May 25, 2021

TO: Dr. Samantha Hollins

Assistant Superintendent for Special Education and Student Services

Virginia Department of Education

[samantha.hollins@doe.virginia.gov](mailto:samantha.hollins@doe.virginia.gov)

FROM: Teri Morgan Signature

RE: Comment on proposed *Virginia Department of Education Guidelines for the Consideration of the Need for Age and Developmentally Appropriate Instruction*

Dear Dr. Hollins,

The Virginia Board for People with Disabilities offers the following public comment in response to the proposed *Virginia Department of Education Guidelines for the Consideration of the Need for Age and Developmentally Appropriate Instruction*. The Board fully supports the intent of House Bill (HB) 134 to provide students with disabilities developmentally appropriate instruction in sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others. To ensure students receive an appropriate education in these areas, it is essential that the *Guidelines* support a proactive consideration of what IEP goals will help a student succeed.

As written, the proposed *Guidelines* place too much weight on identifying negative or atypical behaviors as part of the IEP considerations process. The “Guiding Questions” focus extensively on identifying negative behaviors and potential deficits, as well as responding to previous incidents by listing nine questions related to negative observations. These questions suggest that learning about sexual health should be a reactive, rather than proactive goal for students. The focus on behavior also appears intended for older students, rather than students at all grade levels. Only two questions can be considered proactive: 1) “*Does the student have goals/objectives that relate to social emotional learning related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others?*” and 2)“*Do parents have concerns related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others?*” As written, IEP teams may feel the “Guiding Questions” are intended only for students with observed negative behaviors. Additionally, parents may not engage proactively in developing related IEP goals to ensure their child is receiving appropriate education to help him or her succeed into adulthood.

All students, regardless of ability, benefit from education in personal boundaries, self-protection, and sexual health. The *Guidelines* must take a proactive approach to ensuring students receive appropriate instruction in these areas, beginning in elementary school. For students with developmental disabilities, positive, proactive sexual health education supports development of safe and respectful behavior and is a key part of abuse prevention. The Board encourages a reframing of the *Considerations* section and “Guiding Questions” to encourage a proactive, positive approach to developing IEP goals in these areas.

Thank you for allowing us to provide public comment.