



**Special Education Advisory Committee Meeting Minutes**  
**LCPS Administrative Building, 21000 Education Court, Ashburn, Virginia 20148**  
**SEAC Sponsored Presentation: 6:00 -7:10 p.m., Business Meeting 7:15 to 8:30 p.m.**  
**Wednesday, February 8, 2023 - [Livestream](#)**

**Opening Remarks:** Neil Slevin, LCPS Interim Chief of Staff

**Presentation:** Writing SMART IEP Goals, Interactive Workshop  
**Presenters:** Kathleen Gibson, PEATC, early childhood specialist

**Business Meeting**

1. **Welcome and Call to Order**, Sharon Tropf at 7:20 p.m.
2. **Office of Special Education Community Connection Activity**
3. **Public Comment**
  - a. Liz Crotty. The gap between ECSE standards and published VDOE guidelines to properly identify the needs of preschool students, and the implementation and measurement of pre-academic standards.
  - b. Lisa Williams. Concerns with how the IEP process does not represents her daughter well, concerns about lack of access to SIF-Rs and SIF-Ms, difficulty accessing data and interpretations, administrators who aren't trained in facilitation.
4. **Old Business**
  - a. Policy and Compliance Subcommittee  
Review of Draft Policy 8640, Disclosure of Personally Identifiable Information, presented by SEAC PTA Representative Jennifer DiDonato, a professional with certifications in privacy and technology. This topic is very important to children with disabilities because they have specific needs for privacy. The reviewed draft does not meet the needs of students with disabilities and align with the strategic plan.

**Concern 1:** Inconsistent reference to defined terms. When referencing a defined term, it needs to be capitalized and the same wording as the definition. Without consistent use of defined terms, it can lead to ambiguity over the context and applicability of the term and affect it has on the data itself.

**Recommendation 1:**

- Update the document to use the defined terms consistently throughout the policy ensuring capitalization of those defined terms when being referenced.

**Concern 2:** Currently the definition of Personally Identifiable Information, Directory Information, Access, Transfer is limited and does not appropriately reflect the breadth of PII being collected by LCPS both under FERPA and privacy regulations such as the VCDPA.

**Recommendation 2:** Align all definitions.

- Line 30-31, modify to, "Personally Identifiable Information (PII). Personally Identifiable Information means any information that is linked or reasonably linked to an identified or identifiable natural person. This includes direct and indirect identifiers, such as a student's name, name of student's parents or other family members, address of student or student's family, student social security number, student identification number, student's biometric record, student's date of birth, mother's maiden name or other information which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information."
- Line 47 modify to "Directory Information (DI). Directory Information means information contained in an Educational Record of a student that would not generally be considered harmful or an invasion of privacy if disclosed."
- Line 115 modify to "Access. Means the ability to inspect, review, view, read, or copy Educational Records."
- Line 120 modify to "Transfer. Means giving access to or surrendering of the Educational Record or a transcript of the record to another entity, person, or third party."

**Concern 3:** The Policy, while does state that third parties should comply to the provisions within Policy 8640 (specifically those around the redisclosure of PII), has no requirement to require the third party to sign documentation confirming this. As an added protection and in line with industry standards, we should be requiring our third parties to sign contracts and documentation confirming they will comply with Policy 8640 and will not redisclose PII except as allowable by the policy.

**Recommendation 3:** Update the policy to include the requirement to have third parties contractually agree to not redisclose.

- Line 102 add, “provided they have contractually agreed to not redisclose the PII except as allowed in Policy 8640.”
- Line 324 change to “provided they have contractually agreed to not redisclose the PII except as allowed in Policy 8640.”

**Concern 4:** Currently the policy requires the Custodian complete a Record of Disclosure and include the specific legitimate purpose for the disclosure. However, this term is not defined and can lead to confusion over what constitutes a Specific Legitimate Purpose” and lack of consistency in applying this standard. We should define it to make it consistent and knowable to enable Custodians to be able to comply.

**Recommendation 4:** Add the definition for Specific Legitimate Purpose, “Specific Legitimate Purpose. The justification for the disclosure of PII. This must be specific to the reason for disclosure and type of PII disclosed. In addition to the specific reason, it must state under which Policy area it is being disclosed. It shall be pursuant to the following:

- a) Legitimate Educational Interest
- b) Disclosure of Records with Consent within this Policy 8640.
- c) Disclosure of Records without Parent or Eligible Student Consent within this Policy 8640.

**Concern 5:** Currently there are multiple places within the Policy that allow the disclosure of student PII without consent where there are minimal or no requirement for a Legitimate Educational Interest to support the disclosure, meaning the ability to disclose student PII with very minimal restrictions. This could lead to unauthorized disclosures and data loss.

**Recommendation 5:** Where the disclosure isn’t required by law or federal, state, or local program, or specific exception within Policy 8640, SEAC recommends updating the proposed draft to only allow disclosures without consent if there is a Legitimate Educational Interest to disclose.

- Line 131 change to: “Records may be released without prior written consent of the Parent or Eligible Student upon request to the School Officials, pursuant to a Legitimate Educational Interest, provided such release does not violate any state or federal law.”
- Line 359 add the following requirement, “There is a Legitimate Educational Interest for the disclosure of the DI or purpose outlined within this Policy 8640.”

**Concern 6:** Currently the Policy is not following Privacy by Design practices and allows for the disclosure of PII without consent and without a reasonable Legitimate Educational Purpose. These initiatives do not require the disclosure of PII to achieve the goal. These items can be accomplished through aggregated or anonymized data. Following Privacy by Design principles, LCPS should only be disclosing PII when it is required. When aggregated or anonymized data can achieve the same result, we should be utilizing said data.

**Recommendation 6:** Limit the disclosing PII when it is required for a Legitimate Educational Purpose.

- Lines 208-209 recommend removing “developing predictive tests, and improving instruction for reasons for disclosure of PII.”
- Lines 216 – 221- Remove the following as an allowable disclosure of PII: “The staff of a college, university, or educational research and development organization or laboratory, at the discretion of the Division Superintendent or designee, if such information is necessary to a research project or study conducted, sponsored, or approved by the entity, provided that no student will be identified by name.”

**Concern 7:** The proposed additional language on communicating with the community for the release of PII is duplicative and not aligned to language in Policy 8630 and 3070. It introduces inconsistency and potential additional to disclose unnecessary PI to the community. It is already covered and more appropriately handled in Policy 3070 where it already is included. We can and should be making the community aware of security incidents, we should not take that to mean the broad disclosure of student PII. Where PII must be release in the event of an emergency, it is handled about and in Policy 3070. Adding in additional terms leads to potential conflict and ambiguity on the rights and ability of LCPS for affectively communicate with the community.

**Recommendation 7:** Remove duplicative language that is not aligned to Policy 8630 and 3070.

- Lines 276- 282- Remove “In order to foster transparent communication, LCPS staff should endeavor to provide as much relevant information to the community about security incidents occurring in LCPS schools or during LCPS school-sponsored activities. Such communications shall be released in accordance with Policy 3070 and its accompanying regulation and shall be compliant with FERPA and all other applicable laws regarding confidentiality.”

**Concern 8:** Records of Disclosure requires LCPS to document when PII is disclosed. However, they have included an exception whereby the disclosure of Directory Information does not need to include a Record of Disclosure. The disclosure of Directory Information is done without consent. Meaning if LCPS doesn’t create a record, individuals will not be aware that their data is being disclosed here. Parents and Eligible Students should have the right to know when their PII is being disclosed and for what purpose, to include Directory Information.

**Recommendation 8:** Remove language that provides an exception of disclosure of Directory Information.

- Line 117-118- Remove the following exception: “Release of Directory Information as defined in this policy shall not be entered on the record of disclosure.”

**Concern 9:** Unauthorized disclosures of PII present a large risk to those affected to include, identity theft, crimes against children, and discrimination. When an unauthorized disclosure of PII occurs, affected individuals must be alerted as soon as possible. Currently the regulation does not state any specific timeframe. While the goal should be as soon as possible, without a specific timeframe, there is no accountability to report quickly. A specific timeframe should be added.

**Recommendation 9:** Add a specific timeframe for informing LCPS parents/guardians of unauthorized disclosures of PII within 90 days of the identification of the unauthorized disclosure.

- Line 333- Add “but at least within 90 days of the identification of the unauthorized disclosure”

**Concern 10:** Draft Policy 8640 only allows for Parents to opt out of the disclosure of Directory Information, release without consent, within 14 days after written or public notice of Directory Information disclosure. This is very limited, not sufficiently made apparent, and strips parents of the ability to opt out later in the school year or for those who enter LCPS after that notice.

**Recommendation 10:** Allow parents/guardians the ability to opt out of the disclosure of student Directory Information throughout the year. Subject to a period for the opt out preference to be implemented.

- Line 357- Add the following, “Thereafter, any Parent of Eligible Student may notify the school in writing that all or any part of the DI of the student shall not be released without prior consent, allowing for a 30-calendar day timeframe to implement this request.”

**Concern 11:** The section on Disclosure of Directory Information has language that does not make it clear about the selling of Student PII in Directory Information and the obligation to not further redisclose.

**Recommendation 11:** Align Policy with Industry Standards and Virginia Data Privacy Laws to not all LCPS to sell Directory Information.

- Lines 364-365- Replace with the following, “Any entity requesting DI shall not sell DI. Any entity requesting DI shall not redisclose DI and must comply with Section E of this Policy 8640.”

### SEAC Membership Vote

- Melissa Waugh makes a motion, seconded by Rozeena Khattak, Motion to amend recommendation 3 to include coverage for subcontractors.
  - i. Motion Vote: unanimous consent.
- Melissa Waugh makes a motion on for recommendation 11 to clarify that LCPS shall not sell PII, then a substitute motion (seconded by Shehnaz Khan for a new recommendation 12 that LCPS is not permitted to sell PII).
  - i. Motion Vote: Unanimous consent.
- Melissa Waugh makes a motion that we adopt recommendations 1-12 as a slate, seconded by Rozeena Khattak.
  - i. Recommendations Vote: Unanimous consent

### 1. Budget

- a. Elimination of Virtual Loudoun Elementary, the Policy and Compliance Subcommittee put together a document supporting virtual learning last year. Lots of public comment that for medically fragile students it was the first time they were ever a part of a classroom. Subcommittee submitted a list of questions to School Board Member Ms. Polifko.
- b. Reduction in Staffing, the Policy and Compliance Subcommittee asked specific questions based on the information published:
  1. If the school board votes to adopt the proposed cuts to special education staff, will LCPS meet the IDEA's Maintenance of Effort requirement to be eligible to receive state and federal SPED funding?
  2. Which schools (teachers/aides) / groups of schools (related services) should expect to lose special education staff?
  3. Can the school board simply move 12.7 SPED FTE from "hold harmless provision" committing them to the base budget for a net cost of zero? Removing this uncertainty is especially important considering unprecedented early retirements and staff resignations.
  4. Please provide the following:
    - a. The number of OT's in the FY19 and FY24 budgets.
    - b. The number of PT's in the FY19 and FY24 budgets.
    - c. The number of SLP's in the FY19 and FY24 budgets.
  5. When comparing special education headcounts and related service providers from the FY19 budget to the FY24 budget, it appears the FY24 budget has approximately 6.25% more special education students, and yet, has about a third fewer related service FTE's than the FY19 budget.

### 5. **New Business**

- a. None.

### 6. **Reports and Updates,**

- January Meeting Minutes, no changes to minutes,
  - Need 3 members to serve on the following committees gifted, equity, career and technical.
  - All 22-23 SY community concerns have been given to applicable subcommittees to address.
- a. **Executive Committee**, will meet tonight at Clyde's following the meeting (open to all)
    - Nominations for SEAC Awards will open the end of February. Event is June 6<sup>th</sup>.
    - Reviewed survey and data with Dr. Winsler, will publish Annual SEAC Survey at the end of March
    - Nominating Committee has been formed (Carla Sola and Nancy Walker),
    - PTA/PTO Representatives: 69 Schools with Representatives (27 outstanding)
    - SEAC Membership: 17 voting members (4 openings), 1 submitted application, 3 possible pending
  - b. **SEAC Chair Report**
    - March 1 SEAC Meeting Presentation: Meeting the Needs of Twice Exceptional Learners

**c. Subcommittees**

- Policy and Compliance, Team teaching, Capping of Services, Review Updated IEE Guidelines, Student Behavior, no new policy reviews just yet
- Specialized Reading met January 18<sup>th</sup>, next meeting will be February 15<sup>th</sup> at 5pm, next collaborative work session on March 7<sup>th</sup> at 11:30am at admin building.
- Transition, next meeting February 23, 2023
- Meaningful Inclusion, Met January 24<sup>th</sup> discussed After-school activities, Action items: for language to be added to activity notifications (language being drafted), proactive communication with case managers, look further in the PEER programs, discussion regarding descriptions of events to address sensory issues, roll out of Meaningful Inclusion recognition [Submit your submissions here](#)
  - i. Next meeting is February 28<sup>th</sup> at 6 pm, Topic: Universal Design for Learning

**d. Parent Resource Services**, Leanne Kidwell.

- February 9<sup>th</sup>, Transition from Middle to High School at Admin Building.
- Social Emotional Learning, Feb 11 at Admin Building.
- Eating Disorders Feb 23, at the Admin Building.
- When the Bus Stops Coming, Feb 25 from 8:30 a.m. to 12:30 p.m., Admin Building - Big event for all parents who have students who will require additional supports not just high schoolers in their last few years.
- March 18 from 9 a.m. to 12:00 p.m., Summer Activity Resource Fair.
- Tutoring list compilation is almost complete.

**e. School Board Liaison**, Ms. Tiffany Polifko,

Thank you to parents who made public comments and appreciate parents speaking for their children. Started school visits, visited an ECSE classroom and enjoyed working hands-on with students. Very enjoyable and get to know aide and teacher. Looking forward to more visits to Special Education classrooms. Wants to listen to teachers and aides get to know, learn what their needs are, will be visiting Hillside and Moorefield Station this month, received outreach regarding concerns about behavior, particularly concerned for students who can't go home and tell their parents about what happened. She recommends that parents continue to advocate for their students. She directs people to contact base administration and call for an IEP meeting anytime they want. Communication especially face-to-face and one on one is very important. She wants to deliver a thank you from Ms. Erika Ogedegbe, she appreciated the detailed feedback for In-school discipline (Policy 8215). She made sure that all of our feedback was incorporated into the policy.

**f. Office of Special Education and the Department of Student Services**

Special Education Department, Tedra Richardson, Director of Special Education, Specialized Instruction

- Current vacancy data:

	Teachers	Teacher Assistants	Behavior Assistants	Job Coaching
Elementary	8	9		
Middle	6	6	1	
High	11	25	1	5

- Appreciate any teacher referrals that might come from the community.
- Response to FCPS OCR Findings - LCPS Provision of Recovery/Compensatory Education, LCPS services during Covid, Provided a timeline of what LCPS provided during the pandemic period. It was challenging to look at the details, ask all to be thoughtful about the human experience that we all went through. If you have questions, you can reach out to Office of Special Education.

- Inclusive practices survey will be forthcoming, 10 areas the survey will cover: clear consistent vision and vocabulary for inclusive schools, legislative and accountability standards, tier 1 instruction, student centered decisions, effective use of resources, collaboration among educators, specialized support, social inclusion, family, and community engagement, and sustaining inclusive success.
- Continue to give monthly openings update, Pre-IB workgroup update, overview of Annual Plan application for Federal Funds update

Department of Student Services, Dr. Asia Jones, Assistant Superintendent of Student Services

- Expressed appreciation for continued advocacy to support specialized programs including before the board during the budget process, we are committed to protect staffing standard to support inclusive and self-contained programs, information regarding staffing standard is online,
- Budget: Hold harmless are positions that are hard to replace, position doesn't necessarily go away, has tried to increase inclusive staffing at elementary level, one correction 2 supervisors in hold harmless, one has been taken, and one if there is a retirement, we will lose that position. We look for boots on the ground, budget can be painful and we have to look at all positions. Addressing Ms. Polifko comments: times where we might need a support team outside of what's covered by an IEP and you can have a unified team formed.

Department of Instruction, Denise Soukup.

- **Virtual Distance Learning** will be a continued offering for grades 6-12, there is an application process, which asks why is this the academic best fit for your student? Many reasons this might be the case for students such as: have IEPs, students who benefit from universal accommodations (closed captioning), sensory preference differences, mental wellness, medical needs. Very engaging staff and supportive team of special educators. Explore our website: [lcps.org/distance learning](http://lcps.org/distance-learning) application open until April 28<sup>th</sup>.

7. Adjourn 8:51pm

**SEAC Leadership:**

SEAC Chair	Sharon Tropf	<a href="mailto:SEACChair@lcps.org">SEACChair@lcps.org</a>
SEAC Vice Chair Planning	Shehnaz Khan	<a href="mailto:SEACViceChairPlanning@lcps.org">SEACViceChairPlanning@lcps.org</a>
SEAC Vice Chair Membership	Elizabeth Crotty	<a href="mailto:SEACViceChairMembership@lcps.org">SEACViceChairMembership@lcps.org</a>
SEAC Vice Chair Communications	Craig Metz	<a href="mailto:SEACViceChairCommunications@lcps.org">SEACViceChairCommunications@lcps.org</a>
SEAC Secretary	Kathryn Rosenbrook	<a href="mailto:SEACSecretary@lcps.org">SEACSecretary@lcps.org</a>

**SEAC Liaisons:**

LCPS Staff Liaison, Director of Special Education	Tedra Richardson	<a href="mailto:Tedra.Richardson@lcps.org">Tedra.Richardson@lcps.org</a>
School Board Liaison	Tiffany Polifko	<a href="mailto:Tiffany.Polifko@lcps.org">Tiffany.Polifko@lcps.org</a>
School Board Liaison, Alternate	Erika Ogadegbe	<a href="mailto:Erika.Ogadegbe@lcps.org">Erika.Ogadegbe@lcps.org</a>

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*Anyone needing accommodations for a disability to attend or take part in this activity should call (571) 252-1011.*

*Calls should be made five days prior to the activity when possible so that proper arrangements can be made.*

*If schools close for weather or other reasons, there will be no SEAC meeting.*

SEAC is an advisory committee to the LCPS School Board