

Draft Testimony
NOVA HEARING 5/15

Thank you very much for your time and interest in public input about the proposed special education regulations. My name is _____ and I am here tonight on behalf of the **Virginia PTA**. I have _____ children and I live in _____.

Although I'm not the parent of a child with a disability, I'm here tonight to represent the concerns of the VA PTA.

(or, I am a parent with a child (or children) with a disability, I am here to speak for my child and all children who may be affected by the decisions you make in reference to the Draft Special Education Regulation)

As you may already be aware, many parents were very troubled to learn of the proposed changes to the special education regulations. The VAPTA supports all of the positions on the JustChildren Platform, and has taken those positions as our own.

In my testimony, I'd like to highlight the PTA's concerns about issues which we see as barriers to fairness. However, before I go into those issues, I'd like to mention our strong concern that the regulations be rewritten to continue current parental consent rights, so that parents are true partners in decisions to continue or terminate their children's special education services. Anything you can do to facilitate family involvement and fairness is a **good** thing, and we appreciate your dedication to family involvement over the years.

On the issues of fairness, there are two primary concerns the VA PTA would like to highlight this evening:

1. **We want to see a fair playing field when families and schools are involved in special education dispute resolution.** We believe that schools and parents should be on an equal playing field when they are in a dispute. Since Due Process hearings are the formal dispute resolution process for special education, we hope you will amend the proposed regulations to who an even hand.

In the proposed regulations, it states that when a *parent* files a due process hearing request, the school would be allowed to bring up issues at the hearing – even if the issue wasn't raised in the hearing request. However, if a *school* files *against* a parent, **the parent would not get the same right.**

The second dimension of unfairness in the dispute resolution section of the regulations says that if a *parent* requests due process, a resolution session is required, unless both parties agree otherwise. But if a *school* files due process against the parent, no resolution session is required at all. Resolution sessions are a new part of the federal law, and they offer a chance to resolve the disagreement before getting underway with a long and costly legal procedure. We believe that the requirements for participating in resolution sessions should be the same for both parents and schools.

- 2. In addition, the VA PTA opposes changing the oversight of Due Process Hearing Officers to the Virginia Department of Education.** Currently, we understand that hearing officers receive training from the Department of Education, but there is a layer of objective oversight provided by the Virginia Supreme Court. This should continue. The proposed change to give sole authority to state agency will create the appearance of a biased system, and more conflicts will result. Most families resolve their concerns through meetings with teachers and other school personnel, not through the Due Process system. However, this is an important safety net, and we ask that you create as fair a system as possible.

Thank you for your attention, and for your work to establish a fair system, which will support success for all students.