

State board members hesitate over new special ed proposal

Ella P. Ward of Chesapeake is a state board member.



Proposed changes

Schools could cut off special education for a child without the agreement of parents, according to a proposed special education rule change. Another change would shift the special education decision-making authority from the courts to the state Department of Education.

By [Lauren Roth](#)

The Virginian-Pilot

© July 17, 2008

RICHMOND

Parents spoke, and the state Board of Education listened. At their monthly meeting Thursday, several board members said they have concerns with proposed special education rule changes that could reduce the rights of parents.

"Parental consent and parental involvement are important," said board vice president Ella Ward of Chesapeake. "We listened. We heard. And we're about to act."

Board members attended some of the nine hearings held around the state in the spring to discuss the proposed changes.

"There was barely a person who spoke to us at those hearings who didn't speak about parental consent," said board president Mark Emblidge of Richmond.

In the proposals, schools could cut off special education for a child without the agreement of parents. Gov. Timothy M. Kaine voiced reservations about that revision and several others in a letter to the state board.

Another concern is a proposed change to due process for parents who appeal a school's special education decision. Decision-making authority would be shifted from the courts to the state Department of Education.

Although the department might have staffers who are better trained in special education, parents might feel the deck is stacked against them, said board member David Johnson of Richmond.

"The perception, in many cases, is much more important than the reality," he said. "Because of that, I cannot support moving the selection of hearing officers from the Supreme Court to the Department of Education."

The state has received more than 5,000 comments. Doug Cox, assistant superintendent for special education and student services, said he expects to bring a final, modified version of the special education regulations to the board for a vote in September.

The board also agreed Thursday to address an issue that has drawn public attention: school fees. JustChildren, a legal aid center, requested new regulations in May after finding wide variations in what Virginia public schools charge students. These costs include items like class dues, locker charges and gym uniform fees.

The board agreed to move ahead with rules that would ensure only appropriate fees are charged to families of students, and that school divisions will have hardship policies in place for families that cannot pay.

"In the public housing community where I live, many of the families have to pay for two, three or four children to go to school," one commenter, identified as Joy Johnson, wrote. "It's a burden in September when they buy school supplies, school clothes and pay fees."

It could be 2010 before new regulations are in place, said Anne Wescott, assistant superintendent for policy and communications. The change has to go through an executive review and another public comment period before the board considers any changes, which could come in the winter.

In the interim, the state superintendent may issue guidance to school divisions, Wescott said.

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