

Special Education In Virginia: Past, Present & Future

An Interview with H. Douglas Cox, Assistant Superintendent
for Special Education and Student Services

by Cheryl Ann Hughes

If you need to know something about the special education system in Virginia, the person to talk to is H. Douglas Cox, assistant superintendent for special education and student services at the Virginia Department of Education (VADOE). Cox has been at the VADOE since 1973, but his connection with special needs started long before that.

"All I've ever done is special education," says Cox, who started thinking of special education as a career while still an undergraduate. Since joining the Virginia Department for Education in 1973, Cox has had the opportunity to be part of a huge shift in the field of special education. And he has gained a good perspective on where things have been, where they are now, and what could come in the future.

In a speech given in late 2002, Cox gave some insight into this perspective: "I'm probably one of the few people in this room that was already in the field [of special education] before the passage of Public Law 92-142 (known as the Education for all Handicapped Children Act). That means before there was a mandate for special education services, before some students with disabilities were allowed through the school door, when more than one million children were excluded from public school and before there were any procedural safeguards in place for children with disabilities and families, and when another 3.5 million children received less than appropriate, if any, services."

No one knows better than Cox the changes that have occurred over the years. And he also remembers that Virginia had special education

legislation on the books even before the passage of Public Law 94-142. "A lot of people don't know that our law preceded 94-142 by two or three years," Cox says, clearly proud of Virginia's long history of special education legislation. "And we still have requirements (of service) between the ages of 2 and 21 rather than 3 to 21 as required by federal law."

Special Education Today: Partnership Between Parents and Students.

Clearly Virginia, along with the rest of the nation, has come a long way in the last thirty years. But that was in the past. I wondered about the current role of the VADOE in shaping the special education in the commonwealth and about the difficulties in implementing legislation in a state as large as Virginia.

Cox had insight into both areas. "We try to provide leadership," he says. "And direction for state special education programs." Cox went on to talk about the responsibilities of the VADOE with regard to oversight and compliance as well as the complaints/due process system. "Certainly," he added, "as we become more and more concerned about results, we are trying to make that a stronger part of our leadership...to find ways to work with the school divisions to really help them to improve results for kids with disabilities while still meeting all the procedural requirements we have."

Cox talked about his staff and the important roles they play in reaching out to local school divisions around the state. "Virginia is very diverse," he says, "and each locality does have its own unique challenges, whether it's finding



personnel or just budget issues. Virginia is divided into eight regions, and I have eight staff members who each have a region," he said. "These staff members are the communicators between the department and the individual school districts. They meet just about once a month with the special education directors in their regions. And we communicate that way."

The eight staff members are the direct providers of technical assistance to localities. And while they make the department aware of concerns or issues, they also provide technical assistance to the localities in their region. This assistance can take many shapes.

"If there's a question about whether or not a form is done correctly," Cox says, "or a locality may want a workshop on prior notice...it's really whatever they need."

Along with the eight staff members, the state also operates Training and Technical Assistance Centers (TTACs) in each region. "These are more oriented to instructional assistance and staff development," Cox says. "For example, if a school division were to call and say 'I need you to deliver a workshop on functional behavioral assessment,' the TTAC would handle that.

Cox states that while the it's harder

these days for department personnel to get out and work one-on-one with teachers in the field, he believes localities have many ways to get assistance. "Between the eight regional staff members and the TTACs, we feel that we have a pretty good technical assistance system to help school divisions," he says. "There's always somebody they can call."

I wondered how the Parent Resource Centers (PRC) fit into the state plan. "They help parents be more of a collaborative member of the team," Cox says, adding that while the PRCs are voluntary on the part of the school division, the VADOE considers the model team to be that of a parent and an educator. "But certainly, they [PRCs] also help [parents] understand what their rights are," Cox adds.

And if parents are unable to resolve issues during an IEP even after using the PRC, is there assistance from the VADOE?

"Yes, we have mediation," Cox states. "And I think we have a good mediation system in Virginia. We were one of the last states to have a mediation system...but the good news is that we didn't have to undo and rebuild. We were able to learn from a lot of other states. And I think we've really built a top notch system of mediation."

In order to access the mediation process, parents need to go through their local school divisions. Cox noted that if a parent asks for a due process hearing, which is the next step after mediation, school districts are required to at least offer mediation first before beginning the due process procedure.

Looking Ahead

As with most areas in education, the special education field is constantly changing. The original legislation was amended in 1997 and is due to be amended again sometime this year. New legislation, too, such as the No Child Left Behind legislation, also forces change on a system that sometimes struggles to keep up.

I asked Mr. Cox what areas in the field have changed the most over the years. "That's an easy question to answer," Cox says. "Two things:

accountability issues and personnel issues are probably two of the biggest things that have changed in the 30 years I've been here."

It's hard to talk about accountability without talking about the No Child Left Behind (NCLB) legislation and the concern that the standards mandated by this legislation may be too stiff for some children currently in the special education system. Cox is frank about those

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types of concerns: "We applaud the direct inclusion of children with disabilities and the high level of accountability that NCLB brings, but there's certainly some tweaking that probably needs to be done as it relates to kids with disabilities."

In fact, at the time of our interview, the department was expecting to receive additional proposed regulations from NCLB that would deal specifically with special education and how there might be alternate standards for some kids. Cox also stated that the reauthorization of IDEA expected this year may also include some type of legislation that would be complementary to NCLB. "We believe we can work through all these issues," he says, "it's just trying to get the job done right now."

Personnel issues are something completely different. "We've always had some shortages," Cox says, "but certainly not to the extent that we have right now. We have unfilled vacancies that are funded positions that go unfilled because there just aren't the qualified people to do it."

One issue that is contributing to the shortage, however, is the low retention rate in the field. "There's a high burnout rate and there's a lot of additional paperwork responsibilities that special education teachers have that some general education teacher don't have," Cox continued.

At this point, I asked Mr. Cox to tell me what direction he would like to see

special education pointing to in the future.

"I think we really need to examine the role of special education and try to see it more as a support system to general education," he says, "and that children are first and foremost in general education. Certainly [there could be] more collaboration between general education and special education teachers. But we need to examine a lot of support systems to make that happen: the way we train teachers, the way we train regular teachers, the way we regulate class sizes and caseloads. All of that needs to be dealt with. I really do believe that we can do it, but we need to examine the way special education fits with general education now." And Cox is optimistic that all the things which need to be done will be accomplished.

"I think we're getting there," he says. "There's a lot more emphasis on collaboration than there used to be. And it comes from all sources. It comes from where we are; it comes from parents. The parent movement now is not to get kids in the building, it's to get them into the mainstream and when I say mainstream I don't mean you go to physical education or lunch, I mean you're receiving basically the same instruction that a non-disabled child does. You may receive it at a slower pace, you may receive it with a lot more support, you may receive it with assistive technology, you may be tested at smaller intervals. Clearly you need a different curriculum," Cox continues. "Those kids will always be with us who, for whatever reason, have challenges that make a typical state general curriculum either out of reach or not necessarily appropriate for their needs. But I think we're getting there." ■

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