

## **REVIEW OF VIRGINIA'S SPECIAL EDUCATION DISPUTE RESOLUTION SYSTEM**

### **STUDY PLAN**

#### **Study Mandate**

- The General Assembly and the Governor approved Senate Bill 220 (Favola) and House Bill 1089 (Coyner) introduced during the 2024 Session. The legislation's tenth enactment clause directs:
  - That the Virginia Commission on Youth (the Commission) shall study and make recommendations on Virginia's special education dispute resolution system. In conducting such study, the Commission shall (i) consider the entire special education dispute resolution system in the Commonwealth, including the parent ombudsman for special education, mediation, complaints, and due process; (ii) review the effectiveness of such system in responding to the concerns of parents, analyze such system in comparison to best practices from other states, and make actionable recommendations for improvement, including regulatory, statutory, staffing, and budgetary modifications; and (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 system and the outcomes of such interactions. The Commission shall report its findings and recommendations to the General Assembly no later than November 1, 2025.

#### **Study Activities - Year One**

- Research state and federal laws and regulations on special education dispute resolution.
- Review recent U.S. Department of Education Office of Special Education Programs reports concerning and communications with Virginia.
- Gather and review Virginia Department of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent interactions with the state's special education dispute resolution system.
- Research and evaluate best practices from other states.
- Conduct four in-person and one virtual listening session of special education stakeholders including parents, education professionals, and advocates.
- Convene an Advisory Group of stakeholders.
- Survey parents and other stakeholders regarding their experience with special education dispute resolution in Virginia.
- Collect and review data from the Virginia Department of Education.
- Hold stakeholder interviews.
- Present at State Special Education Advisory Committee (SSEAC).
- Present study updates to the Commission on Youth.

**Study Activities – Year Two**

- Convene two meetings of the Special Education Dispute Resolution Advisory Group.
- Conduct additional stakeholder interviews.
- Develop findings and recommendations.
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.

**DISMISSAL OF CERTAIN VEXATIOUS AND REPETITIVE COMPLAINTS****Study Mandate**

- The General Assembly and the Governor approved House Bill 2606 (Ware) introduced during the 2025 Session. The legislation includes an uncodified act that permits the dismissal of certain vexatious and repetitive special education due process hearing complaints.
- This legislation states, as enacted, “If a special education due process hearing officer determines that a due process hearing complaint filed in accordance with subsection B of § 22.1-214 of the Code of Virginia contains substantively the same issues as a previously adjudicated due process hearing complaint and evidences a clear pattern of initiating vexatious and repetitive litigation, the hearing officer may dismiss the complaint.”
  - This legislation has a sunset date of July 1, 2027.
  - The legislation’s third enactment clause directs: That the Virginia Commission on Youth shall study and make recommendations on the provisions of the first enactment of this act.

**Study Activities – Year Two and Three**

- Review other states’ laws and regulations on review of due process complaints.
- Research and evaluate background information and analysis from articles and journals.
- Collect and analyze data on the dismissal and outcomes of due process hearing complaints from the Virginia Department of Education starting fiscal year 2026.
- Work with stakeholders to evaluate current change in the law.
- Develop findings and recommendations.
- Present findings and recommendations to the Commission on Youth before the 2027 General Assembly Session.
- Receive public comment.
- Prepare final report.