

Potential Actionable Recommendations to Improve Virginia's Special Education Dispute Resolution System (Coyner)

1. Facilitate and Support Early Dispute Resolution by School Divisions and Families

Encourage an understanding of the importance of early dispute resolution in achieving positive student outcomes. Dispute resolution should follow a structured, step-by-step process—similar to a ladder—that families and schools can follow when disagreements arise, beginning with informal options and escalating only as needed.

Each level should include clear guidance, tools, and training for parents and school staff, developed by VDOE in collaboration with PEATC. This includes best practices for the following:

Tier 1: Informal Problem-Solving

- Encourage direct communication within the IEP team.
- All members of the IEP team engage in a respectful manner with a focus on collaboration.
- Acknowledge differences of opinion, clarify misunderstandings, and resolve concerns early before the issues escalate.

Tier 2: Impartial Facilitated IEP Meetings

- Offer voluntary, neutral facilitation before families turn to mediation or complaints.
- Ensure parents understand their right to pursue formal options if resolution is not achieved or if they choose not to participate in a facilitated IEP meeting.

Tier 3: State Mediation

- Promote the use of confidential, voluntary mediation with a trained third-party mediator.
- Encourage school divisions to participate when requested by parents.
- Encourage families to participate when requested by the school division.

Tier 4: State Complaint or Due Process Hearing

- **Complaint:** A formal, written request to VDOE to investigate potential violations of special education law.
 - **Due Process:** A legal proceeding before a hearing officer to resolve complex disputes about eligibility, placement, services, and FAPE.
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2. Strengthen Early Resolution Through Uniform Tracking Systems and Training

Encourage school divisions to establish a uniform tracking system that all schools within a division use to **log, monitor, and address concerns** raised by families before they turn into formal disputes. This can help families and schools resolve concerns early.

- Create and inform families of a clear point of contact to use when they have a concern or disagreement.
- Inform families and school staff about PEATC regional family support specialists, who work directly with families and the special education liaison in their division.
- Guide both families and school staff toward the most appropriate resolution option based on the nature and severity of the issue.
- Track how disputes are addressed, resolved, or elevated to formal processes to identify trends and opportunities for systemic improvement.
- Build capacity for resolving disputes within IEP teams before formal mechanisms such as mediation or due process are needed.

Provide early conflict resolution training to school staff—and, where appropriate, lay advocates and parents—to improve communication and collaborative problem-solving.

- 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.

3. Establish an Independent Special Education Ombuds Office

- Relocate the Ombudsman'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.
 - Collaborate with PEATC to manage inquiries from families and school personnel and consider increasing the staffing level for the Ombuds Office.
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4. Expand Access to Facilitated IEP Meetings Statewide

- Enhance the **state-supported system** of trained, neutral 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 preference for early resolution.
 - Provide guidance on:
 - When to offer a facilitated
 - How to request a facilitator.
 - The role of the facilitator.
 - Develop easy-to-read resources, including templates, checklists, and FAQs for families and school staff.
 - 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 showing trends in requests, usage, outcomes, and geographic distribution of facilitated IEP meetings.
 - Following initial comprehensive training, require ongoing professional development for facilitators every 2-3 years.
 - Conduct regular performance reviews of facilitators and remove those who consistently receive low evaluations or fail to follow ethical and procedural guidelines.
 - Use data to identify divisions with underutilization and provide support to build capacity and awareness.
 - Prioritize investment/funding in early dispute resolution options.
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5. Improve Transparency, Oversight, and Enforcement in the Dispute Resolution System

- Conduct random oversight of school divisions specific to dispute resolution to ensure consistent implementation of timelines, roles, forms, and procedures.
- Incorporate dispute resolution prompts into the Virginia IEP platform to document alternative resolution efforts.
- 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 of mediations, complaints, and due process hearings
 - Common issues (e.g., FAPE, placement, evaluations)
 - Timelines to resolution
 - Patterns of repeat filings by division
- Strengthen VDOE oversight of school division implementation of Corrective Action Plans, due process remedies mandated by hearing officers, and court orders through increased documentation requirements and quarterly monitoring for one year after a CAP or other remedy is mandated.

- Establish clearer consequences for unresolved or repeated violations or non-implementation of Corrective Action Plans, due process hearing decisions, and court orders.
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6. 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.
 - Leverage PEATC and other partners to provide coaching and support to families throughout the dispute process, both before and during the process.
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8. Strengthen Training for Mediators, Hearing Officers

- Ensure all mediators and hearing officers are trained using VDOE-approved materials aligned with IDEA and Virginia regulations.
 - Require hearing officers and mediators to complete specialized training in:
 - Special education law and regulations
 - Preparing to support fair, student-centered decision-making and to ensure that the hearing process is understandable and accessible to families.
 - Preparation to conduct hearings that are respectful, balanced, and accessible to both parents and schools.”
 - Impartiality, clear communication, and family engagement
 - IEP development
 - Require ongoing professional development and recertification every 2–3 years for mediators and hearing officers.
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9. Improve Responsiveness and Accountability

- Encourage parents and school staff to complete a brief survey after each facilitated IEP meeting to assess:
 - Neutrality of the facilitator
 - Clarity of process
 - Whether the meeting helped move toward resolution
- It is unclear if families and schools receive “satisfaction” surveys following completion of a formal dispute resolution process (complaint, mediation, due process). Encourage satisfaction surveys to be conducted following the completion of any formal resolution process.
- Conduct an independent review of special education dispute resolution practices every 3–5 years to ensure continued improvement.