

## State Board Revises Rules, Eases Some Controversies

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The [Virginia State Board of Education](#) approved revisions to special education rules yesterday that omitted two proposals that parents of disabled students had said would severely restrict their rights. But some parents said they are still worried about the state's procedures for evaluating children with special needs.

State education officials had come under fire in the spring for proposing changes that would have allowed school systems to eliminate services such as speech and occupational health therapy without parental consent. That proposal drew thousands of public comments, mostly negative, and was also opposed by [Gov. Timothy M. Kaine \(D\)](#). The board dropped the proposal yesterday and also eliminated language that would have switched appeals hearings for special education decisions from the [Virginia Supreme Court](#) to the Department of Education.

But the approved regulations removed certain requirements for including parents in the disability evaluation process, and they reaffirmed Virginia's requirement that schools complete those evaluations within 65 business days after a formal request has been filed, or 13 weeks, about a month longer than federal law dictates. Some parents and the Virginia Office for Protection and Advocacy complain that the longer timeline means unnecessary delay.

"Making anything harder for people with disabilities is a real problem," said Lisa Fagan, a mother of disabled children who negotiates with school officials on behalf of other parents. The new regulations are "a compromise," she said. "It's not perfect -- there are things that are left to be addressed."

State education officials said the changes will guarantee that students who need services will receive them, and those who don't will not.

The changes help ensure that schools give "instruction a chance to address an issue before a child is identified as in need of services," said [Charles Pyle](#), spokesman for the state Education Department.

Virginia's timeline for evaluating whether a child is eligible for special assistance is adequate, said Douglas H. Cox, the assistant state superintendent for special education and student services. Requiring adherence to the federal regulations "would be a resource-intensive change," he said. The revisions approved yesterday "don't have a huge impact [on the budget] either way," he said.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/09/25/AR2008092503876.html>