

Fairfax County School Board

Meeting:07/24/2008 Regular Meeting No. 2

Category:4. Action Items - 7:40 p.m. Agenda Type:Action

4.03 Resolution - Adopt a resolution in support of the need for parental consent in the provision of education and related services to children with special needs (SB; work session held 7/10/08; presented as new business 7/10/08)

RESOLUTION

**THE NEED FOR PARENTAL CONSENT IN THE PROVISION OF
EDUCATION AND RELATED SERVICES TO CHILDREN WITH SPECIAL
NEEDS**

WHEREAS, the Fairfax County School Board understands that the Regulations Governing Special Education Programs for Children With Disabilities in Virginia, effective March 27, 2002, are being revised to comply with the changes outlined in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), and its federal implementing regulations to consolidate and reduce the number of regulations, and for other reasons; and

WHEREAS, the Virginia Department of Education and local school boards have long been leaders in the provision of special education and related services to children with special needs pursuant to IDEA, including affording parents the right of consent throughout the special education process; and

WHEREAS, the Virginia Department of Education has afforded a public comment period and invited interested citizens, parents, school administrations, and other public officials, including the various local school boards across the Commonwealth to provide state officials with their views; the Virginia Department of Education is commended for inviting citizen participation; and

WHEREAS, the Virginia Department of Education proposes in their revised proposed regulations to remove the present parental consent requirement for partial or full termination of special education and related services and to remove the present parental consent requirement for implementing transfer Individual Education Plans (IEPs); and

WHEREAS, the Virginia Department of Education's proposed changes would permit the termination of special education services to children all across the Commonwealth without parental consent; and

WHEREAS, the Governor of Virginia, the Honorable Timothy M. Kaine, has announced his opposition to the proposed changes to Virginia's parental consent rules; and

WHEREAS, it is the intent of IDEA and generally accepted education practices to involve parents in the education of their children in the maximum extent feasible and to foster a partnership between parents and school officials in meeting the educational needs of children with special needs; and

THEREFORE, BE IT RESOLVED, the Fairfax County School Board hereby opposes any and all changes to the present regulations that would remove the requirement for parental consent for the partial or full termination of special education and related services or the implementation of transfer IEPs, or otherwise diminish or dilute parental rights in the special education process established by IDEA, implemented by regulations of the Virginia Department of Education, and fulfilled by local school divisions.

The Clerk is directed to send a copy of this RESOLUTION to the Governor of Virginia, the Secretary of the Virginia Department of Education, the Speaker of the Virginia General Assembly, the President of the Virginia Senate, and the Fairfax County Board of Supervisors.

Action Agenda Details

Motion:

Adopt a resolution in support of the need for parental consent in the provision of education and related services to children with special needs

Motion By:

Judith (Tessie) Wilson

Second:

Stuart D Gibson

Action:

Unanimous

Voting Record

Daniel G Storck - Chairman	Yea
Kathy L Smith - Vice Chairman	Yea
Elizabeth T Bradsher	Yea
Brad Center	Yea
Martina A Hone	Yea
Ilryong Moon	Yea
James L Raney	Yea
Jane K Strauss	Yea
Kaye Kory	Yea
Phillip A Niedzielski-Eichner	Yea
Stuart D Gibson	Yea
Judith (Tessie) Wilson	Yea
Arvin Ahmadi - Student Representative	Yea