

PARENT CONCERNS WITH THE FINAL PROPOSED SPECIAL ED REGS

What has been the public response to the proposed regulations?

The volume of public responses to the proposed special education regulations broke all records. There were 38,752 public comments made by 2,231 commenters over the past year. In addition, nine public hearings were held this past spring with 1,048 participants and 386 speakers. Despite this overwhelming public outpouring of concern, the final regulations approved by the Virginia Board of Education did not reflect most of the changes urged by these commenters.

Why do parents oppose the final regulations approved by the Board of Education?

Since they eliminate *existing* rights and protections, parents and child advocates across Virginia consider the final special education regulations approved by the Board on September 26th to be a significant policy shift for the Commonwealth. In their present form these regulatory changes represent the first time in well over 20 years that an entire class of citizens has lost rights in Virginia.

What are parents asking for?

Parents are *NOT* requesting *new* rights; they simply ask that Virginia *retain* the protections that their children and they have long held. These rights are at the heart of Virginia's tradition of and commitment to the parent-school partnership and have well served children with disabilities for decades. There is no justifiable reason for eliminating them now. *With the individual futures of tens of thousands of Virginia's most vulnerable children at stake, parents seek the intervention of state policymakers to prevent this roll-back of rights for citizens of the Commonwealth.*

Are the final proposed regulations a reasonable compromise between saving money and serving children?

No. The proposed regulations will deny many children with disabilities the services they need and will not save money. They merely shift the burden for meeting the needs of students with disabilities onto unprepared general education teachers and overstretched schools. Such an approach will negatively impact classroom instruction, teacher retention, and state performance on standardized tests. Inadequate services for those who need them will also likely lead to increased suspension/expulsion rates and leave many students with disabilities unprepared to face the challenges of adult life. Moreover, the final regulations cannot be considered a *reasonable compromise* because they will ill serve the Commonwealth and only one party stands to lose from these policy changes – Virginia's most vulnerable children.

How will the final special education regulations harm children?

The final proposed regulations roll back Virginia's long-standing parent involvement rights in the education of students with disabilities and eliminate existing protections to ensure appropriate services for children who need them. In revising the current regulations, the final proposal continues to:

- Deny parents the right to participate in the referral and screening process through the elimination of "Child Study Committees" with their required state-wide uniform procedures and timelines.

- Deny parents of transferring students the right of consent for IEP (Individualize Education Program) services to which they do not agree.
- Deny parents the right to participate in a Functional Behavioral Assessment of their child when his/her behavior impedes learning.
- Deny parents the guarantee of timely evaluations due to the approval of unnecessary extensions of the timeline.
- Deny children with disabilities access to appropriate services due to new restrictive and arbitrary eligibility criteria.
- Deny young children with disabilities access to appropriate services due to new limits on the label of "developmental delay".
- Deny parents the guarantee to short-term objectives or benchmarks in their child's IEP.