

## Board OKs special-education changes

Controversial portions removed, proposal now goes to governor's office

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The Virginia Board of Education revised the state's regulations for special-education students yesterday, advancing a plan stripped of the proposals that were the most unpopular among parents and politicians.

Despite pleas from some groups to postpone a vote, the board unanimously signed off on the changes after holding nine public hearings throughout the state and fielding 38,752 comments over the past year.

"I think the cold, hard truth is we could hold it for 60 days, we could hold it for 90 days, we [could] not come to agreement on some of these things -- [and] reasonable people can disagree," said board member Andrew J. Rotherham.

The revised regulations are now headed to the governor's office for review.

The board maintained parental input when a school is considering terminating their child's special-education services, and it will keep the due-process hearing system under the purview of the Supreme Court of Virginia instead of moving it to the Board of Education.

State education officials last amended Virginia's regulations about eight years ago and must now review them to comply with the Individuals with Disabilities Education Improvement Act of 2004.

Many of the state's regulations exceed federal requirements, and the move to align them has been contentious. But several special-education instructors yesterday told board members that the state regulations should align with the federal regulations.

Tom Nash, executive director of intervention and prevention services for Albemarle County Public Schools was disappointed with a change under which the board will allow students to be considered "developmentally delayed" until age 6, as opposed to keeping them in regular education classes or distinguishing them with a more specific disability.

Under the current state regulations, students can be classified as developmentally delayed until age 8. Parents had concerns about labeling students with a specific disability, such as mental retardation, at a younger age.

State education officials say earlier identification will keep more children in regular-education classrooms with supplemented teaching and place only students who need intensive services in a different setting.

"You really want to make sure special education is the last step, not the first answer," Nash said.

In recent weeks, Superintendent of Public Instruction Billy K. Cannaday Jr. and several board members backed away from proposals that raised objections from Gov. Timothy M. Kaine, a Democrat, and Speaker of the House of Delegates William J. Howell, R-Stafford.

Emily Dreyfus, with the JustChildren Program of the Legal Aid Justice Center, asked the board yesterday for more time to consider the changes.

"The draft that they approved is much better than the original proposal and goes a long way towards making sure that partnerships can really flourish between schools and families," she said after the meeting, adding that there are still some provisions that do not go as far as they would have liked.

Also yesterday, the board held a public hearing on proposed changes to the gifted education regulations. Eleven teachers, administrators and parents addressed revisions they think would be harmful to gifted education in schools.

One would move the gifted education plan approval process to each district's school board, from the state Department of Education.

Patti Davis, a Hanover County mother of five gifted children, made a plea for the board to retain its approval role. "I can go to a local school board meeting but I don't have any backing," she said. "I'm just a whiney parent."

Another parent said having the education department approve the plan removes "politicization" that is possible with local school boards.

Also criticized was a change that would require schools to update and approve their plans annually, which some local school officials say isn't practical. It's currently done every five years.

A.J. Rogers, coordinator of gifted services for King George County schools, said that could mean "more time will be spent writing plans rather than implementing them."

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