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Photo by Andre Teague/Bristol Herald Courier  
Susanne Conroy looks on as her son, 7-year-old Heath Conroy, works on a spelling assignment Friday afternoon at Marion Primary School.

## Parents Want To Retain Involvement In Special-Needs Education

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BY Debra McCown  
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MARION, Va. – Megan Shuler is a bright 14-year-old girl who makes A's and B's in school and has hopes of studying at Virginia Tech to become a veterinary technician.

She also has mild cerebral palsy, which means her muscles don't always enable her to keep up with the other students on certain tasks.

Her mother, Tammy Shuler, says proposed changes to state regulations could boot her daughter out of the special education program, jeopardizing her education and career goals.

"They're looking at taking away parents' consent to decide whether or not your child should be in a program," Shuler said, noting school officials want services discontinued for her daughter. "If they do that, due to Megan's handicap, she would fall behind."

Parents around Southwest Virginia are concerned their children with special needs will be left behind by proposed regulatory changes they say are driven by the state budget crunch and administrators' convenience.

"We have to give our consent for our child to get Tylenol at school for a headache, or we have to give our consent for a child to go on a field trip or attend a school party," said Susan Conroy, whose two children have autism. "But they want to get rid of our consent to special education services being terminated."

Conroy's son, Heath, 7, and daughter, Rylie, 10, learn in inclusive classrooms, meaning they're together with children who don't have special needs. But they also receive special services to help them learn.

"All children are entitled to a public education, and they would not be able to access the curriculum without special services," Conroy said. "It's all things that a child needs to access an education."

She said her children learn from their classmates – and Rylie's third-grade classmates all say they've learned from her.

"Smile!" says Rylie, smiling, when she sees a camera.

"She's a wonderful artist," said Kathy Freeman, a teacher's aide who works with Rylie.

"Everything she draws, you know exactly what it is ... and she learns best with a crayon in her hand," Freeman said. "She doesn't really think about it when she's doing it, but it allows her mind to be free for other things."

Freeman said it's been "awesome" to watch Rylie learn and progress – and observe her classmates come to accept her for who she is.

"I'm from the West, so when I moved here [in 1992] ... the [special needs] services were so bad," Freeman said. "Things were finally coming around. Then, when I hear stuff like this [the proposed regulatory changes], it really alarms me."

If parental consent were not required, Freeman said she worries about the decisions that might be made by inexperienced teachers unfamiliar with autism and other disabilities.

Conroy also fears school systems trying to cut costs will make poor decisions.

"If it happens to just one child to save money, that's one too many," Conroy said. "This is our most vulnerable population, and it's really putting them in a risky position."

Freeman said the proposed scaling back of regulations would revert much of the progress she's observed in Virginia during the past 16 years.

"If you take that away, what would it do for the kids?" she said of the parental-consent requirement. "It would do absolutely no good at all."

Gregory Jones, who has two boys with autism, has another concern – that the proposed regulations would exclude parents like him from helping address their children’s behavior at school.

"If your child has discipline problems or behaviors that are disruptive to the classroom or their own learning, they do an FBA, or Functional Behavioral Assessment," Jones said. "If they make the FBA just a review of current information or just go over what they already know, they don’t have to call the parents in for the meeting."

He said parents are in the best position to help teachers figure out how to address any behavioral issues that arise with their special-needs children.

He said he believes the proposed regulations would shut out parents and limit their rights, and generate large expenses for schools and parents whose only recourse is a legal process.

What’s unclear is who stands to benefit from the regulatory changes.

Charles Pyle, spokesman for the Virginia Department of Education, which generated the proposed regulations, said the recommendation to eliminate parental consent is not intended to shut out parents from their children’s education.

"The intent is not to take rights away," Pyle said. "The intent is to provide a mechanism to bring finality to a decision when the overwhelming evidence is that a service or services are no longer needed ... to the satisfaction of all parties but one."

He said the proposed regulations would still allow for parents to request a second, independent evaluation of their children and the use of other "dispute resolution mechanisms" while the children continue to receive services.

Pyle explained the revision of state regulations originated with the 2004 reauthorization of the federal Individual with Disabilities Education Act and subsequent changes to federal regulations.

"The state has to follow suit," he said. "Some of the changes have to do with making those adjustments, but also when you open regulations, it’s an opportunity to address issues that have been discussed in the field as potential areas for change."

Julie Grimes, a spokeswoman for the education department, said even without parental consent required for certain decisions – and with many of the regulations scaled back to match federal minimum requirements – parents would remain an active part of their children’s Individualized Education Program or IEP team.

"This is just a revision, and this is just a part of our regular process," Grimes said. "There are nine public hearings going on that are going to begin next week, and the public

hearings are so that the public can come out and express their comments or concerns about the draft as it is right now."

The first hearing will be held from 6:30 to 9:30 p.m. Tuesday at Abingdon High School.

After the hearings, the Virginia Board of Education must approve the regulatory changes before they are sent on to the Secretary of Education's office and the governor's office for review, with a 30-day final adoption period before the changes become effective. Gov. Tim Kaine told the Bristol Herald Courier in March that he opposes any changes in parental consent.

Thomas Brewster, a member of the state board and a Bluefield resident, said he is keeping an open mind.

"My vote is going to come down to, how is this going to affect students in the commonwealth," Brewster said. "I don't take that lightly."

Kaine has expressed concerns about eliminating parental consent in special education decisions and the removal of parents from the Functional Behavioral Assessment team. He is also concerned about the added option for a parent's IEP request to be denied if considered "unreasonable" by a local education agency, and reduction in the number of IEP progress reports parents receive.

"I do not currently see any circumstance under which I would approve a final regulation reducing parental involvement in these ways," according to a memo from Kaine posted on the state's Web site. "I urge the Board of Education 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."

On the opposite side of the fence is the Virginia Council of Administrators of Special Education, which paints the draft regulations as a way to improve efficiency. Group members could not be reached for comment, but the organization does list talking points on its Web site.

"VCASE support[s] the regulations as they are presently written ... and recognize[s] that the most benefit a child can gain is from a teacher who is present in the classroom providing instruction vs. being bogged down in procedures, spending valuable time completing paperwork or conducting time consuming meetings for minor changes," according to the group's written statement.

"VCASE cannot support the continued use of resources, staff and time for children who have clearly demonstrated through the re-evaluation process that they can access the general curriculum and meet the State standards that apply to all children."

Conroy said educating children appropriately is more important than reducing administrators' paperwork.

"It's frustrating to see, with all the time and all the energy you're willing to expend in volunteering and participating in their education, to think that something as vital as your consent would be a place where they don't feel like your input is needed," she said. "It's like we have to be constantly vigilant to make sure our kids' protections are not taken away."

Kariann Alley, a special-education teacher at Marion Intermediate School, agrees.

"I think it's essential for parents not only to have consent, but involvement. ... They know what's best for their kids," Alley said. "They should be the deciding factor."

Conroy, who has been involved in starting two organizations to bring parents of special-needs children together, said parents need to register public comment and call their legislators.

"You need to show up and start complaining because this is going to affect everyone," Conroy said.

"If you've got a child with an IEP, you could be sitting in a meeting a couple months from now being told your child doesn't need services anymore."

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## **YOU SHOULD KNOW**

To get involved or to have comments on special education read in Richmond, e-mail Susanne Conroy at [smrc1001@aol.com](mailto:smrc1001@aol.com)

To read the draft regulations, go online to <http://www.doe.virginia.gov/VDOE/duproc/regulationsCWD.html>

To comment in person on the proposed regulations, attend a public hearing from 6:30 to 9:30 p.m. Tuesday at Abingdon (Va.) High School, 705 Thompson Drive.

To send written comments, e-mail them to [ReviseSpedRegs@doe.virginia.gov](mailto:ReviseSpedRegs@doe.virginia.gov) or mail to Special Education Regulations Revision Process, Office of Dispute Resolution and Administrative Services, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120.