

## Special-education rule changes dropped Proposals drew fire from parents

By Tracy Jan, Globe Staff | February 17, 2005

Pressured by dozens of lawmakers and hundreds of parents, the state Education Department yesterday backed off plans to change rules that many feared would limit parents' input on how children with special needs should be educated.

Parents, who attended public hearings twice this month, complained that the proposed changes -- scheduled to be adopted April 26 -- could give school systems carte blanche to segregate special-education students in classrooms away from the rest of the student body.

In a letter that the state Board of Education received yesterday, lawmakers said the proposed changes "seriously threaten to undermine student and parental rights" and fail to comply with legislative directives set five years ago. The letter was signed by 65 lawmakers.

State education officials, who wanted to significantly revise special-education rules for the first time since 2000, said the intent was not to usurp parents' rights. Some of the most controversial changes, state officials said, were intended to help parents more easily navigate what is often a confusing system and align state rules with federal law.

State Education Commissioner David P. Driscoll yesterday withdrew all of the changes criticized by parents because they were not worth the parental uproar, said Heidi Perlman, department spokeswoman. Driscoll was out of town and unavailable for comment.

"It just became very clear that there are some battles you can win and some battles that just aren't worth fighting," Perlman said. "The goal here isn't to start a war."

About 16 percent of the state's students are in special education. The changes would have affected only a minority of them, said Marcia Mittnacht, the state director of special education.

But parents said their concerns were real. They said the 48-page proposal was cumbersome, ambiguous, and harmful to children. The language seemed to marginalize parents and allow cash-strapped school districts to shortchange their children; it's cheaper to keep children in a school system rather than send them to a private school, an option parents sometimes choose.

"They were going in a backwards direction with these proposed regulations," said Carolyn Kain, a parent of a kindergartner with special needs in the Boston school system.

Parents from school systems around the state said they were particularly concerned about changes they thought would allow a school administrator to make the final determination on where a special-education student would go to school. Currently a team of specialists, teachers, and parents agree on the best school for the child. They said that adding an administrator created another level of bureaucracy.

Mittnacht said the idea was to simplify, not hinder, the process. The intent, she said, was to allow an administrator, with parental consent, to approve a particular change in where or how the child would be educated without convening the entire team. For example, a parent may want to move a child to a private school, and the administrator could approve that.

Another controversial proposed change would have allowed schools, with the state's consent, to

segregate children in a different part of a school. Now, the rules say schools cannot segregate children, and if a school separates students it's cited by the state. School systems had asked the state for the flexibility to separate children if they're emotionally disturbed and cannot function among the school's general population, Mitnacht said.

But parents said they feared that school systems might abuse that new authority to separate special-education students.

Carla B. Jentz, executive director of the Massachusetts Administrators for Special Education, a nonprofit representing about 300 special-education administrators, said to avoid further confusion the state should postpone work on the regulations until the federal government finishes its own.

The US Department of Education is still holding hearings around the country on the new regulations, which will govern how the country's special-education students should be taught. The goal is to finish the federal regulations by December, a department spokesman said.

Jentz said she could see how many parents found the state's regulations confusing, though she believed the state was acting in good faith. The new regulations, she said, should be "clear . . . and consistent with federal law."

Because of the recent confusion among parents, the state Education Department will hold forums throughout the state this year to better communicate its goals, state officials said.

Parents said they were relieved that their voices were heard.

"This whole language requires parents to have a PhD in educational vernacular," said Suzanne Gervais Peyton, board president of the Massachusetts Association of Special Education Parent Advisory Councils. "We don't need ambiguity in regulations. Once it's written in the language, it opens the door to be abused very easily."

Tracy Jan can be reached at [tjan@globe.com](mailto:tjan@globe.com). Maria Sacchetti of the Globe staff contributed to this article. ■