

Draft Recommendations

Special Education Dispute Resolution

Universal Awareness & Training on the Tiered Dispute Resolution Process

Recommendation 1:

The Virginia Department of Education (VDOE) should provide awareness and training for the formal dispute resolution options. Develop consistent training on laws, processes, systemic & structural biases, neutrality, and the family perspective. Provide step-by-step expectations for what happens when parties agree or disagree. Develop and provide easy-to-read resources, self-help materials and tools for all parties to help families and school staff understand the dispute resolution process in a tangible way. Ensure that training and awareness materials are developed with input by independent subject-matter experts whose professional experience and backgrounds reflect a range of racial, cultural, and historically marginalized perspectives.

VDOE should provide early conflict resolution training to school staff, and when appropriate, lay advocates and parents to improve communication and collaborative problem-solving. As part of this:

- Encourage school divisions, advocates, and parents to participate in structured early conflict resolution and communication training, ideally aligned with existing efforts by VDOE and PEATC through the CADRE project.
- Focus on de-escalation strategies, trauma-informed practices, and effective family engagement.
- Provide voluntary training to lay advocates on the dispute resolution system, early conflict resolution, and effective communication strategies.

Recommendation 2:

VDOE should expand multilingual parent education and dispute resolution navigation tools. Create a mobile-friendly webpage offering plain-language descriptions of dispute options, video explainers and real-world scenarios, interactive guidance based on the nature of the concern. VDOE should leverage PEATC and other neutral third-party partners to provide coaching and support to families throughout the dispute process, both before and during the process. Require local education agencies to provide this information on their websites.

State Complaints

Recommendation 3:

VDOE should strengthen oversight of school division implementation of Corrective Action Plans (CAP) through increased documentation requirements and quarterly monitoring for one year

after a CAP or other remedy is mandated. VDOE should conduct random oversight of school divisions specific to dispute resolution to ensure consistent implementation of timelines, roles, forms, and procedures.

Recommendation 4:

VDOE should consult a neutral independent expert to conduct mandatory initial and ongoing training for state complaint personnel involved in investigation of complaints and writing of Letters of Finding regarding the IDEA state complaint system and standard decision writing practices, including issue specification and applicable standards of law. The training must include the determination and statement of issues for a state complaint; the conduct of the investigation; and the writing of the Letters of Finding, including enforceable final corrective actions. Training should be followed by the availability of a minimum of two months of technical assistance from the trainer to the state complaint personnel from case assignment to case closure.

Recommendation 5:

VDOE should collect, track/monitor, and publicly report the data on the enforcement of all Letters of Finding with ordered remedies, once enforceable final corrective actions are provided in the Letters of Finding.

Ensure public reporting of dispute resolution outcomes and corrective actions (excluding student identifiers) through the publication of an annual dashboard to include:

- Number and outcomes.
- Common issues (e.g., FAPE, placement, evaluations).
- Timelines of resolution.
- Patterns of repeat filings by division.

Facilitated IEPs**Recommendation 6:**

VDOE should substantially restructure and enhance the state-supported system of trained, neutral qualified facilitators, independent from school divisions. Incorporate the use of facilitated IEP meetings into VDOE technical assistance materials, IEP procedural guides, and family dispute resolution resources. Explore adding facilitated IEPs as a recommended step in VDOE's procedural safeguards and guidance documents, aligned with IDEA's preferences for early resolution. VDOE should maintain a list of facilitators; provide guidance on when to offer a facilitator; how to request a facilitator; and the role of the facilitator.

In the restructuring of the IEP facilitation system, VDOE should utilize the intensive technical assistance from CADRE and receive input from independent subject-matter experts whose

professional experience and backgrounds reflect a range of racial, cultural, and historically marginalized perspectives.

Recommendation 7:

VDOE should collect, track, analyze, and publicly report data on the number of IEP facilitations conducted and the outcomes of each IEP facilitation meeting.

- Require divisions to document and report when facilitated IEP meetings are offered and used (similar to how mediation usage is reported under IDEA).
- Publish annual summary data that reports statewide and by division showing trends in requests, usage, outcomes, and geographic distribution of facilitated IEP meetings.
- Use data to identify divisions with underutilization and provide support to build capacity and awareness.

Recommendation 8:

VDOE should consult with CADRE, PEATC, and other organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives on strategies to recruit qualified IEP facilitators.

Special Education Mediation**Recommendation 9:**

VDOE should update the training process to ensure all mediators are trained using VDOE-approved materials aligned with IDEA and Virginia regulations.

Require mediators to complete specialized training in:

- Federal and State special education law and regulations.
- Student-centered decision-making to ensure that the mediation process is understandable, fair, and accessible to families.
- Mediation strategies that facilitate respectful, balanced participation for both parents and schools.
- Communication strategies that demonstrate clarity and encourage family engagement.
- IEP development.

As part of the training process, require ongoing professional development and recertification every 2-3 years for mediators.

Recommendation 10:

VDOE should consider the addition of an independent neutral expert in laws and regulations relating to the provision of special education and effective mediation techniques to provide ongoing technical assistance to mediators, upon request.

Recommendation 11:

The annual evaluation for mediators should be mandatory and conducted by an independent neutral expert. To assist, VDOE should develop a consumer-friendly process to promote the submission by parents of post-mediation consumer evaluations of the mediation system.

Recommendation 12:

VDOE should provide multimedia approaches to share information about mediation and other alternative dispute resolution processes, including the use of social media, to ensure the information is visible in schools and communities.

Special Education Due Process Hearings**Recommendation 13:**

VDOE should update its training process to ensure all due process hearing officers are trained using VDOE-approved materials aligned with IDEA and Virginia regulations. Require hearing officers to complete specialized training in:

- Federal and State special education law and regulations.
- Student-centered decision-making to ensure that the hearing process is understandable, fair, and accessible to families.
- Hearing strategies that facilitate respectful, balanced participation for both parents and schools.
- Communication strategies that demonstrate clarity and encourage family engagement.
- IEP development.

As part of the training process, require ongoing professional development and recertification every 2-3 years for hearing officers.

Recommendation 14:

VDOE should promulgate regulations to require the hearing officer to conduct a prehearing conference in every case, as early as possible at the commencement of the 45-day hearing timeline in non-expedited cases and, as soon as possible in expedited cases. Revise regulations to include the minimum areas that must be addressed and determined at the prehearing conference, including the clarification of the issues to be heard and relief requested and determination of jurisdiction over the parties and the issues. The mandated pre-hearing conference shall not delay the due process timeline.

Recommendation 15:

VDOE should reform the current due process hearing system to provide oversight by a knowledgeable and impartial individual/agency to:

- Supervise the hearing officers' implementation of standard and best legal practices at all stages of the hearing process, including prehearing, hearing, and decision/order writing;
- Create an evaluation system for measuring hearing officers' performance. VDOE should work with PEATC, other organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives, and school divisions to promote the submission by parents and school division personnel of post-hearing surveys of the hearing process; and
- Provide the hearing officers access to technical assistance on an ongoing basis.

Recommendation 16:

VDOE or an impartial individual/agency should analyze annually and report data for fully adjudicated cases on the percentage of time parents or public agencies prevail in due process hearing and, separately, mixed/split decisions. Conduct anonymous parent/staff surveys about fairness, neutrality, and satisfaction. Data should track how disputes are addressed, resolved, or elevated to formal processes to identify trends and opportunities for systemic improvement. This information shall be made available to the public on VDOE's website.

Recommendation 17:

VDOE should meet with relevant stakeholders including organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives to adopt an authorization/certification process for advocates including attorneys and non-attorneys that includes qualifications of knowledge, experience, and standards of professional responsibility/conduct. Any authorization process should be in regulations by January 1, 2027 to ensure uniform standards.

Recommendation 18:

VDOE should consider whether the current qualifications to serve and be recertified as a special education hearing officer need to be augmented. If the current hearing system is maintained, all current and former applicant hearing officers should be required to reapply and, if selected, successfully complete the pre-service training.

Recommendation 19:

VDOE should review the rates hearing officers receive for conducting proceedings for other Virginia agencies/entities that require specialized knowledge and training and consider increasing the rate for special education hearing officers.

State Parent Ombudsman for Special Education**Recommendation 20:**

Amend the Code of Virginia and introduce a budget amendment to increase staffing and relocate the Parent Ombudsman for Special Education's office outside of VDOE to enhance its neutrality

and public trust. Responsibilities would include one-on-one technical assistance for families and schools; monitoring systemic concerns; public reporting on trends and recommendations.

Recommendation 21:

VDOE should conduct and implement the following awareness and resource initiatives and maintain such approaches:

- Develop and implement an initial promotional campaign at the school level in collaboration with PEATC, parent organizations, other organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives on effective strategies to get information to the users of the resources and maintain visibility.
- Develop or adopt parent-friendly resources on the VDOE Ombudsman website, such as brochures and videos, to supplement the one-page summaries.
- Supplement its multimedia offerings with additional parent and educator friendly resources on the development and utilization of early conflict resolution skills for both school personnel and parents.
- All materials and multimedia offerings should be ADA compliant, multilingual, and culturally responsive.

Dismissal of Certain Vexatious and Repetitive Complaints**Recommendation 22:**

Refer HB 2606 (Ware) to the State Special Education Advisory Committee (SSEAC) for further review and recommendations to the Virginia Department of Education and the Virginia Board of Education.