



VIRGINIA DEPARTMENT OF EDUCATION

Report

THE RATIOS OF STUDENTS WITH INDIVIDUALIZED EDUCATION PLANS IN VIRGINIA SCHOOL DIVISIONS TO THE GENERAL STUDENT POPULATION

NOVEMBER 2003

DIVISION OF SPECIAL EDUCATION
AND STUDENT SERVICES

PREFACE

SJR 305, patroned by Senator James K. O'Brien, Jr., was passed by the 2003 General Assembly. The resolution recognizes that there are variations in the enrollments of students with individualized education programs (IEPs) among the school divisions in Virginia and requires a comparison of the numbers of students with IEPs with the total general student population to "more accurately assess any inconsistencies in application of standards for the issuance of IEPs..."

The resolution requires the Virginia Department of Education to collect information regarding ratios of students with IEPs in Virginia school divisions to the general student population. The resolution also requires that the information include a summary of current federal and state laws and regulations governing special education, specifically regarding the requirements and standards for the provision of IEPs and the identification and classification of students with disabilities.

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EXECUTIVE SUMMARY

Pursuant to the requirements of SJR 305, the Department of Education reviewed data on student enrollments, both in the regular education student population and the special education student population. Ratios were computed of the number of students with IEPs in each Virginia school division to the general student population in that division. A statewide ratio was also computed.

According to these calculations, the ratios of students with IEPs to those in the general population range from 1:3 to 1:10. The statewide ratio is 1:7. The ratios of students with IEPs to the total number of students ranged from 1:4 to 1:11.

However, these calculations do not take into account all of the students who are receiving special education, related services, and/or accommodations under another federal law other than IDEA that does not require IEPs. Additionally, the data does not compare students of comparable age groups. Students who have IEPs may be between the ages of 0 and 22, and those in regular education may be between 5 and 20. Therefore, the number of students with IEPs may be larger because it includes students who may be below the age of 5 and above the age of 20.

I. Ratios of students with individualized education plans (IEPs) in Virginia school divisions to the general student population

Each year, local school divisions collect data regarding the students enrolled in the schools in their division. In October, school divisions submit a report to the Virginia Department of Education of their annual *Fall Membership* which documents the total number of students in each school division. In December, the school divisions submit the *December 1 Special Education Child Count* which documents the number of students receiving special education and related services under IDEA by school division.

The ratios of the number of students in special education with those in the general population and with total student population for this report were derived from data in the 2002-2003 *Fall Membership Report* and the *December 1, 2002 Special Education Child Count*. The complete list of ratios for each school division may be found in the attached table.

II. Other Considerations

Two other factors must be considered in reviewing the ratios of students with IEPs to students in the general population. First, the ages of the two groups of students are different. The students in the general population are “persons of school age.” This term is defined in the Code of Virginia at §22.1-1, as “a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.” The students with IEPs are those who meet the definition of “children with disabilities” in the Code of Virginia at § 22.1-213. This term is defined as “those persons (i) who are aged two to twenty-one, inclusive, having reached the age of two by the date specified in §22.1-254...” Also, included are some students age 0-2 who the school divisions choose to serve under IEPs or under individual service plans.

Second, the resolution, and thus this report, does not take into consideration students who receive special education, related services, and/or accommodations in Virginia’s public schools who do not have IEPs or service plans. These students are served under the Rehabilitation Act of 1973 and have Section 504 Plans. Therefore, any analysis of the ratios provided in this report must be tempered with the knowledge that the ratios do not include students receiving services under another federal law other than the Individuals with Disabilities Education Act.

III. Summary of Laws and Regulations

Procedures for the identification and classification of students with disabilities are specified in federal regulations implementing the Individuals with Disabilities Education Act at 34 CFR Part 300, and the Virginia Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia, at 8 VAC 20-80. All school divisions in Virginia are required to abide by these regulations.

The regulations include specific "child find" activities to identify children who are suspected of having a disability and in need of special education and related services. These may be found in the federal regulations at 34 CFR § 300.125 and the state regulations at 8 VAC 20-80-50. The state regulations include sections addressing target ages; public awareness; and screening.

The regulations also mandate procedures for school divisions to follow for the evaluation of students suspected of having a disability and the determination of their eligibility for special education and related services. These procedures include timelines for the completion of evaluations in a timely manner and participation of the parent(s) in the process. Provisions regarding evaluations and eligibility may be found in the IDEA regulations at 34 CFR § 300.320, 321 and in the state regulations at 8 VAC 20-80-52, 20-80-54 and 20-80-56. The state regulations include sections addressing procedures for referral for evaluation; determination of needed evaluation data; policies and procedures for evaluations; reevaluation; notice and consent; timelines; procedures for determining eligibility; eligibility for related services; criteria for eligibility; child's status when previously enrolled in special education; and children found not eligible for special education.

In order to be found eligible for special education and related services, a student must be found to be a student with a disability who is in need of special education and related services because of that disability. Once students are identified as having a disability under the IDEA, federal and state regulations specify the IEP requirements, including the process that must be followed to develop the IEP and the components that are required in each IEP. Provisions regarding the IEP may be found in the federal regulations at 34 CFR §§ 300.340-350 and the state regulations at 8 VAC 20-80-62. The state regulations include sections addressing responsibility; accountability; IEP team membership; parent participation; development, review and revision of the IEP; content of the IEP; agency

responsibilities for transition services; and requirements for eligible students with disabilities in state, regional, or local adult or juvenile correctional facilities.

Parents are an integral part of the special education process. Notice and consent protections are specified in the federal and state regulations for each step in the special education process. Procedural safeguards guaranteed for each parent may be found in the federal regulations at 34 CFR §§ 300.500-517 and in the state regulations at 8 VAC 20-80-70, 20-80-72; 20-80-74; -20-80-76, and 20-80-78. The state regulations include sections addressing the opportunity to examine records and parent participation; independent educational evaluations; prior notice; procedural safeguards notice; parental consent; parental rights regarding use of public or private insurance; confidentiality of information; transfer of rights at the age of majority; mediation; due process hearings; and complaint procedures.

The federal and state regulations may be found on the Virginia Department of Education Web site at <http://www.pen.k12.va.us/VDOE/sess/> under the heading “Resources.”

APPENDIX A

Ratios of Students with IEPs to the General Population and to the Total Number of Students

School Division	Students with IEPs	General Population	Total Number of Students	Students with IEPs: General Population	Students with IEPs: Total Number of Students
Accomack County	681	4,764	5,445	1: 7.0	1: 8.0
Albemarle County	2,036	10,217	12,253	1: 5.0	1: 6.0
Alexandria City	1,948	9,023	10,971	1: 4.6	1: 5.6
Alleghany County	485	2,444	2,929	1: 5.0	1: 6.0
Amelia County	297	1,429	1,726	1: 4.8	1: 5.8
Amherst County	567	4,078	4,645	1: 7.2	1: 8.2
Appomattox County	368	1,996	2,364	1: 5.4	1: 6.4
Arlington County	3,260	15,873	19,133	1: 4.9	1: 5.9
Augusta County	1,555	9,119	10,674	1: 5.9	1: 6.9
Bath County	120	664	784	1: 5.5	1: 6.5
Bedford County	1,435	9,507	10,942	1: 6.6	1: 7.6
Bland County	177	727	904	1: 4.1	1: 5.1
Botetourt County	845	3,888	4,733	1: 4.6	1: 5.6
Bristol City	430	1,902	2,332	1: 4.4	1: 5.4
Brunswick County	305	2,172	2,477	1: 7.1	1: 8.1
Buchanan County	725	3,304	4,029	1: 4.6	1: 5.6
Buckingham County	335	1,875	2,210	1: 5.6	1: 6.6
Buena Vista City	198	898	1,096	1: 4.5	1: 5.5
Campbell County	1,060	7,801	8,861	1: 7.4	1: 8.4
Caroline County	480	3,285	3,765	1: 6.8	1: 7.8
Carroll County	759	3,302	4,061	1: 4.4	1: 5.4
Charles City County	153	755	908	1: 4.9	1: 5.9
Charlotte County	313	1,976	2,289	1: 6.3	1: 7.3
Charlottesville City	806	3,614	4,420	1: 4.5	1: 5.5
Chesapeake City	6,858	32,522	39,380	1: 4.7	1: 5.7
Chesterfield County	7,929	46,077	54,006	1: 5.8	1: 6.8
Clarke County	217	1,846	2,063	1: 8.5	1: 9.5
Colonial Beach	81	483	564	1: 6.0	1: 7.0
Colonial Heights City	415	2,359	2,774	1: 5.7	1: 6.7
Covington City	219	679	898	1: 3.1	1: 4.1
Craig County	106	594	700	1: 5.6	1: 6.6
Culpeper County	701	5,336	6,037	1: 7.6	1: 8.6
Cumberland County	222	1,156	1,378	1: 5.2	1: 6.2
Danville City	975	6,610	7,585	1: 6.8	1: 7.8
Dickenson County	427	2,292	2,719	1: 5.4	1: 6.4

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School Division	Students with IEPs	General Population	Total Number of Students	Students with IEPs: General Population	Students with IEPs: Total Number of Students
Dinwiddie County	569	3,854	4,423	1: 6.8	1: 7.8
Essex County	320	1,306	1,626	1: 4.1	1: 5.1
Fairfax County	23,272	139,313	162,585	1: 6.0	1: 7.0
Falls Church City	296	1,537	1,833	1: 5.2	1: 6.2
Fauquier County	1,350	8,690	10,040	1: 6.4	1: 7.4
Floyd County	385	1,645	2,030	1: 4.3	1: 5.3
Fluvanna County	484	2,803	3,287	1: 5.8	1: 6.8
Franklin City	278	1,156	1,434	1: 4.2	1: 5.2
Franklin County	1,326	5,918	7,244	1: 4.5	1: 5.5
Frederick County	1,686	9,283	10,969	1: 5.5	1: 6.5
Fredericksburg City	362	2,055	2,417	1: 5.7	1: 6.7
Galax City	141	1,176	1,317	1: 8.3	1: 9.3
Giles County	315	2,247	2,562	1: 7.1	1: 8.1
Gloucester County	773	5,560	6,333	1: 7.2	1: 8.2
Goochland County	386	1,680	2,066	1: 4.4	1: 5.4
Grayson County	320	1,961	2,281	1: 6.1	1: 7.1
Greene County	535	2,170	2,705	1: 4.1	1: 5.1
Greensville County	475	2,295	2,770	1: 4.8	1: 5.8
Halifax County	1,216	4,696	5,912	1: 3.9	1: 4.9
Hampton City	3,182	19,814	22,996	1: 6.2	1: 7.2
Hanover County	2,604	14,959	17,563	1: 5.7	1: 6.7
Harrisonburg City	688	3,311	3,999	1: 4.8	1: 5.8
Henrico County	6,083	37,615	43,698	1: 6.2	1: 7.2
Henry County	1,606	6,920	8,526	1: 4.3	1: 5.3
Highland County	57	228	285	1: 4.0	1: 5.0
Hopewell City	718	3,195	3,913	1: 4.4	1: 5.4
Isle of Wight County	691	4,349	5,040	1: 6.3	1: 7.3
King George County	477	2,571	3,048	1: 5.4	1: 6.4
King and Queen County	219	669	888	1: 3.1	1: 4.1
King William County	351	1,606	1,957	1: 4.6	1: 5.6
Lancaster County	178	1,339	1,517	1: 7.5	1: 8.5
Lee County	770	3,036	3,806	1: 3.9	1: 4.9
Lexington City	96	372	468	1: 3.9	1: 4.9
Loudoun County	4,186	33,346	37,532	1: 8.0	1: 9.0
Louisa County	595	3,687	4,282	1: 6.2	1: 7.2
Lunenburg County	327	1,446	1,773	1: 4.4	1: 5.4

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School Division	Students with IEPs	General Population	Total Number of Students	Students with IEPs: General Population	Students with IEPs: Total Number of Students
Lynchburg City	1,381	7,574	8,955	1: 5.5	1: 6.5
Madison County	290	1,540	1,830	1: 5.3	1: 6.3
Manassas City	790	5,883	6,673	1: 7.4	1: 8.4
Manassas Park City	315	2,012	2,327	1: 6.4	1: 7.4
Martinsville City	399	2,295	2,694	1: 5.8	1: 6.8
Mathews County	243	1,065	1,308	1: 4.4	1: 5.4
Mecklenburg County	776	4,103	4,879	1: 5.3	1: 6.3
Middlesex County	263	1,040	1,303	1: 4.0	1: 5.0
Montgomery County	1,254	8,059	9,313	1: 6.4	1: 7.4
Nelson County	346	1,684	2,030	1: 4.9	1: 5.9
New Kent County	457	1,998	2,455	1: 4.4	1: 5.4
Newport News City	4,308	28,579	32,887	1: 6.6	1: 7.6
Norfolk City	5,028	31,717	36,745	1: 6.3	1: 7.3
Northampton County	300	1,779	2,079	1: 5.9	1: 6.9
Northumberland County	215	1,256	1,471	1: 5.8	1: 6.8
Norton City	100	603	703	1: 6.0	1: 7.0
Nottoway County	464	2,027	2,491	1: 4.4	1: 5.4
Orange County	586	3,410	3,996	1: 5.8	1: 6.8
Page County	438	3,202	3,640	1: 7.3	1: 8.3
Patrick County	453	2,190	2,643	1: 4.8	1: 5.8
Petersburg City	784	4,832	5,616	1: 6.2	1: 7.2
Pittsylvania County	1,200	7,836	9,036	1: 6.5	1: 7.5
Poquoson City	270	2,240	2,510	1: 8.3	1: 9.3
Portsmouth City	2,281	13,696	15,977	1: 6.0	1: 7.0
Powhatan County	613	3,219	3,832	1: 5.3	1: 6.3
Prince Edward County	518	2,280	2,798	1: 4.4	1: 5.4
Prince George County	662	5,373	6,035	1: 8.1	1: 9.1
Prince William County	7,356	53,185	60,541	1: 7.2	1: 8.2
Pulaski County	891	4,086	4,977	1: 4.6	1: 5.6
Radford City	207	1,346	1,553	1: 6.5	1: 7.5
Rappahannock County	174	872	1,046	1: 5.0	1: 6.0
Richmond City	4,229	21,907	26,136	1: 5.2	1: 6.2
Richmond County	129	1,096	1,225	1: 8.5	1: 9.5
Roanoke City	2,361	11,364	13,725	1: 4.8	1: 5.8
Roanoke County	2,351	11,887	14,238	1: 5.1	1: 6.1
Rockbridge County	440	2,560	3,000	1: 5.8	1: 6.8

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School Division	Students with IEPs	General Population	Total Number of Students	Students with IEPs: General Population	Students with IEPs: Total Number of Students
Rockingham County	1,434	9,692	11,126	1: 6.8	1: 7.8
Russell County	709	3,447	4,156	1: 4.9	1: 5.9
Salem City	473	3,467	3,940	1: 7.3	1: 8.3
Scott County	642	3,063	3,705	1: 4.8	1: 5.8
Shenandoah County	797	4,884	5,681	1: 6.1	1: 7.1
Smyth County	911	4,155	5,066	1: 4.6	1: 5.6
Southampton County	490	2,342	2,832	1: 4.8	1: 5.8
Spotsylvania County	3,163	18,228	21,391	1: 5.8	1: 6.8
Stafford County	2,589	21,414	24,003	1: 8.3	1: 9.3
Staunton City	468	2,223	2,691	1: 4.8	1: 5.8
Suffolk City	1,558	11,127	12,685	1: 7.1	1: 8.1
Surry County	203	969	1,172	1: 4.8	1: 5.8
Sussex County	193	1,178	1,371	1: 6.1	1: 7.1
Tazewell County	1,058	5,944	7,002	1: 5.6	1: 6.6
Virginia Beach City	10,479	65,423	75,902	1: 6.2	1: 7.2
Warren County	766	4,338	5,104	1: 5.7	1: 6.7
Washington County	930	6,243	7,173	1: 6.7	1: 7.7
Waynesboro City	341	2,641	2,982	1: 7.7	1: 8.7
Westmoreland County	236	1,769	2,005	1: 7.5	1: 8.5
West Point	92	699	791	1: 7.6	1: 8.6
Williamsburg-James City	1,105	7,448	8,553	1: 6.7	1: 7.7
Winchester City	681	2,859	3,540	1: 4.2	1: 5.2
Wise County	1,005	5,895	6,900	1: 5.9	1: 6.9
Wythe County	516	3,786	4,302	1: 7.3	1: 8.3
York County	1,141	11,067	12,208	1: 9.7	1: 10.7
Totals	169,657	1,176,128	1,345,785	1: 6.9	1: 7.9

Appendix B

SENATE JOINT RESOLUTION NO. 305

Requesting the Department of Education to collect information regarding the ratios of students with individualized education plans in Virginia school divisions to the general student population. Report.

Agreed to by the Senate, January 31, 2003

Agreed to by the House of Delegates, February 19, 2003

WHEREAS, the delivery of educational services for disabled pupils is largely guided by federal law, specifically, the Individuals with Disabilities Education Act (IDEA), which requires the availability of federal moneys for states providing a "free and appropriate education" for children with disabilities; and

WHEREAS, the requisite "free and appropriate education" (FAPE) must (i) be provided at public expense, under public supervision, at no charge; (ii) meet state educational standards; (iii) include preschool, elementary, and secondary education; and (iv) be provided pursuant to an individualized education plan (IEP) tailored to meet the unique educational needs of the particular student; and

WHEREAS, the IEP is based on a written statement articulating the pupil's present educational level, annual goals, specific services to be provided, and objective evaluation criteria and is developed by the local school board as well as the teacher, parents, and, when appropriate, the student; and

WHEREAS, in the 1999-2000 school year, more than 157,000 students received special education services in Virginia public schools, and numbers of enrollments varied widely among school divisions; and

WHEREAS, examination of variations in enrollments of students with IEPs among Virginia school divisions and comparison of numbers of students with IEPs with the total general student population is necessary to more accurately assess any inconsistencies in application of standards for the issuance of IEPs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Education collect information regarding ratios of students with individualized education plans in Virginia school divisions to the general student population. Such information shall include a summary of current federal and state law and regulation governing requirements and standards for the issuance of such plans and the identification and classification of students with disabilities.

All agencies of the Commonwealth shall provide assistance to the Department in collecting the information, upon request.

The Department shall submit to the Division of Legislative Automated Systems an executive summary and the data and related information collected on ratios of students with IEPs to the general student population no later than the first day of the 2004 Regular Session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.