

SCHOOLS

Parents of Special-Ed Students Oppose Changing Consent Rule

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A proposed revision of Virginia's special education rules is triggering widespread protests among parents of disabled students, who say it would strip them of power in negotiating their children's education.

Currently, school systems must obtain parental consent before eliminating such services as speech or occupational health therapy. But the state [Department of Education](#) is proposing that schools be allowed to suspend them without such consent. If a parent objects, the service would be maintained until the matter is settled through dispute resolution.

State education officials said the change would lead to more efficient delivery of services.

"There is a statewide interest in making sure resources are used where they are going to do the most good and where they are warranted," said [Charles Pyle](#), a department spokesman. The proposal was prompted in part by suggestions from school systems across the state, he said.

The department, which has received 3,000 comments on the proposal, has scheduled public hearings across the state, including one from 6:30 to 9:30 p.m. May 15 at Freedom High School in [Loudoun County](#) and another from 6:30 to 9:30 p.m. June 2 at [Oakton High School](#) in [Fairfax County](#).

Parents say they already have limited influence in their children's federally required "individualized education program," a road map that spells out a student's academic goals and needs. The revision, they say, would further limit their input.

Under the proposal, "a school can come and decide to take away a service without having to listen to a parent," said Lisa Fagan, a parent of disabled children who is hired by other parents to advocate on their behalf during negotiations with school officials. "I've seen this happen where the schools want to remove a service because they feel the child doesn't need it anymore. They can't just dismiss parents."

Although they are sympathetic to such concerns, state and local school officials say the rule change could benefit students. "I don't know if the intent is to make things easier for schools," Pyle said. "Resources are finite. This is an attempt, through this revision process, to make it more likely that those school resources are used where they are most needed."

School officials in Fairfax, which has about 22,000 students with disabilities, said they are neutral on the proposal. But Ellie Barnes, Fairfax's director of student services, said she "wouldn't have any objections if those parental consent rights" remain, citing the county's "exceptional" programs that she said yield only a small number of disagreements. The revision would mean "just one less meeting to have . . . and less paperwork," she said.

D.C. and Maryland school officials say they have no plans for any similar change. "There is no change to our current policy that all services and the subsequent reduction or elimination of a service must have parental consent," said Audrey Williams, a D.C. public schools spokeswoman.

Special education rules have created controversy since at least 1975, when federal law gave mentally and emotionally disabled students the right to individualized learning plans. Some school systems have provoked parents' ire by delaying learning-disability evaluations and finding other ways to accommodate such children rather than placing them in costly special education programs.

Some special education disputes have reached the [U.S. Supreme Court](#). In May, it ruled that parents of the disabled do not need to hire an attorney to sue school districts when they disagree about a strategy to meet their children's educational needs.

But many parents said Virginia's proposal could lead to expensive legal battles. "The schools have a billion-dollar budget. They have lawyers on retainer," said Steve Wolfson, associate executive director of Arc of Loudoun, a nonprofit advocacy organization for the disabled. "Me, personally, I don't have lawyers on retainer."

[Gov. Timothy M. Kaine \(D\)](#) has also criticized the plan. "I have concerns about proposals in this regulation that reduce parental involvement in key decisions made about their children," he said last month. "I do not currently see any circumstance under which I would approve a final regulation reducing parental involvement in these ways."

The state's nine-member Board of Education is likely to vote on the regulation in December, Pyle said.

Board member [Gary Jones](#) of Clifton said the proposal surprised him. "I've always been an advocate for parental involvement, but there must be some reason that people think this is the right time for no parent involvement," he said in an interview. "I'd be interested in knowing what the reason is."