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## Virginia Disability Commission

November 18, 2021, at 1:00 p.m.

Pocahontas Building, House Committee Room

<http://dls.virginia.gov/commissions/vdc.htm>

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The Virginia Disability Commission (the Commission) met in Richmond with Delegate Kaye Kory, chair, presiding.<sup>1</sup> The meeting began with introductions and opening remarks followed by a presentation and discussion. Materials presented at the meeting are accessible through the [\*Commission's meetings webpage\*](#).

### Implementation of HB 2299/SB 1288 (2021, SS I) and Policies Impacting K-12 Special Education

*Dr. Samantha Hollins, Assistant Superintendent, Department of Special Education and Student Services, Virginia Department of Education*

Dr. Hollins reviewed the 27 recommendations developed by the Joint Legislative Audit and Review Commission (JLARC) in its 2020 study, [\*K-12 Special Education in Virginia\*](#), most of which were codified by HB 2299/SB 1288 in the 2021 Special Session I. Dr. Hollins explained to what extent the Department of Education (DOE) has addressed each recommendation, noting whether the stated objective was in process or completed. The recommendations touched on ways to improve various aspects of special education in the Commonwealth, including student access and eligibility, individualized education plans, teacher training and retention, and program monitoring and compliance. She noted that approximately 13 percent of students in the Commonwealth receive special education services. Dr. Hollins's presentation materials include a complete list of recommendations and the status of DOE's implementation.

### Public Comment

Several members of the public testified in favor of making permanent the Appendix K exemption for Medicaid waivers that allows family members of individuals receiving Medicaid waivers to be compensated for their services as attendants or caregivers. During the COVID-19 pandemic, the Appendix K exemption became available and many noted an improved ability to care for their family members. Individuals also pointed to the shortage of professional caregivers, the difficulty of acquiring adequately skilled care, the challenges of maintaining employment while supporting medically fragile family members, and the relative affordability of family members serving as caregivers in support of making the Appendix K exemption permanent. The Appendix K exemption is currently scheduled to expire on July 1, 2022, and individuals noted that they were working with a House patron to introduce a bill in the 2022 Session to address this issue.

### Member Discussion

Several Commission members expressed support for making the Medicaid Appendix K exemption permanent, noting the difficult challenges individuals face caring for family members

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<sup>1</sup> **Members Present:** Delegate Kaye Kory (chair), Delegate Dawn M. Adams, Delegate Patrick A. Hope, Delegate Robert D. Orrock, Sr., Amy Laufer, John Tolleris, John Toscano

**Members Absent:** Senator Barbara A. Favola (vice-chair), Senator Ghazala F. Hashmi, Conner Cummings, Teresa Elder

with severe disabilities. Subsequent discussion returned to Dr. Hollins's presentation about special education, and several members sought additional clarification as to how certain recommendations were being fulfilled. Discussion included the schedule and dissemination of training modules, Phonological Awareness Literacy Screening efforts, preservice teacher training programs, high-need student populations with physical and sensory disabilities, and individualized education plans and transition planning. During the discussion, Dr. Hollins underscored that DOE had begun to address the JLARC recommendations prior to their codification in 2021 and that the agency is continually looking for ways to improve. She also reiterated that one of the greatest challenges the agency faces is bringing new special education teachers to the field.

Following the question and answer segment of Dr. Hollins's presentation, members explored the issue of removing the words "handicap" and "handicapped" from the Code of Virginia. Members suggested that the Commission send a letter to the Virginia Code Commission expressing interest in this change to the Code, while it was also noted that the Virginia Code Commission would not be able to address this issue until 2022 and that legislation would therefore need to wait until 2023 at the earliest, providing more time to examine the issue.

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For more information, see the [\*Commission's website\*](#) or contact the Division of Legislative Services staff:

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