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Expanding Opportunities

W. Brian McCann column: Va. legislature can give the gift of time to students with disabilities

By W. Brian McCann
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Benjamin Franklin once said that “lost time is never found again.” This might not be true for students with disabilities. Fortunately, the Virginia General Assembly and, in fact, every state legislature in the country, has the opportunity to prove Franklin wrong and find time that these students lost in the classroom to COVID-19.

I commend the grit, determination and dedication shown by teachers, school administrators and parents everywhere during this global crisis. Despite their tremendous efforts, and through no fault of their own, students in every state, at every grade level, in any type of learning setting, whether fully virtual or hybrid virtual/in person, are not making the educational progress they otherwise would have made had the coronavirus not altered our lives.

In particular, students with disabilities significantly have been impacted since March. How students without disabilities will make up for lost instruction when they return to the classroom full time will be a complex and complicated issue facing all schools across the country. This challenge will be especially difficult for many students with disabilities. However, there is an option to get back lost time for special needs students — expand the age of eligibility.

Students with disabilities are entitled to a free and appropriate public education pursuant to the federal Individuals with Disabilities Education Act (IDEA). This federal law sets forth what states must do to meet the needs of this student population. While states are unable to provide less than what the federal law mandates, they are able to offer more.

The IDEA provides the age of eligibility for students to receive specialized education from 3 to 21 years old. Here is where states can (and most do) offer more than is required by federal law.

For instance, Virginia defines the “age of eligibility” for children with disabilities as those “whose second birthday falls on or before September 30th, and who have not reached their 22nd birthday on or before September 30th.” Therefore, any student receiving specialized education who turns 22 after Sept. 30 can continue to receive those services through the remainder of the school year. Michigan allows students to receive these services through age 25.

Many students with disabilities, especially older students with severe disabilities, will need more time to make up ground

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since March, both academically and behaviorally. Typically, students who receive specialized education past age 19 are those who are not going to receive a standard diploma.

Instead, their education goals are focused on skills that would help them become as independent as possible. Of course, depending on the severity of the disability, the skill sets vary. Some students focus on employment-related skills, preparing them to enter the workforce. Others must work on daily living skills such as brushing their teeth, doing laundry and clothing themselves.

Unfortunately, though, for students with disabilities receiving specialized education who will turn 22 before Sept. 30, 2021, their education will end in June 2021. Therefore, as of this June, these students will have lost 15 months of acquiring the necessary skills to help them live a life at their level of independence.

Those who might be a few years younger, but whose focus also is building independence, are going to be similarly affected even though they might have a couple more years left of eligibility. More time in the classroom is needed for these students.

As we finally see some light at the end of this COVID-19 tunnel, we can start to focus on solutions that will ensure that all students make up for lost time in the classroom. I hope the members of the General Assembly, and legislatures throughout the country, consider expanding the age of eligibility for students receiving special education.

At best, they could follow Michigan's example and expand the services to all students with disabilities to age 25. At a minimum, for students age 19 and older, they could provide them all one additional year of eligibility. This is not a large number of students.

In Virginia this past year, there only were 1,642 students ages 20 to 22 who were receiving special education. Sure, there are costs associated with this very easy option. However, costs for providing additional support to these students that they inevitably will need as adults, such as supported employment services, adult day services, residential supports and clinical care, will far outweigh the investment in expanding the time they are eligible for specialized education.

For students with disabilities, lost time can be found again.

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