



Proposed state special education plan decried

[Fairfax County](#)

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Tia Marsili's two daughters have Down syndrome. This year, her eldest daughter, Sheridan, had difficulty transitioning to middle school.

"Time and time again I attempted to convince the school IEP (Individualized Education Program) team that there were tried and true strategies that would work for my daughter for her to succeed. She had to fail first before anyone would listen," Marsili said before hundreds of teachers, supporters and champions of children with disabilities at a public hearing at Oakton High School last Monday.

"I was suspended one day," Sheridan Marsili told the audience. "I needed help but didn't know how to ask, so my mom did. They all met and wrote a plan for me. I haven't been suspended since."

This week marks the end of nine public hearings across Virginia on the contentious proposed revisions of the state's special education regulations for children with disabilities. The Virginia State Board of Education will make its determination on the changes this fall.

So far, more than 5,000 comments have been submitted to the state board and hundreds of people spoke at the public hearings. Many parents and advocacy groups are opposed to the law changes, which they fear will limit their ability to oversee their child's educational services.

The state Department of Education contends that it is simply complying with changes in federal law and eliminating duplicate provisions so that the state laws and regulations are easier for the public to understand. The changes also create more flexibility in the process of how schools and parents plan and monitor a child's

educational services and progress, according to a state presentation on the changes.

According to the presentation, some aspects of parental consent would be changed, including the removal of a requirement for parental consent for a school system to stop providing special education services.

It also changes the regulations of who must be involved in the IEP process.

"Any parent, or teacher, of an IEP student can tell stories of how effective educational programs truly require a team approach by parents, teachers and school administrators. ... This proposed policy would hinder that," said Mary Dotson, chairman of Mary's Family, a nonprofit that assists families with disabilities.

One parent, who chose not to disclose her name, said that the current regulations are in need of change, citing an event three years ago when her daughter had been violently beaten during gym class.

"After she tagged a boy in a game of capture the flag, the boy choked her, knocked her to the ground, beat her in the face and chest, stood up and started kicking her while she was down. This was not a singular event in this boy's academic career. It was also essentially ignored by the school who had my daughter escorted to the school nurse while the boy was simply sent to his next class."

The parent said many of the proposed changes were positive because they made violent behavior a "severe violation," granting school administrators the ability to place the offending student in alternate environments.

The Virginia Office of Protection and Advocacy, a watchdog group defending people with disabilities, said the proposed regulations remove rights from parents by placing eligibility teams, which determine if a student can enter into a program, "in the position of medical professionals – diagnosticians – a role for which they are not qualified," the group said in a statement.

Even Gov. Tim Kaine (D) has weighed in, opposing some of the reductions in parental consent requirements.

"I do not currently see any circumstance under which I would approve a final regulation reducing parental involvement in these ways," Kaine wrote in a March 21 letter to the Virginia Board of Education, urging them to "take this and other public comments into account regarding these provisions and to act accordingly prior to submitting a final regulation for my approval."