

Is Virginia Special?

Getting to Yes & Documenting Disagreement

A Workshop on Parental Consent with Juliet Hiznay, Esq.



J. D. Hiznay
PLLC

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Know It and Quote It

Section 170E of the VAC – Informed Consent

- ✓ *Consenting to evaluation / data collection*
- ✓ *Changes in Eligibility*
- ✓ *Changes to IEP*
- ✓ *Discharge from Services*

2

Meaningful Participation

- ✓ *Using records from private providers*
- ✓ *Asserting the right to review*
- ✓ *Focusing the team / Asking questions*
- ✓ *Your invited participants*

3

“Just Like Starting Over . . .”
The Power of New Data

4

First ____, then ____

- ✓ *Review & Document*
- ✓ *Consent to implement, except . . .*
- ✓ *Trust but Verify*

5

Should You Sign Digitally?

- ✓ Do you know what you agreed to implement?
- ✓ Can you prove it?
- ✓ Storing your own records – why it matters

6

Do Timelines Matter?

- ✓ Eligibility
- ✓ Annual IEPs
- ✓ Addendum IEPs w or w/o meeting

JD Hiznay, PLLC is a Virginia law firm providing advocacy and support for children and young adults with learning differences. Juliet Hiznay offers:

- Confidential consultation for families whose children are newly diagnosed with a disability.
- Advocacy for Virginia families seeking special education services, including private placement.
- Consultation on individualized education plans or 504 plans, including assessing needs, drafting goals and accommodations, and representation at meetings with school personnel.
- Assessments of student needs while transitioning to adulthood, including preparing for secondary and post-secondary programs.
- Representation of students in school discipline matters.
- Consultation on potential or actual law enforcement referral



J. D. Hiznay
PLLC

juliet@jdhiznay.com
WhatsApp Direct
202-352-8982

<https://jdhiznay.com>
Arlington Office
571-547-7055



SOURCES

Virginia regulations

http://www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf

“Stay Put” provisions regarding placement:

20 USC § 1415(j); 34 CFR § 300.518; 8 Va. Admin. Code § 20-81-210(J)

Consent provisions regarding special education are sprinkled throughout the VAC:

8 Va. Admin. Code § 20-81-10 (definition); § 20-81-20 (functions of VDOE); § 20-81-60 (referral for initial evaluation); § 20-81-70 (evaluation and reevaluation); § 20-81-80 (eligibility); § 20-81-90* (termination of services); § 20-81-150 (private school placement); § 20-81-170* (procedural safeguards)

IEP team membership

8 Va. Administration Code § 20-81-110C(1)(f)

**Note bene:* Virginia consent provisions (termination and procedural safeguards) provide more procedural safeguards than are available under federal law.

DISCLAIMER: These materials are for your general information only. Legal rights and obligations are highly fact dependent, and laws frequently change. Consult an attorney for legal advice.