



## COMMONWEALTH of VIRGINIA

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May 20, 2008

Melissa Smith  
Department of Education  
P.O. Box 2120  
Richmond, Virginia 23218-8520

Dear Ms. Smith:

The Virginia Office for Protection and Advocacy (VOPA) thanks you for this opportunity to submit its comments to the Proposed Regulations Governing Special Education Programs for Children with Disabilities In Virginia. VOPA appreciates the time and effort of the Virginia Department of Education (VDOE) in developing their proposed Regulations. In particular, we support the proposed Regulation requiring that transition planning and services begin at age 14. This proposal will help children prepare for their post-school lives and supports Virginia's commitment to full integration for people with disabilities.

However, VOPA joins the concerns raised in Governor Kaine's March 21, 2008 Memorandum and those raised in the Comments of Coalition for Students with Disabilities in Virginia. In particular, we are alarmed by the way VDOE's Proposed Regulations restrict parental rights. Indeed, in some cases, the proposed Regulations completely remove them.

VDOE's Proposed Regulations unacceptably limit parental rights by, among other things decreasing parental involvement in the eligibility process for Special Education services; developing new and arbitrary criteria for determining Special Education eligibility; removing any timeframe requiring schools to implement a child's Individualized Education Program; removing the requirement that IEPs contain benchmarks or short-term objectives; and shifting control of Hearing Officers to VDOE from the Virginia Supreme Court. The proposals will seriously undermine Virginia's commitment to full acceptance and integration for people with disabilities.

We urge VDOE to revise the regulations to support Virginia's children with disabilities and their rights to a free, appropriate public education.

Sincerely,

A handwritten signature in blue ink, appearing to read "V. Colleen Miller".

V. Colleen Miller  
Executive Director

*Virginia's Protection and Advocacy System*  
*Serving Persons with Disabilities*