

Dear Senator or Delegate:

As a Virginian and the parent a child with a disability, I am writing to alert you about my concerns regarding a major threat to the basic civil rights of parents in Virginia. The Virginia Department of Education's (VDOE) proposed *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* recommend changes to minimize differences between the federal and Virginia regulations on special education. Many of these changes threaten the important balance between parents and schools that is necessary to ensuring that the education rights of Virginia's children with disabilities are effectively served.

Of these changes, the most egregious is VDOE's proposal to eliminate Virginia's current procedural safeguard of parental consent for the termination of special education eligibility and services. Virginia regulations presently require parental consent before schools may take action in three specific areas: (1) an evaluation to determine the existence of a disability and eligibility for special education and related services; (2) initial development and changes in a child's Individualized Education Program (IEP); and (3) termination of a child's special education and/or related services. The right of consent to the termination of special education services is a longtime, Virginia-specific parental right granted by the Commonwealth to protect its most vulnerable citizens – children with disabilities.

Virginia has correctly understood the parental rights necessary for creating the parent-school partnership outlined in the Individuals with Disabilities Education Act (IDEA). Virginia recognizes a parent's essential right to participate in any decision on the termination of eligibility and special education services for their child because this right of consent:

- ensures that the *best interests of the child* are served.
- guarantees that the parent is treated as a *full and legal member of the IEP team* as required by IDEA.
- protects the *integrity of the IEP team process* outlined in IDEA.
- prevents schools from making eligibility and service termination decisions by fiat and not by the *consensus of the IEP team* as intended by IDEA.
- acts as a *counterbalance* to the pressure on school personnel, in light of recent budgetary shortfalls, to eliminate children from special education services due to limited school resources.

Virginia has been in the forefront of ensuring the rights of children with disabilities and the parents who advocate for them. Not since the post-Reconstruction era has Virginia withdrawn important civil rights that it previously granted its citizens. Virginia must refuse to again take such a step backward in protecting its citizens' rights.

The parents of children with disabilities in Virginia must not be denied the continued right of consent to the termination of services under VDOE's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. Please guarantee Virginia maintains its commitment to protecting children with disabilities by ensuring VDOE continues to grant this important parental right of consent when it promulgates its regulations.

Sincerely