



Virginia Commission on Youth 2025 Legislative Studies and Initiatives

Review of Virginia's Special Education Dispute Resolution System

(Red indicates changes based on public comment)

Draft Recommendations	Public Comment
Universal Awareness & Training on the Tiered Dispute Resolution Process:	
<u>Recommendation 1:</u> 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:	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation one. “We strongly agree on the need for consistent, high-quality training on dispute resolution that is accessible to families, educators, and advocates.” “In addition, VDOE should evaluate the effectiveness of training and resources through regular feedback from families and school staff.” “PEATC cautions about the use of the terms Tiered Dispute Resolution Process as parents do not have to go the options sequentially but are able to access any of the dispute resolution mechanisms at any time.” Beth Tolley, Richmond: “In addition to focusing on de-escalation strategies, trauma-informed practices, and effective family engagement, training must address the ways adults sometimes unintentionally escalate situations through their own behaviors that reflect their own stress and unconscious biases.” Va. Council of Administrators of Special Education (VCASE) “VCASE recognizes the great volume of resources currently available to families via local divisions, USDOE, VDOE, PEATC, TTACs, State

- 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.

(Budget Amendment and Letter from the Chair)

and local SEACs, Parent Resource Centers and other organizations. VCASE recommends a family needs assessment embedded possibly with the annual VDOE Indicator 8 parent involvement survey to prioritize families' needs for resources or training then look at organizing and streamlining online access. VCASE agrees that greater investment in early dispute resolution strategies is vital for the future."

Hayley Mathews, Mathews Consulting:

"Consider adding the specific identification of target audience(s) and establishing minimum training requirements for school personnel"
"Consider removing 'and when appropriate.'"

Sean Campbell, Parent, Powhatan:

"This is great recommendation, with one caveat. The funding source for PEATC should be moved from VDOE to another agency, such as the Virginia Board for People with Disabilities."

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.

(Budget Amendment and Letter from the Chair)

Lijah Smith-Nicholson, Parent and Advocate, Woodbridge:

"Families must be equipped with clear, accessible tools to navigate the dispute process. Expanding multilingual resources, plain-language guides, and independent supports such as trained facilitators or advocates will reduce barriers and ensure equity across communities."

Parent Educational Advocacy Training Center (PEATC):

PEATC supports recommendation 2.

Beth Tolley, Richmond:

"PEATC receives funding from the US Dept of Education and the Virginia Department of Education which potentially impacts its impartiality. I recommend that neutral third-party partners be utilized throughout the process to avoid tipping the scales unintentionally in favor of the school system."

	Va. Council of Administrators of Special Education (VCASE) “VCASE supports parent education and coaching to guide parents in dispute resolution.” Hayley Mathews, Mathews Consulting: “Requiring LEAs to provide information on their website is critically important to this recommendation; recommend replacing the first sentence with ‘VDOE should expand multilingual parent education and dispute resolution navigation tools and require LEAs to provide this information on their websites’ or establish the requirement as a separate, stand-alone recommendation. “Consider replacing ‘coaching’ with ‘technical assistance.’”
State Complaints:	
<u>Recommendation 3:</u> 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. (Budget Amendment and Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): “PEATC supports strengthening oversight of CAPs through increased documentation and monitoring. However, oversight alone is not enough. It is equally important for the Commonwealth to make consistent use of available enforcement mechanisms when CAPs are not implemented and to document these actions, including the level of compliance achieved.” Beth Tolley, Richmond: “A neutral agency, rather than VDOE, should provide oversight.” Va. Council of Administrators of Special Education (VCASE) “VCASE is concerned about any additional administrative burden on localities. VCASE believes oversight of VDOE complaint rulings is needed to ensure findings are aligned with regulatory requirements, are correct, are consistent, and have a high level of review prior to forwarding to the school division.”

	Hayley Mathews, Mathews Consulting: “Currently, there is no feedback loop between VDOE and the person or entity filing the complaint, specifically as it relates to the Corrective Action Plan.” “Strongly encourage a requirement for VDOE to cross-reference and confirm with the plaintiff that the LEA has made necessary changes; consider requiring specific documentation by the LEA to report what was done to fix the issues required in the Corrective Action Plan, to include some sort of verification by the family that changes were implemented” Sean Campbell, Parent, Powhatan: “LEAs should not be allowed to create their own Corrective Action Plans (CAPs). This should be overly addressed in this recommendation. VDOE should create the initial plan and enlist a neutral party to review and approve the CAP prior to being implemented by the LEA. Also, VDOE needs greater authority to sanction and enforce CAPs when LEAs blatantly refuse to comply with the CAP or change their policies/practices. This recommendation should also appoint a workgroup to discuss how the Code of Virginia (or Virginia Administrative Code) can be amended to grant this authority.”
<u>Recommendation 4:</u> 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.	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 4. “And strongly endorses the use of independent experts to provide comprehensive training for VDOE complaint investigators.” “Because VDOE relies on both contractors and in-house staff, the level of knowledge and expertise can vary. It is critical that all investigators have the same depth of understanding to ensure consistency and quality in investigations and Letters of Finding. PEATC also recommends incorporating periodic evaluations of investigators’ work to ensure that training is effectively applied in practice.” Beth Tolley, Richmond: Supports recommendation 4.

(Budget Amendment and Letter from the Chair)	Va. Council of Administrators of Special Education (VCASE) “VCASE would need to know who/what the neutral independent expert is.” Hayley Mathews, Mathews Consulting: “Consider establishing minimum training requirements; should not be a one-time training.” Sean Campbell, Parent, Powhatan: Suggests changing “should” to “shall” in recommendation 4 and subsequent recommendations: 5, 7 ,8 , 9, 10, 11, 14, 15, 16, 17, 18, 19, and 21.
<u>Recommendation 5:</u> 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, including applicable enforcement actions. • Patterns of repeat filings by division. (Budget Amendment and Letter from the Chair)	Lijah Smith-Nicholson, Parent and Advocate, Woodbridge VA: “Stronger oversight is needed to ensure consistent application of corrective action plans across school divisions. Public reporting of dispute resolution outcomes and corrective actions would build trust and accountability.” Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 5. PEATC “further suggests adding a data element to indicate whether enforcement actions were necessary to ensure the CAP was implemented.” Beth Tolley, Richmond: Supports recommendation 5. Va. Council of Administrators of Special Education (VCASE) “VCASE is concerned that the publication of data does not address any complaints that are being considered for appeal or involve further dispute resolution. Also VCASE is concerned about 1) any additional administrative burden on localities and, 2) a thorough appeal process timeline for complaints, prior to divisions' requirement to implement the CAP timeline.”

	Hayley Mathews, Mathews Consulting: “Consider adding ‘patterns of postponed and cancelled meetings or no-show personnel by LEAs’ to track stall tactics used to frustrate and strain parents; this oftentimes happens during mediation.” “Consider adding ‘unsuccessful mediations.’”
Facilitated IEPs:	
<u>Recommendation 6:</u> 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. (Budget Amendment and Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 6. “PEATC recommends developing an assessment to ensure new facilitators have the knowledge and skills necessary to effectively conduct their role and to conduct periodic evaluations of current facilitators to ensure effective job performance. “Individuals who are currently employed by school divisions should not be employed as facilitators even if they do not practice facilitation in their own school divisions.” “If it is not already taking place please, families and school divisions should receive satisfaction surveys after the conclusion of a facilitated IEP meeting.” Beth Tolley, Richmond: “I agree that the facilitators should be independent from the school divisions – and that they should also be independent from VDOE.” Va. Council of Administrators of Special Education (VCASE) “VCASE strongly supports expansion of facilitated IEPs training as an effective early dispute resolution practice. This is urgent as we are aware of only one or two trained facilitators in the entire Commonwealth. VDOE should expand training in IEP Facilitation for LEA personnel at no local cost so all school divisions have this resource.” VCASE supports IEP Facilitation as an integral resource for IEP teams in early dispute resolution. However, it should be voluntary not embedded as a required step.”

	Hayley Mathews, Mathews Consulting: “Consider mechanisms (such as a regional technical assistance structure) to ensure VDOE can ensure and maintain facilitator neutrality; relationship between schools and outside personnel is complicated if ultimately hired by VDOE.” “Consider requiring LEA central office personnel to be involved; this could improve IEP administrator issues in specific schools and IEP teams.” Sean Campbell, Parent, Powhatan: “Require VDOE to restructure their organization and move ODRAS as a direct report to the State Superintendent or Virginia Board of Education. Also, CADRE should be completely independent of VDOE and should be funded through a different source.” Angela Neely, Retired Special Education Director: “Facilitated IEP is a powerful tool that I am familiar with from my special education director role in Culpeper County.” “What we found was that the principles of Facilitated IEP are so effective and so meaningful for ALL IEP meetings. I would love to see a greatly expanded facilitator pool at the VDOE as well as opportunities for individuals working in LEAs to be trained in Facilitated IEP in order to improve the local capacity to facilitate all IEP meetings, especially those that are contentious.”
<u>Recommendation 7:</u> 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.	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 7 and recommends prioritizing funding to support this area. Beth Tolley, Richmond: Supports recommendation 7. Va. Council of Administrators of Special Education (VCASE) “The data generating process should not adversely add to the workload of IEP Facilitators, nor local special education administrators.”

• Use data to identify divisions with underutilization and provide support to build capacity and awareness. (Budget Amendment and Letter from the Chair)	Sean Campbell, Parent, Powhatan: “Consider making it a requirement of VDOE to create a dashboard of this data. Currently, VDOE creates ‘Build-A-Tables’ for Fall Membership, SBAR, Special Ed Counts, and SOL pass rates. VDOE is very familiar with this process and could add another data source (dispute data) with little to no fiscal impact.”
<u>Recommendation 8:</u> VDOE should consult with CADRE, PEATC, parents/families, and other neutral organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives on strategies to recruit qualified IEP facilitators. (Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 8. Beth Tolley, Richmond: “I recommend adding independent organizations and experienced parents to list VDOE should consult.” Va. Council of Administrators of Special Education (VCASE) “IEP Facilitation should be a more routine, integral component in early dispute resolution. VCASE supports collaboration and greater investment in this strategy.” Sean Campbell, Parent, Powhatan: “It is important to include parents as a consulting resource in this recommendation. Also, I would add neutral organizations and agencies that are not funded by VDOE.”

Special Education Mediation: <u>Recommendation 9:</u> 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 support family engagement. • IEP development. As part of the training process, require ongoing professional development and recertification every 2-3 years for mediators. (Budget Amendment and Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 9. Beth Tolley, Richmond: “The fourth point to be included in the specialized training would be strengthened if it read ‘Communication strategies that demonstrate clarity and SUPPORT family engagement.’” Va. Council of Administrators of Special Education (VCASE) “VCASE supports enhanced mediator training to facilitate early dispute resolution. Skilled and knowledgeable mediators will provide appropriate resolution.” Sean Campbell, Parent, Powhatan: “In the fourth bullet: Strike encourage family engagement and replace with ...’clarity and support to enhance family engagement to the greatest extent possible.’”
<u>Recommendation 10:</u> 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. (Budget Amendment and Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): “While PEATC supports the intent of this recommendation, we find the language to be vague and suggest further clarification. The term ‘independent neutral expert’ should be defined, including the qualifications required. Mediators are not required to be content experts so it is unclear how much technical assistance would be required beyond basic knowledge of special education regulations, and effective mediation practices.” “The scope of the expert’s role should be clearly outlined”

	Beth Tolley, Richmond: “Rather than stating the VDOE should consider the addition of an independent neutral expert, I believe this recommendation should require that VDOE UTILIZE and independent neutral expert.” Va. Council of Administrators of Special Education (VCASE) “VCASE has questions about which body constitutes “an independent neutral expert” that will provide technical assistance for mediators.”
<u>Recommendation 11:</u> VDOE should ensure that there is a mandatory annual evaluation for mediators to be The annual evaluation for mediators should be mandatory and conducted by an independent neutral expert. To assist, VDOE should develop a consumer-friendly and universally accessible process to promote the submission by parents of post-mediation consumer evaluations of the mediation system and the mediator used. (Budget Amendment and Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 11. PEATC “suggests that the consumer evaluations address both the mediation system and the mediator used in their case.” Va. Council of Administrators of Special Education (VCASE) “VCASE supports survey evaluations of mediation by parents and involved school division staff. VCASE has questions about which body constitutes “an independent neutral expert” that will evaluate state mediators.” Hayley Mathews, Mathews Consulting: “Consider changing ‘VDOE should develop a consumer-friendly process to promote the submission by parents of post-mediation consumer evaluations of the mediation system’ to ‘VDOE should develop a consumer-friendly process that is universally accessible to parents to submit post-mediation consumer feedback.’”
<u>Recommendation 12:</u> 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.	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 12. PEATC “encourages VDOE to ensure that multimedia resources about mediation and other alternative dispute resolution processes are developed in plain language, available in multiple languages, and accessible to individuals with disabilities.”

(Budget Amendment and Letter from the Chair)	Va. Council of Administrators of Special Education (VCASE) “VCASE supports multiple ways to engage and inform parents and professionals regarding dispute resolution.”
Special Education Due Process Hearings:	
<u>Recommendation 13:</u> 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 support family engagement. • IEP development. As part of the training process, require ongoing professional development and recertification every 2-3 years for hearing officers. (Budget Amendment and Letter from the Chair)	Lijah Smith-Nicholson, Parent and Advocate, Woodbridge VA: “Hearing officers should receive consistent and mandatory training in federal and state special education law, unbiased decision-making, and family-centered communication. Their role must be carried out with neutrality and a clear understanding of both the law and the needs of families.” Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 13. “PEATC recommends that training prepare hearing officers to work effectively with families from a wide range of backgrounds and life experiences.” “Training should also emphasize the importance of issuing clear, specific, and enforceable decisions.” Beth Tolley, Richmond: “Fourth bullet point – substitute SUPPORT for ‘encourage’ family engagement.” Sean Campbell, Parent, Powhatan: “In the fourth bullet, strike encourage family engagement and replace with ...’clarity and support and enhance family engagement.” Liz Fuller, Special Education Law Attorney, Parent: Ms. Fuller supports recommendation 13. Va. Council of Administrators of Special Education (VCASE) “Hearing Officers have two mandated training sessions per year. They are experts in law, legal procedures, and the weight of evidence.”

	Paige Shevlin, Parent, Arlington: The recommendation from Special Education Solutions LLC is to “reform to the system with new impartial agency or set of individuals to exercise oversight over hearing officers including evaluation of current hearing officers’ performance. “The draft recommendations by the Youth Commission do not call for evaluation of hearing officers’ performance. Recommendation #13 calls for significant training and a recertification process every 2 to 3 years but does recommend that the recertification process be based on an evaluation system.”
<u>Recommendation 14:</u> VDOE should promulgate and revise current 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. (Letter from the Chair)	Staff Note: Current regulations can be found at 8VAC20-81-210 (O). In current regulations the hearing officer has the discretion to deem the conference “unnecessary.” Parent Educational Advocacy Training Center (PEATC): “It is PEATC’s understanding that prehearing conferences are already required in every case unless the case is dismissed by the hearing officer under certain conditions.” “We recommend that efforts focus on ensuring that the conference is conducted in a way that supports meaningful participation by families.” “If feasible, the hearing officer prepare a written summary of the conference for both parties to ensure clarity and transparency.” Va. Council of Administrators of Special Education (VCASE): “It is standard practice that pre-hearing conferences occur. VCASE has supported the needs for pre-hearing conferences, which occur regularly for planning the hearing. This recommendation is not needed.”

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, **parents/families**, other **neutral** 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.

(Budget Amendment and Letter from the Chair)

Parent Educational Advocacy Training Center (PEATC):

"PEATC supports the intent of this recommendation but believes that additional clarity is needed. At present, it is not clear who the "knowledgeable and impartial individual/agency" would be, how independence from VDOE and local school divisions would be guaranteed, or what authority this entity would hold. Currently, the Virginia Department of Education is responsible for certifying and evaluating hearing officers, while the Office of the Executive Secretary of the Supreme Court maintains the official list and provides appointments when a hearing is requested."

Beth Tolley, Richmond:

Supports recommendation 15. "Please add parents/families to the list of organizations/individuals VDOE should work with."

Va. Council of Administrators of Special Education (VCASE)

"VCASE questions what individual /agency with expertise in special education law could do this? Hearing Officers are appointed by the Supreme Court of Virginia, an impartial agency."

Paige Shevlin, Parent, Arlington:

"Recommendation #15 calls for an evaluation system but that evaluation system seems to be based on parent and school personnel surveys rather than objective criteria including the hearing officers' knowledge of IDEA as is recommended by Special Education Solutions LLC."

Sean Campbell, Parent, Powhatan:

In the second bullet add: "families and other neutral organizations and agencies with...."

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.

(Budget Amendment and Letter from the Chair)

Parent Educational Advocacy Training Center (PEATC):

"PEATC supports the intent of this recommendation to increase transparency and improve systemic accountability through annual data analysis, public reporting, and the use of parent and staff surveys. However, it is unclear whether these responsibilities would remain with VDOE's Office of Dispute Resolution and Administrative Services or be shifted to another entity." "In addition, PEATC believes it is essential for VDOE to monitor and enforce compliance with remedies ordered by hearing officers. Strong oversight and enforcement are necessary to ensure that due process decisions are fully implemented and that families and students receive the relief to which they are entitled."

Beth Tolley, Richmond:

"An impartial individual/agency should do the annual analysis and reporting."

Va. Council of Administrators of Special Education (VCASE)

"VDOE already posts detailed summaries of every due process hearing with data including prevailing party, nature of the claims, evidence considered, and witnesses testimony. More data will not change outcomes. This recommendation is unnecessary."

Hayley Mathews, Mathews Consulting:

"Consider mirroring this recommendation under State Complaints."

Sean Campbell, Parent, Powhatan:

"Do not allow VDOE the option to analyze their own data. The results will be skewed and this will prolong the mistrust is VDOE does not identify trends that are seen by families and the public."

Recommendation 17: VDOE should meet with relevant stakeholders including **parents/families and neutral** organizations with professional experience and backgrounds that reflect a range of racial, cultural, and historically marginalized perspectives to adopt an **optional** 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.

(Letter from the Chair)

Parent Educational Advocacy Training Center (PEATC):

“PEATC supports the goal of ensuring that families have access to knowledgeable, effective, and ethical advocacy. At the same time, IDEA guarantees parents the right to bring anyone with knowledge or expertise about their child to an IEP meeting. Any system that conditions participation on “authorization” or “certification” could be seen as limiting that right.” “We encourage VDOE to work with a broad group of stakeholders to develop optional training opportunities and shared standards of practice for advocates.”

Beth Tolley, Richmond:

“Add parents to the relevant stakeholders.”

Va. Council of Administrators of Special Education (VCASE)

“VCASE supported legislation that would prohibit advocates from acting as an attorney in Due Process Hearings. VCASE strongly believes that Virginia explores licensure and certification for non-attorney advocates regarding expertise and ethical conduct. An auxiliary support would be a statewide Code of Ethics for all IEP meeting participants.”

Sean Campbell, Parent, Powhatan:

Add: “other neutral organizations and agencies with....”

Dr. Hayley Mullins, VCASE President-Elect:

“I would like to voice my support specifically for the credentialing of special education advocates. This requirement would afford a level playing field for divisions and families alike in ensuring that any representation sought is of high quality and able to support teams in making collaborative decisions in the best interest of students with disabilities in accordance with federal and state regulations.”

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 and be recertified on a regular basis.

(Letter from the Chair)

Parent Educational Advocacy Training Center (PEATC):

“PEATC supports reviewing and strengthening the qualifications and training requirements for hearing officers to ensure high quality and consistency. However, we are concerned about VDOE doing this in isolation, not because they are not qualified to do so—they are—but because it could create a perception of conflict of interest.” PEATC also recommends “that recertification occur on a regular basis.”

Va. Council of Administrators of Special Education (VCASE)

“VCASE agrees that highly qualified experts in special education and procedural law should become and be retained as hearing officers. VDOE could consider the benefits of a team of full-time hearing officers or a team of independent Administrative Law Judges (ALJ).”

Paige Shevlin, Parent, Arlington:

“It is critical that all hearing officers be asked to reapply and that there be an objective evaluation process to determine if hearing officers have the knowledge and history of compliance with IDEA. There is an extreme lack of trust in the current due process resolution process and that trust cannot be addressed without removing hearing officers that have a history of non-compliance with IDEA. Real change will only happen with new staffing.”

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 trained special education hearing officers.

(Letter from the Chair)

Parent Educational Advocacy Training Center (PEATC):

PEATC supports recommendation 19.

Va. Council of Administrators of Special Education (VCASE)

“If higher compensation ensures a skilled, knowledgeable and fair cadre of hearing officers, then VCASE supports it. VDOE should fully fund the costs of DPH Officers for all hearing complaint processes.”

State Parent Ombudsman for Special Education:	
<u>Recommendation 20:</u> 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 the Office of the Children’s Ombudsman 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. This recommendation includes a delayed enactment clause of January 1, 2027. (Legislation and Budget Amendment)	Lijah Smith-Nicholson, Parent and Advocate, Woodbridge VA: “Relocating and strengthening the State Parent Ombudsman for Special Education outside of VDOE is critical to enhancing neutrality and public trust. The ombudsman must be empowered to monitor systemic concerns and support families without conflict of interest.” Parent Educational Advocacy Training Center (PEATC): “PEATC supports efforts to strengthen the work of the Parent Ombudsman Office and to personnel and resources that could assist more families, including potential collaboration with the Children’s Ombudsman Office. We do not have a position on the location of the Office but it will be critical for the Parent Ombudsman to have significant special education knowledge and expertise.” Beth Tolley, Richmond: Supports recommendation 20. Melissa Price, Parent: Supports recommendation 20. Va. Council of Administrators of Special Education (VCASE) “VCASE does not support this recommendation. VCASE understands the appearance of neutrality needed, but understands that effective ombuds roles exist within many governmental and private sector offices. Under whose authority would the ombudsman role serve? The ombudsman role has just recently been moved from special education to the state superintendent, where a collection of survey data from all parties could clarify the need. Special education knowledge and expertise is critical in this role.” Brittany Robinson, Parent, Prince William County: Supports recommendation 20. “And an independent, well-resourced Parent Ombudsman separate from VDOE.”

	Christopher Robinson, Parent, Prince William County: “And an independent Parent Ombudsman, because parents need someone outside VDOE to turn to when things go wrong.”
<u>Recommendation 21:</u> 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 families, PEATC, parent organizations, and 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. (Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC supports recommendation 21. Va. Council of Administrators of Special Education (VCASE) “VCASE recognizes the great volume of resources currently available to families via local divisions, USDOE, VDOE, PEATC, TTACs, State and local SEACs, Parent Resource Centers and other organizations. VCASE recommends a family needs assessment embedded possibly with the annual Indicator 8 parent involvement survey to prioritize families’ needs for resources or training then look at organizing and streamlining online access).” Sean Campbell, Parent, Powhatan: Add: “...in collaboration with families, PEATC, parent organizations...”

Dismissal of Certain Vexatious and Repetitive Complaints:	
<u>Recommendation 22:</u> 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. (Letter from the Chair) (OR) <u>Option B:</u> Request the Virginia Department of Education to report to the Senate Education and Health and House Education Committees prior to the 2027 General Assembly Session, the data (number of dismissals based on vexatious and repetitive complaints) on hearing officers' use of the law enacted by HB 2606 (Ware) to dismiss due process hearing complaints. (Letter from the Chair)	Parent Educational Advocacy Training Center (PEATC): PEATC does not support recommendation 22. "HB 2606 raises complex legal questions regarding due process hearings and litigation, and the State Special Education Advisory Committee (SSEAC) is not the appropriate body to conduct this type of legal review." "Referring HB 2606 to SSEAC would place the committee in a role outside of its scope, knowledge, and expertise and could undermine the credibility of its work. In addition, as the SSEAC itself determined in its September 18, 2025 meeting, the make-up of the body may create conflicts of interests since many of its members are state employees and representatives of school divisions." Va. Council of Administrators of Special Education (VCASE) "VCASE strongly opposes this referral to SSEAC to address this due process hearing (DPH) officer scope of responsibilities. The Commission's mandate in this study was clear: "consider the entire special education dispute resolution system in the Commonwealth;" This should be a part of COY's recommendations for policy change at the state level. While some say DPH Officers already can dismiss vexatious (repetitive and duplicative) complaints, HB2606 provides explicit legal grounding for them to do so, needed now in this contentious environment. Please vote to recommend the right of due process hearing officers to dismiss vexatious due process complaints as described in HB2606, removing the sunset clause." Sean Campbell, Parent, Powhatan: "In addition to asking SSEAC for further review, the recommendation should also include consulting with the disAbility Law Center, the Southern Poverty Law Center, and/or JustChildren/Virginia Legal Aid."

	Brittany Robinson, Parent, Prince William County: “Please build guardrails so school divisions can’t weaponize that language to silence legitimate parent filings. Most of us re-file because districts ignore initial orders or new violations occur.” Christopher Robinson, Parent, Prince William County: “Please ensure that the “vexatious or repetitive” complaint language (Rec 22) cannot be used against parents who are simply standing up for their children.”
<u>Additional Public Comment:</u>	
Eileen Chollet, Parent: “I am writing to express my profound disappointment with the draft recommendations for reforming the dispute resolution system. These recommendations leave the power to reform the system in the hands of the same VDOE personnel who caused the dispute resolution problems in the first place.” “Why should parents believe educational and training materials provided by VDOE (Recommendation 1), when VDOE has amply demonstrated they are biased towards the school divisions and against parents? Why should parents believe that VDOE will be overseeing implementation of corrective action plans in the future (Recommendation 3), when federal law already requires them to do so but they refuse? Parents will not trust data produced by VDOE (Recommendations 5 and 16) because the data simply will not be trustworthy.” Melissa Price, Parent, Tappahannock: “I went through my first VDOE state complaint, and while they found the school guilty, the decision was pushed back to the very same school that denied him to begin with. That is disheartening and shows why change is urgently needed.” “I strongly support these recommendations—updating training, moving the Parent Ombudsman outside of VDOE, increasing transparency, and most importantly, holding both schools and VDOE accountable to step in and fix mistakes. Right now, the system is stacked against parents, and children with disabilities are the ones paying the price. These changes would finally give families a fair chance and ensure our kids get the support they need to succeed.”	

Liz Fuller, Special Education Law Attorney, Parent:

“I liken the practice of special education law in Virginia to the ‘Wild Wild West’ where the rule of law does not apply and anything goes. The Virginia Department of Education and due process hearing officers are not well-informed on IDEA and there is no uniformity in the application of the regulations.” As the non-profit Hear Our Voices has documented in their federal lawsuit, in the past 20 years parents have only won a due process hearing 1% of the time for Northern VA and 2% statewide. Even when a parent does win or the school district is found in non-compliance by the VDOE, the LEAs do not comply with the corrective action plans or hearing officers orders.”

“I implore the VCOY to adopt the recommendations of Mr. Merced to impose sweeping reform to the due process and dispute resolution system.” “For dispute resolution, mediation, and facilitated IEP meetings, I agree with the additional training, public awareness, and collaborative efforts. Most importantly, for the Due Process System, I absolutely agree that the hearing officers need to go through training and recertification in order to ensure impartiality.”

Hayley Mathews, Mathews Consulting:

Mediation: “Consider adding an additional recommendation that requires mediators to summarize mediation findings to parents, LEAs, and VDOE; currently no feedback loop exists and LEAs can report whatever they want, without any cross-reference or supporting documentation requirements; data should be closely monitored for trends, particularly the relationship between unsuccessful mediations and due process and state complaint filings.” “Consider a reporting requirement for LEAs who cancel, delay and have no-show personnel for scheduled mediations.”

Due Process Hearings: “Strongly encourage adding an additional recommendation that prevents state complaint findings from handicapping a parent’s ability to pursue due process, or vice versa; currently, LEAs and VDOE can mispresent that a state complaint was resolved with a family and use this as evidence against a family who then challenges an LEA through due process.”

Other suggestions: “Consider identifying a way to track and engage families of students with IEPs who leave the public school system.” “Consider engaging educational advocates in the process of developing training resources and providing technical assistance.” “Consider understanding and maximizing effective financial mechanisms to further reinforce shifts in practice and outcomes.” “Consider establishing a Special Advisor on Special Education (housed within the Office of the Secretary of Education or the Governor’s Office).” “Consider a regionalized approach for VDOE to provide training, technical assistance and accountability oversight to LEAs.”

Paige Shevlin, Parent, Arlington: “The Special Education system in Virginia is fundamentally broken. As documented in the JLARC report in 2020, IEPs are not well constructed and data is not tracked accurately. Also as reported by JLARC, general education teachers and school administrators do not understand the special education system.” “School and district staff (in my personal experience administrators rather than special ed teachers) ignore the law not because they lack training but rather because they operate in a system in which there is no accountability for their decisions.”

“Sweeping reform is needed in the due process hearings, most likely requiring some legislative action and I ask that there be legislative proposals addressing these issues in the 2026 session. This kind of reform was called for by the independent report put together by Special Education Solutions LLC. Yet it does not seem the draft recommendations by the Youth Commission do not adopt the most important reforms suggested by Special Education Solutions LLC.”

Legal Aid Justice Center (LAJC): “Recommendations 13 through 15 focus on enhancing the training, accountability, and oversight of hearing officers, while introducing clearer procedural safeguards to promote fairness and efficiency.” “While these recommendations reflect a significant and commendable step toward improving Virginia’s special education dispute resolution regime, they do not significantly address several structural barriers that continue to disadvantage unrepresented or pro se parents. Training and oversight reforms, though necessary, must be accompanied by targeted procedural safeguards that ensure parents without counsel can meaningfully participate in due process hearings on equal footing with school divisions.”

“Accordingly, the following comments focus on complementary reforms intended to strengthen the Advisory Group’s recommendations. These additions would provide clear guidance regarding subpoena procedures, evidentiary standards, and the role of hearing officers in assisting pro se participants—measures that can be implemented with minimal fiscal impact yet substantial benefit to the fairness and consistency of the process.”

Proposed Amendments to 8 VAC 20-81-210(K): “The following proposed additions to 8 Va. Admin. Code § 20-81-210(K) would ensure that pro se parents can meaningfully participate in hearings and exercise the rights guaranteed to them under the IDEA.” “Right to Compel Witnesses; Electronic Service of Subpoenas; Written Explanation of Evidentiary Rules; Document Authenticity and Stipulations; Assistance from Hearing Officers.”

Shifting the Burden of Proof in Expedited Due Process Hearings: “In addition to the proposed procedural amendments, Virginia should consider reforming its expedited due process hearing structure by shifting the burden of proof from parents to school divisions in cases involving disciplinary exclusions of students with disabilities.” “Currently, the responsibility to prove a violation of the IDEA rests with parents—even in expedited matters that determine whether a child with disabilities may be excluded from school. This orientation places an unreasonable evidentiary burden on families who are often unrepresented, lack access to relevant records, and have limited ability to compel the testimony of school personnel or outside providers within the tight timelines governing expedited hearings.”

Sean Campbell, Parent, Powhatan: “I believe families should have a greater voice in that what is outlined in the proposed recommendations. Also, I believe CoY should consider developing another recommendation that focuses on the Office of Dispute Resolution and Administrative Services (ODRAS). In essence, I believe the Virginia Department of Education (VDOE) should be restructured in a manner that separates ODRAS from reporting to the Associate Superintendent of Special Populations and Board Relations.” “ODRAS should be allowed autonomy to perform their tasks outside of the constraints of reporting to an office they may be investigating.”

“I believe developing a deeper sense of trust is the keystone that has been overlooked in this entire process. Governor Youngkin’s office has highlighted the mistrust between parents and VDOE.” “To help establish and reinforce a trusting bond between the VDOE and parents, VDOE must include parents in key decision-making policies regarding special education. VDOE must also utilize neutral parties and agencies to the greatest extent possible. VDOE must also be transparent and honest about their data (as alluded to in recommendation 5). VDOE must adopt a proactive approach to include and inform families with all aspects of special education.”

Jackie Abt, Parent, Henrico County: “We have taken every action we know on our part but need something to improve systemically. We hired an advocate to help us navigate the complex IEP and dispute resolution process.” “Having exhausted all options except legal action, I am here today with the goal of creating more awareness that I very earnestly hope will somehow spark change.”

Dr. Hayley Mullins, VCASE President-Elect: “I would advocate for the continued expansion of general dispute resolution supports including ombudsman and facilitated IEP processes as these lead to the quickest resolutions, which thus benefit students and families the most.”

“I would also like to voice concerns regarding specific recommendations that may require enhanced data tracking of complaints due to factors of feasibility, potential additional burden on divisions, and conflicting timelines between appeals and corrective action.”

Virginia Education Association (VEA) – Special Education Committee: The members have expressed:

- “A strong need to have the right people at the table (teachers, paraprofessionals, administrators, etc.) who have a strong understanding of working with students who have disabilities and their families.”
- “Legislation should be intentional, include educator voices from across the Commonwealth.”

Kimberly Shropshire, Parent, Prince William County: “The system is broken. The decisions have no teeth. There is no reinforcement of the hearing officer decisions on the rare counts that are in favor of the parent. No one is doing anything about it. In the meantime, our special needs children’s civil rights are being violated. There is a whole demographic of children being “left behind”. They are not provided a free and equal education. Parental rights are being violated every day.” “Please pass these changes to revamp a currently broken system. Our children’s futures are at stake.”

Laura Frazelle, Parent, Burke: “I strongly support efforts to make these systems more transparent, neutral, and equitable.” “It is especially important that due process hearings and state complaint investigations be overseen by individuals who are well-trained, independent, and accountable. Parents must have confidence that decisions are made based on law and evidence—not bias, inconsistency, or convenience. Oversight, clear timelines, and data transparency would help rebuild that trust.”

Brittany Robinson, Parent, Prince William County: “Across my children’s cases, I’ve experienced delays, shifting standards, and retaliation simply for insisting that legal timelines be followed.” “I’ve also seen inconsistent training and poor quality in investigations and hearings. Each of my due process experiences was vastly different. Procedures varied wildly depending on the hearing officer — and none applied IDEA consistently.” “This system is not one that parents can realistically navigate without becoming de facto attorneys — and even then, the odds are stacked against us. That’s why I urge you to adopt — and strengthen — the Commission’s draft recommendations. Families need exactly what you’ve outlined:

- Clear, multilingual training so both parents and staff understand the dispute-resolution ladder (Recs 1–2).
- Real enforcement of corrective actions in state complaints, tracked and publicly reported (Recs 3–5).
- A robust, independent IEP-facilitation program with transparent outcome data (Recs 6–8).
- Well-trained, IDEA-literate mediators and hearing officers with mandatory recertification and public performance review (Recs 9–16, esp. 14–16).”

Christopher Robinson, Parent, Prince William County: “I’ve watched my wife spend years fighting for our children’s right to an education.” “What I’ve seen behind the scenes is something most people never witness: a parent forced into an unpaid full-time job researching special education law just to get her children the services they should already be entitled to under the law.” “Even when she won a hearing for our daughter, the system still failed to deliver. Implementation was delayed, orders were ignored, and retaliation followed.”

Jessica Young, Parent, Prince William County: “As much as the changes to the dispute resolution are needed, they desperately need to begin sooner. The key to having less and better execution of the dispute resolution is to have the schools held accountable to the legal IEP documents from the beginning.”

“The system is heavy on making sure the dispute resolution is done well but what about the element of being proactive versus reactionary. Districts should be given unbiased inspectors (like food inspectors for restaurants) that are state employees that review IEPs annually and ensure schools are able to fulfill all elements for the students. Data would be collected for needs (staffing, training, resources) for each school and create a database so other schools within a district or area of the state can be utilized for assisting with filling the voids. The state needs to fund these voids, the budget needs to change.”

Wendy Little, Parent, Chesterfield County:

- “1. Burden of Proof must ALWAYS be on the LEA for violating Rights in the first place.
2. Advocates MUST be able to receive Reimbursements, Net 30 of Successful State Complaint or DP by the an LEA or SEA or Board.
3. Layers of Dispute Resolution (Options) will cost MUCH more to Parents, LEAs AND keep children without their rights and needs met MUCH longer.
4. State Complaints CANNOT be overturned in Circuit Courts. A Hearing REVIEWERs Decision is FINAL.

5. All timelines must be shortened to every extent possible by Federal Law. Dragging out Decisions to the last minute is NOT a beneficial practice to the well being of ANY scholar.
6. Significant fines and penalties to be paid TO the Parent/s and/or Child for EACH founded violation by EACH party (ie. IEP 'Team Member') BY an LEA, SEA or Board - \$5.000 PER person up the chain to the Superintendent by the LEA Net30 for Rights Violations.
7. Law Firms cannot control the VSBA, etc. Illegally 'control' any scholar's relationship with ANY LEA, and ALSO be a party defending the DAMAGE it Causes. \$5,000,000 by the School Board Automatically to each Parent/Scholar for EACH Year of REFUSAL to comply with Successful Due Process Determination or State Complaint and Appeal in favor of a scholar. Retroactive 5 yrs."