



COMMONWEALTH OF VIRGINIA

Commission on Youth



Review of Virginia's Special Education Dispute Resolution System



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August 21, 2024



- The General Assembly mandated the Commission to study this issue in Senate Bill 220 (Favola) and House Bill 1089 (Coyner).
 - The Commission was directed to:
 - (i) consider the entire special education dispute resolution system in the Commonwealth
 - (ii) review the effectiveness of such systems in responding to the concerns of parents, analyze such system in comparison to best practices from other states, and make actionable recommendations for improvement
 - (iii) specifically review and make recommendations to improve the Department of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent interactions with such systems and the outcomes of such interactions



- On May 21, 2024, the Commission adopted a study plan directing the Commission to research state and federal laws and regulations on special education dispute resolution; host listening sessions around the Commonwealth; research and review best practices from other states; and receive public comment.
- Commission staff will report their findings and recommendations to the Commission on Youth by November 1, 2025.



- The Joint Legislative Audit and Review Commission (JLARC) conducted a study regarding K-12 Special Education in 2020
 - Report made 27 recommendations
 - Found that the Virginia Department of Education (VDOE) does not require school divisions to carry out corrective actions that fully and appropriately remedy identified non-compliance
- VDOE has been working with the US Department of Education Office of Special Education Programs (OSEP) in response to complaints of non-compliance with the Individuals with Disabilities Education Act (IDEA).
 - On March 28, 2024, the Board of Education updated Virginia's regulations on due process



- The General Assembly passed Senate Bill 220 (Favola) and House Bill 1089 (Coyner) related to special education,
- Establishes 8 Special Education Family Support Centers.
 - Funds \$1.1 million for Parent Educational Advocacy Training Center (PEATC) to staff 8 regional positions.
- Changes the IEP template to the Virginia IEP to make it more consistent and functional.
- Includes professional development training for everyone involved in an IEP meeting.
- VDOE is tasked with forming an advisory committee to develop and implement a system for gathering public input on the implementation of this new law.



- The Commission, in partnership with the Parent Education Advocacy Training Center (PEATC), hosted 5 listening sessions in June 2024
 - A virtual session on June 20th
 - There were around 40 people in attendance
 - Four in-person sessions
 - June 24th Wytheville
 - June 25th Henrico
 - June 26th Arlington
 - June 27th Norfolk
- A wide variety of stakeholders attended the sessions including
 - Teachers
 - Parents
 - Students
 - School officials
 - Public officials
 - Virginia Legislators
 - Parent Advocates



VCOY-PEATC Partnership

- Created and publicized a flier for the listening sessions
- Planned, organized, and promoted the sessions through social media
- Reached out to parents, students, and professionals through a survey:
 - PEATC posted a survey link on their website and social media pages to allow more participants
 - 53 people responded to the survey
 - The survey was open from June 21-28

Families and Professionals Interested in Special Education -

Let Your Voice Be Heard!



The Commission on Youth, a bipartisan legislative commission of the Virginia General Assembly, is conducting a study on how to improve Virginia's special education dispute resolution processes.

Your perspective is crucial in shaping Virginia's complaint, mediation, and due process systems for resolving special education disputes. The Commission is eager to hear from you, whether you've been involved or have insights to share.

The Commission, in collaboration with PEATC, is organizing a series of four in-person listening sessions and one virtual session. These sessions are designed to provide a way for you to share your experiences and suggestions for improving Virginia's special education dispute resolution process.

Using information from the listening sessions and analysis of other data, the Commission will develop a report and present recommendations for improvement of the special education dispute resolution system to the General Assembly for their consideration.

Public comment will be limited to 5 minutes so that everyone has a chance to speak.

Virtual Session: 6 p.m. – 8 p.m.

June 20 - Spanish language interpretation available if requested [by June 13th](#)

In-Person Sessions: 6 p.m. – 8 p.m.

June 24 - Wytheville Meeting Center, 333 Community Blvd, Wytheville, VA

June 25 - Twin Hickory Library, 5001 Twin Hickory Road, Glen Allen, VA

June 26 - Conference Center at Courthouse Plaza, 2nd floor, 2300 Clarendon Blvd, Arlington, VA

June 27 - Independence Center, Inc. 6300 E. Virginia Beach Blvd, Norfolk, VA



Register Here: bit.ly/3Ka5a9l



All sessions will have American Sign Language (ASL) interpretation. Stakeholders who speak a language other than English may provide written comments in their native language at any of the in-person events, which will be translated later for the Commission.

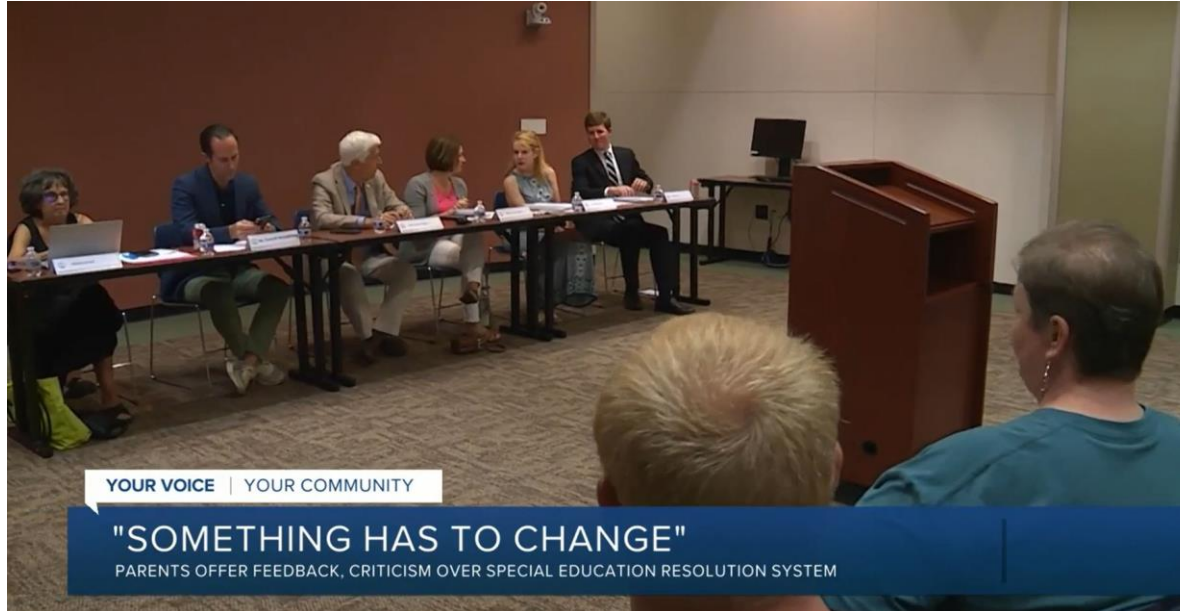


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Feedback from Listening Sessions



- Reported factors leading to challenges
 - Denial of Free Appropriate Public Education (FAPE)
 - Denial of request for IEP or assistance in modifying IEP
 - Parents treated poorly during IEP meetings



Feedback from Listening Sessions



- Concerns from parents
 - Confusion regarding dispute resolution options
 - Due process being time consuming, complex, and expensive for parents
 - Burden of proof is on parents side rather than on the local education agencies
 - VDOE lack of oversight authority- allows non-compliance by school divisions
 - Due process system is skewed to being one-sided toward school divisions



Feedback from Listening Sessions



- Concerns from school officials
 - School staff treated poorly during IEP meetings
 - High turnover rate for teachers, especially special education teachers
 - More resources needed
- Suggested improvements
 - More use of alternatives like facilitated IEPs
 - More education is needed for parents, professionals, and hearing officers on dispute resolution processes and parents' rights
 - More training for IEP teams
 - Establishing a code of ethics for advocates, school officials, and parents
 - Data should reflect number of finalized hearings not just number of requests



- Common Themes
 - Process is financially draining for families
 - Families are unaware of dispute resolution processes or do not know how to navigate them
 - Dispute resolution processes are biased toward the school division
 - Parents are unlikely to prevail in dispute resolution, especially due process
 - Burden of proof should be on school divisions
 - Exhausting process for families
 - Lack of enforcement of noncompliance by VDOE
 - Lack of trust in the system, including with VDOE
 - Parents and families do not know their rights



- Common Themes (continued)
 - Unfair treatment of parents and students by school division
 - Corruption of school board attorneys, special education staff, administrators
 - Close relationship between third-party attorneys, school division staff, and VDOE staff
 - School board hiring of outside counsel; spending tens of thousands of taxpayer dollars
 - Retaliation by school system against parent/child
 - Parents who speak up for their child are targeted as problem parents
 - Parents need assistance from an advocate to be successful
 - School divisions know they will likely win in dispute resolution and have no incentive to negotiate



Next Steps

- An Advisory Group is being convened and will meet on September 18, 2024 at 1:00 p.m.
- The Commission will receive updates regarding the study at its upcoming meetings
 - October 22nd at 10:30 a.m.
 - November 25th at 10:30 a.m.



Questions/Comments?

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