:27] But we are actively working on that this week and hope to roll those out to principals tomorrow. I also want to highlight the ongoing positive collaboration with SEAC leadership and how that has been a regular event this year, and we have, I feel like, frequent and ongoing open collaboration.

[00:42:46] But that's my report for tonight. Thank you so much, Dr. Carter. We celebrate that as well. It's been a really great year of collaborating with everyone in the Office of Special Ed and Department of

Student Services.

[00:43:04] All right. So first order of business, we need to admit our virtual attendees. Do I have a motion? All right. Second. All in favor, raise your hand and say aye. Aye.

[00:43:20] All opposed, nay. Any abstentions? All right. We have Beth Carlson joining us and Carrie LaBelle. All right, so I sent out the minutes from April. Did anyone have any changes?

[00:43:38] If not, we will accept the minutes. We don't vote. We'll just accept them. Thank you. All right, now we need to just do a quick roll call for quorum. Carla?

[00:43:55] Elizabeth Baird. Beth Carlson. Beth Carlson? Here. Liz Cotty. Here. Jennifer DiDonato. Here. Kathy Lambert.

[00:44:11] Tom Ketchum, Shanaz Khan, Razina Katak, Alicia McFadden, Craig Metz, Catherine Moran, Sarah Plattenberg, Lakshmi Raghavan, Erin Rozelle Poe, Kelly Ralston, Catherine Rosenbrook, Carla Sola, Sharon Trope, Melissa Waugh, Sakina Zarbush. Thank you. And do you have our new

[00:44:50] member? New member. Kelly Ralston. Kelly Ralston. You called her. Okay. Perfect. Okay. Thank you. all right so we have quorum so next we are going to move into our meaningful inclusion subcommittee has been working very hard for it's been a year now right like a full year on these inclusive playground recommendations so Tom and Carla are going to go ahead and help us all through this and get your all's feedback everybody if you could please go ahead and scan this QR code let's

[00:45:29] Just leave it up for a minute because we have a lot of policies that we're going to be going through and some of them were so extensive that we couldn't put them into the slides. And so you will find all of those recommendations in the QR code.

[00:45:45] You'll go to the May 2024 folder because there were, again, so many different files. It was just easier to put them all in one contained space. And then you can kind of follow along with what we're looking at here.

[00:46:07] Just went blank. I did. Wow, that didn't take very long. All right, let's do this instead. How's that? There we go. So good evening. So following Craig's suggestion recently on context, let me give you a little bit of background.

[00:46:23] As Liz just mentioned, this started a year ago when SEAC received a public comment regarding inequities in our playground environments. And that was forwarded on to our equity committee as well, who also read that into the record and discussed it in that committee as well.

[00:46:43] Subsequent to that, Liz and I independently arrived at the same thought, which is how big of a problem is this? Is this a problem that we're seeing in a few places, or is it a systemic problem? And as we began to research that, we found that there was not particularly a really good reference for the state of playgrounds across the entire district.

[00:47:04] We have almost 100 facilities here in Loudoun County in the school system, many of which have playgrounds, and there isn't just a single reference. Now, facilities and the folks in charge of maintaining those environments, maintaining our facilities, do have a lot of data, but not really looking at it from this perspective.

[00:47:26] So let me start by giving you a little bit of background just in terms of what the policy says. There is a policy that we have on playgrounds, and there's a regulation that goes along with it, and it's policy 6320, which says playgrounds provide an important benefit not only to students within LCPS, but also the broader community.

[00:47:45] Although playgrounds are not formally part of physical education instructional programs within the LCPS curricula, having a safe and cognitively and physically stimulating place to play, commonly used during recess, during school hours, and by the public during non-school hours, is an important part of overall student well-being.

[00:48:04] That's great. It's very broad and very general, and it doesn't mention anything about meaningfully inclusive playgrounds. Now, I know, unfortunately, I was absent in our last meeting, and I know there were some very spirited discussion about what that means. And I will say we're going to collide with that issue again to some degree. Whereas in the ADA and some other federal statutes and even in some VDOE and state law, there is some guidance around things like accessibility. The problem with meaningfully inclusive is there is not a definition. There's millions of definitions.

[00:48:43] And so when you talk about meaningfully inclusive, well, it kind of is going to mean something different to every person. So within the report, we do have sort of a, not a definition, but at least some idea of what we're talking about in this context. And so here what we are describing in terms of inclusive playgrounds is that inclusive playgrounds are part of a commitment to create equitable and accessible environments for students of all abilities. These spaces are thoughtfully designed to cater to diverse needs and abilities, ensuring that no student is left out of the joy

[00:49:18] benefits of play. We then go on to describe and show some of the slides that I'm going to go through right now. Liz and I, over the course of last summer and through the fall, we visited 51 of the 60 elementary schools throughout the county and some ECSE programs as well to actually physically go out and take photographs, do a physical survey, record information on forums and so forth, which we then compiled into a lot of what you will see. In addition to that, there is a survey that was sent out to lcps staff i think it was in january or february as i recall

[00:49:56] to 325 members of lcps staff that gave us some additional feedback on the staff perspective on where we are at with the state of those playgrounds so let me start by giving you some physical examples but inclusive playgrounds and i can't stress this enough is not about equipment it it It involves equipment, but it also involves accessibility to that equipment.

[00:50:21] It involves things like the spaces between equipment. It involves the play surface. It involves how accessible it is to not only children of different levels of ability, different language skills, different auditory, and different types of sensory disabilities, and so forth as well.

[00:50:39] So these are some examples of different types of inclusive equipment, which again is only part of the story. So things like things that are auditory. You'll see this on actually a number of inclusive playgrounds, whether it be some kind of musical instrument or something else that creates sound or allows them to interact.

[00:50:59] You'll notice that second example there, too, that sort of circle also includes, because it is set up that way, this notion of collaborative play, which is very important as well and is part of inclusivity as well. So again, it's not just the physical equipment.

[00:51:16] Communication and sensory panels, that's most often the thing that people cite with inclusive playgrounds. They're relatively inexpensive. They're easy to install. They can involve auditory, tactile touch, manipulating things, et cetera.

[00:51:31] So it involves lots of different types of activities in that category. When it comes to things like swings and that sort of spinning device that you see there, Again, depending upon levels of ability, maybe there's upper mobility issues, maybe there's lower mobility issues, or both.

[00:51:50] Being able to have equipment that is accessible to all those different levels of ability. And here's one example of something that is almost no cost. Sensory paths or sensory walks. And that's literally painting on the ground, maybe sometimes we've seen on the asphalt leading up to the playground or something, different activities.

[00:52:11] You can see some live examples there of that kind of a sensory walk where you have things that the children can follow, again, interactive play, collaborative play, and so forth. And again, some different levels of accessibility when it comes to things like spinners, things that encourage also for children with disabilities that have mobility issues to be able to not only be involved in this kind of play, but also work on some of those sensory feedback when it comes to things like balance and motion and so forth.

[00:52:49] Now, here are some examples of what we found in LCPS. And I'm going to start with the negatives first. One of the things that Liz and I found right away was that we found a number of things over and over again. And two in particular, I would just call to your attention because we almost sort of developed a shorthand around some of these things.

[00:53:13] Number one was what we refer to as the RTM problem, the ramp to mulch. And so in the ADA, it says that the playgrounds have to be accessible. That means there's a ramp. If that ramp leads into a pile of mulch that's completely inaccessible, well, you've still met the ADA because, after all, there's a ramp to get there.

[00:53:32] Once you get there, though, essentially, once you cross that boundary of the playground, you're outside the ADA. No longer applies. And that's how we get back into this question of meaningful inclusion. The first picture there on the far left, that is a ramp, believe it or not, but most ramps end up getting covered by mulch because mulch moves around.

[00:53:54] And it's actually technically wood fiber for anyone who wants to get into the weeds on it, but that covers the ramp. So the ramp itself becomes quickly inaccessible. And you can see again where in that second picture, the example where you have something that's somewhat accessible in some ways.

[00:54:12] You see those kind of low steps and so forth. But again, it's in a sea of mulch. So if you have mobility problems, you probably can't get to it. One of the other big problems with mulch in that third slide is that it retains water. And so sometimes, and this is not even the worst example, sometimes there'll be a pond just in front of the playground, which, of course, some of the children enjoy enormously and some have real issues in accessing it.

[00:54:42] So let me show you the other side of that. This is an example within LCPS, and I'm trying to recall where this particular one was at. The first one. That's over at Rosalie Carter, I believe. Rosalie Carter, yeah. So that's a sensory board, right?

[00:54:59] No, no, no. I'm sorry. Creighton's Corner. Okay. That's a sensory board. Again, very simple, pretty inexpensive, and so forth. The second example is at Kenneth Colbert, one of the ones that I had visited, which I think is a model for what an inclusive playground should look like because that doesn't capture everything there. It's a poured in place, that sort of rubberized surface. And Carla's going to talk about some of our recommendations here in a minute. But it's that poured in place, rubberized surface.

[00:55:30] It contains a lot of accessible equipment. There are very easy entryways and pathways to it and from it. There's space between the equipment. There's shade. There's lots of ways and levels of skill too. So this doesn't mean that every single piece of equipment has to be accessible to everybody. This means you have to have multiple levels of accessibility within the playground.

[00:55:57] And even before you get to that playground there at Kenneth Colbert, you'll see a bunch of sensory walks and so forth that they've designed along the pathways to get to the playground. These are some other examples as well. And again, these are within LCPS, so it's not all bad news. I will say that one of the other things in addition to the ramp to mulch that we observed, and again, this was sort of shorthand we developed, was the problem of the prison yards. There's a number of playgrounds, particularly for some ECST programs and others, where it's essentially a walled-off

[00:56:32] courtyard, and it resembles a prison yard, or at least what it looks like in the movies. I don't have personal experience in that regard but that's what I think it looks like so um and a lot of times the equipment there that's being used in those environments it's temporary they drag it out they put it away and it's oftentimes um uh been donated by individuals or or uh local organizations where this is consumer grade equipment it's not really meant for industrial use

[00:57:03] Real quick, I just want to touch on that. If you could go back a slide, please. Real quick, so the picture that you see on the left, that's often where we put our ECSE programs are in those interior courtyards, as well as some of our program classes, where we have a concern about students eloping and not being able to be contained.

[00:57:33] and so they often will share this kind of space the top right picture that is an example of playgrounds that are currently built as part of our high schools when they're going to have an early childhood education program which is not for our special education students these are the ones that are essentially run by high school students and so those schools take in students from the community and so those preschool kids have access to playgrounds that

[00:58:09] look like the top right oftentimes and then that example below that is one of the most phenomenal inclusive playgrounds that I saw this summer we didn't I don't think we were able to play on it because it was locked and my kids were a little bummed but this was over at Frederick Douglass Elementary and it's kind of our hope that we could have something that would be like this that would be replicated that we could solve a couple of problems that we'll get into in a minute when we get to our recommendations but just so you have

[00:58:44] that image of this is kind of what we currently have this is what our non special education students are currently receiving which does have mulch that's it's not a port and place surface, that is the mulch, and then maybe this could be an ideal.

[00:59:03] So I mentioned there were 325 surveys that were sent out, and we got a fair number back. And one of the questions, this was a fairly long survey, but one of the questions that was asked was to rank

importance of certain features of playgrounds.

[00:59:23] Now, one of the things that we saw in that survey was, and this goes to the art of the survey, as Carla and I were talking about earlier, depending upon how a question is asked, where a question is in the context of a larger survey, you get some interesting and sometimes contradictory responses.

[00:59:40] We saw that a large number of teachers said that the playgrounds were completely accessible. We also saw in another question where they said it's mostly not inclusive. And so you kind of see this imbalance. And again, it goes back a little bit to the definition of what inclusive means, because, again, that's really sort of in everyone's mind.

[01:00:02] There is no standard in Loudoun County or even in Virginia for what a meaningfully inclusive playground entails. But here's a list of some of that equipment and some of what we saw in terms of the staff survey. You can see climate structures and shade, which we're going to get to in the recommendations here a little bit.

[01:00:20] Shade is one of those things, again, I said it's not all about equipment. There's a lot of research, And we went back and read through about 100 different research papers that have been done on this topic over the last 20 or 30 years. Shade is a very important thing, particularly when it comes to certain types of disabilities.

[01:00:41] Being able to cool off and so forth is a very key feature of a playground, even though most of us wouldn't think of that because it's not a slide, it's not a swing, it's not a piece of equipment. But shade is very important. So nice that that was ranked so high as well in terms of the feedback.

[01:00:57] And you can see some of the other features as well. Again, poured in place there, ranked fairly high. It's about the sixth one down in terms of the surface. Again, that's that rubberized surface. And strangely, wood fiber and mulch actually showed up as anybody suggested.

[01:01:15] That was a good idea. But, you know, there's always a few people that will click on those answers. Before we move over to the recommendations, I just wanted to give a little background as well for kind of where, as we met with staff, particularly in facilities and so forth, this is a problem that's been decades in the making.

[01:01:40] The inequities that we've seen and the problems that we've seen across the division. And the reason is, is because decades ago, playgrounds were largely handled locally. The PTA raised a bunch of money. Maybe there were some local sponsors and so forth.

[01:01:56] There was not this countywide coordination. Now there is. Now when a new school is built, a playground is part of the capital expenditure budget to build that school. And so as schools are replacing playgrounds, that will fall more and more under the purview of the folks here.

[01:02:16] And there is an intent to add a lot of these features going forward. But it takes a lot of time. We've estimated that overall, if we were to take one big bite at the apple and address every single playground in the county, we're talking somewhere in the nature of about \$25 million to do that.

[01:02:36] So it's not an insignificant cost to do this, and it will take some years to do it. But it starts with raising some concerns and making some recommendations, and so I'm going to let Carla take us through some of that. Thank you, Tom. The subcommittee divided its concerns and recommendations into two separate piles.

[01:02:59] The first will be preschool and kindergarten. Preschool classes largely being confined to using an interior courtyard. Kindergarten classes that are not able to access what we think of most commonly as the large playground structures.

[01:03:19] Those structured playgrounds are for first through fifth graders, so we will have a second set of concerns and recommendations for those. So with respect to playgrounds for preschool and kindergarten students, the first concern noted, and Liz mentioned, if you can put the visual in your head, of the indoor courtyard and the blue playground that was built at Independence High School for its ECE preschool program. There are inequities between the high school ECE preschool programs and the ECSE programs.

[01:03:59] A number of our high schools with ECE programs were built with commercial high quality playground equipment and the ECSE programs are not allocated the same equipment. In fact, they're not provided generally with anything other than those things that have been donated for the use of the students.

[01:04:23] Those students are often put in an interior courtyard with that consumer-grade equipment or that they have sourced from the community. Those playgrounds do not support appropriate development in students.

[01:04:40] Oops, sorry about that. SEAC also received many reports from teachers and parents concerned about the play space that's provided for kindergarten classrooms because those are generally blacktop areas or poured-in-place surface, and those students also do not have any permanent play equipment.

[01:04:59] Concern two, without port-in-place surfacing, as you saw in the picture, students experience either muddy play spaces or asphalt, like for kindergartners, that could lead to increased injuries.

[01:05:24] Grass and mulch surfaces are less accessible, obviously, for students with mobility issues. Concern three, we highlighted an accessible preschool playground was installed last summer at Broad Run High School for their ECE program.

[01:05:43] Again, that's not a program that serves students with IEPs, and SEAC wants to note that, you know, we're very supportive of school programs having inclusive playgrounds, but we think there should be more care in selecting the sites about where to build those inclusive playgrounds to ensure that um lcps students who require such a space multiple disability programs for example are prioritized and in the complete report too one of the things we did is we've

[01:06:19] included charts for those that are consuming the report of things like where these programs are located so it's very easily accessed in terms of as Liz or as Carla just said um being able to prioritize those by where those programs are. And concern for concern relayed from teachers and parents of all grade level levels is that there's little to no shade in the LCPS play areas where it can get very hot. And so many students with disabilities are especially affected by sun

[01:06:53] exposure and heat. But that would be a concern for all the students as well. So the subcommittee put forth the following recommendations. To install poured in place surfaces where it does not currently exist. To develop a standard for preschool kindergarten playgrounds that is composed of the most popular playground features identified in our survey by those preschool kindergarten teachers. To replace consumer grade equipment with commercial equipment

[01:07:30] that meets age-appropriate developmental needs of students. Create a shared space that is assigned to kindergarten and preschool programs as well. And DeLiz, do you have any further comment on how we came to that?

[01:07:47] Yeah, so one of the things that came up in our conversations with the LCPS staff who's in charge of our playgrounds, we were trying to propose some ideas. Like, so we have these courtyard areas that are used. Would those be areas that we could, you know, put this port in place surfacing and also add in equipment to make that a space that would be a good playground?

[01:08:13] And the answer was we can put in port in place there, but you cannot actually put in this durable commercial grade equipment. That is not possible. So then our next ask was, well, what about this kindergarten space that we already have? we're hearing from a lot of kindergarten parents as well that they're really the kids don't like being out in this affectionately termed prison yard there's not much to do the teachers agree with that i know that in my own school we were the pto was constantly getting requests to buy things but you know what a pto can provide versus actual big durable equipment is is very different

[01:08:50] and not all schools can make that work um and so we were like well okay so we've got this problem of these young students who need a place to play maybe we combine the two we're able to take care of a kindergarten problem and our preschooler problem and build a space that would work for both of them you know to kind of try to use our money in the most efficient way possible so that they they would be able to put playground equipment in these kindergarten yards they're usually on

[01:09:25] the exterior of the school so you wouldn't have that same concern of those interior courtyards but they are still completely fenced or bricked in for the most part so we thought that that would be a good option thank you recommendation five add storage for the portable outdoor equipment recommendation six install AAC communication boards at all playgrounds for preschool and kindergarten students. And the final recommendation adds substantial shades covering the majority of

[01:10:05] the playground surface. So we just gave you a lot of information. So we thought we would take a pause here for questions either on any aspect of the physical site survey or the survey that we presented to the teachers or any further comments. I wanted to thank you guys for doing this. I think this is incredibly important. The school that my children attend, the school that

[01:10:40] my children attend is Hillside Elementary. It is the closest school to this physical building. It has never had a playground. All of its facilities are over 20 years old. One was actually condemned and removed this year. LCPS did not supply an alternative. Our, some of our playgrounds do not have ramps. So they are all mulch fields, but they don't have ramps. So they don't meet ADA compliance they are over mulch they are breaking and they do not have anything that would be considered any sort of inclusive thing not even a sensory board but again these were funded by the pto we at a hillside elementary had taken this up and we have been working with the school board

[01:11:20] and we have been actually you probably anyone on the school board probably got a lot of emails when we saw there's some extra money this year for this about this but it is a huge issue you guys put in a ton of work to pull this all together. So thank you so much for doing that. Also, I just heard that we have \$26 million in the budget this year. So I think \$25 million to fix all of our playgrounds at the elementary schools and make them inclusive sounds like a really good expenditure. Thanks. I'll also add on that specific topic, even though presented somewhat tongue-in-cheek, but obviously if there's budget available, let's allocate the budget

[01:11:58] appropriately. There are a number, and this is again in the larger report, of different groups, grants, charities, other organizations that specifically support the construction and upgrade of playgrounds to add inclusive features. So there are some outside monies that we can bring in to help accelerate that process as well. And we've gone through and identified a lot of that.

[01:12:27] Any other questions about the concerns? And we're going to get to the first to fifth here in a second. So, Liz, we should take a vote on these at this time.

[01:12:43] Are you okay with that? All right. So we would ask for a motion to adopt the recommendations one through seven on preschool through kindergarten from the Meaningful Inclusion Subcommittee. I'd like to make a motion to adopt recommendations one through seven for recommendations for preschool through kindergarten for meaningful inclusion.

[01:13:03] All in favor, vote aye. Aye. All opposed, nay. Any abstentions? And Beth Carlson?

[01:13:20] Aye. Thank you. So the motion carries, sorry. Continue. Okay. Moving on to the subcommittee's concerns and recommendations for first through fifth grade playgrounds.

[01:13:37] As we mentioned, most LCPS self-contained program classes are relegated to interior courtyards for their recess due to concerns of elopement or wandering or running away, which is a very real safety concern for teachers, administrators, and parents.

[01:13:56] These students are denied equal access to the main school playgrounds, partly because their classes aren't staffed to a level that would make it safe for them to be on the environment. And instead, what happens is they share space with the ECSE preschool class.

[01:14:19] This is where you saw the photo of the interior courtyard and you saw the type of equipment that's generally available there. Most preschoolers are even too large to use a lot of that equipment. So the older students as well, it just isn't fun.

[01:14:44] Along the lines of issues of elopement, we see I've received a related additional report that the adapted PE teachers are unable to take their students outside for PE classes because they have that concern of elopement.

[01:15:02] So they're not utilizing the playgrounds. Just real quick, we just missed one sentence that I think is a little crucial. It's just that if we were to fence the playgrounds currently exist that would allow the older program students access to a playground that is more appropriate for their age and increased opportunities for inclusion I just really quickly when we were working on an inclusive playground for my HOA I live over in Brambleton and you know I put out just a question to the community with disabilities in a Facebook group and was

[01:15:39] like tell me what are what are the most important features to you and I was so surprised that over and over and over again I heard fencing fencing fencing because for parents to be even parents with a one-to-one ratio are taking their kids to a playground if their student has elopement concerns that's very scary and stressful so I can only begin to imagine what that's like for teachers so simply putting a fence around an existing structure and fences are not that expensive

[01:16:12] relatively would make our playgrounds more accessible to more students. I missed the most important sentence in that paragraph. Concern two, playgrounds serve an important function for schools, the surrounding community, so they should be accessible to all students.

[01:16:33] And while Tom's pointed out how most of our LCPS playgrounds are ADA compliant, that doesn't mean that they're accessible for all students. And this goes to the issue of the surfacing using the wood fiber, the mulch-like surface.

[01:16:55] The way to access these spaces is via a plastic ramp, so even if a wheelchair could get down the ramp, an individual is then unable to move themselves through the wood fiber. SEAC received a report that a student teacher was unable to perform playground duty because she could not navigate the surface.

[01:17:15] It was noted during the physical survey that at multiple schools, some playground areas did not have an accessible ramp, or the ramp was covered with wood fiber. So a student with motor, visual, or sensory impairment would struggle to navigate that shifting surface.

[01:17:33] There are also general safety concerns as well after a significant rain or foot traffic, which can result in ditches and holes. Playgrounds that do not have a poured and played surface are inaccessible for many people, both students and adults, with mobility concerns.

[01:17:53] So our recommendations for first through fifth grade playgrounds are the first one is to fence in both existing and inclusive playgrounds to provide equal access to those students that have elopement concerns, to install AAC communication boards at all playgrounds for first through fifth grades, to install port and place surfacing on those playgrounds, to adopt a standard for all playgrounds for 1st through 5th grades using inclusive design features.

[01:18:29] A goal of at least 50% of the playground features should be fully accessible. Ensure access to multiple levels and features of the playground equipment. Playgrounds should have modular equipment rather than single units to provide adequate pathways.

[01:18:46] add cooperative play features and equipment add instructions on use as needed and include seating areas as part of the playground big wish list recommendation 5 prioritize the construction of playgrounds based on the location of programs that may have an increased need recommendation 6 add substantial shades covering the majority of the playground surface so those are

[01:19:17] our recommendations for the first through fifth grade playgrounds does anybody yeah i want to ask a question about shade um often at the playgrounds we see sort of those triangular things um are there any kinds of shades that are like removable or changeable so that in the winter time when it's

[01:19:51] actually preferable to be a little warmer that they're not permanent whatever option yeah so looking at what's available in the marketplace, most of them are intended to be installed and left in place just because taking them down, putting them up adds stress to them and they tend to be pulled fairly tight. So the more that you let that loose, tighten it again, let it, it's going to, it's going to shorten the life of it by and large. There is a certain amount of light that's let through. So it's not completely dark underneath, but those are usually meant to be

[01:20:27] installed permanently um would fencing prevent community members from being able to use the playgrounds during weekends no nope nope we were yeah we were proposing yeah we were just proposing that it be fenced but but not locked yeah and i will also just as a a uh this wasn't really part of the the survey specifically but having my children out to maybe 30 or so different playgrounds

[01:21:04] across the district they observed how often if you're just running around on the playground there are many playgrounds where if you go off the wrong corner you're talking about a drop off of

anywhere from six to maybe six inches to maybe two feet in some cases sometimes landing on asphalt so just running off the playground can become an issue in some of those playgrounds so just i mean we didn't identify it as a safety concern from that perspective it was more about the elopement but now it would continue to be accessible paige i was just i was just going to say too with the shade, that they don't cover the entirety of the playground. They would provide portions of the

[01:21:42] playground for shade. So there would still be opportunity for sun, both when it's warm and when it's cold. But I was thinking about that too in the beginning, and then I realized it's not the whole playground. I just wanted to make that comment. So for the general population, the developmental norms are known and easy to find. So it's easier to design playgrounds for them.

[01:22:13] But for the special population, I was wondering if there is some expertise behind developing and creating this playground or we just, it seems to me, just like getting different items and putting them on the playground.

[01:22:33] But is there any, I would say, skills in understanding this population and designing accordingly? Any thoughts in that area? Can I take this one? I just want to say, like, we have some absolutely phenomenal inclusive playgrounds already.

[01:22:52] So I think we have that level of expertise here in LCPS, some of the newer inclusive playgrounds that I've built. I mean, Kenneth Colbert, that was just one picture. But there's plenty of others. I remember Sully was truly an outstanding inclusive playground.

[01:23:09] And, I mean, I've got three kids with different disabilities and, you know, a pretty good awareness there. It felt to me, like at some of these newer inclusive playgrounds that have been built, that they really are taking into account all different kinds of needs and disabilities.

[01:23:28] And you'd be able to get wheelchairs through, but it's also working really nicely for our students who, you know, may have autism or, you know, other visual kinds of, Like, when I was trying to look at it through that perspective, and obviously other people might have other experiences, and those would be really helpful to capture.

[01:23:48] But from what I saw, it seemed like that level of expertise does exist here in LCPS. It's truly a matter of a funding priority, you know, so if that's helpful. Yeah, I'd like to follow up on that as someone who's looked into playgrounds, right?

[01:24:06] Anytime you work with them, you work with a playground designer, too, at these playground companies. and they have people there who specialize in that, and then that plus the review of LCPS. So it's not that LCPS would have to hire additional people to take into consideration all of those items and what would be a good inclusive space there and what they could do to help. The playground companies are pretty, right, because they're trying to sell you on this stuff too, they're pretty good at identifying that, and it does seem like where we have made that effort, LCPS, I'm sure, provides review of those and final determinations. So I'd agree there. Yeah, and I would just add to Liz's comment in speaking with a lot of the LCPS staff,

[01:24:45] there is a lot of internal expertise on that. There is a lot of external help. And as I mentioned earlier, there is a lot of published literature in the academic community on this that gives specifics and guidance on that kind of thing as well. So it is very much a note. We know what to do. It's just the time and cost of doing it. And so that's why you see there in recommendation four, which is probably the longest

one, is establishing some kind of baseline and establishing some kind of commonality. Because, you know, this is not just the inclusiveness at a single playground.

[01:25:24] This is inclusiveness across our district. We don't want the children in Dulles to have a different experience than the children in Western Lyon. And so having some kind of standards, having some kind of baseline that says this is what we're going to do at every school.

[01:25:40] I don't know if it means exactly the same equipment at every school because there are some geographical issues and so forth, just physical layout and so on that has to be dealt with. But some kind of guidelines that say this is what our sort of baseline, our guideline design is so that all students across the entire district can have the same experience.

[01:26:04] And we also didn't want to be too specific, right? Because schools do often have preferences of what they think will work best for their schools. And playground technology, like, I don't know, technology is not the right word, but playground equipment changes, you know, from year to year.

[01:26:20] So as this process of improving our playgrounds goes on, there may be something newer, cooler, better that comes out that maybe we, you know, the people who are in charge of designing say, I think this would actually be a better fit. So that's why we came up with that goal of 50% and kind of talking about the types of things versus getting too far into the weeds and micromanaging because we didn't think that that was actually helpful or necessary.

[01:26:48] I was just going to add to that shade is a good example of this, right? Because depending upon where you're at in the county, depending upon where that playground is physically located on the school grounds, some will need more shade than others in different positions and so forth. So you get too specific, you can kind of make it too difficult to adopt. Thank you, and thank you both for that explanation as to why the specifics were sort of left more to the deference of the schools.

[01:27:11] I just had a follow-up question and a comment. On the shades portion, I also serve as an HOA board member, and we worked really hard to improve our playgrounds area. We ended up choosing hurricane-grade shades.

[01:27:27] Those are recommended to us that they do be removed, and there's other considerations such as storage of large tarp materials and then constant and seasonal putting them up and taking them down. So if you guys aren't really being specific with the type of shades or the grade, then that makes sense.

[01:27:46] And then I guess my other question sort of piggybacks on that as well. I wondered if you thought about the specifics of the fencing. I know about a month ago when a little five-year-old nonverbal child escaped from an Alexandria school underneath the chain link fence of that school and walk two blocks on the streets unbeknownst to the teachers, everyone's insides cringed, right?

[01:28:14] So while we kind of joke about the prison-like settings of the fencing, it does add a great amount of security for our children who have elopement, and I didn't know if maybe there was a consideration to the type of fencing that was recommended.

[01:28:32] Again, we were, as Liz said, we were trying not to be too specific because, again, that can probably vary a little bit by school. But there is the same concern with the fencing as there is with the mulch and other types of physical installations, which is, you know, if you install a chain link fence, but you're dealing with sort of an undulating landscape where there are large gaps under the fence, you

haven't really fenced it, right? I mean, so in the same way that the mulch probably looked great day one, turns out it's a terrible idea. And so, yeah, there will be questions of maintenance and ongoing things as well so again we wanted to at least try to push

[01:29:09] forward a second recommendations to say look we have to start establishing some baselines some guidelines to to ensure that we have an inclusive process but without getting into like recommending specific vendors and and equipment you know skews and those kind of things so but i think your point is well taken about the fencing because it has to be well maintained it has to be that also has to be part of the overall accessibility plan right if you if you lock that gate let's say to the fence somebody else mentioned about public accessibility and you know that gate is up where I can reach it

[01:29:47] then you know maybe not everybody in this room is gonna be able to reach that lock right so you you've got to incorporate all of those elements in that design just one other thing that I wanted to throw out there that I kind of thought about in terms of this being such a huge investment in our playgrounds um is this would put an accessible playground or an inclusive playground in all over the county like we i know loudon county as a whole tries to build some nice new and inclusive playgrounds but they only have so much land they only have so much money if we were able to

[01:30:25] prioritize this as a school division these playgrounds are accessible to their communities after school hours and oftentimes over the summer So this would put an inclusive playground within reach of, I would say, probably most all of our families, which would be something that I think would be really important for our community and everyone gets to enjoy a better experience.

[01:30:50] Any other questions or comments? So we will look for a motion to adopt recommendations one through six on first to fifth grades from the Meaningful Inclusion Subcommittee.

[01:31:11] I'll make a motion to adopt recommendations one through six for first through fifth grades for the meaningful inclusion subcommittee. All those in favor, please vote aye. Aye. All those opposed, nay.

[01:31:29] Any abstain? Oh. I know, I know. And Beth? Aye. Motion carries. That concludes our report. Thank you. Thank you so much, Tom and Carla.

[01:31:52] That was a lot, and I really appreciate you guys taking us through all of that. So we will now be moving on to more policy excitement. Hopefully you still have that QR code pulled up and you can access our reports and things in there.

[01:32:11] We will start with the annual review concerns. So Paige presented to us the annual plan at our last meeting. And then after that, we were able to look at the plan in the Policy and Compliance Subcommittee, and we compared it to the previous year's plan as well, which was kind of helpful.

[01:32:36] My background is in tax accounting, and so for me, anytime you're looking at a form, you also have to look at the prior year's form so you can compare the two, see if anything jumps out at you. So that was the process that we went through, and then we put together this list of concerns, some of which are repeats from last year.

[01:32:57] Moving forward, SEAC would appreciate an opportunity to participate more actively in the review of the annual plan, and if we could be provided with the plan at least a month in advance of the presentation to SEAC, and then that way we can develop our concerns and feedback to then present to the membership in a business meeting following our rules of order.

[01:33:19] This would then allow the school board to have our feedback prior to them voting to adopt the special education annual plan. Our concern two, this is going to get a little technical, so bear with us.

[01:33:35] Submission statement item 14, page 13, and the 2024-2025 proportionate set aside, page 19. So a proportionate share of the school division section 611 subgrant will be set aside to be expended for children with disabilities ages 3 through 21 who are parentally placed in a private school within the school division or homeschooled within the school division and a proportionate share of its Section 619 sub-grant will be set aside to be expended for children with disabilities ages 3 through 5 who are parentally placed in private school within the school division

[01:34:14] to provide special education and related services. So SEAC is concerned that LCPS may not be adequately reaching out to private school representatives, which would include the parents of homeschooled students, to inform them of their right to participate in consultation meetings with LCPS, where they could provide feedback to LCPS on how the process will operate throughout the school year to ensure parentally placed children with disabilities identified through the Child Find process can participate in special education and related services, how, where, and by whom

[01:34:52] special education and related services will be provided for parentally placed private school children with disabilities, the types of services, including direct services and alternate service delivery mechanisms, how special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children. So as you'll remember, there's a set amount of money that's in this set-aside fund. Once that money is gone, it is gone. So this would be determining how those funds would

[01:35:27] be apportioned if there isn't enough. How and when those decisions will be made, including how parents, teachers, and private school officials will be informed of the process. SEAC is concerned that LCPS is not adequately informing the parents of children with disabilities who are parentally placed in private schools, which includes home schools, of their right to access through LCPS set-aside funds for special education-related services for their child.

[01:35:58] And then CIEC is concerned that LCPS is not engaging in meaningful and timely consultation with private school representatives and representatives of parents of those parentally placed private school children with disabilities, nor is due consideration being given to the views of those representatives.

[01:36:21] SEAC would like to understand the 22% decrease in set-aside funding from last year, while the proposed grant budget increased by 8% from last year. SEAC is concerned that LCPS may not be identifying all children with disabilities who are parentally placed in private schools located in the school division pursuant to its child find obligations to ensure an accurate count for the purposes of calculating those set-aside funds for the grant period.

[01:36:52] SEAC is concerned that LCPS could be engaging in inequitable practices by not providing equal access to set-aside funds by limiting the types of services available via set-aside funding.

[01:37:08] annual plan limits the use of set-aside funds to only speech and transition services versus addressing areas of unique need for all qualified special education students. For example, providing services from a teacher of the visually impaired or orientation and mobility services for students with vision impairments or the services of, say, a hearing itinerant teacher to work on sign language, or cued

speech with a deaf student, or occupational or physical therapy services for students with mobility challenges.

[01:37:41] SEAC recommends that LCPS consider a more equitable means for providing services via set-aside funds that would open an application period in the spring for parents to apply for funding for services identified in their child's ISP on a first-come, first-served basis.

[01:38:03] Once all set-aside funds for a school year are allocated to students whose parents have applied for funding, then no further funding for ISP services would be allocated until the funding application period reopens again. This would allow students with various disabilities access to services they may need.

[01:38:24] Concern three on the superintendent certification. Current data and evidence including parental complaints, findings of systemic noncompliance, by the BDOE and hearing officer and court decisions indicate continued work is needed to ensure compliance with the IDEA and implementing regulations during the 24-25 grant award period as certified by the superintendent Whitaker.

[01:38:52] SEAC encourages the school board to verify that LCPS continues to remediate any areas of noncompliance identified through BDOE letter of findings from state complaints, due process hearing decisions, decisions and internal or external audits does anyone have any questions or concerns would we

[01:39:19] like to go ahead and take a vote to accept these concerns i'll entertain a motion just concerns thank you all in favor raise your hand and say aye aye all those opposed say nay any abstentions

[01:39:52] all right beth oh thank you beth carlson hi great okay moving right along then i will ask our co-chairs of the policy oh yeah are the cast students still out there working does anybody need a snack feel free to run out there they've got a really great variety of stuff cold drinks i know that was a lot to get through you might need some caffeine and sugar all right so i'll hand it over to craig and

[01:40:26] melissa to go over our policy recommendations thank you liz um we're gonna really try to move this along so one policy we reviewed is policy 7712 which is regarding sick leave and the policy and compliance subcommittee had no recommendations on that one um so any yeah so it if we would entertain a motion to adopt the committee's recommendation of no recommendations for policy 7712 so moved by tom and is there a second all right and all those in favor aye aye those opposed

[01:41:06] nay any abstentions beth aye thank you and that passes unanimously all right uh policy uh-oh hold on uh the person we wanted to talk about that is uh let me just move along yep she's buying snacks which we want her to do.

[01:41:27] So we do not want to bring her back quite yet. So I'm going to move on to the next thing so we can save time. And when Jen gets back, we'll back up a little bit. So the next thing we wanted to cover was a review of LCPS's policies and practices regarding student records.

[01:41:49] There actually are seven policies and regulations that address student records. And so we're very quickly going to work through all of those. I am going, we did not put everything on the slides. I am going to summarize for you guys because our recommendations and concerns were seven pages long.

[01:42:07] Don't think you want me to read that out loud. So I'm going to summarize it. It is exactly, it's what we emailed out yesterday with some explanations. So hopefully everyone had a chance to review it. If

you want to pull it up on your phone, if you go use the QR code, go to that page, that website, and there is a folder that talks about records, I think is what it says.

[01:42:29] labeled. If you open that, you can get to the documents. You'll notice here everything that's in blue on the document itself, every citation to every law, statute, regulation, U.S. Department of Education guidance letter, every single thing is hot linked.

[01:42:45] So you can find where we got this information. We didn't just make this stuff up. This all came from the actual laws and regulations and guidance from U.S. Department of Education. But CEAC is concerned that LCPS policies regarding student scholastic or education records do not comprehensively address all issues arising under FERPA, which is the Family Educational Rights and Privacy Act, and its implementing regulations. That's a federal law.

[01:43:12] The Individuals with Disabilities Education Act, or IDEA, and its federal implementing regulations. The Virginia IDEA, or special education regulations. The Virginia Code regarding pupil records and to include the Virginia Freedom of Information Act or VFOIA.

[01:43:30] All right, what I'm going to do is go through the -- quickly summarize our concerns and recommendations and then if any of the voting SEAC members have concerns about the concerns or recommendations that were voted out of the policy subcommittee, please raise your hand as we go because I want to do one vote at the end for all of the recommendations.

[01:43:56] So after our subcommittee meeting, which, by the way, we met twice from 6.30 p.m. to 11 p.m. in the last week, and we were exhausted. So there were a couple of things, three topics that we substantively added to, which in the document we emailed out to everyone and the document on the website that you can access.

[01:44:14] Those are highlighted in three different colors, and Liz did an explanation of what those were. So we will want to make a motion from the floor to amend our document to add those new portions because they were added after the Policy and Subcompliance Committee met and voted to approve.

[01:44:34] So we'll need to amend those from the floor. Again, I'm going to save it to the end. I'll highlight it quickly in my summary, and then we'll vote on that as a group. So if anyone has concerns, speak now or forever hold your peace because we're going to zoom through. Okay, Craig's going to make sure if any hands go up while I'm summarizing, he yanks my chain and makes me stop.

[01:44:53] Go ahead. I understand it's a little out of the way we do things, and frankly, there's just a lot here. So please, please, if you have any questions, feel free. We do want to have an open discussion, and we do want to have everyone the opportunity to participate. On the other hand, there's just a dense dump of stuff, and to the extent that things are not controversial, let's move through.

[01:45:17] So, but please, please, if you wish to participate or ask questions, please do so. And while it's critical that our voting SEAC members raise their hand and speak their piece or forever hold it, absolutely anyone, any member of the public is welcome to contribute their feedback, and we welcome and honor that and love that.

[01:45:36] Okay, so concern number one, SEAC's concerned that the policies and regulations define a timeline for production of records as 45 calendar days, which is what FERPA says. But the VFOIA law actually has a much shorter timeline for when LCPS needs to produce the requested records, which is five

work days with the ability for Loudoun County to extend for an additional seven work days as long as they give the requester notice within that first five days.

[01:46:05] Anything beyond those 12 work days, the school district has to go to court and get permission for that. So that's a much shorter timeline than the 45 days, which is all over LCPS's website and in their FERPA records request documentation.

[01:46:22] So we're concerned that we need to get the right information out to the public. We're also concerned that Loudoun County is still charging for education records. The VFOIA law was amended a little over two years ago. And as of the last update to the website regarding student records for Loudoun County, which was in January of this year, they still are saying that parents have to pay for these records or what we're going to refer to as eligible students.

[01:46:50] But Loudoun County defines that as students over 18 years of age who have the right to request their records without parental consent. They get to consent. So that term of our eligible students, that's what we mean as adult students. But those records now in Virginia are to be free.

[01:47:07] Concern number three, there had previously been an informal practice within Loudoun County that parents who request certain documents, mostly data, raw data, FBA data, that type of thing, data that supports the progress notes that parents receive, that parents were being required to attend an in-person or sometimes virtual data review meeting to review that with the staff before they were allowed to get copies of that information.

[01:47:35] And we had public comment today that actually could be harmful for kids. It would delay getting information to the IEP teams and to the parent that was needed. So we are so incredibly grateful to Dr. Carter, really, for taking this on and for making sure that administratively this process has changed.

[01:48:00] We're absolutely grateful for that. But at this point, that's still informal. And so we're concerned that if we don't memorialize that position, that these data review meetings are not required before parents can get copies of their students' records, that, you know, potentially in the future, a new administration could come in and change their minds and go back to this informal policy.

[01:48:23] And so we want to make sure that we get that memorialized in actual school board policy. Question? Yes. I just wanted to also add to that, that it isn't even just to get copies of the student records.

[01:48:48] We are made to take photos with our cell phones and are usually told that we can't have copies. And so while you're trying to review this documentation, you're also trying to snap pictures, and that's really difficult. Yes, and that, go ahead.

[01:49:06] That was part of the change that occurred in January. that is no longer um something that we do we provide copies yes and we are very very grateful for those internal changes um and but that our next concern was about um uh we're concerned that the uh let's see that there could be a restriction of the ways or the methods in which a parent can get copies of their child's educational records and that the parent um under v foia it's the requester who decides how they're going to receive those copies, not the agency, the public agency.

[01:49:44] And so we just want to, again, memorialize that within school board policy, that the parents can choose how to receive the copies, whether it's a paper copy, via email, fax, via LCPS's public records

center, or parent view. There's lots of options, but we just want to make sure that parents are able to choose the method with which they receive their records.

[01:50:07] And concern number five, that the following rights under IDEA regarding records for students with disabilities who have IEPs, that those are not reflected anywhere in LCPS policies, regulations, webpage, records request forms.

[01:50:25] And specifically, there's three particular things that are in the federal and the state special education regulations. One, emails regarding any matter associated with the student are educational records that are available to the parent.

[01:50:42] And the U.S. Department of Education recently addressed this with the Virginia Department of Education. That's what the regulations say, but VDOE has issued in the past some guidance that's very misleading to school districts and to parents about that.

[01:50:59] And the U.S. Department of Education in their DMS report that was released in March said they need to fix that, that what their own regulations say and what the federal regulations require is that emails are considered part of the educational record, which parents would then have access to and be able to get copies of. Number two, the parent has a right to a response from Loudoun County Public Schools to reasonable requests for explanations and interpretations of the records. And Dr. Carter and I have had this discussion.

[01:51:28] this is so vitally important and it is a right that parents have under IDEA to be able to get these explanations and so in our recommendations we'll address that in a little more detail and number three parents have the right to request that requested record should be provided to the parent without unnecessary delay and this is the important part before any meeting regarding an IEP that's in the federal and state regulations and it's nowhere in LCPS's policies parents get a right to get these requested records before the next IEP meeting. So even if that's four days away

[01:52:02] and VFOIA gives them five days, the special education regulations supersede and the parents have to get that information prior to the next IEP meeting. And concern number six, CX concern that some staff are limiting a parent's right to copies of raw data and related service provider logs, and the right to inspect and review, not copy, super important we make that clarification, but inspect and review test materials or protocols that contain, and this is also important, personally identifiable information about the student, right? So the parents under copyright

[01:52:42] laws, copyright laws relate to copies, right? So inspecting and review is permissible under copyright laws. And what the U.S. Department of Education has said in multiple letters, which the links to those letters are in the materials, is that there's an exclusion from the education records that parents have a right to inspect and review for sole possession records, things that, for example, a teacher may create just for her or his own use, but it's not something that's distributed or publicized. That's really what's meant by the sole possession records. And the U.S.

[01:53:20] Department of Education has said that the exclusion of sole possession records from the definition of education records in FERPA does not apply to detailed or comprehensive notes that record specific clinical, educational, or other services provided to a student, or that record direct observations or evaluations of student behavior, including a student's success in attaining specified objectives whether or

not these records have been shared with another individual because that's part of the sole possession exemption is that they're not shared with anyone else that

[01:53:58] makes them sole possession so they're saying whether or not it's shared or not it's still considered an educational record and that's letter to husk letter to husk also said sole possession exclusion does not apply to speech therapy logs or other service provider logs maintained by the district or service providers working for the district.

[01:54:19] And the third thing that letter to HUSC addresses, and then there's two other letters, letter to Price and letter to Schuster that address this issue. And this is also, I will highlight one of the portions that we need to amend from the floor tonight. But in addition, under FERPA, a parent would be able to inspect and review, not copy.

[01:54:40] Inspect and review test records or protocols that include personally identifiable information about a child, for example, an answer sheet or a writing sample, but not copy them. And these records are protected, as these records are protected by copyright laws and cannot be reproduced or copied without the permission of the publisher of the test.

[01:55:00] And I'll also note that the VFOIA law includes an exception as well for copyright material and test. And I believe there's actually a reference to SOLs, interestingly enough, but there are, but those are protected under copyright law, but also under VFOIA.

[01:55:15] They're exempted from disclosure. Okay, moving on, recommendations. General recommendation is, number one, is that LCPS update all of their webpages on their website.

[01:55:31] They also update the LCPS Public Records Center webpage and all of the FAQs on that webpage to come into compliance with all of these laws to make sure that these rights, parents and eligible students have under these laws that they're given notice of them that they know that these are their rights and they and then would know how to exercise those rights so that's the first thing there is I will note quickly an additional section that was just about the fact and with a link to the law that VFOIA was amended over two years ago that said the education records requested by a parent or the eligible student that school districts cannot

[01:56:10] charge a fee for those copies. So that information we added. So again, we'll have to amend that from the floor. General recommendation number two is also that LCPS develop a general records request form. Right now, the records request form is titled FERPA request form. Obviously, it only refers to the provisions of FERPA. So there needs to be a general records request form developed that actually addresses all of the rights in not just FERPA, but VFOIA and the IDEA as well.

[01:56:45] And then moving on for policy 8610 and the correlated regulation 8610, recommendation number three is that we amend that policy 8610 to include a reference to VFOIA that also include information about, in paragraph B, it includes the information from federal and state regulations that say that emails are education records that specifically be added and additions to all the legal references so it covers all of the laws. Recommendation number four is to

[01:57:23] amend the regulation for policy 8610 and in that policy is where they're really digging down deep and identifying and listing out exactly what records are considered part of the cumulative record, part of a confidential record. And so we want to make sure, the first part of recommendation four is that in the paragraph for confidential records that are maintained for any student requiring or considered for

differentiated programs and or special services such as for gifted or disabled students, the following types of information shall be kept in a confidential file.

[01:58:03] And then part one of that, unfortunately the way it's worded almost sounds like it only applies to students with IEPs, but the definition of what this confidential record is clearly goes beyond just IEP students.

[01:58:20] And so the things that we wanted to add to that list as records that would be kept as part of this confidential file are records about manifestation determination review, functional behavioral assessments, Behavior Intervention Plans, MTSS or Multi-Tiered System of Supports Plans, Section 504 Plans, Health Plans, and Restraint and Seclusion Documentation.

[01:58:45] All of that should be added to the records identified that shall be kept as part of the confidential file. And then the next portion of that are confidential records maintained on any student, whether or not they're gifted or disabled. And in that list, there were a couple things from FERPA that weren't in there.

[01:59:04] One is, three things, sorry. One is detailed or comprehensive notes that record specific clinical, educational, or other services provided to a student or that record direct observations or evaluations of student behavior.

[01:59:20] This is our raw data issue. The second one we were adding was related service provider therapy logs, again, pursuant to letter to HUSC. And then the third thing was test records or protocols that include personally identifiable information about a student, and that's pursuant to Letter to Husk, Price, and Schuster.

[01:59:40] All right. And then we also, there's a paragraph in there that we want to, again, add the information from the regulations that state that for students with IEPs, emails and faxes regarding matters associated with the child's education program to include matters related to IEP meetings, disciplinary actions or service delivery shall be part of the student's educational record.

[02:00:02] And that language is coming from the two provisions under Virginia regulations. That language was lifted directly from the regs. Recommendation number five, amend policy 8630. Oh, sorry. So we're transitioning to policy 8630 and its accompanying regulation.

[02:00:21] That policy right now is labeled inspection and review of education records. So our first recommendation is that we change the title of this policy to access to education records because it's a little misleading to imply that the only way to access the records is inspection and review. That's a FERPA standard. But parents and eligible students also are eligible to obtain copies. So we felt like a more appropriate title would be access to education records. There are several places in here, I'm not going to name all of them, where we want to add the language to receive copies of these records. So we

[02:01:00] want to talk about the right to copies throughout here and including a reference to VFOIA. There was one important part where it's talking about emails. It actually does address emails in that policy, but they say special education related to special education services. And so we are saying delete the word services because the Virginia special ed regulations do not limit the emails that must be part of the student's education record to only those related to special education services. As you just heard me read a second ago, that language is much more broad

[02:01:38] in the regulations. We also ask to add into this policy that these rights will also be published on the LCPS website and in one comprehensive records request form. More stuff about obtaining copies. There are several places that needed to be added. There is paragraph C2, which is about professional assistance. This is related to staff members being made available to answer questions.

[02:02:09] We just wanted to tweak that a little bit, that staff will offer to have a qualified staff member give explanations and interpretations for data or records, and then add the sentence, staff shall not require that a parent or eligible student attend an inspection and review meeting in order to get a copy of the student's records. And again I want thanking the administrative staff that this was informally resolved and we again are grateful for that but we think it is important that we get that memorialized in an actual school board policy. There was some language about

[02:02:45] charging fees and so we put in here to substitute that a fee may not be charged to parents and eligible students for search retrieval or copying of education records and then and the paragraph c5 where they're defining what is not a education record there were a couple of things that were left out from FERPA and one of them is a notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school sponsored activity. There are now laws in Virginia that require that that information

[02:03:24] coming from the juvenile justice system be provided to superintendents. We're not opposed to that per se, but what we are concerned about is confidential, sensitive information coming from the juvenile justice system becoming part of the educational record. That actually is supposed to be excluded. Again, we didn't make it up. That's from the law. We have the sites there, but we think it's important that LCPS's policies identify that specifically because, you know, oftentimes this is information that would ultimately be expunged, which may not then subsequently be expunged from an educational record. So there are a lot of reasons why that's super important. And then we

[02:04:04] add all the legal references. We want to amend the regulation 8630, the regulation for that policy, again, to change the title to access to education records, not limiting it to just inspection and review. A few more things about clarifying that it's the right to access. It's not about FERPA only. There's a title there about information about filing a complaint. And so we asked that it be labeled filing a FERPA complaint because that's what that was. Again, changing so that

[02:04:33] fees may not be charged. And so there's one more part that I had to add later. It's regarding paragraph F. That is really, there was a lot of stuff in there that the school board really needs to consider bringing all of that language into compliance with the laws as we've cited earlier.

[02:04:55] But for example, the part about how the timeline for disclosing records, it's not 45 days, it's five days. That needs to be fixed. And also, according to federal and state special education regulations, records must be provided to the parent or eligible student without unnecessary delay and before any meeting regarding the IEP. So that was added because that seemed to be the best place to make sure that information was captured from the special ed regulations.

[02:05:24] Almost done. Policy 8640, we want to amend that one. Again, adding a site to VFOIA and adding the language about emails being part of the educational record. Last two. Policy 4020 and the regulation for policy 4020, those need to be amended. Policy 4020, it provides a list of prohibited fees, fees that the school can't charge, so we need to add for copies of education records provided to a parent or

eligible student, and in the regulation, the list is actually the schedule of fees. These are the fees they can charge, and we need to remove educational records from those

[02:06:03] policies. Okay, any discussion? So, two things which I think could just be wordsmithing, so it may not require any motions, etc. There are several places in there where you refer to things as they applied to IEPs, and I know a lot of that is covered specifically under IDEA, et cetera, but where it's not, if we could just add slash 504, because sometimes our language sort of biases

[02:06:38] towards IEPs and forgets the 504. Not a place. It doesn't exist. The only time I ever referred to IEP is where it specifically came from the special ed regulations, and it has to, I mean, it is truly only limited to IEPs. What about providing the records before a 504 meeting as opposed to it's not a thing it's not a thing it's not a law now now let me just say and this is important and i want to say it and i hope if there's any school board members listening or listening to a recording of this will hear me all right the law is the floor of what we provide to our students in this district all right it is not the ceiling and this school board can always provide our parents and our students with greater rights than what the law is all we proposed is

[02:07:17] what the law says all right but they can always do more the school board absolutely could add that the record should be provided before any 504 meeting. That's just not what the law requires. But absolutely, the school board could do that. Second, and given recent and new information, perhaps in addition to emails, we should put emails slash videos are part of the educational record to clarify that going forward.

[02:07:46] So, yeah. Well, here's the thing. They are under FERPA unless the change that was recommended happens. And just maybe getting ahead of that, we could just add slash video, Craig. Part of the issue there is that years ago there was actually some controversy over whether emails were part of the educational record.

[02:08:12] And so at one point, LCPS tried to change their policy and declare it to be so. Now that the Department of Education has ruled, we are out of compliance and need to explicitly bring it into compliance. So the reason it was called out and the reason it is special is because that was at issue.

[02:08:32] Videos were not, they have not yet tried to claim that videos are not part of the educational record, nor have they been slammed down by the Department of Ed the way emails were. So at the moment, it has not been a problem other than what we just saw this morning earlier, but we were promised would not be to diminish our rights.

[02:08:51] and and and again just because we don't want to get too far out of our lane and we really wanted this to be strictly about complying with the existing law and right now there is compliance and believe me there are so many things like the 504 thing you raised I I would love that there are so many aspirational things that we would love to be able to put in here but seven pages people I mean if they can we could just get the school board to bring this into compliance with the law it'll be a huge step forward for sure and i just don't want to see a gap get created by this video issue where it gets reclassified suddenly it's not educational record it takes some time for

[02:09:30] videoe it takes some time for the courts to decide it is part of the educational record meanwhile there's all this gap that's occurred where it's suddenly inaccessible um you know this is an amendment and i think this one's unique from the ones we already put in there so you know do we hear a

motion to adopt or to propose to amend this um to add a recommendation to include video just make a comment we are always able to go back to these policies and make recommendations again

[02:10:08] if they do actually move that what they were suggesting today with the security camera and stuff i would hope that with all the parent feedback they'll be getting and recommendations coming from what was presented today at least we give that an opportunity first and then we'll definitely we could definitely come back and just all right so let's hold on that one and then okay the only real question i had and i'm sure you guys did explore this copyright law is a very specific law with a bunch of very specific yeah questions that don't sort of apply in the general law

[02:10:47] there is considerable latitude in terms of fair use particularly when it comes to commentary criticism and research, among other rule. There's seven or eight, I think, that have been established as fair use when it comes to copyright law. Copyright law, I don't have to tell you, is as badly applied as HIPAA is, where everybody thinks HIPAA applies to everything, and of course it doesn't. People tend to wave that copyright issue around, and so there's a difference between something that LCPS has copyrighted versus a third-party copyright. I wouldn't expect them to

[02:11:22] be able to grant those rights from a third party, but anything the LCPS has swapped to copyright on, that should be provided to the parents, and copies should be provided to the parents. I mean, there is no reason. This is definitely, I think, under the fair use standard there, because it does apply to the criticism, commentary, and research aspect of private use of copyrighted material.

[02:11:44] Well, first of all, we're not making any legal recommendations about copyright law. What we're relying on is the advice that was provided and the direction by the U.S. Department of Education to all school districts. So that's what that's based on. And what they said is FERPA allows the parent, if it contains personally identifiable, so it's not the entire test protocol. It's the portions that contain that PII, and they are allowed to inspect and review, not copy. And that's what we're relying on, is what the U.S. Department of Education has said. Second of all, the issue

[02:12:19] about um protecting like not the lcbs if they create a test for example that they shouldn't be able to invoke copyright law and i would argue i think there's a good reason to copyright them because i want to make sure you know teachers oftentimes reuse tests over and over i want to make sure that teacher's test isn't on the internet or in you know find out your test in advance.org or com or whatever the kids do nowadays right i mean these test banks online yeah you said I totally made that up um but anyway but my point is I think there is a legitimate and valid reason for that but we aren't trying to debate the copyright laws we're just trying

[02:12:56] to come into compliance with the special education laws as they have been put forward in guidance and laws and regulations as they relate to our population last comment and we could wrap this up and move on um of course anything by the act of creation is copyrighted so you don't actually have to add a copyright notice to something just the very act of creating it is copyrighted so under that standard basically everything that is you know created by a teacher created by a staff member etc is copyrighted on the act of creating it itself and for any parent

[02:13:31] listening subpoenas solve all these problems there's that um okay so any more discussion before we move to the vote. Okay. So I wanted to break this into two parts. First of all, we need to adopt the amendments from the floor to the document itself. And those were all the highlighted portions. So do I

hear a motion to adopt the amendments from the floor? I make a motion to adopt the amendments from the floor. All right. Thank you. And any discussion? Okay. All those

[02:14:05] in favor, say aye. Aye. Those opposed, nay. Any abstentions? Beth with us. Beth? Aye. All right. And so that passes unanimously. And then the second vote is to adopt all of the concerns and recommendations as voted out of the Policy and Compliance Subcommittee and as amended tonight.

[02:14:26] Do I hear a motion? I make a motion to accept all the concerns and recommendations as amended here on the floor tonight. All right. All those in favor, aye. Opposed? Abstentions? Beth?

[02:14:43] Aye. Okay. That is it for that one. Jen, you're up. We skipped you earlier. Sorry, guys. sometimes you need a snack so I only have about probably another hour and a half to talk to you tonight no all right so we'll try to get through this next one fairly quicker and quicker than Melissa did but you know so the reason you know we did get this new policy this does appear to be

[02:15:15] a policy that really that LCPS wants to measure the use of cell phones smart watches all of that sort of stuff during the school day and school use. I know we've heard a lot about it and this appears to be their first attempt at trying to do that. So this policy does cover the student use of personal technology within the school. So our first concern as it was currently written it was confusing due to the there's it's duplicative there's a bunch of different places where it has

[02:15:48] exceptions and unclear wording they in one state or in one part of it they say that elementary schools may not be able to use any during the day and then they say but middle schoolers they may not use them either but they need to put them away right like what's the day and then earlier in it they say it's not permitted a day use at all and then later on they sort of say the same thing but slightly different so we did clear up a lot of the redundancy to make it explicit right when we write a policy we want it to be something that our students and our parents and our teachers

[02:16:24] understand and know how to comply with and the way to do that is to be clear and concise in what you say so we did throughout the document there are a lot of things that are cleared up that are removed if they're duplicative and outlined there. Our second concern was we were concerned about the actual implementation of the policy.

[02:16:46] Right now, it seems to be that it's going to be enforced by our teachers, which isn't different than anything that's going on right now. And a policy like this that's forced to be enforced by our teachers has been ineffective and inconsistent.

[02:17:07] Jen, if I could. So the current policy today is teacher permission, although schools typically have a school-wide rule. And so I think what we're saying there is that when you actually get down to the nuts and bolts implementation level, that's already kind of the rule.

[02:17:23] So what's different? And it puts the teachers in a really awkward position. Thanks. So our first recommendation is to remove the reference. So in the first part, it had said that this includes earbuds. I don't know about you guys.

[02:17:38] I have two elementary school students and I was requested or required to provide earbuds for my child this year. So we can't say they can't use them, right? So let's remove the reference earbuds and headphones. And really what it looked like they're trying to do is make this about those internet connected devices, those cell phones, those smartwatches, all that sort of stuff.

[02:17:58] So let's talk about that, right? They also listed initially other technologies, which is really broad. I mean, my pen is technically considered a technology, right? So again, to make it clear and easier to implement, understand, and comply with, we're really talking about those internet connected devices. So our first line would read, this policy covers the student use of personally owned device, right? You'll see we capitalized that. It's called defining the term. That way you can use it throughout without having to redefine it each time. In schools, including

[02:18:32] cell phones tablets smart watches and internet connected devices during the school day second recommendation in line 15 we wanted to add a reference to exceptions later on in the document right by providing only partial exemptions in the section it's confusing right where they have some places some exceptions are later on some of them part of them are referenced earlier but different than how they you know are outlined later on it's confusing is it a full exception or is it partial? So what we wanted to do here is use all of the exceptions in the exceptions

[02:19:09] section of the policy and then just reference that here. So our line 15 would be changed to say unless subject to an exception identified in section D, students may not use personally owned devices in classrooms and they must be silenced and put away during instructional periods except when explicitly allowed by their classroom teacher or school administration.

[02:19:34] So again, we're just cleaning up that section. Instead of having partial exemptions throughout, let's have one section, let's outline all the exemptions, they apply throughout that, and we'll just reference it here. Third recommendation. In line 21, there does not appear to be a meaningful difference between those elementary and middle school policies, right?

[02:19:55] That's kind of, I referenced that earlier. So what we're looking to do is combine them to streamline that language and reflect that. So line 21 would read, elementary and middle school students are not permitted to use personally owned devices during the school day, right? Now, again, it has all those other exemptions.

[02:20:13] So anything later, it'll still play in here. But this is kind of our base policy. Recommendation four, at line nine, we want to replace it with, shall be at least two employees who have a level three. Oh, this is not, I don't know what that is.

[02:20:30] No. Sarah. Is that the right one? I could ad-lib, but then you'll get a lot of cybersecurity and privacy stuff in here. We just really want to get the diabetes thing right.

[02:20:48] I got you covered, too, in this plan. Oh, is this it? I don't know. I can look at what it was. Was this about amending the exemptions?

[02:21:10] It probably was. There was some discussion in the subcommittee that the continuous glucose monitors, which do have Wi-Fi connectivity, would, in fact, be banned under this policy unless an exemption it was put in as an accommodation which was a great example of the sorts of unintended consequences that a broad policy that didn't really think about our community brings so our fourth recommendation was really on that exemptions what when we went down to this section it talked about is unless explicitly allowed by the classroom teacher but again that was already referenced

[02:21:49] above we don't need to keep referring to the same thing and then it had some loose language about multidisciplinary team members 504 teams IEP teams and what they may or may not think we wanted to beef that up get it to be something that was actually enforceable and clear so we ended up

rewriting that exception right that's the right one I'm not making it up all right good to be personally owned devices outlined as required in the individualized education plan 504 or health plan are not subject to this policy, right? Enforcement of this policy for students with

[02:22:27] disabilities will allow for a grace period for plans and accommodations to be amended to comply with this policy. And again, what it's really saying is because you're going to have AAC devices, you are going to have glucose monitors, you are going to have all of those things that will be internet connected. If they are outlined in your IEP, your 504, or your health plan, or if it was a determination that was made and you need a little bit of grace period to actually update these plans, they are not subject to this. And realistically, that's in line with what the school board wants. They didn't come down on this wanting our students to not be able to use

[02:23:05] their assistive technology or any of those for health concerns. They're really just trying to get rid of those cell phones, get rid of those smart watches, right? Which I think as parents, a lot of us try to do as well so making that exception clear giving how it would be defined and allowing for that grace period would really just help to make this better for our sped community so did i

[02:23:29] go again all right so we are at the approval part right oh yeah we are at the discussion part just wanted to make a comment about the earbud thing yeah because i know the kids in elementary school all need them and further connectivity but i know for my teenagers have mentioned that some of their friends will use them to connect and their phones are put away but they're not paying attention in class they're listening to music so for the older kids it actually is relevant so maybe some kind

[02:24:09] of wording that internet connected um whatever yeah so i think that that's a really great point right and i figured that that's what they were trying to do right like all of those earbuds that you can shove in and they're connected but the best part about those are their internet connected devices, or they would be utilizing internet connected technology. So that should cover it.

[02:24:30] But what it, but by phrasing it like that, you don't get the, like, you know, the little earbud headphones that are maybe Bluetooth, but that's it. And that are just used, right. Um, to have this speak aloud on the computer, right. Things like that. But it's a great point. Cause we did want to make sure I do think they're trying to get rid of those as well. I just want to say real quick on the headphones we do have some students particularly on the spectrum that have sensory issues and need to wear headphones for those purposes as well so that's why this is a concern

[02:25:09] for our committee um about the headphones good question any other questions i think i have an hour and 20 minutes left i have too much time no all right so we're ready to to vote right or all right so are we doing recommendation by recommendation let's do the whole policy all

[02:25:39] right thank you very much all right can i get all those in favor oh there's been a motion to accept all of the policy the recommendations for policy 8655 as recommended and voted upon by the policy and something subcommittee any discussion no hearing none all those in favor all those

[02:26:16] opposed any abstentions beth carlson hi all right hearing all that the motion uh passes unanimously i'm good do you have anything for the field trips one i do okay all right guys i'm sorry we have one more little policy that is it's we don't have a red line version of it yet but um

[02:26:49] it's supposed to be coming up and field trips are an area that traditionally has some has possibly been an issue for some students and we would like to add some language just to clarify um

accessibility and inclusivity so Shanaz do you want to speak to some language you found it's going to be definitely a discussion here because what I found was something you know regarding section 504 of the Rehabilitation Act and its regulations prohibits discrimination against students with disabilities this means that public schools must provide services to meet the individual needs of students with

[02:27:29] disabilities as adequately as the schools meet the needs of students without disabilities section 504 focuses on ensuring equal access for students with disabilities to the program offered by the public school it goes on to say that districts have obligations to provide non-academic and extracurricular services and activities including field trips in such a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.

[02:28:02] And then the district has an obligation to conduct an individualized inquiry to determine whether reasonable modifications or necessary aids and services would provide a student with a disability with an equal opportunity to participate in non-academic and extracurricular activities, including field trips.

[02:28:24] So I just felt that some of that should be added, and we can review this later, but that was something I do it yeah I don't know if we want to table this or if we want to if there's any motion from the floor I mean unless people feel really strongly otherwise why don't we see we can just get this done we don't have to like wordsmith it exactly but I believe this is a broad concern in our community that you know some schools are pretty good about helping students when it comes to field trips and some student schools basically say this is the general education

[02:28:59] field trip way we're doing it and if your student can't access it tango sierra so and i think when we read through the policy we felt like that there's a whole listing of considerations that should be taken into account when planning a field trip um and it did speak to accessibility as one thing but it wasn't exactly clear in what way it was addressing accessibility and so i think we just wanted to make sure that when these field trips are being planned whether they are being planned by the school, whether they're being planned by PTOs or other external groups that that should, that we as LCPS are saying that that should be a consideration is making sure

[02:29:38] that we're meeting accessibility needs for all of our students. And so maybe just some general language like that that could be added to the beginning of the policy. Can I add something else? There was a little part more. That's the district has an obligation to include students with disabilities in self-contained settings in all grade-level field trips and to provide those students with the necessary accommodations so as to permit participation and I think that has if we could use that language as well so one thing I would suggest that we add to is that under 504 school divisions cannot

[02:30:17] require a parent to attend if they have a child with special needs however they can of course if they want to but they can't require it those whatever reasonable accommodations are required for that student to have equal access need to be provided by the school division I would entertain a motion if anyone would like to using the feedback maybe I'll make a motion that using the

[02:30:52] language that I just presented on our field trip policy 50/70 that we summarize that and add that to our recommendations all right the motion is I think to use the language that Shanaz read from section 504 and also the language that was brought up in discussion here to formulate a recommendation that can be

[02:31:26] added to the policy we're gonna get a printout of all of the they have a nice AI generated thing with speech with everything so the we can just kind of copy paste it together and wordsmith and make it pretty before we submit it if people are comfortable with that. Okay all right so any discussion? Just to clarify we're just going to cite section 504 and what's there

[02:32:00] from a 504 into the policy so we're not adding anything outside of what is afforded by section 504. So I think members can feel comfortable with reciting 504 and what is already codified into law. Thank you, Sharon. All right. Any further discussion? Hearing none, all in favor, raise your hand, say aye. Aye. All opposed, nay. Any abstentions? And then Beth Carlson. Aye. Great.

[02:32:37] That is approved unanimously. And we are going to, Tom, would you mind, Tom, if we actually hold off I'm sorry but we need to get to our subcommittees briefly so if you wouldn't mind being our first did you know in September we would greatly appreciate it and that'll be a great start we will be revisiting membership people have been letting us know if they're going to continue on next year we will be taking applications for anyone who's interested in joining SEAC we would love to have you there are no requirements to be a SEAC member other

[02:33:13] than being a parent of a student with disabilities and wanting to come and help us do the work. We will help you along the way and we are a community for everyone, so please feel free to fill out our application and send it over to Carla.

[02:33:31] We will be meeting tonight at Clyde's after this business meeting. We will be sending out subcommittee reports. we're gonna we're gonna all break out into our subcommittees and work on summarizing the work that we've done this year and then we will put together a summary of all of that that we can send out to all of our members and reps so that you feel informed and like you know what's been going on if you haven't been able to make it to every single one of our subcommittee meetings we don't want you to feel like you're missing anything I would like to just give Jen a

[02:34:05] a quick second to talk about SEAC awards because that is coming up on June 5th. We are getting really, really close to releasing the award winners. It should be any day now. So we're really excited. We've got some fantastic teachers and students and administrators and community members that we are going to have such a fantastic time celebrating. So I hope you all can join us at Rockridge. Thank you so much. We are, we are so excited. We have a lot of really deserving teachers and kids. And with that comes the need to put on the whole thing, right? So we are looking

[02:34:44] for, if you are part of a PTO and you would like to support, we still have a lot of things on our signup genius that do need to be covered from a cost perspective, like some balloon arches and things like that. Some cupcakes, some waters. If anybody really likes 400 bottles of water, We would like them, too.

[02:35:04] The other thing we need is some sort of the \$25 gift cards to local establishments or things that both students could use as well as teachers. We have those adult ones and the kid ones. If you know anybody from businesses, we've had some businesses donate gift cards.

[02:35:21] We've also had some local businesses donate tickets to things, like tickets to concerts, tickets to entrance to their museum, things like that. Those are all really great things that we could give in here. So if you would, if your PTA, PTO would like to, if you are a business and you are watching me there because that's what you're doing on your Wednesday night, we would love to have you participate in support.

[02:35:47] But if anybody could help us, that would really be great. We do have a lot, but if every member could get five of those donations, five gift cards, we would be more than covered and have this kind of taken care of. So feel free to contact me if you have anything, have any questions.

[02:36:04] But we're excited. Thank you. 6.30 on June 5th at Rockridge. All right. We have one last literacy and math work session coming up on May 13th at 9.30 about MTSS.

[02:36:25] We've got some representatives from MTSS. It should be a great opportunity to learn. We have, thank you Nakia, QR codes on your table where you can submit questions to have them answered. They're gathering them now so that they can put together their presentation for us that's specific to what we want to know, which is awesome because, you know, it's hard to guess what we all are wondering.

[02:36:47] So this way there's no ambiguity. So if you have some sort of burning question about MTSS or confusion, please just add that on the QR code and then join us on May 13th at 9:30 here at the Admin Building.

[02:37:03] We also have one last transition work session on May 22nd here at the Admin Building at 9:30 a.m. as well, so please come in and join us for that. We're going to be doing a lot of talk about our plans for transition and CAST and what we can do with CTE going forward.

[02:37:23] We would love to have as much of our community there as possible to help us with the brainstorming. There is a CTE advisory committee coming up on Wednesday, May 15th at 8.30 a.m. Equity committee meeting will be on May 2nd, 5.30, and GEAC has their meeting on May 9th at 7 o'clock.

[02:37:46] We do not have Leanne here this evening because her events are done. So thank you so much, Leanne, for all the incredible presentations you put on this year. Just a plug for Parent Resource Services. I would highly recommend getting all of those on your calendar next year.

[02:38:03] You will learn so much going to those events. Carrie LaBelle was with us earlier, but she needed to sign off. So just a reminder that you can attend school board meetings at 4 p.m. every second and fourth Tuesday. And this is it.

[02:38:19] This is our last meeting of the year. I hope everyone has a wonderful, restful, and restorative summer. But we're going to see you at the SEAC Awards, hopefully. We are now going to break out into our subcommittees to do our year-end wrap-up.

[02:38:35] So let's go, should we do policy and compliance over here? We can do literacy and math over there. Back corner, we'll do transition. And then back there, we can do meaningful inclusion, if that works for everyone.

[02:38:52] So pick your favorite subcommittee. I know that's hard. But even if you haven't been attending them, you can get a little flavor for what's been going on in them and maybe see if you'd like to join them in the future. So thank you all so much for attending and bearing with us.

[02:39:09] And have a wonderful evening and rest of your school year. And just a last reminder, if you didn't get a chance to sign in with the attendants, the QR code is up there.



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