

## Stop Virginia's proposed erosion of parental rights

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BY J. Todd Foster  
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When my oldest son, Tyler, was 2½ years old, he had the receptive ability of a 5-year-old but the expressive ability of an infant.

He knew what you were saying, but – beyond a few words – he couldn't respond.

Tyler could walk when he was 10 months old and soon could escape his crib like a miniature David Copperfield. He could scurry up the side of a 30-ton bulldozer like Curious George. But when the construction workers in our neighborhood would address him by name, and believe me, they all knew his name, Tyler stood mute.

WE TOOK him to specialists at the University of Virginia and James Madison University. The "A" word was thrown out as a possibility.

But Tyler wasn't autistic; he had a severe speech delay.

It's possible he could have outgrown it. It's also possible that he could have grown increasingly frustrated over his inability to articulate his thoughts. His self-esteem could have spiraled, forcing him to retreat inside a shell unreachable by his peers.

HIS MOTHER and I were not going to wait around to find out. We went to the administration of Augusta County (Va.) Schools and pleaded our case for immediate intervention – enrollment in a special-education class, where he could get speech therapy daily, as well as additional classroom help with his speech issues.

We won, but only after a long process of evaluations and meetings.

It helped that we, especially my wife, were forceful advocates for our son and made allies out of the speech therapist and special-education teachers.

SHORTLY BEFORE his third birthday, we put Tyler on a school bus for the first time. He began attending a full-time preschool class at Stuarts Draft Elementary, the youngest in a class of 3- to 5-year-olds.

As the bus pulled away that first morning, there were plenty of tears. But they were coming from mommy and daddy and not a toddler who was more intrigued than terrified.

A year or so later, I was sitting on the couch next to Tyler, and he anchored a plastic, toy bulldozer next to me.

"THIS BULLDOZER is not going anywhere, Da-da," he said. "You know why?"

"Why?" I asked.

"Because it's stabilized," he said.

THIS YEAR, his third in a public preschool class, Tyler started going to school in Washington County following our move from the Shenandoah Valley.

From all accounts, he is a model student. He has regular visits with the school speech therapist and is working on his articulation skills. But he's a talker, and for that we are thankful (most of the time) and owe much of it to Virginia's education system.

I owe most of it to my wife, however. She has been fighting for Tyler's rights for three years – everything from speech services to having a seat restraint on his school bus to keep his little body safe.

AND NOW a new fight awaits us – and many of you, too.

Quietly under the public's radar, changes have been brewing with Virginia's special-education rules. It's a complicated issue with a labyrinth of bureaucratic red tape and jargon, but the upshot is that the state Board of Education soon will consider removing parents from a vital part of the special-education process.

Don't let them.

UNDER FEDERAL law, children eligible for special education must have Individualized Educational Programs. IEPs are the education equivalent of a medical-treatment plan and are required by the U.S. Individuals with Disabilities Education Improvement Act. Cutting parents out of this process is the educational equivalent of letting doctors and nurses make major medical decisions without patients' input.

Virginians are lucky in that many of the Commonwealth's education requirements go beyond federal regulations. Right now, parents must consent to any change in their children's IEPs before any changes can occur.

Under the new draft rules, however, all or part of IEPs could be terminated despite parents' objections. It's being done so that Virginia's rules are no more restrictive than the federal government's.

THE STATE Department of Education can't, or won't, tell the public the impetus behind the proposed rule, but a spokeswoman kept insisting it was only a proposal.

It is more than that. The train is well out of the station.

"There is great risk of this being final. Parents need to say, 'This is horrible,' " said Emily Suski, of the Charlottesville-based Legal Aid Justice Center.

THE VIRGINIA Department of Education quietly rolled out one public comment period a year ago. In the near future, a 60-day, second public comment period will begin, along with eight townhall meetings across the state.

Parents need to be there. More important, they must write the state Department of Education. Do it whether you have disabled children or not. Parents, who know their children better than anyone and what's best for them, must band together to defeat this outrageous erosion of parental rights.

The draft regulations are about one thing and one thing only: money.

SPECIAL EDUCATION is expensive, but not nearly as much as the cost to society in dropouts, crime and antisocial behavior.

Pay now, or pay more later.

Parents, advocates and the Virginia Education Association oppose these draft regulations. Who favors the new regulations then? School administrators and bureaucrats.

THE CONSENT of parents to IEP changes is "particularly burdensome in the termination of services for children whose assessments and progress no longer warrant special education and related services, causing a significant personnel and financial impact on schools," according to the Virginia Council of Administrators of Special Education.

Fine. Tweak the existing rules and address stringent staffing requirements. Leave parents in the process, however.

"We do need a change, but this is not the right one," said Melissa Meade, a Washington County resident who started and runs Parents in Partnership, a support and advocacy group for parents of disabled students. "Don't throw the baby out with the bath water; just fix the problem without breaking the system."

The new draft regulations also contain this provision: Parents who exercise their appeal rights would face hearing officers overseen by the Department of Education, instead of the current system, where the state Supreme Court provides oversight.

Why don't we just let al-Qaida run our Department of Homeland Security, too?

Our politicians and government have no compunction about lining the pockets of special interests as well as their own. They won't hesitate to invent phony excuses to fight real wars, spy on innocent citizens and spark a recession because they don't want to interfere with sub-prime home loans.

Our children – particularly our most vulnerable ones – are where the line in the sand must be drawn.

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Reader Reaction:

Your Comments

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Posted February 16, 2008 @ 10:15 AM by beeman

Just keep electing Republicans, folks, and you will see everything that made this a great nation destroyed. Not one word in the Constitution requires a free public education to anyone. Remember that when you hear someone mention "strict constructionist". Keep fighting for the greater good. Vote for progressives, which means Democrats.

Posted February 15, 2008 @ 12:37 PM by Virginia Special Education Network

In 2007, the Virginia Board for People with Disabilities (VBPD) and the State Special Education Advisory Committee (SSEAC) created the Virginia Special Education Network to share accurate, timely information on special education and related disability issues. Parents, educators, transition-aged students, and others are encouraged to join this grassroots communication network. For more information or to join, visit <http://www.vaboard.org/vsenform.htm>.

Posted February 12, 2008 @ 08:04 AM by therose

Same thing is happening in a province of Canada on children who fall in the mild to moderate LD category. These children are often in a pathway 2 situation, and the new rules are that the school can change the accommodations or the ISSP without consent from the parents. In December of last year, the Education Ministry confirmed the appeal process will remain the same which is run by the school board. As a consequence, decisions being made at the school level, do not get overturn.

Posted February 12, 2008 @ 12:16 AM by bharrison

'Because it is stabilized, [Da-da].' There is much to that little phrase. Accomplishment. Pride. And bulldozers. Dramatic changes in policy - particularly those driven by cynicism, or sentimentality, or by the pursuit of some amorphous thing called a greater good - can lay waste to established methodology that does work. Picture an out-of-control bulldozer, hung onto by a bureaucrat from Rich., bearing down on your child. No. Takes more'n a dozer to tear chunks out of a devoted parent's rights.

Posted February 11, 2008 @ 10:50 AM by AMYM

This is an outrage. I have a child that needs special education services and he is only in preschool. We are at the beginning of our journey and I can not imagine the school system making my decisions for me. I know what my son needs more than they do. Trust me, I have one daughter in high school and another in middle school, I am not sure that I fully trust decisions made without my consent by the school system.