



## Special education controversy

### Consent would not be required for cessation of services and determining services for transfers.

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Greta Harrison's first reaction to the news that [Virginia](#) was changing its special education law was caution.

There was no question the change was overdue. The state law was out of compliance with the federal special education law, updated in 2004. There were definitions to revise, new information about teacher qualifications to add and discipline and evaluation criteria to review.

But the revisions unveiled in March and under public review until June 30 surprised and saddened Harrison, who is an active member of Hampton City Schools' special education advisory committee and other area groups focused on advocacy for the disabled. Her 8-year-old daughter, Yasmine, has Down syndrome and is a second-grader at Forrest Elementary School.

Harrison and other parents and advocates for the disabled are worried about proposed changes that would reduce parents' roles in several key special education decisions, including the termination of services for their children.

"I'm not angry, but I am concerned," Harrison said after reviewing the changes. "I'm very surprised that they came up with a document that is so polarizing."

Harrison and others plan to attend a public hearing Wednesday at Norview High School in [Norfolk](#) to register their worries and suggestions.

So far, the state has held six of nine public hearings on the regulations and has received more than 4,000 written comments, said Education Department spokesman Charles Pyle.

### 14 percent

About 14 percent, or 172,704, of Virginia's students qualify for special education services. The largest number, 63,282, have a specific learning disability such as dyslexia. More than 31,000 have speech or language impairments. About 26,000 fall into the category of other health impairments, which includes Attention Deficit Disorder. And

more than 15,000 children ages 2 to 9 have developmental delays. All are entitled to support to help them learn.

The federal Individuals with Disabilities Education Act guarantees that children with disabilities have the right to a fair, free and appropriate public education. Special education students must have individual education programs, which outline learning goals, accommodations and services. They are developed by teams that include the parents or guardians, teachers, counselors, therapists and others who work with the child. The teams meet regularly to update the plan.

Students also are entitled to support services that might include an aide, special learning tools and teaching strategies, therapy and other services. But while the federal government requires those services, it pays for only a fraction of their costs.

Cities and counties provide the bulk of funding to cover special education costs beyond basic education funding. State officials say some of the proposed changes are an effort to use limited resources more effectively.

### **Proposed changes**

Among the changes that has caused the greatest uproar is eliminating the parental consent requirement when a district wants to stop providing special education services for a child. In the regulations under consideration, the school must notify a parent, but not seek permission. The changes also propose eliminating parental consent when determining services for transfer students.

In a letter to the State Board of Education, Gov. [Timothy M. Kaine](#) said he was concerned about those proposed changes.

"I do not currently see any circumstance under which I would approve a final regulation reducing parental involvement in these ways," he wrote.

Harrison agrees: "There are ways to do this without taking away parental rights. ... I don't want to see us go back. I want to see us move forward."

Sharon Warren, Hampton's director of special education, said the change does not mean parents have no options.

"They can ask to have the child evaluated again and can initiate the due process procedures," she said. "They still have the right to due process."

Other changes have drawn fire from the Virginia Office for Protection and Advocacy and The Arc of Northern Virginia, a nonprofit organization focused on advocacy for the disabled. Concerns range from worries about changing definitions to opposition to a proposal to move the special education hearings process from the courts to the Department of Education.

Several other changes also worry advocates and parents. Under the proposed rules, parents would receive fewer progress reports about their children. If a parent wants to meet more than once a year to review a child's individual education program, required by federal law, the school could refuse if officials believe the request is unreasonable. And the state wants to tighten the age span for children identified as having developmental delays from 2 to 9 years to 2 to 5. Any child "aging out" of that category would need to be re-evaluated to see if he or she qualifies for other services.

"I am concerned that a lot of children will be cut out of the system if the developmental delay threshold is lowered to age 5," Harrison said.

About 6,800 children statewide would no longer qualify for services if the age change becomes law. She said physicians also have expressed concerns because some children have not outgrown their delays by age 5.

But Warren said the change makes sense if a child no longer shows signs of a developmental delay. In Hampton, 333 children are developmentally delayed, with 158 in the 6 to 9 age range.

"What happens is that for some kids who are 6 to 9, they don't fall into any category. ... It makes it very hard to figure out how to provide services because there is no disability. So that puts them out of the system at third grade, and they don't qualify for anything," she said.

Warren said 5 is a better age for transitioning out of services related to a developmental delay than 9, when students are in third grade and about to begin taking state math, science, reading and social studies tests.

"I would rather put them into kindergarten full force," she said. "You can always re-evaluate and provide services if they need them. Parents can ask to have their children evaluated every year."

### **'we ... have to show up'**

Harrison and other parents said the proposed changes include some good things. Among them are proposals to bring definitions in line with the federal law, and to broaden the autism category.

But another change has her worried that it might decrease already limited parental involvement in local special education committees. The state wants the committees to have the same ethnic makeup as the district population, but Harrison, who is Hispanic, said "we check our color at the door. We should all be parents or concerned citizens. We should not be there to fulfill a quota."

Despite her worries about the proposed changes, Harrison said: "I see this as an opportunity for parents to step up and become involved. I would like to think there is a positive outcome for this. I would like to see the school systems and the administrators see the response and see the respect.

"But we do have to show up."

### **Special education students**

The special education population in local districts (totals include students ages 2-22 as of Dec.1, 2006):

State

*172,704*

Gloucester

*730*

Hampton

*3,302*

Isle of Wight

*784*

Mathews

*222*

Newport News

*4,414*

Poquoson

*277*