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Loudoun County School Board, School Board Work Session - Special Permission Presentation, Thursday, September 12, 2024

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[00:02:10] us to order this is the September 12th work session for the Student Services Committee and as as always this meeting is being recorded it is not being live streamed it is not being video recorded but the audio recording will be available at some point in the future to listen to through the LCPS website for anyone who would like to do that we are not having a public comment portion of because this is a work session so I'm just going to go ahead and turn it over over to Ms. Richardson and Mr. Dolson to continue our discussion and your presentation about special permission.

[00:02:47] Thank you. - Thank you, Chair Donoghue. I'm very excited to be here along with many guests and I'd just like to recognize those people 'cause they have helped with the presentation and will certainly be assisting us as we go through the presentation. So we have Gabriel Carpenter, our student services coordinator.

[00:03:04] We have Ray Mitchell, our chief of schools. We have Elaine Lehman, our director of elementary education. Ms. Donna Smith, our Director of Procedural Support, Jennifer Short, who is the Principal of Sterling Elementary School, Dr. Tripp DiNicola, who is the Principal of J.L. Simpson Middle School, Pamela Croft, Principal of Tuscarora High School, Beverly Tate, who is the Director of Planning and GIS Services, and then Dr. Dave Blakelock, who is a Supervisor of Research.

[00:03:36] - I'd like to thank everyone who's come. This is obviously a hugely important issue that affects our entire division, and we're very grateful. I will speak on behalf of my fellow committee members. We are all grateful for the additional input and insight that you all are going to offer.

[00:03:54] It was very helpful hearing from staff at the last meeting, from employees who work directly in the schools with the students. That perspective was very helpful and we're looking forward to hearing from you today.

[00:04:10] Thank you. - Great, so what we would like to do is take you briefly through our special permission timeline and some examples of the communications that parents and guardians may receive. Because there are nuances in how we communicate with families and guardians throughout the special permission process, the examples that we are about to provide are not representative of all the communications that we provide.

[00:04:34] What you see on the screen here is an example of the timeline that is outlined based on policy. This represents the early opportunity for LCPS staff, the start date for LCPS families, and the current date that kindergarten notifications are sent.

[00:04:53] And just to remind you that the LCPS families indicates school-based staff. Mr. Dolson, if we have questions, would you prefer that we interrupt you or that we wait until invited or the end?

[00:05:11] Yeah, we wait until just because other people might be able to give you specifics. And so I would ask that we wait until the end, if that's okay. Thank you. Yep. So here you see an example of the parent acknowledgement that is received once a special permission request has been submitted. On the next slide, you have an example of the notification that is sent to principals when a new special permission

[00:05:44] is requested for their school. Notice that principal input is not required for new special permission requests. The next slide, we have an example of the messaging that is received by principals for special permission renewals. Now we will explore the appeals process and an example

[00:06:19] of an appeals timeline. So a short summary of this slide on appeals for special permission and communication flow to school staff is represented here. Appeals instructions are outlined in a denial notice. Parents have 10 days from date of denial to appeal. If the denial is due to grade capacity, elementary school, or special education capacity, the appeal is sent to the director of student services.

[00:06:54] If the director of student services upholds the appeal, the parent has 10 days to appeal to the school board. The school board then has 30 days to hear the appeal and make their decision. The school board decision is final, and if a denial basis is due to an over-enrolled school, that would be 95% or more, it goes directly to the school board.

[00:07:25] this next slide you see a possible and I say possible timeline for a sample appeal it can yes it can not that's okay it's still it can still go to the depart with DSS you but what is that director of student services that's me yes okay okay so I just want to say that's not automatic doesn't have to be

[00:07:59] automatic by policy it says that we are not able to provide additional staff based on this policy so if it is an over-enrolled school more than likely it is going to be denied by the director of student services just based on capacity and is that for over-enrolled and also special education yes ma'am for both areas okay sorry no you're fine so the next example is the sample appeal a timeline which starts at March

1st the special permission application was submitted by the parent the special permission application was denied by the

[00:08:38] Office of Student Services on March 31st. An appeal was submitted by the parent on April 10th. That appeal determination was then sent on May 10th and that school board determination obviously as we said is final. The appeal was submitted by the parent to the school board on May 24th and then that final appeal decision by the school board was made on June 23rd. The reason we wanted you to see this is this is a possible timeline so it is it can be lengthy the next few slides we're

[00:09:18] going to go over examples of what parents see when they are denied and this is a sample letter that is a denial letter based on capacity of a school the next slide shows a sample denial with appeal

[00:09:40] instructions which which parents receive at our last meeting we reviewed some of the special permission data so we did outline that for you here once again so you have it in front of you if you have more specific questions.

[00:10:11] We went through these slides last time. You can see for the past three years, over 85% of the special permissions requests have occurred after March 31st. We broke out the special permission request reasons for you and gave you three years of data.

[00:10:32] We also delved a little bit deeper and gave you information about other selection analysis, which indicates other reasons that people might be requesting special permission. We then went a little bit further and gave you information about special permission requests by special education status we then outlined special permission request approval status and

[00:11:05] then finally we gave you the information about the special I'm sorry the school board appeal decisions for the past three years and again this is based on data that would have been preceding our last meeting was August 22nd so that would have been based on information prior to August 22nd this request approval status for special permissions for special education is that immediate approval or is that after appeals let's see that would be after

[00:11:41] appeals yes after appeal yes and then the new data set that we did I believe that you all requested is specific to students with disabilities so we gave you by level the number or the percentage I should say and the number of students with disabilities who were requesting special permission for elementary middle and high for the past three years and then we also gave you information on the approval percentages for those same students the percentage of special education students that were approved by level elementary middle and

[00:12:20] high do we have that information for kids without disabilities what that is like so students requested is 13% and then like special permissions approved is 74 do we have in from elementary middle high do we have that broken out with kids without disabilities elementary middle high we could get that for you but we did not enumerate that for this information because I'd be interested to see if it's higher than 74 percent that are approved or not approved elementary middle high it seems like everything's going down so we can

[00:12:56] we can we can we can break that down for you so I'm a former high school principal but I don't speak VHSL as well as Mr. Ferry and Ms. Mitchell do so I'm going to pitch it over to Ms. Mitchell to walk you through the VHSL implications I believe most of you were here to hear Mr. Ferry's presentation some of this is repeat information but it's always good to hear again so Ms.

[00:13:24] Mitchell thank you Mr. Dolson I am here for Mr. Ferry and I will try to answer any questions that you might have and also may have to refer some of those questions for when he returns so just to recap in terms of VHSL being the Virginia High School League governs the org is for what we do for sports for participation in sports and how our policy 8155 with special permission

[00:13:56] actually conflicts with VHSL and that does so because VHSL allows for a student to transfer from one school to another so that they can be eligible if there is a change of residency but with special permission there is no change of residency so that in and of itself is what creates the conflict and it says for students in grades 10 through 12 requesting a transfer because for 9th grade students where they enroll is where they establish their eligibility

[00:14:31] So, VHSL determines that a school division will apply its own criteria to determine if there is a superintendent's waiver. And what we do for that is we use the VHSL process, which is to identify and undo hardship.

[00:14:56] So, LCPS communicates with the previous school of enrollment to substantiate any evidence or documentation that they might have when a family is requesting a VHSL transfer. So for those of you that have served on the committees, you may have heard some of the documentation or some of the rationale that have been used to request that waiver.

[00:15:21] A parent can rescind special permission before the third day of enrollment. So if a student has special permission to transfer high school and they realize that they cannot participate as an athlete due to the VHSL transfer rule, They have until that third day to rescind the special permission and go back to their home school where they will be immediately eligible to participate in the sport.

[00:15:49] Next slide. So, again, this is just an example of timelines. So it kind of operates on a 10-day rule where you have 10 days for the special permission request approval and VHSL.

[00:16:05] five days if a parent wants to submit any additional information to substantiate their waiver request, then there are 10 days between that and the time that I have to approve the request or deny it, and then they have 10 days to request an appeal. And then, as you all know, for those that have served on that committee, the appeal goes before the committee or that select committee to make a decision to approve the VHSL waiver or not. Thank you. Thank you, Ms. Mitchell.

[00:16:42] Now we will go through the process for principals to either revoke or rescind special permission. That was one of the questions that was brought up on the topics, and we wanted to just enumerate that process as well. This information is actually accurate as of this school year.

[00:17:03] This is principal input on our applications, so the applications for special permission, and it's broken down in this way. There were 33,876 applications in total. 18% were given a response by a principal.

[00:17:21] 34% did not respond but were permitted to respond. And then 48% were not asked for a response because they were not renewal requests. They were new requests. So remember, on a new request, a principal is not provided the opportunity to give input.

[00:17:40] On a renewal, he or she, the principal, is able to provide input. So the next two slides outline the two processes to rescind special permission.

[00:17:58] The first way to rescind special permission is through a parent request. Another way that you may rescind special permission is through an administrative request. We ask that principals engage parents in conversation.

[00:18:20] And so when a principal reaches out or an administrator reaches out with the idea that they would like to move forward with rescinding special permission requests, our office provides a checklist for rescinding or denying special permission to that administrative team.

[00:18:36] And this is an example, the next two slides actually are the examples of what the form looks like.

[00:18:50] We also provide a numbered list of steps for these principals and or administrators to go through in order to deny or rescind special permission.

[00:19:07] And then the next few slides are just examples of some of the letters that we provide principals to provide to parents as warnings that their students are not complying with the exceptions to be able to attend a school that they are not zoned for.

[00:19:26] The letters that you have before you are examples for attendance. But as I said earlier, we have numerous letters that we can help principals craft in order to communicate um their needs or their expectations to families and and parents we gave you examples of three that is not a necessity um in in cases where we are asking principals just to communicate with um those families we ask that they have multiple points of contact with the families

[00:20:03] so for example if a principal calls and says we want to rescind uh ted ray richardson's permission to attend our school we're not going to just give them a letter to rescind we ask that they go through a process and this process is outlined here both by the steps and also by the letters that we provide principals i believe that is the end of my presentation you have a lot of people that

[00:20:40] have lots of experience with special permission outside of hearing me drone on and on about what our process is so i would like to open it up for questions and we certainly can revert back or go back to specific slides if you have questions but like I said you have an audience here that can certainly give you examples give you experiences so we look forward to hearing from you thank you very much mr. Dolson I do have a few questions going back going all the way back to the general timeline on your

[00:21:17] second slide that says special permission closes July 31st is that that's when it says special permission closes that's the application window yes you have to do it so that we can yeah sorry I know it's June 30th is when the special mission window closes but then it's extended one month until the end of July July 31st and we call that outside the window and so the portal closes June 30th special mission remains open another month and this is where we run

[00:21:54] into some timing issues especially with regard to elementary schools because the all schools right the the chance of a special permission being approved or denied and then appealed and right can can easily take past the start of those of the school year yeah I think last time you heard from the the principals that it does impact scheduling it impacts the ability to schedule it impacts the ability to staff and an elementary school I don't know if you want to hear from but that it definitely having been there done that it impacts

[00:22:29] how you plan your upcoming school year and it's a cycle that does not stop as Miss Carpenter said it doesn't stop in as you know we are still in the midst of hearing appeals for this process they said that they wanted a stop in June that is the thought to stop was it at the beginning of June or at the end of

[00:23:02] so that they I don't know that they gave a specific so one one idea that we have been talking about the staff has been talking about is looking at this and aligning it to our budget and staffing process which is a much earlier time frame than what we use right now which is March 1st and April 1st really and truly when you are looking at scheduling high school I shouldn't say I would say secondary schools start looking at the next school year December January miss

[00:23:38] Tate's office provides us preliminary numbers for what it's going to a forecast I would say for what schools may or may be over enrolled and that's the list that as you all can reflect on and remember our office when we go through this process gives you that list and those those schools that are highlighted are over enrolled and we give you the capacity that they're over enrolled by so all of that starts December January and then normally when students come back from winter break at the secondary level I can only speak for myself but many principals follow this that second week of January you're

[00:24:16] starting to look at course selection and so one of the thoughts was if we began the special permission process sooner it would allow principals to adjust their staffing needs and also adjust their their seats in their courses so they kind of know what to expect versus having 30 or 40 students special permission into your your school and now you're having to a lot for those students and then find either adding a section or in some cases finding an

[00:24:52] extra fourth-grade teacher or an extra kindergarten teacher etc so why do we have this extra month of special permission outside the window. It's a school board policy. Ms. Donahue, would you mind if I ask my esteemed principal colleagues just to come up and give you feedback about how it impacts, the timeline specifically impacts them at their level?

[00:25:29] I would like to try to get through questions that we have so that I do want to hear from all the principals who are here but I also think it might be more efficient if we get through our questions and then the principals can speak to they have thought if y'all have thoughts about multiple issues that we have questions about great that's I this is not a question but I did want to say on the slide number five that is the special permission notification or special permission request notification sent to principals for new requests when you

[00:26:06] were speaking Mr. Dolson you had said something along the lines of they're not you know input from the principal is not required which I understand but I I like I liked seeing in here that there is a line that says if you have additional information please contact so it's not to say that principles don't get like you're not no voice you don't get an opinion it's just not necessarily proactively solicited but there is it says in the email that where they can

[00:26:35] reach out to questions I think you already answered one but on the slide of special permissions request approval status currently there is a pending block but I was going to ask about that but you already said currently there are still appeals pending for the 24/25 school year even though it's the middle of September yes ma'am that seems problematic okay the slide that the slide

[00:27:11] for students with disabilities special permissions approved, percentage of students with disabilities special permission requests that were approved, are these percentages tied to first step approval or after an appeal to the school board if there's an initial denial, or is it for end result overall?

[00:27:33] Dr. Blaklak, would you mind answering that question? So the data set we are working with that comes up, it actually just shows the end result.

[00:27:48] So, through the data, it's not possible to really look to see what the path along the way is at this point. Okay. So, it would include both. Correct. Thank you.

[00:28:06] Would it be possible to separate that information out?

[00:28:31] Several questions about the process for rescinding or denying special permission. I guess starting with, right, you've told us that there is supposed to be a checklist.

[00:28:47] There's supposed to be, you know, communications and certain steps taken. Is that in the policy? that in regulation is that just what we do in practice now so and I will defer to my partner I'm this carpenter here to make sure that I am correct in the policy it does explain that special permission is a privilege in essence you still have to comply because transportation is not provided you still have to comply with basic school rules which is attending school regularly and attending school on time there is also an element of following the student rights and responsibilities portion of our division.

[00:29:27] And so it is stated in the policy. It is more specific in the regulation. And so it is an expectation. And I think the spirit behind this part of what we are talking about here in the policy is we would expect that principals provide support students whether they are their zoned students or whether they are their students that are on special permission and so it's an articulation of

[00:30:02] a conversation when a principal calls we ask for data to support their decision-making and in some cases then we provide some examples and miss Carpenter normally is the person that offers up the suggestions for how the principal can move forward I'm I'm big on thank you for that I'm asking because I'm big on process and communication and transparency so that's that's where I was going with those questions is is this I don't have any issue with the fact that we that we have in place the possibility of rescinding or denying

[00:30:37] special permission but I I would like because I don't know the ins and outs before today you know that was one of the things that I had thoughts or you know possible concerns about is is the way that that part of the process works is that laid out anywhere the bases on which special permission could be rescinded or denied after it's already been allowed and the process for how that happens and is there do they have an opportunity to appeal if special permission is rescinded is there any option of appealing to the school board

[00:31:14] yes there is and does that does that happen have we seen instances of that according to miss Carpenter one time since she has been in her role yes so perhaps I should also ask how often does this does rescission so is it requested and I started in this role in February of 24 and I believe we had two requests

[00:31:51] actually one of them was from miss short who is here with us this evening and she had extensive data to support her reasoning and it was supported so again we we look into the process of why a principal is asking for this and we we do our homework so we don't take the request lightly from a

principal standpoint but we also don't we want to make sure that our families are being supported so I can think of two phone calls or emails that I received in my

[00:32:27] office with this request so I don't think it is a it's not something that comes up often it's it I don't know how many on average we might get a year less than six okay yeah so less than six per year so is there a way that we could decrease some of the lead time to the school board like instead of 30 days 20

[00:33:06] days 15 days something like that I mean I know it's in policy now but that's one thing I'm looking to get through some of these a little quicker so that we can give people ample time to plan right I know I'm putting more on sorry but nobody said our job is gonna be easy the other thing is in these notifications for the communications to the parents I think I have it on I think there's on

[00:33:43] board docs I'm thinking the you know the the approval sample or the denial sample even the we got your email sample if there is a way to go through the process in that email or even a flow chart or something i know you give you give us the policy and expect that people should go look for that but at the same time i think that it would be good to just have it you know a flow chart you're going from here to here to here to here this is our

[00:34:20] process right here so because the feedback that i have gotten is that it's confusing they don't realize they're going to the director of student services first and then they go to the school board it's for some reason that's not clicking I think and so the other thing the data on here is on page 14 that's special permissions applications total the end for this year yes okay but also for other years too right yes mm-hmm okay so it's it is less than it's about 4.8 percent of our

[00:34:58] student population VHSL so part of VHSL my understanding is that on the in the League handbook it says that a school board may transfer a student but or division superintendent may transfer a student by name within the school division without affecting the students eligibility by specifically granting a waiver of the transfer rule 28a-7-1 such waivers should be considered for

[00:35:35] the welfare of the student and or the school system and not for athletic or activity purposes and then it also says that due to Virginia law stating the powers of the local school boards as to the internal decisions all individual eligibility appeals of this exception lie exclusively with the local school board. So I know we have the undue hardship, but is there, I mean, it seems like there is room for other things if there is a school board appeals process. So as Mr. Dolson was saying, that's where

[00:36:15] it conflicts. So actually it shouldn't be an appeal because the VHSL transfer rule says you can't transfer without a change in residency. So because we don't require that for special permission, we should not have an appeal process. And even when a parent applies for special permission, it is noted in the application, it is noted on the webpage, it is noted in the

[00:36:48] communication that requesting special permission impacts VHSL eligibility. So it is made known, but yet somewhere along the way, years back before my time, it was allowed to have an appeal.

[00:37:06] and so when we look at that we go back to when VHSL if they were to have appeal with their district committee it would be undue hardship so that is what we use for that I'm reading this from the Virginia High School League handbook that the school board powers of local school boards as to internal decisions all individual eligibility appeals of this exception lie exclusively with the local school board so that's from their handbook so that would be a Derek Ferry

[00:37:36] question I'm not that well-versed in it so the others and and I gotta know I got another Derek Ferry question because in reading this it says and and maybe that maybe miss Richardson's knows this but when I was looking at waivers will be

[00:38:11] considered for the criteria for VHL transfer rule appeals they say I don't understand this for a student who transfers under the school choice provision of the every student succeeds act I don't understand why I wonder if somebody can unpack that for me a little later so is pretty old so school choice I I would have to research that I will do some digging and follow up on you follow up with that so ESSA goes back was that 2015 2016 maybe so I'd have to

[00:38:48] go back and look at the verbiage on what so said about school choice yes it It was weird, that is weird. And I'm not a VHSL expert by any means, so certainly I'm happy to do that research and we can also take that question to Mr. Ferry when he gets back.

[00:39:08] - And then we have the really hard question about special education. So we have like, so coming, there is an automatic, if we don't have any schools that have availability that are over, what do you call it, thank you, over capacity with special education, then it's an immediate no.

[00:39:38] And if all middle schools or high schools are at over capacity now, what do we do? Because that's like stopping a whole population of kids being able to do special permission.

[00:39:59] - We request more staff. No, I, yes, we have to have space for those staff and for those students. I echo your concern, I think, you know, we're doing better with our special education staffing than we have been in the past.

[00:40:21] It does not meet the needs that we currently have. And so I think that we do try to look at the need and look at where, you know, I work with Donna Smith and looking at what is, what's the need for the student and where is the best case scenario for the student to be successful.

[00:40:43] It is not a, I hear what you're saying 'cause I look at this from a numbers perspective and I see the number and you're exactly right. When you look at special education, there is no room at any middle or high school based on the numbers that are in the policy.

[00:40:59] We look at then what the student needs are and we communicate with principals, we communicate and we try to find a space where that's going to work. But in some cases, you've got one school that's at 115% another school that's at a hundred and twenty percent and they're they're busting at the seams but then you have a seventy percent capacity rate for for typical you're right you're right and then that other thing is over so that's what's hard when you when you raise that question that was thinking back to this

[00:41:37] issue obviously has come up before we've talked about it a little bit before my my memory is the right the special permission for the special ed students might have to be denied at the first instance by you but your office but you know we can see the board the panel of the of the appeals whatever select appeals committees can still overturn that and I I know we've asked questions before about well you know what does that mean does that mean that the school is going to be forced to hire additional staff and the answer is not not necessarily maybe but not necessarily because it depends on the needs which

[00:42:16] obviously we know we we can't know just by looking solely at the numbers but but if our concern if part of our concern is we want mr. Dolson to be able to approve a special education special

permission a special permission request for a special education student in the first instance because circumstances would warrant it simply that you're not allowed to say yes because it might result in the need for extra staffing that's not that's not from this policy

[00:42:56] right that's from one of the financial so in in the policy in the special permission policy it does stipulate that we cannot make that decision because it may provide an undue hardship to the school and or require additional staffing code or is that our policy that's in that's our current policy but I remind you the driving factor behind what seems to be limiting the ability for students with disabilities to be approved under special permission is our

[00:43:34] amazing staffing standard of a ratio of 1 to 10 for cross categorical students And then for specialized programs, it ranges from 1 to 6 to 1 to 8. That staffing standard has afforded us amazing growth, outperforming every other school division in the Commonwealth for students with disabilities.

[00:44:00] And we celebrate that. Our teachers actually do have the ability to provide specially designed instruction. To consider a change in how students with disabilities are approved on special permission, you might, as board members, need to consider the staffing standard.

[00:44:22] We are currently having conversations in preparation for next year about really taking the feedback from our teachers, from our parents, from our principals, and trying to factor in caseload versus workload.

[00:44:37] And how does workload factor into how we are staffing our special educators across LCPS? To approve more students with disabilities would impact workload at the requested schools.

[00:44:56] But it doesn't always equal, oh, okay, we're going to move one from here over to here teacher-wise. That's not the way it plays out because the requests aren't following clear patterns. so i just want to remind you of all the amazing things that you have done and this division has done for students with disabilities with our amazing staffing standards and so you will have to think about the impact to the staffing standards when considering the approvals for special permission for students with disabilities because that's the piece that reduces our ability to say

[00:45:35] yes so for general ed it's what 1 to 23 1 to 24 1 to 25 for us it's 1 to 10 and we try to keep that to a case manager average and we're also looking at building averages and we've said when schools get to a building average of 15 we need to be able to add a teacher thank you for those thoughts ms richardson i am wondering so right special permission is a large number right by the numbers

[00:46:10] it's a large group of students but by percentage it's not I am not that I wouldn't necessarily be open to a conversation but the the notion of adjusting the staffing standard seems a little serious maybe concerning but I which is why I wondered if we if there is a way to get around that if we edited

[00:46:42] the special permission policy in some way that would allow OSS or the director to if the if the if all other circumstances are appropriate in a particular special permission case to approve a request even if the receiving school is over capacity that would mean that the board would need to consider a

[00:47:20] percentage change so is it 90 does it stay at 95 percent if it stays at 95 percent we don't have flexibility do you push it to 97 percent capacity 98 percent capacity 99 but then you also need to consider the impact that every time we push a school to capacity with special permission we are reducing the

ability for families of students who actually live in that zone that move in after special permission has been granted, they then have to be regionally assigned.

[00:47:55] But we're doing that anyway with special programs, like at Potomac Falls and things like that. We're doing that. That's a different scenario, but yes. I don't see that the, if we were to adjust the percentage, I don't think that would help us with special permission.

[00:48:14] my my memory of having been on those appeals panels a couple of times my memory is that the special education statistics for most if not all of the schools are well over a hundred percent anyway so even if we did adjust the I assume you mean if we adjusted the percentage of what counts as over capacity or over enrolled it wouldn't help us in that in that regard I don't

[00:48:41] think at least I look this time the special ed teacher in me is screaming inside at the thought of changing the ratios and if we up the percentages for over enrolled and then put more special ed students in that room because now the

[00:49:20] teachers they are so overloaded and you have to be specific about which schools you're putting these students in it may not be their home school it may be that their home school doesn't have that program there and they're still going to have to go to another school so that is one of the things that that I see as a former special ed teacher is the workload is going up and you're still not solving problems for students that need special programs, or special types of programs, to be specific.

[00:49:57] So that's not a real solution. The only thing would be to actually put in another teacher. Then at that point, if you have another teacher, all the students that are not able to get in would end up filling up that class, but then you have the transportation issue.

[00:50:18] So no matter what we do, you know, we're stuck. And there are kids, you know, if you're talking cross-cat, there can be a spectrum of needs.

[00:50:35] And, you know, there are some kids that are more intense needs and some kids that are not. So I think that there is a flexibility. You might be just really giving, you know, co-taught classes and accommodations for some kids.

[00:50:51] Other kids, they need a special, they need to be self-contained in a program. don't know I mean I want to give some flexibility there because I really don't like what we're doing now anyway I guess this might be the time to hear from questions related to the presentation general special permission process and if not I will I think we need to look at 8155 and see if we can

[00:51:25] reconcile the differences between LCPS and VHSL and make it a little clearer as to how we're going to handle them that would be a recommendation absolutely did you have questions for thank you for entertaining our questions we would love

[00:51:51] to hear from guests and professionals awesome thank you Miss Croft good evening I only have a couple of things with respect to the number of students that we have to recent special permission I've been a principal for 15 years and we've only had to request for recent did special permissions that I

[00:52:26] recall the special education teacher in me the hair on the back of my neck stands up at just the thought of playing around with the staffing standards for all the reasons that we've talked about here but in addition to that it is so difficult to staff our special education positions particularly the special programs and just judging from the data that comes across Tuscarora High School

[00:53:02] most of our special permissions for special education aren't cross-cat they are special programs which further exacerbates the difficulty and in terms of scheduling our schedule is usually done by June 1st and we're massaging it during the month of June so when there is a lot of movement early July with special permissions it really does impact the number of sections whether we need to hire additional staffing where we get that staffing from so it

[00:53:40] really does have an impact in the staffing implications and how we serve the needs of our students thank you next miss short okay dr. D good evening everybody I would just concur very much so with a lot of the feedback over here regarding especially special programs I was an assistant principal at a high

[00:54:16] school that had a very specialized program and it was very very well run by the teachers and the staff there and then of course it became very popular and in all honesty if we had not grown the staff there and a lot of times when you have a special educator you have to add an assistant to be along with that program so I think the staffing standards huge I'm very grateful to have the one to ten ratio I think we're seeing a major impact I know at Simpson middle school by having our programs and the staff in the way that we have it I think there are occasions sometimes I can think of where a student may be granted McKinney Vento for a period of time and then the parent does not apply

[00:54:55] for special permission and then something occurs and then the McKinney Vento is removed and then I've got a child who might be an eighth grader who's denied coming to me and I think it's the right place for her so I think when you have occasions like that there should be some flexibility with it but overall I I can also speak to the rescission that the checklist I think everybody knows I'm a very procedural person so I'm a very big believer in following the checklist and making sure that we are true to providing all the MTSS supports we can for kids I mean we want to keep them they're part of our family so our

[00:55:34] goal is to try to do the best for them before we would ever consider such a thing I think I've only done one in all the 24 years I've been here so but it's first year as a principal this past year second year this year thank you all right mr just a couple things to share from the elementary perspective because we are we do consider by our grade levels which is really impactful so for instance right now in one of my grade levels

[00:56:11] we have a lot of space and in another we hardly have any space and being a title one school we need to stay under a certain number so if it is denied and then it is appealed that does mess with our staffing and potentially a grant that is earned throughout the district additionally at the elementary school level it is more common for our students for instance a student who was a special education to start the year is now as of today and at the elementary level it tends to grow a little bit more rapidly than at the secondary level so we need to take that into account as

[00:56:49] well when we're trying to uphold the great staffing standard that we do have Thank you. Anyone else, Mr. Dolson? I don't think so, no. I don't want anybody to think that we're really going to take your staffing standards away.

[00:57:14] I mean, you know, I'm a former music therapist and worked in special education and things like that. That's not where we're going. We are looking at, like, intensity of students, and I know you said 1 to 10.

[00:57:30] Is that a cross cat? Can you remind me for other populations as well? Yes. So for early childhood special education, it's no more than eight. So it's one to eight. That's state regulation. And then for our self-contained programs, it is one to eight with two BAs. And then for intensive programs, it's one to six with four behavioral assistants.

[00:57:58] And sometimes with our CRASCAT, we have TAs as well. yes our ratio this year is a 1 to 19 ratio so every 19 students with disabilities on cost categorical services generates one TA the hardest

[00:58:21] part is the title one where you really can't where you lose the grant yeah so we're not we're not asking recommendations from staff today obviously this is a really thorny issue when I first heard that special permission was a thing last fall. I thought, what? What? What is this? Nobody does this. Why do we do

[00:58:57] this? And most people, especially initially, when I talked to them, thought that it seems like they did not enjoy it. They did not. The fact that we have special permission as an option in LCPS, there were some questions in my mind of, is this actually to the benefit of our school community as a whole I'm sure it is very beneficial for some students possibly disadvantaging others and I did have a hard time getting past just the nobody does this

[00:59:37] nobody does this everywhere else you your kids go to the school that you're assigned to based on where you live not just in Virginia but right most of the rest of the country so it's it's still I'm not all that being said and particularly now having sat on a couple of the appeals panels I I cannot say that I still have the fervor to just scrap the whole system but I do think

[01:00:11] there has to be a way to reduce the burden on our staff 4,000 requests a year is a lot it's it's a lot of time and effort and thoughtful consideration that your staff has to put in and I also think it's unusual that we don't have there's no requirement to to say special permission may be granted if your

[01:00:48] situation falls into the fall you know one of the following six categories you know whether that is better special ed services at a different school or my child has a bullying issue at you know it needs to go to a different school with different community around them I just think as a process person that seems strange to me so my colleagues have some thoughts also one of the things that I

[01:01:27] saw when I was working on the appeals committee is that many times I was appalled that some students had never gone to their local school that they may have gone to appeals process through the appeals process two or three times for an elementary school in a middle school and then expected to go to a different high school of choice it's almost like we're giving them an open menu saying here pick which ones you want and if it doesn't fit we'll move them I think that

[01:02:01] by eliminating some of the reasons or requiring certain reasons before we consider an appeal may stop some of that process but the fact that children never get to go in their neighborhood school and know the kids that are in their neighborhoods that bothers me a lot they never develop a sense of community I agree with that miss LaBelle and I also feel I have concerns as you say there are students who go through special permission the entire time that they're with us or for an entire set of elementary school or middle school and they are able to do that

[01:02:41] because their families can are in a position to give them transportation to the other school and that I that makes me uncomfortable because we know that there are students in our county who can't do that who may in fact thrive better at a different school than the one that they're zoned for but they can't

you know if they don't have a family member who can take them to school we don't provide transportation and I and that that disparity makes me uncomfortable also and I might have guessed I am I am leaning in the direction of thinking that a change to this policy that we should make is

[01:03:17] establishing some guidelines ground rules bases for if if you are going to request special permission it has to be for a particular reason to be determined what we think those should be but in response to Ms. LaBelle or so I actually have a principal would like to weigh in on part of this discussion of what that would be okay miss short to speak frankly about what I just heard and as a

[01:03:56] school in Sterling Park and I this is my 12th year at Sterling Elementary as principal and it's the greatest place I've ever served and I believe wholeheartedly in my staff and our kids and we are in the position where the majority actually almost all of our special permission requests and we get many they've never stepped foot in our school and early in my career as a principal I used to meet with the families and things were shared with me regarding our demographics as to why they did not want their child there and they do opt to go to a school that's known for being more affluent so I did want to share that I don't mean to put anybody on the spot but I think it is an

[01:04:32] important consideration in your suggestion about a very specific reason there's a family member who works there daycare something along those lines that makes sense thank you for that input I appreciate hearing that I think another input the other thing that we could do is the kids who have who have been put there their sibling has been put because of a special program into a certain elementary school or something like that that's another thing that their other sibling can go there but part of what I would like to fix is some of those

[01:05:08] timelines and I know we can't do it all at once and I think we're gonna need you know we're gonna need a plan of some sort one two three to figure out what we can fix and win if we do everything and just jar the system that's gonna be insane so I mean I think that we as a committee look for a couple of things to change but not just go full force seek make a couple changes see how it works

[01:05:41] see how people for black or better habituate to it or you know get used to it and then move on you know like go it's gonna have to be a process that's all I just I just didn't want anybody I just didn't want to go and give a jar to the system I'm gonna scrap the whole thing and start over yeah I know would you mind miss miss layman wait in on some of them I was just going to add as someone who's been here a really long time prior to our current special permission policy we had exactly what you are describing so you might look back historically and see what this criteria were and just I don't have a

[01:06:20] strong opinion one way or the other it's your it's the school board's decision but I do know that in seeing some of the community response to some of the appeals decisions which was rather vehement and unpleasant the word appeal to me implies that you have a decision it's it's your decision and you're you know making this decision whereas up to this point it has strictly been there's room or there's not room it wasn't you weren't weighing you know one person over another or one situation over another so if you were to implement a system of for these reasons that you would then have to review you would be put putting unless

[01:06:56] depending on the criteria you set a lot of it could have the appearance of subject more subjectivity than we currently have which we really don't have any right now but it's already been assumed that you do so just something to think about as you as you move forward if you create criteria that you then have people have to submit and you're reviewing do you meet this criteria do you not meet this criteria it

might create the appearance of more subjectivity more decision-making power in the hands of the board I don't know if you want that or not like right now it is 94 to 95% are we full are we not is there room is there not it's a

[01:07:32] yes or no and all right even with that being the current process the assumption is already being made that somebody's picking one over another which is not at all the case right now but so if they actually that were the case that might even be more assumed yeah I appreciate that point miss Lehman and I I have an unrelated question for you but since you kind of brought up that issue I for me with the you know the plethora of special permission requests that we see And it is a much smaller percentage of our overall student population than I'd realized, and I'm glad about that.

[01:08:10] But just, you know, offering it at all without requiring any reason to ask for it, it doesn't sit right with me. I mean, I want, I think what is normal in public education and what I would like to see is the presumption is everyone goes to the school that they're zoned for.

[01:08:29] Unless there's a reason why that school is not a good fit for you or for your family circumstances. that being said I I'm not a staff person I we're here I wanted to have this work session specifically for the purpose of getting input from staff from employees for you know if if you think that the system doesn't need to change except for the timeline tell us that but if you think maybe the system could benefit from some other adjustments please tell us that too and what you think would be helpful and not that you have to be put on the spot and come up and talk to the

[01:09:08] microphone right now you know but please please reach out to us I I want to do and I again I'm usually not supposed to speak on behalf of the fellow board members but I feel comfortable saying in this case I can speak on behalf of my fellow board members that we all want to do what is best for our students in our community and for our staff and our employees and we might think we have an idea of what that means like for me again last fall I thought special permission let's get rid of it that's not you know now I'm coming to think that's just getting rid of it completely is not necessarily in the best interest of the division

[01:09:42] as a whole but we do need we do need input from the people who have been in the system for a lot longer than those of us who've been here for like eight months I've been around for 35 years in Loudoun County Public Schools this is year 36 so I have seen a lot of changes but in speaking to my colleagues to my right I think that no offense Loudoun County Public Schools but it needs to

[01:10:14] and I I don't know how far you want the pendulum to to swing as a board but we think that you're on the right path that some change needs to happen thank you very much miss miss miss Donna here I just I just want to also provide you all as board members feedback because through this process you have been very consistent I have sat with many different committees some of you have

[01:10:53] been on more than one and you've been very consistent so I applaud you for your consistency my colleague to my left applaud you for your consistency because she has seen some inconsistencies amongst former boards with three with a three-person committee so I encourage you all to push us to help you to see things through a different lens because you all have been very consistent you've had very meaningful conversations and you are not taking this process lightly or the decision-making authority that you have when you were looking at what is best and what is good and what is right for

[01:11:31] kids so as a former high school principal as a former I'm still a parent of one student but as a dad as a teacher I just want you to know that professionally I see that you all are being very thoughtful

about this and you're not making hasty decisions and you are doing things consistently across all of the members that I've worked with which I think is it's been all of you in in one way shape or form so we look forward to being thought partners with you in this process because I do echo what Miss Croft said I think there is opportunity for change and it's not going to be necessarily taken lightly

[01:12:09] but it's changed for better not not worse thank you for saying that mr. and that actually reminds me one of the other things that I would like to address at some point for revising this policy is considering establishing standards for reversing decisions for the the appeals that come to the school board from the school to the school board three person committees from your office I would like TO CONSIDER ESTABLISHING SOME STANDARDS FOR OVERTURNING THOSE DECISIONS.

[01:12:49] CONSIDER. CONSIDER. OVERTURNING THE RECISSIONS? NOT THE RECISSIONS, BUT IF MR. DOLSON DENIES A SPECIAL PERMISSION AND IT'S APPEALED TO A THREE-MEMBER BOARD PANEL.

[01:13:05] RIGHT NOW, CORRECT ME IF I'M WRONG, BUT RIGHT NOW THERE'S NO GUIDANCE. IT'S JUST UP TO THE WILL OF THE THREE PEOPLE WHO HAPPEN TO BE ON THAT COMMITTEE. so we offer what is provided to us by either the parent and or if there is a principal input or other staff member input we provide you in that uh in that memo that you all receive in the packets those lovely packets that are now divided by different color pieces of paper so you guys it was it was great wasn't it um so um no it was fantastic actually um but miss carpenter summarizes

[01:13:41] all of the input that we receive and then she provides you the capacity the percentages and provides you that that summary and then you you get some of the emails or some of the comments that parents make so and then yes to your point you all make that decision and that decision is final if I could go back to miss Lehman I had I had a question for you because you were mentioning the criteria for the system before what we have now and that sparked in my memory, I have been trying to gather information about why did we start, why did we establish special permission in the first place, because I know it was in the 70s, it

[01:14:20] was a while ago, does anyone, I'm not implying that you were here at the time, but I, but do you have any information, does anyone on the staff have information about what led to the initial creation of this process?

[01:14:43] If you look back at the original presentation we did, we did give you the historical reference. And one of the elements, as you probably remember, was race. - Do you have, Ms. Mansfield, do you have other questions, thoughts, comments at the moment?

[01:15:07] - No, ma'am, Chair Donahue. - Ms. LaBelle, do you have other thoughts, questions, comments at the moment? Mike, Mike, Mike. - Perhaps we could ask for some comments.

[01:15:24] I knew I'd do it once. From the other board members here, if they had any ideas. I mean, we've done that before. and they took the time to come I would kindly ask our our guest board members that are here that are not a part of the committee if you could draft your responses and you can send them to chair Donahue as chair of the Student Services Committee she'll make sure that they get to staff and then we'll make sure that we provide the proper follow-up happy to do that thank you for taking the fall Ms. Richardson I was going to say I look forward to hearing

[01:16:03] the thoughts of our fellow board members however as it is already 15 minutes past the time that this meeting was scheduled to end maybe not right now so we are I think we've concluded our

business for today the committee's next monthly meeting will be next Thursday the 19th we have I believe agreed to adjust the time to 5:00 p.m. okay thank you for accommodating my desire to go to the

[01:16:38] Loudoun County anniversary parade which is also that evening and we we will not be discussing special permission at next week's meeting we will not can't control what public comment might be about but it will not be on the agenda so we we will not discuss it again in committee until our October meeting that That being said, Ms. Richardson and Mr. Dolson, as appropriate, how do you recommend that we move forward at this point?

[01:17:12] Do you feel that you have enough guidance and information from us to craft a proposal, or should we ask you to put it on for discussion again next time? Do we need another work session?

[01:17:28] As I reflect back at my notes, I do see that we have a request for data to be broken down for our general education student population on number of approvals by level, so we can certainly follow up with the committee and certainly the full board with that data.

[01:17:48] We did clarify the question of why the extra month of July, because it's written in policy. I do have written down twice timeline adjustments, so I think that might be a nice starting point for us to bring some thoughts back to you I do also have that you have asked us to create a special permission graphic or flowchart that simplifies this process that is easily understood I also have that I'm going to look in the VHSL handbook at the reference of school choice and ESSA as it's reflected in

[01:18:26] that language you had discussions about limiting factors I don't know if it's your desire for us to look at the data like the reasons that we're currently seeing coming through as considerations for us to begin to narrow the scope so I would defer that to you but I definitely solid on timelines definitely solid on sibling placement for students with disabilities that are placed in specialized programs that's that's a good one that's solid and then policy standards for school board appeals as I understand while you get the packet you

[01:19:05] would also like a bit more guidance through that appeal process something more than maybe the percentage I don't I'm not crystal clear there okay so we can start we can start with timelines and then some of the other data pieces and certainly we can work on the graphic for you it will not be ready by next Thursday not all of these things we will try our best to maybe get the data piece to you because we might be able to work on that we might even be able to take a great stab at a graphic and be able to bring it back as a draft for you

[01:19:45] and then we can bring back maybe in October some considerations for timeline adjustments and how that might impact and certainly as as committee you know leads here we would also like to include the voice of our principals and then we would also need the voice of parents to get their perspective and how might these timelines impact so I would also like to ask my fellow committee members do you think we should have another work session do you think we should bow

[01:20:18] ahead to having just going straight to our October meeting a regular October meeting so I might not be here in October for that I think that we would need some thoughts from the parents and the principals and and people about timelines what but is that something that we would gather or is that something that you would gather miss Richardson I mean I'm happy to have a meeting or a

[01:20:56] a work session the sole purpose of which is we'll take because then that would give us something tangible to work on in say November you know a little bit and to work on that policy at least

one part I don't know whatever what I think y'all were also thinking about other like criteria but yeah but maybe we want to

[01:21:27] ask people's thoughts about criteria too I think asking about criteria would open a whole can of worms see a lot of nods over there but I do think that we need to have some of the data that dr. Richardson is going to collect for us before we have a work session now if we wanted to have a work session another

[01:22:00] work session prior to our next meeting no can't do it at all oh no no October October she did say next meeting but I yeah I assumed that you meant our October meeting yes our October meeting is there I mean even if we had a little bit earlier on this day the meeting would that be helpful when is I'm sorry when When is this due for review?

[01:22:33] It's not. It's not. Okay. It's not. I said, I think that this is messed up and we should fix it. Okay. As long as we don't have a hard and fast deadline, that's okay then. Hypothetically, Ms. Richardson, if we were interested in possibly having another work session before the October committee meeting, I'm looking at my calendar and there are two two Thursdays in October before our scheduled committee meeting, the 3rd or the 10th, do

[01:23:07] you think it would be feasible to get, well, Ms. Winslow I think has a, Rosh Hashanah is on the 3rd. We're closed on the 3rd. It's a holiday. Oh, I apologize. That's why it's open for you. 10th?

[01:23:29] Possibly the 10th. We would have to look at room availability on the 10th, and of course it also depends on the availability of the committee members. I was actually going to ask Ms. Richardson, would it be feasible for you to gather relevant, helpful data for us in that amount of time?

[01:23:55] Oh, yes. Yes. Okay, that's doable. Okay. Yes. Okay. October 10th? Yes. My handler says yes.

[01:24:13] And I am A-OK with meeting earlier than 5.30. Yeah, me too. What is the earliest you all would like to meet on the 10th?

[01:24:30] I'm free I'll shall we try for a four o'clock we say 4:30 4:30 okay we will follow up with you on the ability to hold another work session on special permission on Thursday October 10th at 4:30 location to be determined and staff will be bringing back some recommendations on timeline adjustments for sure and we will follow up on the data request for general education

[01:25:07] students broken down by level have the start of a graphic flow chart ready for you all to review and then information on the language from school choice and ESSA so agree and that's I I realized that scheduling work sessions is an imposition on staff's time and I am grateful for your flexibility because I

[01:25:43] have found trying to have these in-depth conversations in in the middle of a regular committee meeting is very difficult if it's a straightforward issue that we don't have to spend a huge amount of time talking through thorny issues it's fine but for other policies processes etc that are more complex it's i i feel like we're just not able to devote enough time to those discussions in the context of a regular committee so thank you to all of you thank you to all of you.

[01:26:18] Thank you to everyone who came tonight. There is no new business slot on the agenda, so I will say our meeting is adjourned. Thank you everyone for coming and get home safe. And Dr. DiNicola, if-



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