



COMMONWEALTH of VIRGINIA

Department for the Blind and Vision Impaired

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Joseph A. Bowman
Commissioner

May 28, 2008

Special Education Regulations Revision Process
Office of Dispute Resolution and Administrative Services
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

To Whom It May Concern:

The Department for the Blind and Vision Impaired (DBVI) is submitting the following comments related to the proposed Regulations Governing Special Education Programs for Children with Disabilities in Virginia (April 2008).

Refer to sections:

8 VAC 20-81-40. Special education staffing requirements;

- A. (School Age Programs); 3 (Caseload Standards); a. (Page 85):
“a. The maximum instructional caseloads for special education teachers and speech-language pathologists, for which public schools receive state funds, are listed in Appendix A of this chapter (Virginia Appropriation Act). Special education services for children with visual impairment are established, maintained, and operated jointly by the local school board and the Virginia Department for the Blind and Vision Impaired.”
- B. (Staffing for early childhood special education); 2 (Staffing requirements); c. (Pages 87 & 88):
“c. The maximum special education caseloads, with and without paraprofessionals, are set and funded in the Virginia Appropriation Act. See Appendix A for the funded caseloads. Special education services for children with visual impairment are established, maintained, and operated jointly by the local school board and the Virginia Department for the Blind and Vision Impaired.”

These two sections are included in the special education staffing requirement regulations (8 VAC 20-81-40). As such, the second sentence of both sections “Special education services for children with visual impairment are established, maintained, and operated jointly by the local school board and the Virginia Department for the Blind and Vision Impaired” infers that DBVI and local school boards determine the maximum instructional caseloads for teachers of the visually impaired employed by Virginia’s public

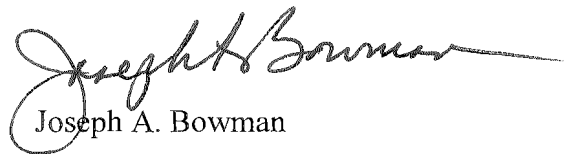
school divisions. The Code of Virginia does not grant either the Department for the Blind and Vision Impaired or local school boards authority to determine maximum instructional caseloads. Therefore, the phrase "Special education services for children with visual impairment are established, maintained, and operated jointly by the local school board and the Virginia Department for the Blind and Vision Impaired" should be stricken from the regulations.

Further, unlike the maximum instructional caseloads for teachers of all other special education categories, there is no maximum instructional caseload for teachers of the visually impaired set and funded through the Standards of Quality in the Virginia Appropriation Act. Neither is there a maximum instructional caseload listed in Appendix A of this Chapter 8 VAC 20-81 (pages 314 & 315). Therefore, DBVI strongly recommends including the state funding for teachers of the visually impaired under the Standards of Quality, transferring the responsibility for administering state funds that support teachers of the visually impaired from DBVI to the Department of Education and establishing a maximum instructional caseload size for teachers of the visually impaired.

For clarifying information contact:

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Sincerely,



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