

# Virginia's Special Education Dispute Resolution System Study: An Update

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*Deusdedi Merced, Esq.*

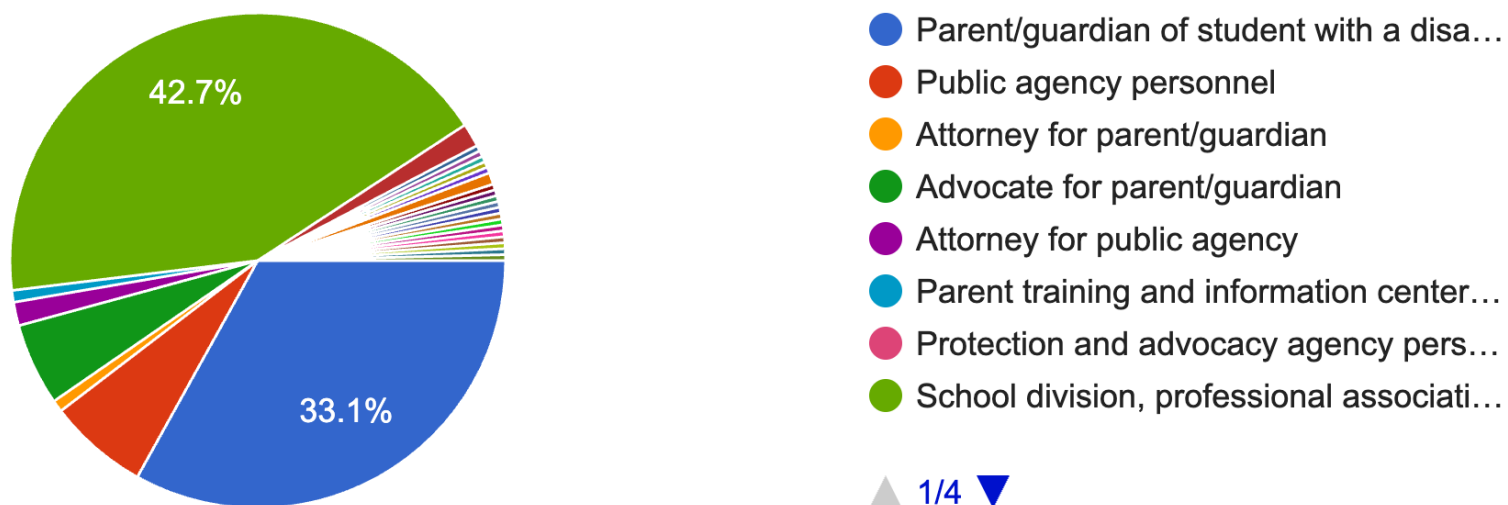


In general ...

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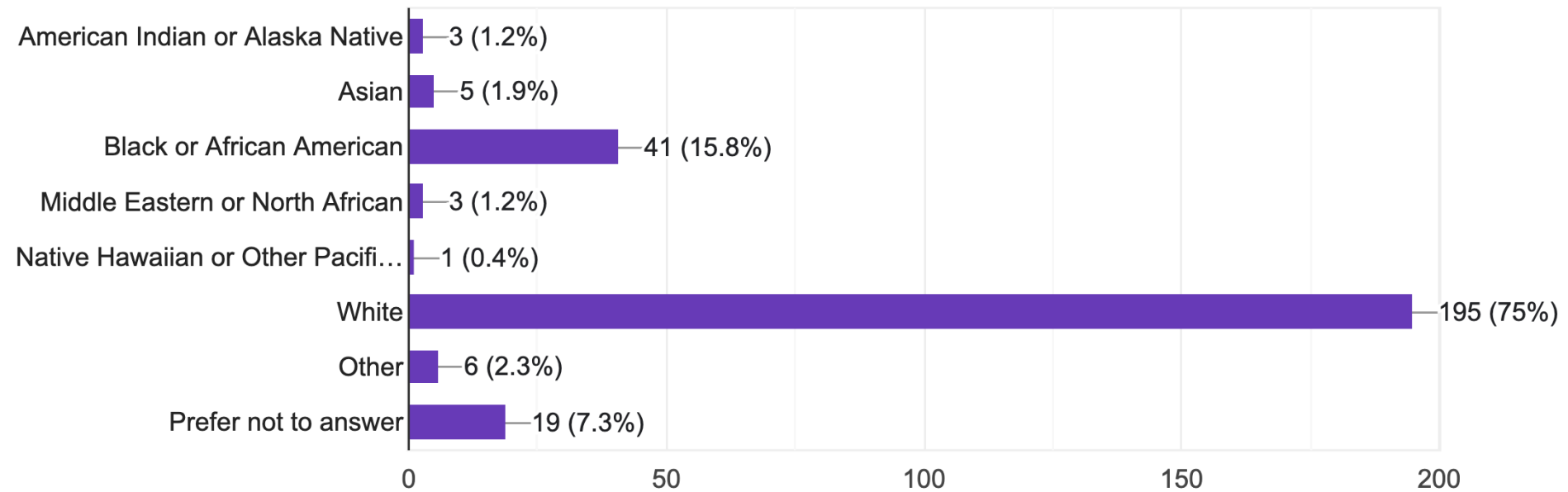
# 1. Individual completing survey: (Please select the role which best describes in what capacity you are completing the survey.)

260 responses



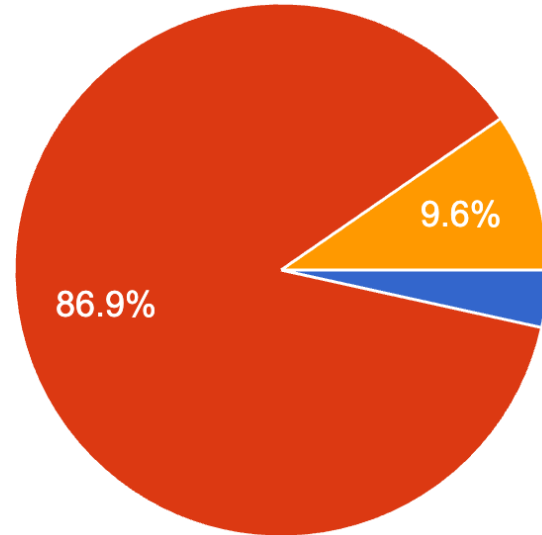
## 2. What is your race? Select all that apply.

260 responses



### 3. What is your ethnicity?

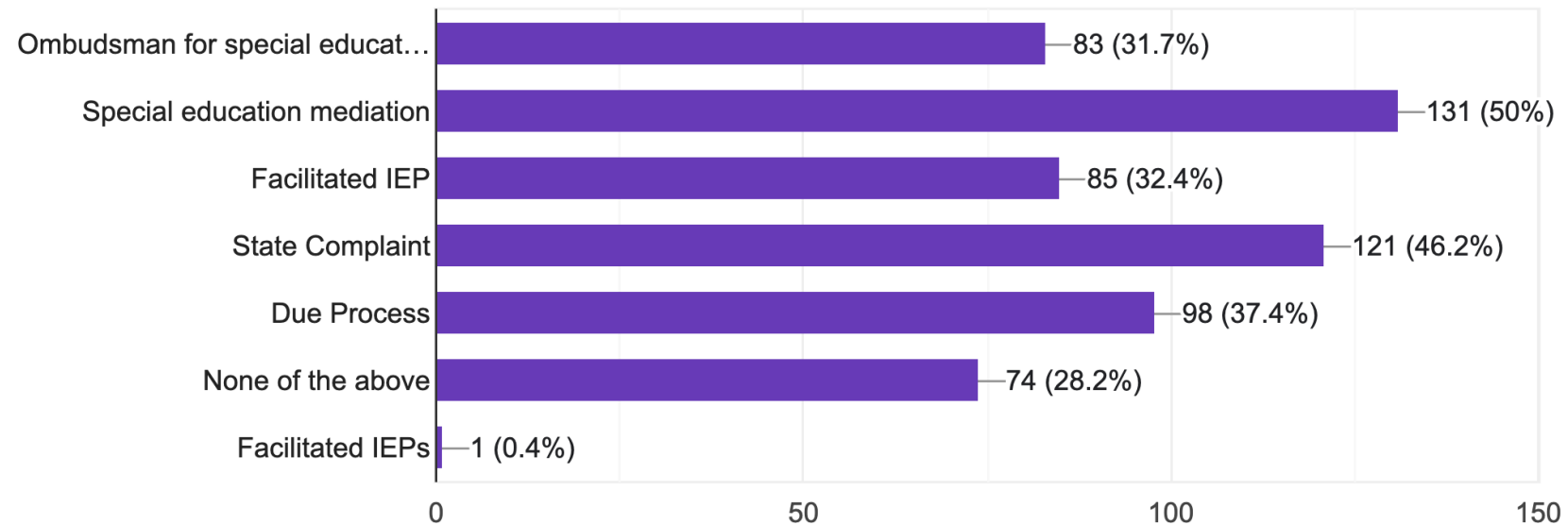
260 responses



- Hispanic or Latino
- Not Hispanic or Latino
- Prefer not to answer

7. I have used and/or participated in the following special education dispute resolution options in the Commonwealth of Virginia:

262 responses

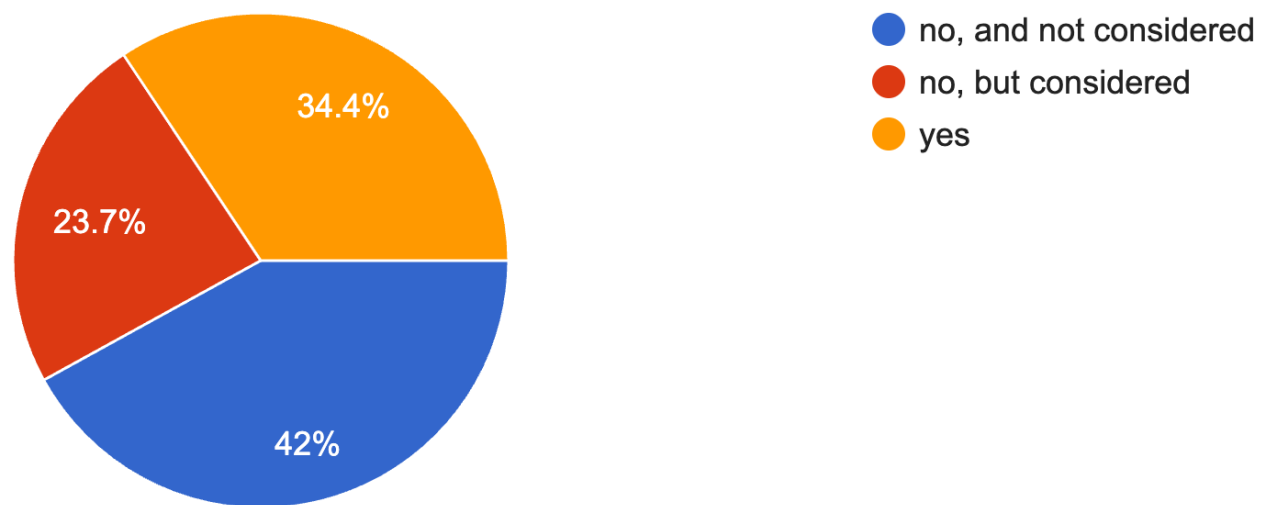


# Ombudsman

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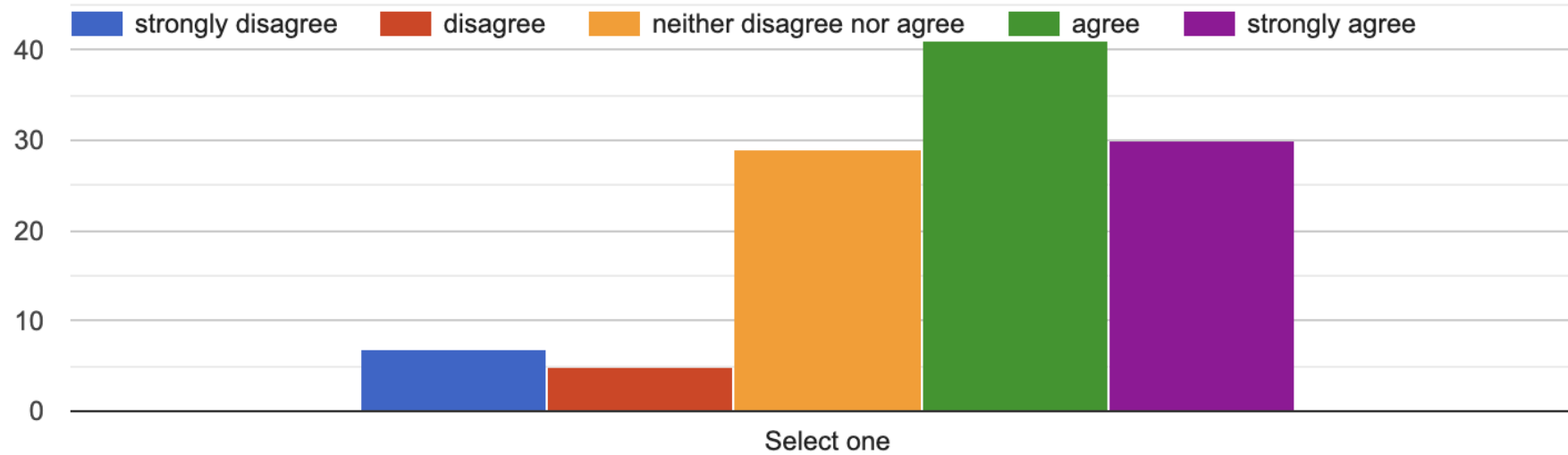
## 8. Have you used the services/resources of the Virginia's Department of Education's (VDOE) Parent Ombudsman for Special Education?

262 responses

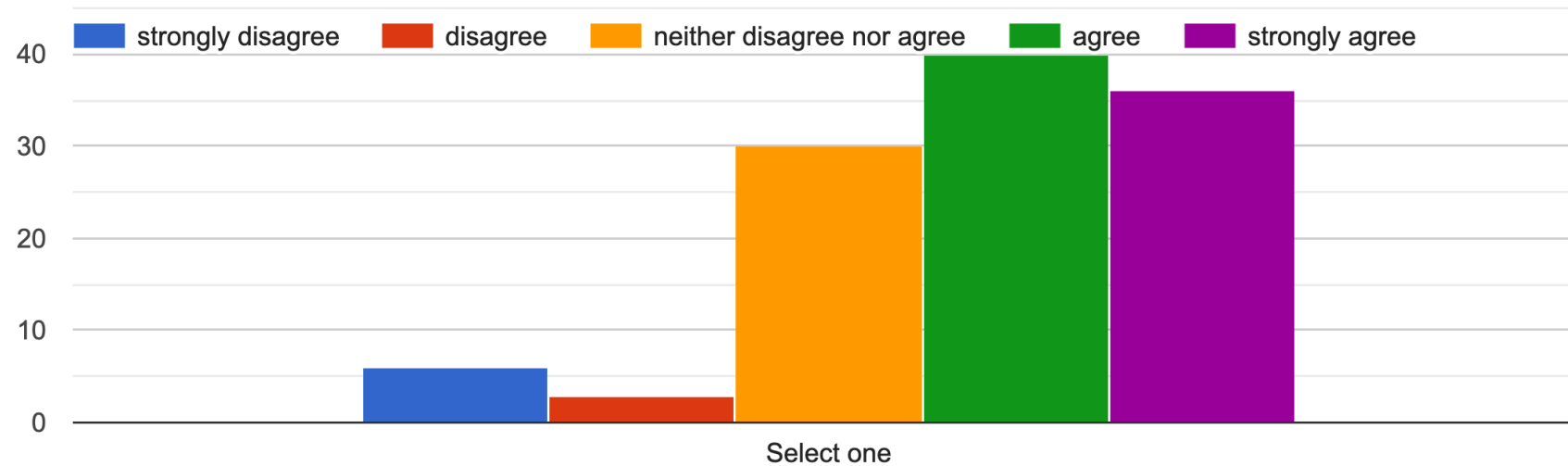




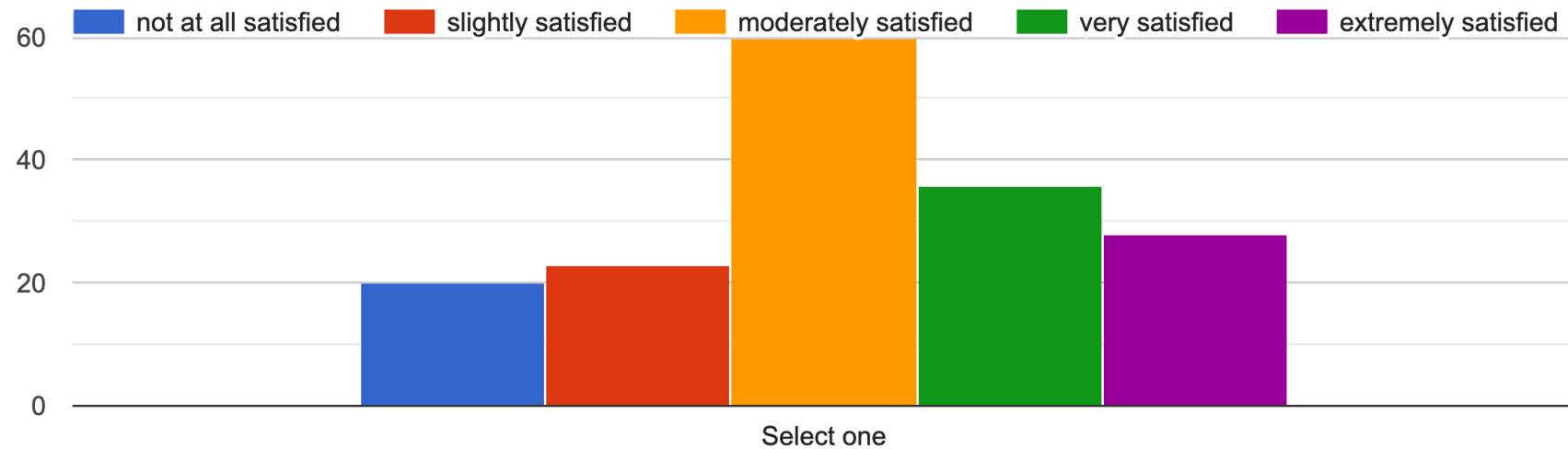
11a. The Ombudsman maintained neutrality, did not take a side on the issue(s), and advocated for a fair process.



11b. I felt that I could share information with the Ombudsman and that the Ombudsman would maintain the information confidential by not disclos...on, the discussion(s), and interaction(s) to others.



13. How satisfied are you with the level of information about the Ombudsman and the available resources on the VDOE Parent Ombudsman for Special Education website page?

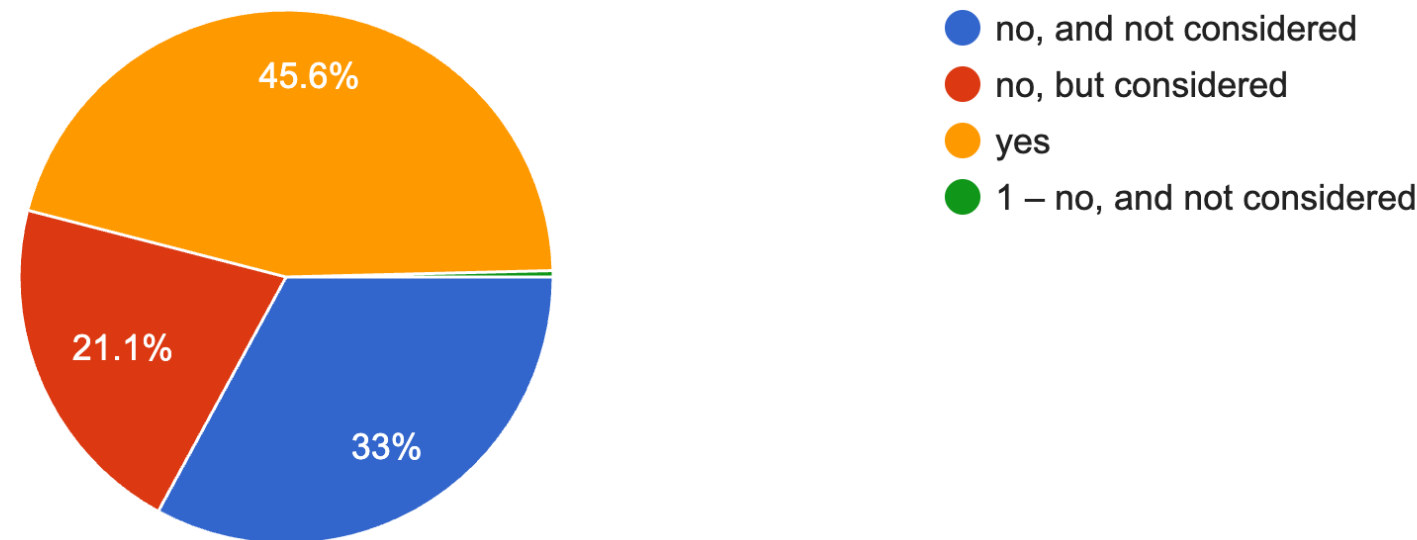


# Mediation

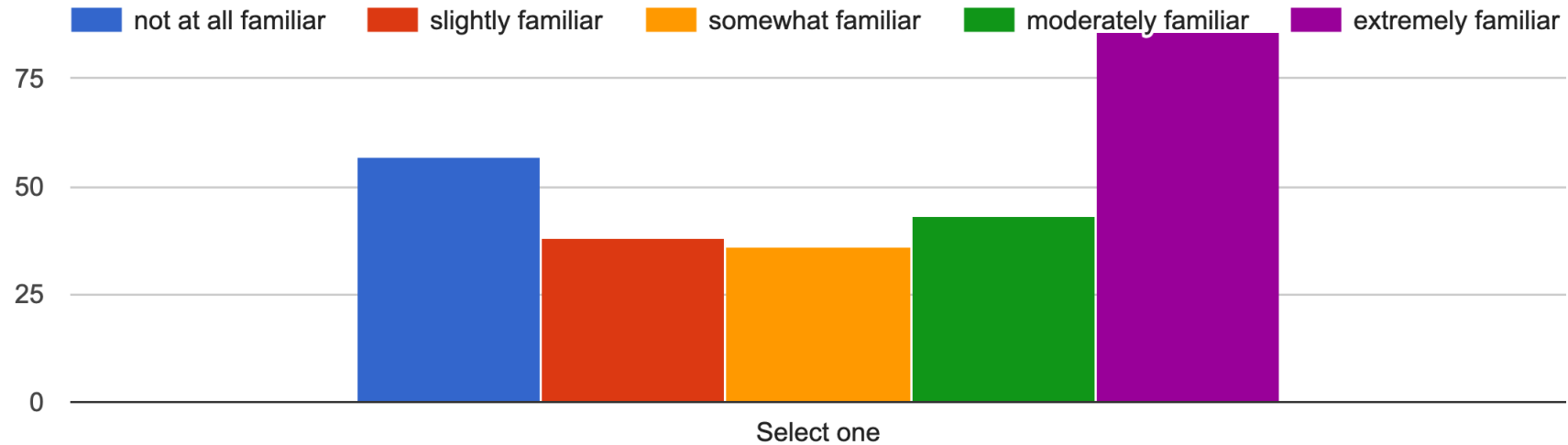
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14. Have you used VDOE’s special education mediation option?

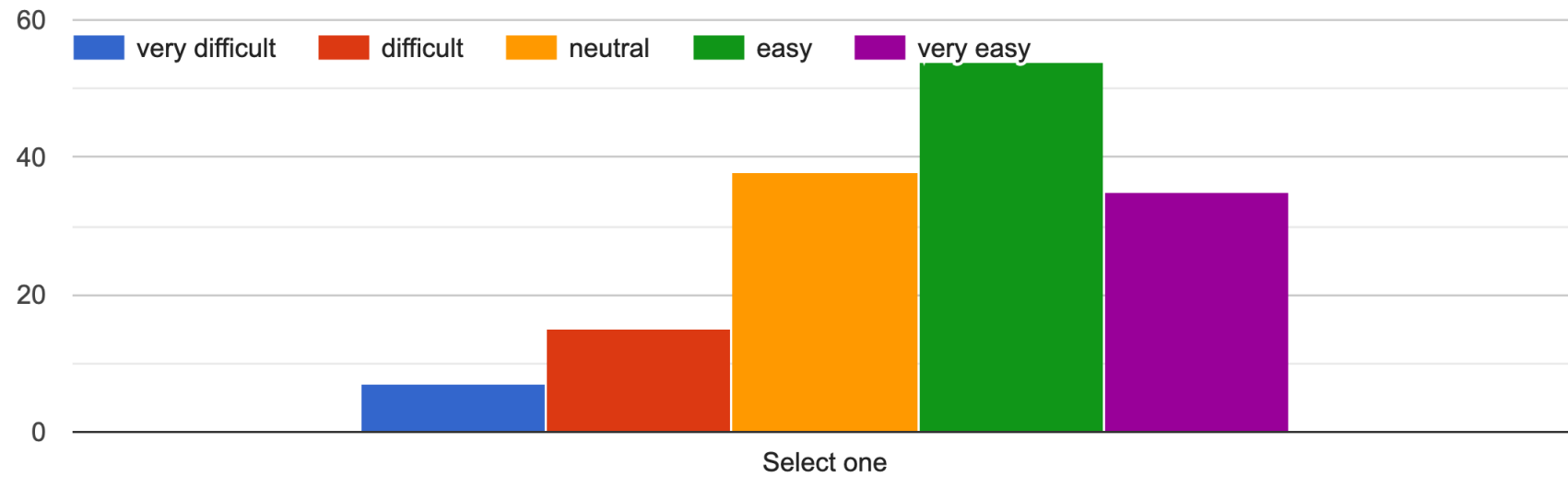
261 responses



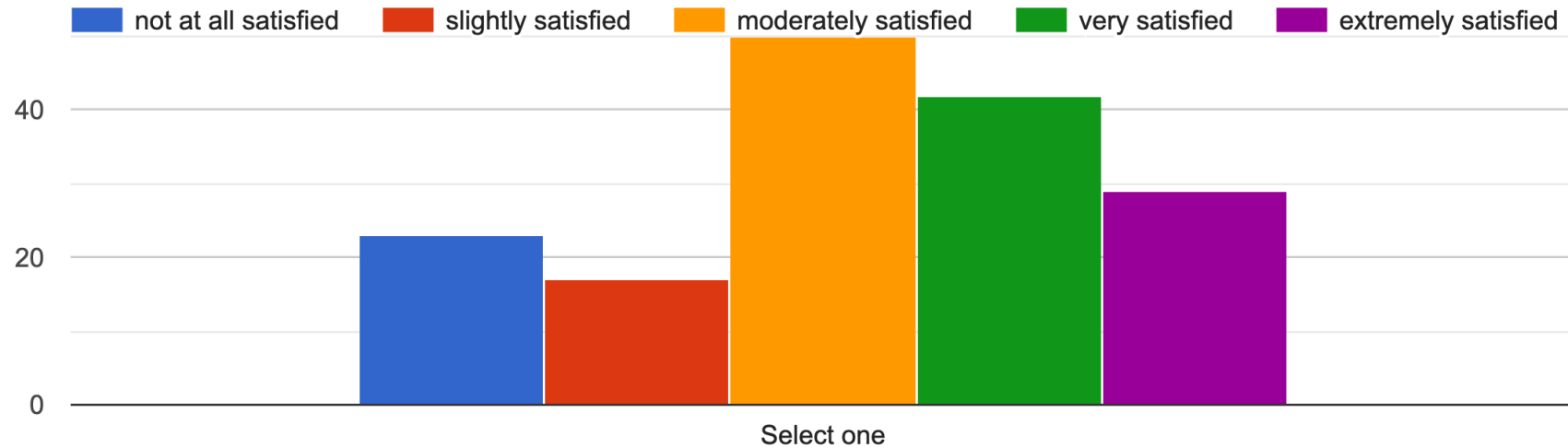
15. How familiar are you with the VDOE's special education mediation option? (If you selected, "not at all familiar," please skip to question 25. If you ... consider answering the additional questions below.)



17. Please rate the level of ease or difficulty in accessing the VDOE's special education mediation option:

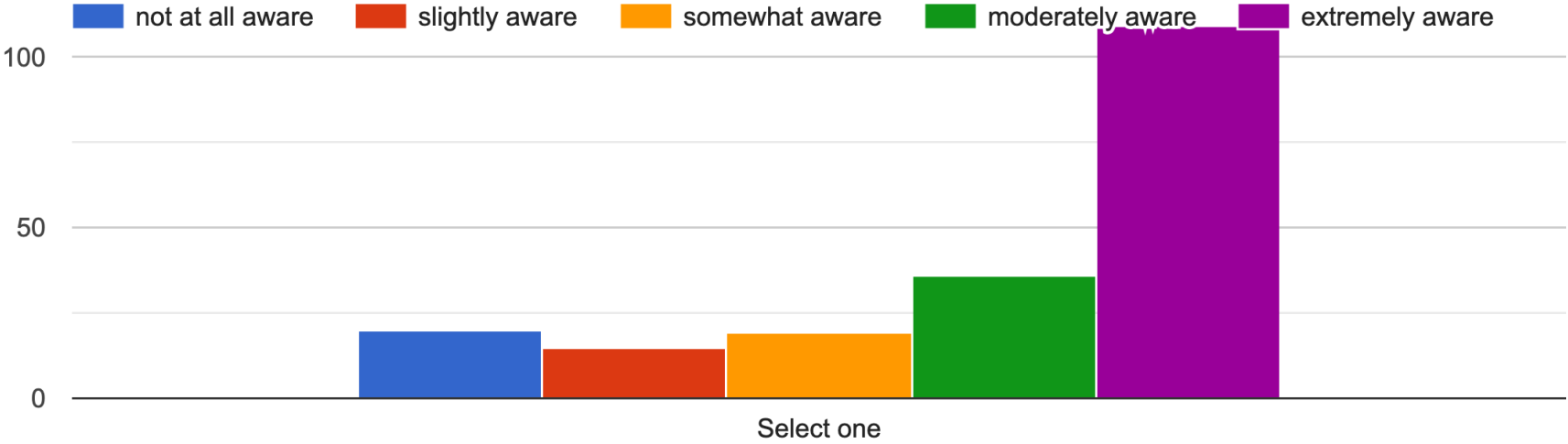


18. How satisfied are you with the level of information about special education mediation and the available resources on the VDOE Special Education Mediation website page?

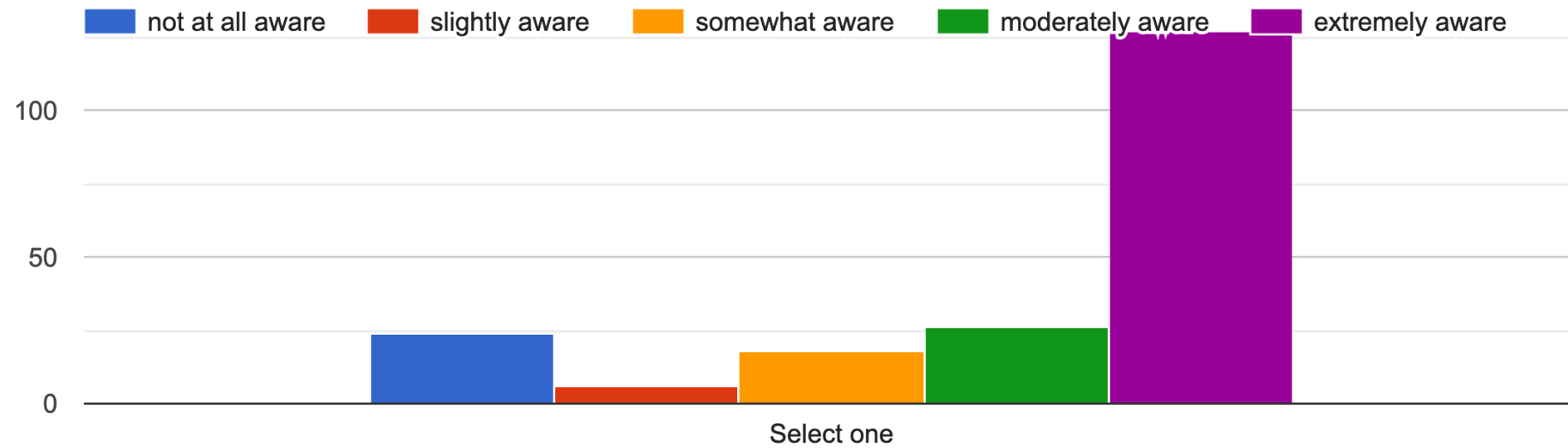




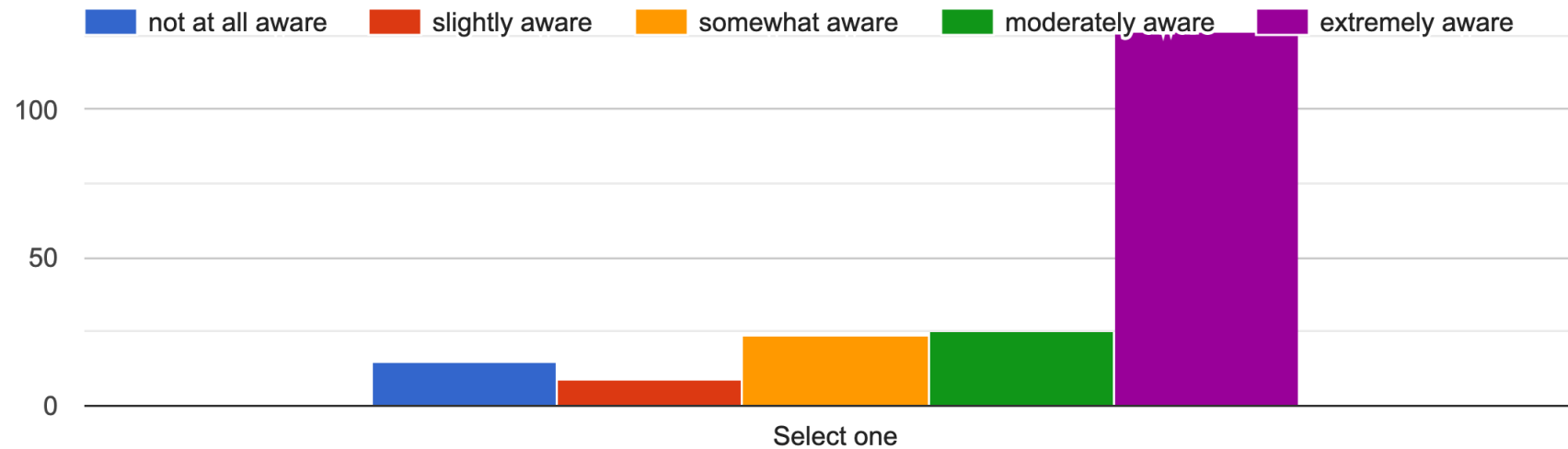
21. How aware are you of the following regarding special education mediation: 21a. I do not need to hire an attorney.



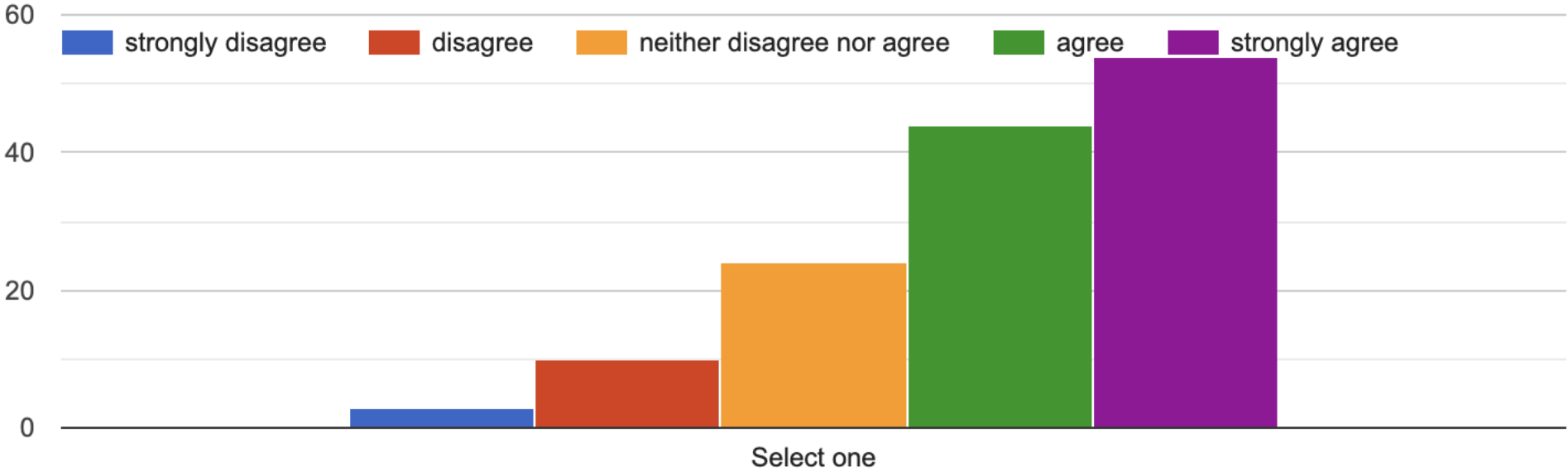
21c. The mediator is not an employee of the school division or the VDOE.



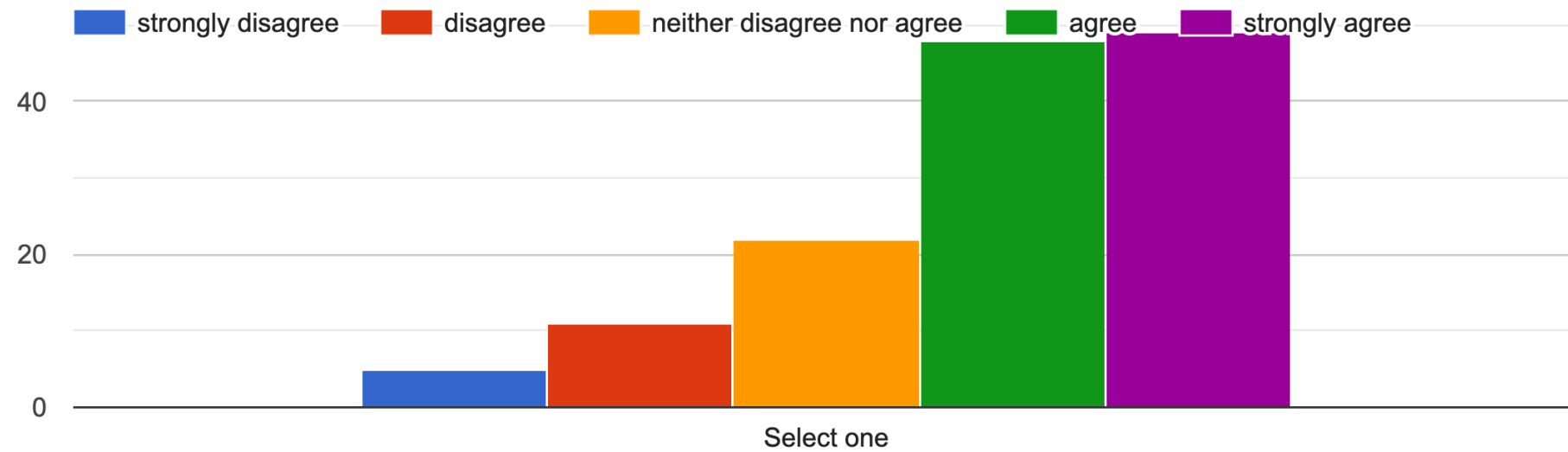
21d. The mediator does not decide for the parties. Rather, the parties come up with their own solutions with the help of the mediator.



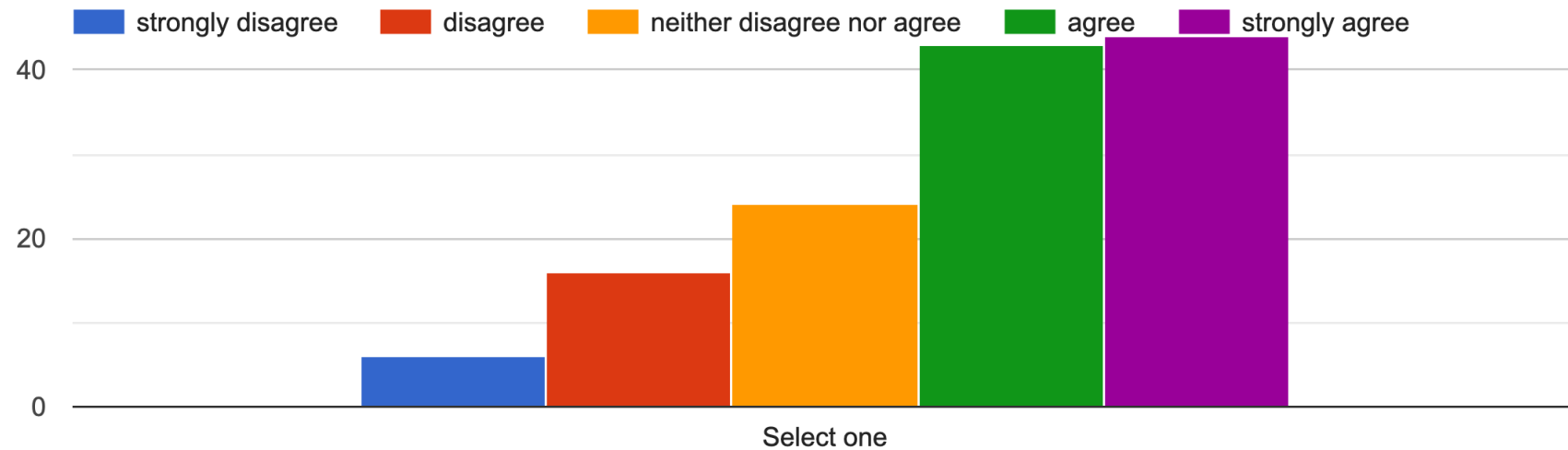
22a. The mediator did not take sides and was fair to the parties.



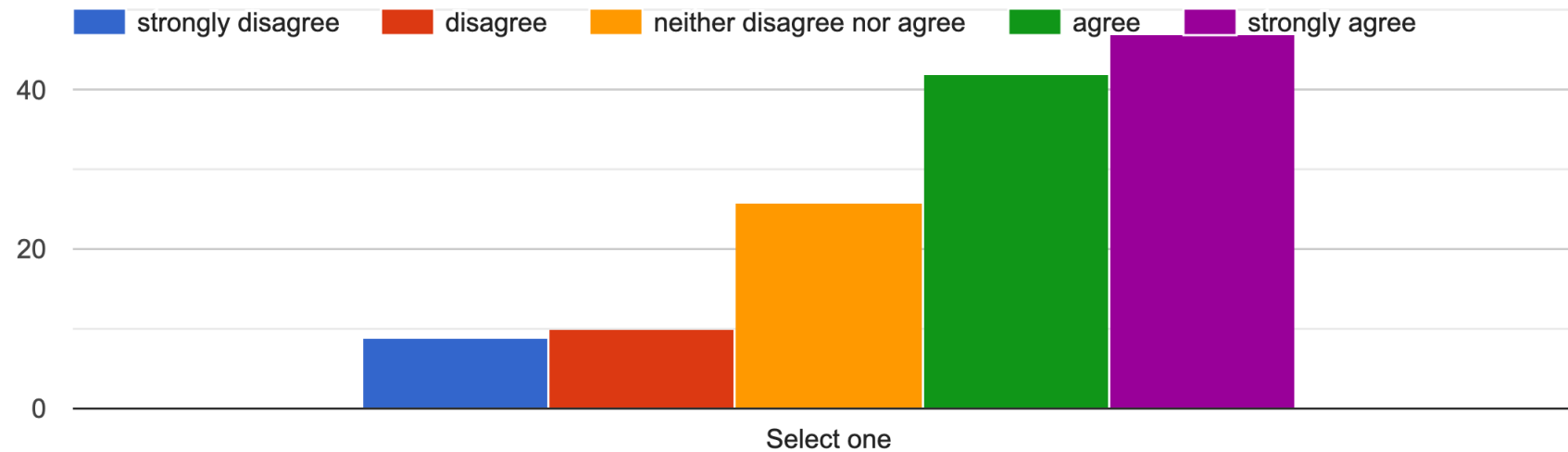
22b. The mediator helped to ensure that I was heard during the session.



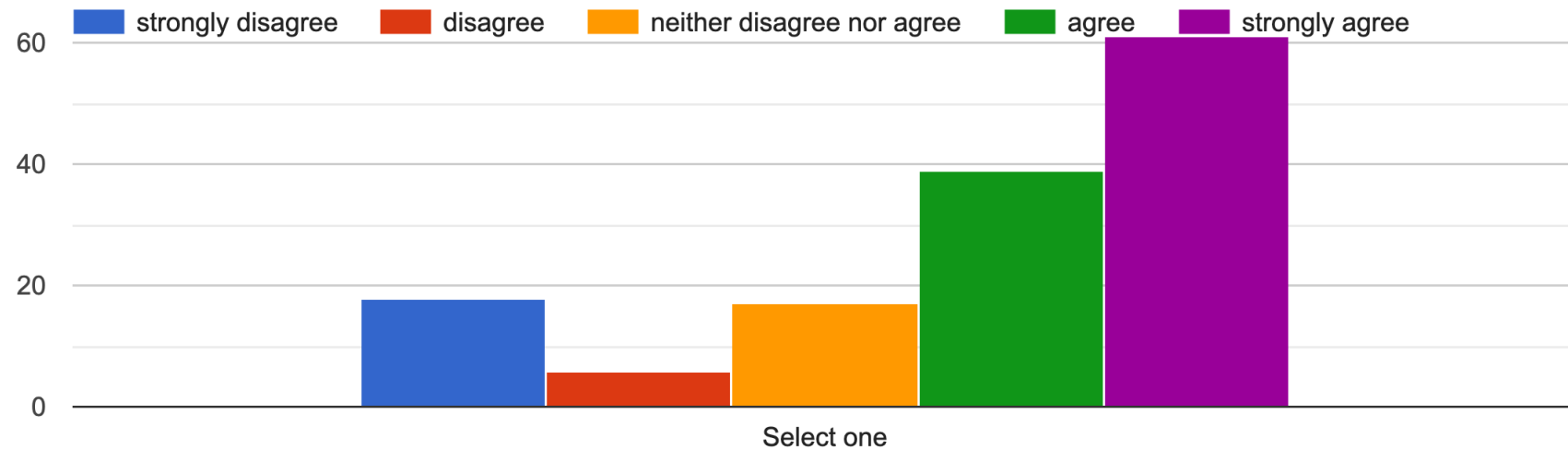
22c. The mediator appeared skilled in effective mediation techniques, which includes conflict resolution and effective communication and listening techniques.



22d. The mediator demonstrated knowledge of laws and regulations relating to the provision of special education and related services.



24. Given your overall experience with special education mediation, you are likely to use mediation again if the need arises and would recommend it to others.



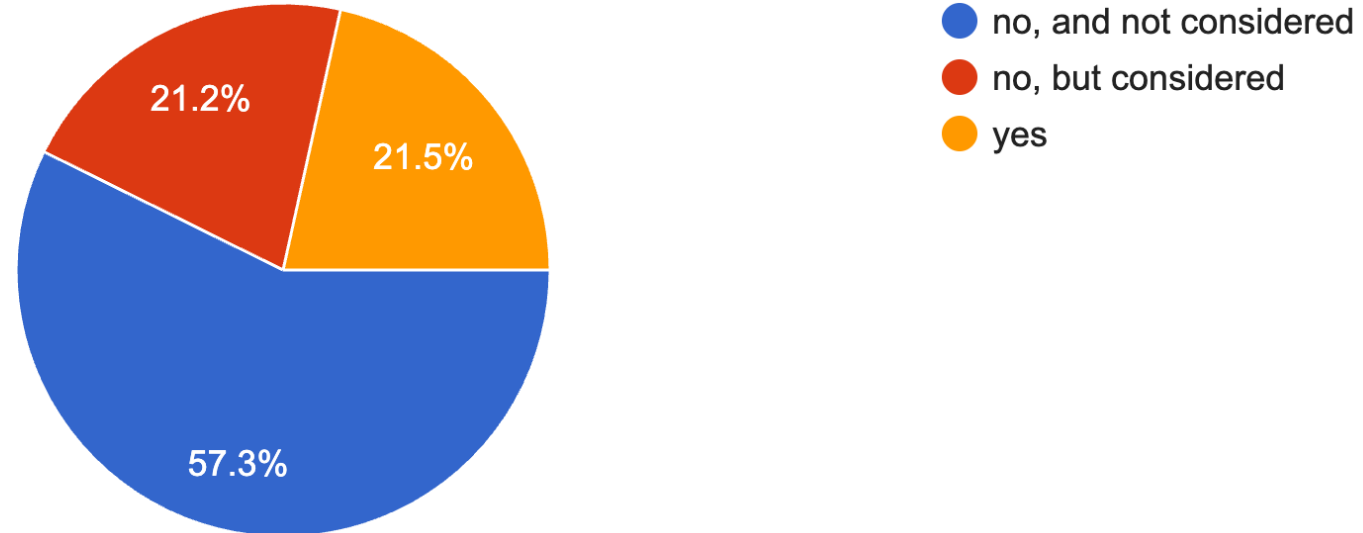


# Facilitated IEPs

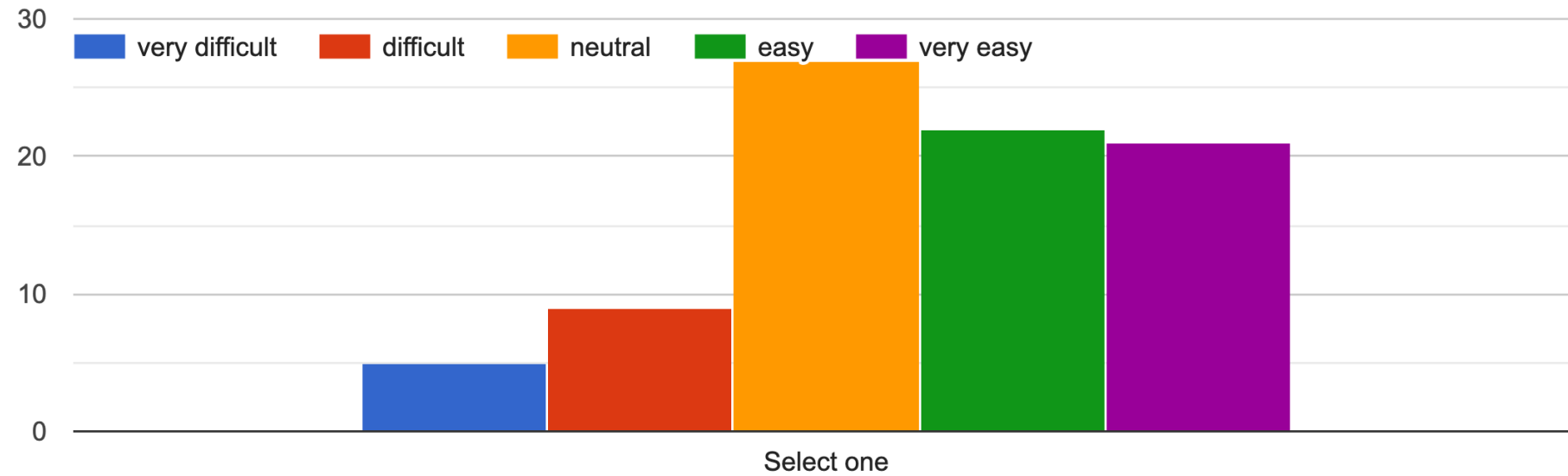
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## 25. Have you used VDOE's Facilitated IEPs option?

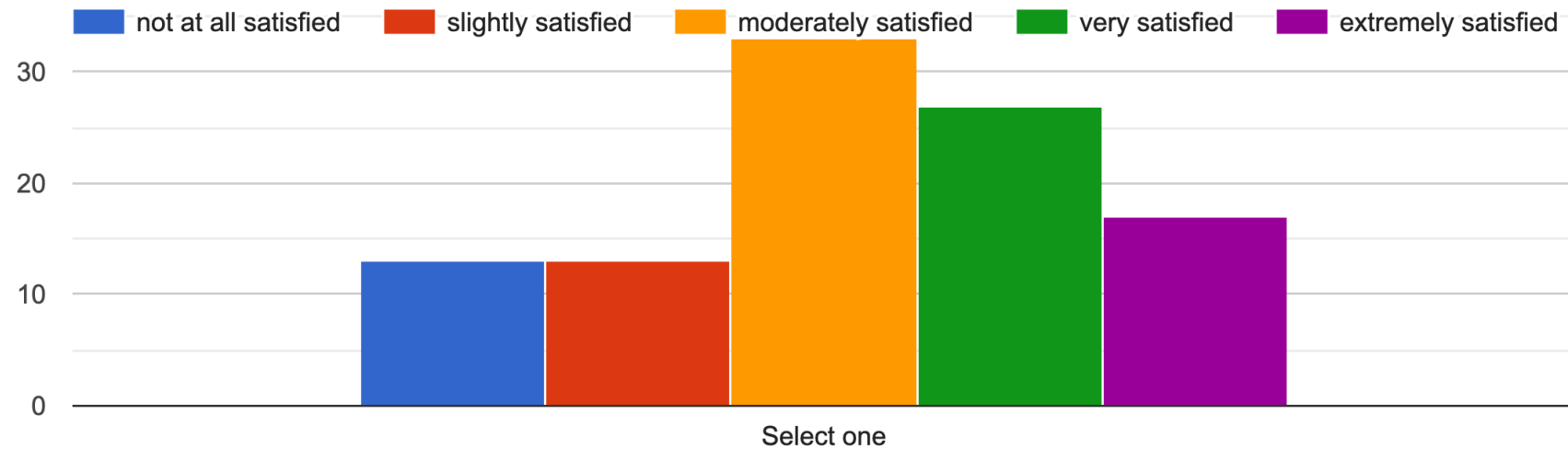
260 responses



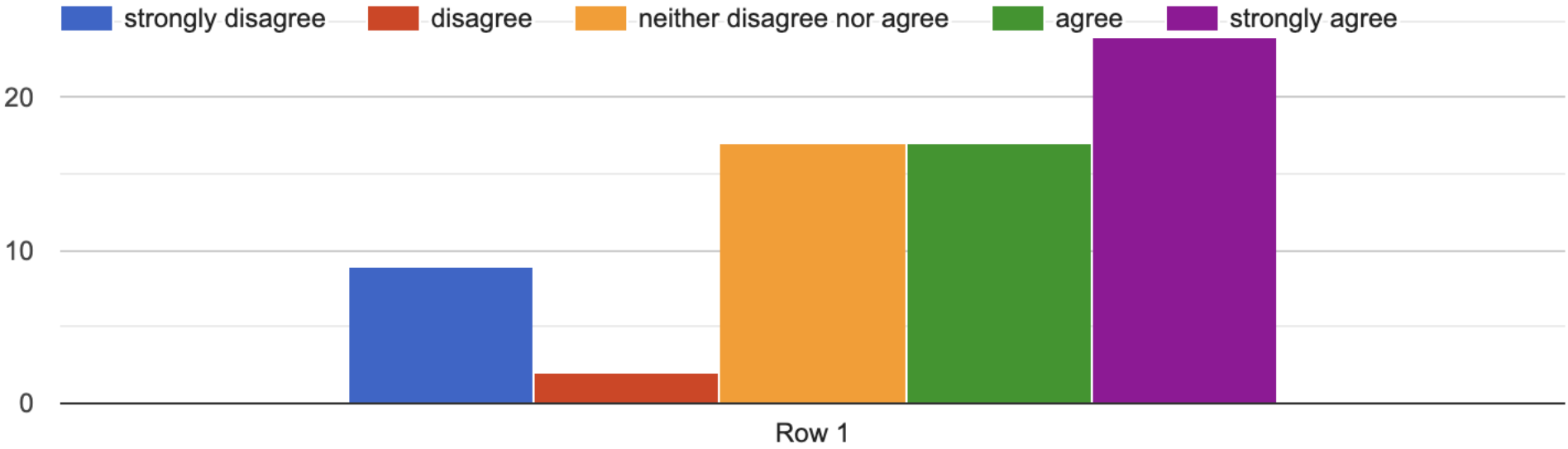
28. Please rate the level of ease or difficulty in accessing the VDOE's Facilitated IEPs option:



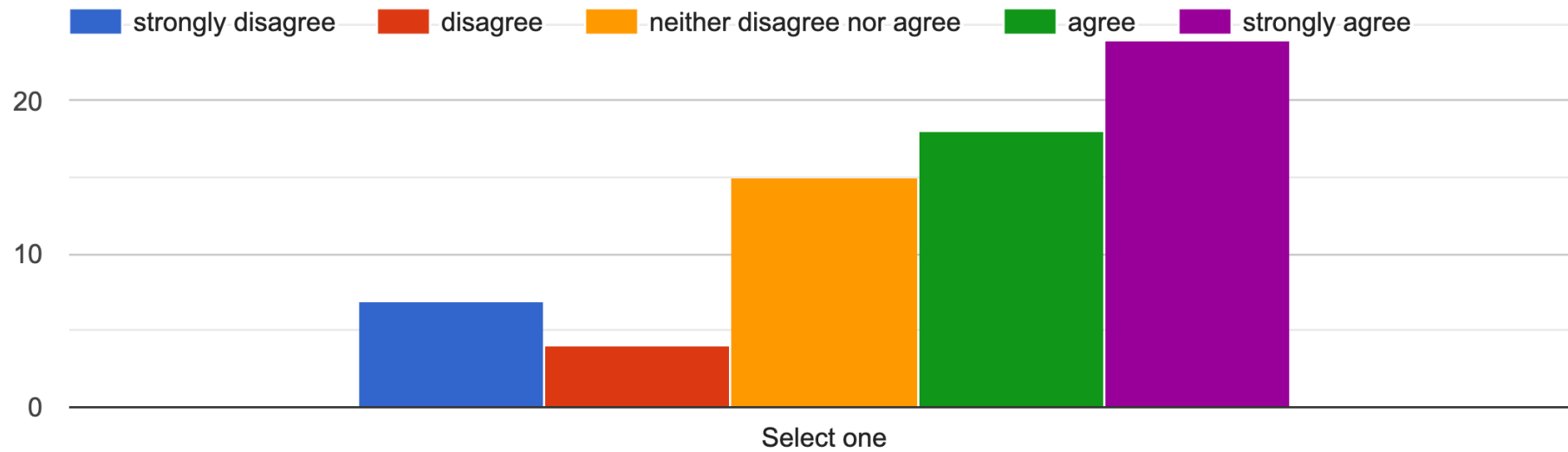
29. How satisfied are you with the level of information about facilitated IEPs and the available resources on the VDOE Facilitated IEPs website page?



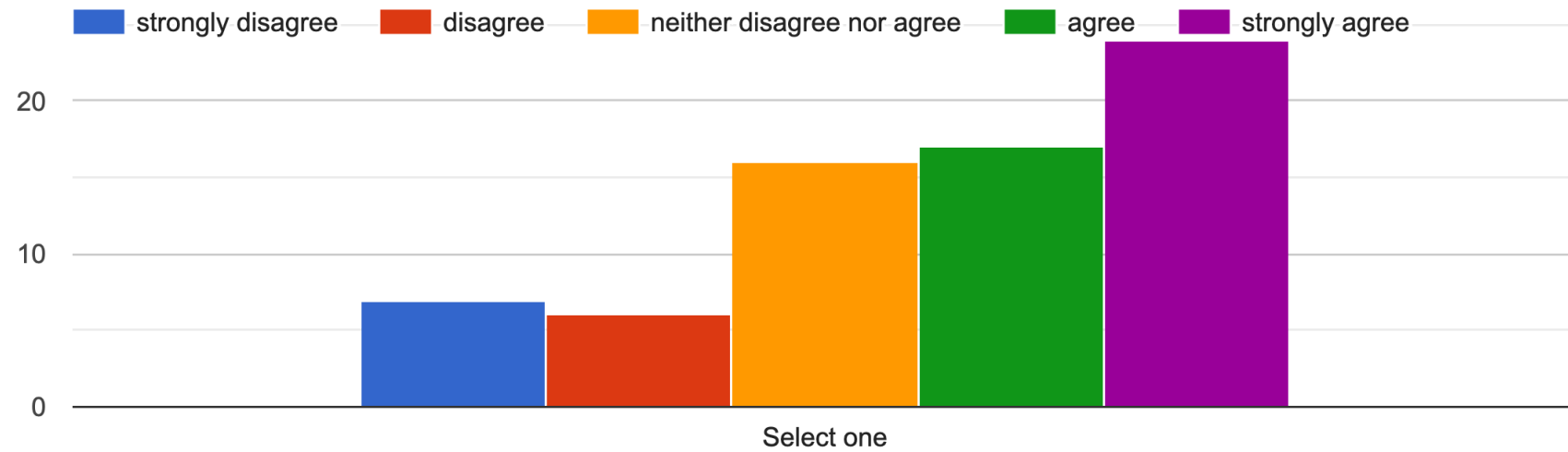
33a. The facilitator did not take sides and was fair to all IEP team members.



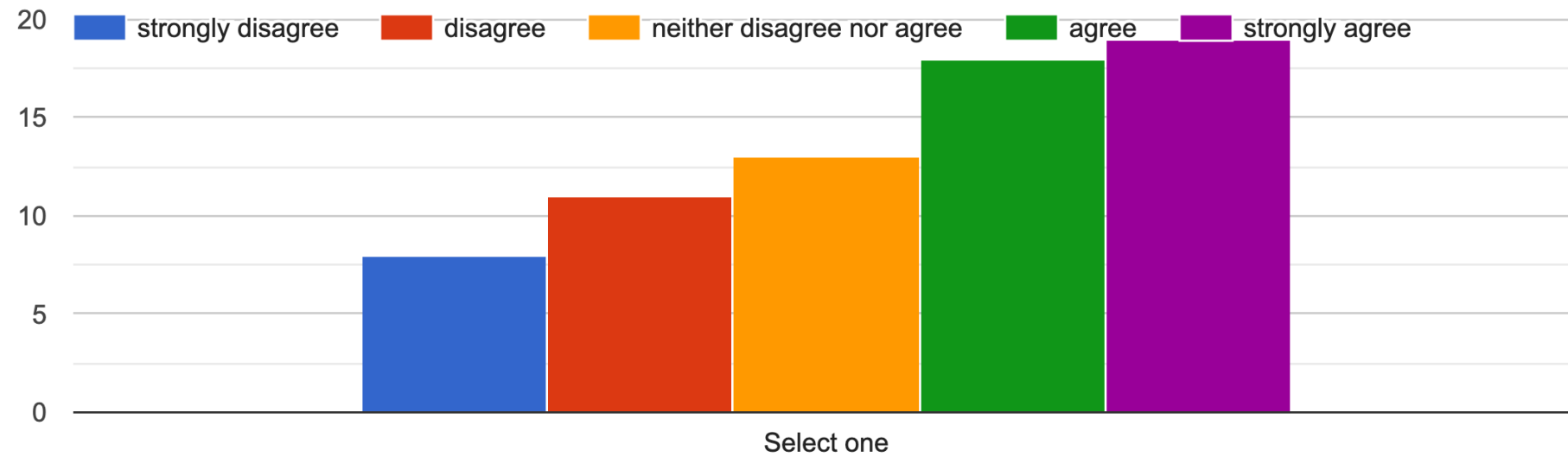
33b. The facilitator helped to ensure that I was heard during the IEP team meeting.



33c. The facilitator appeared skilled and modeled effective communication and listening techniques.

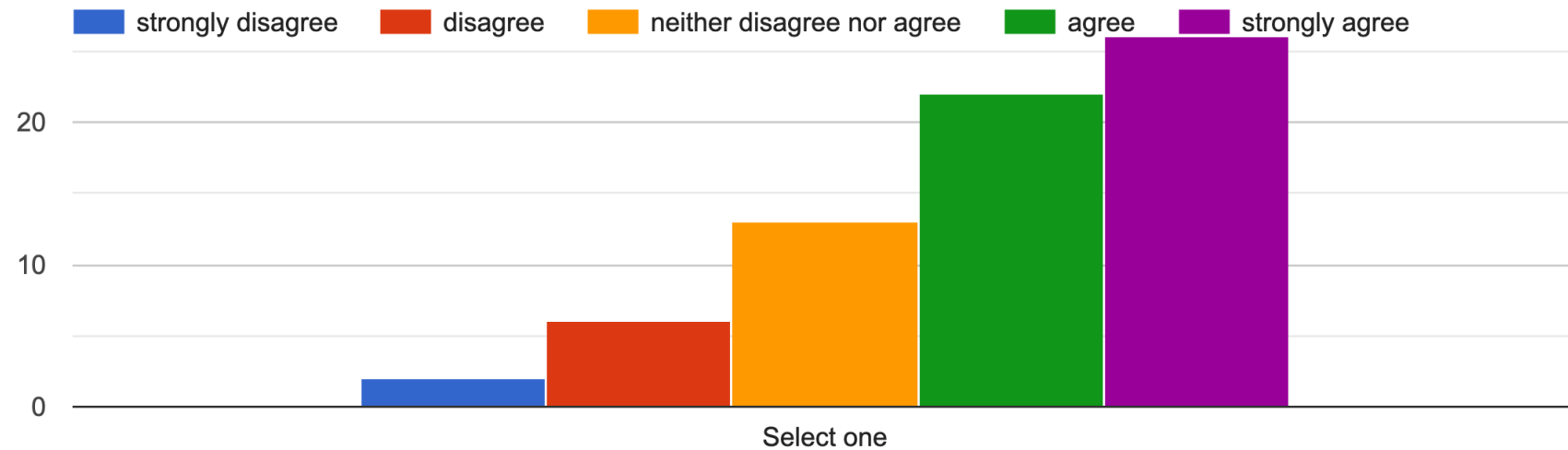


33d. The facilitator was skillful in overall conflict resolution.

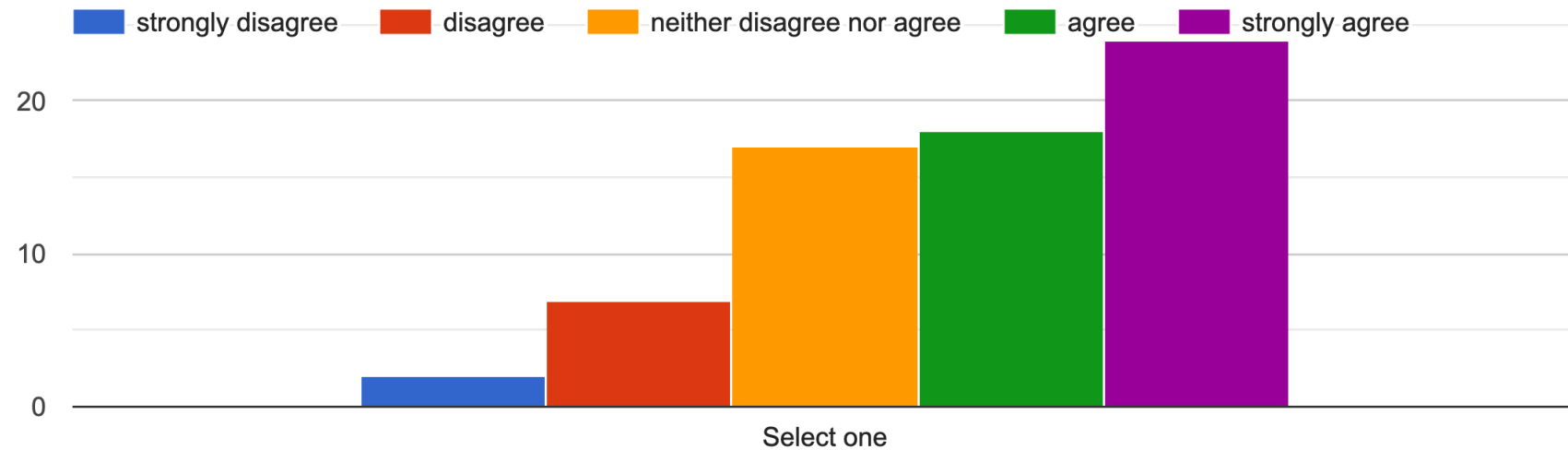




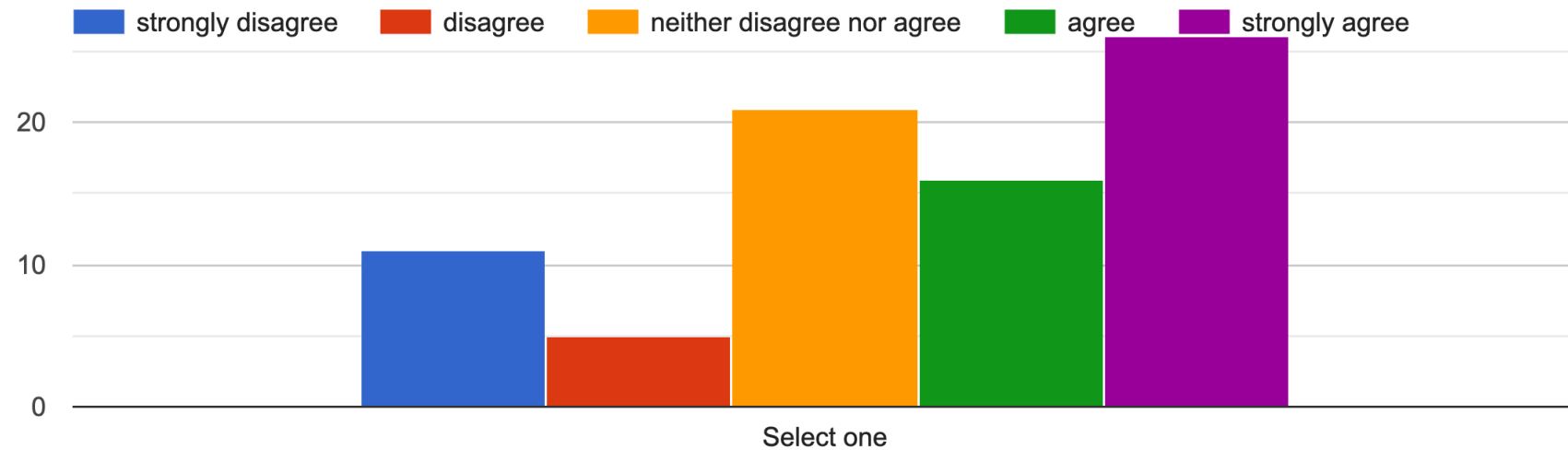
33e. The facilitator demonstrated knowledge in IEP content and process, and special education, generally.



33f. The facilitator demonstrated knowledge in laws and regulations relating to the provision of special education and related services.



34. Given your overall experience with IEP facilitation, you are likely to use IEP facilitation again if the need arises and would recommend it to others.

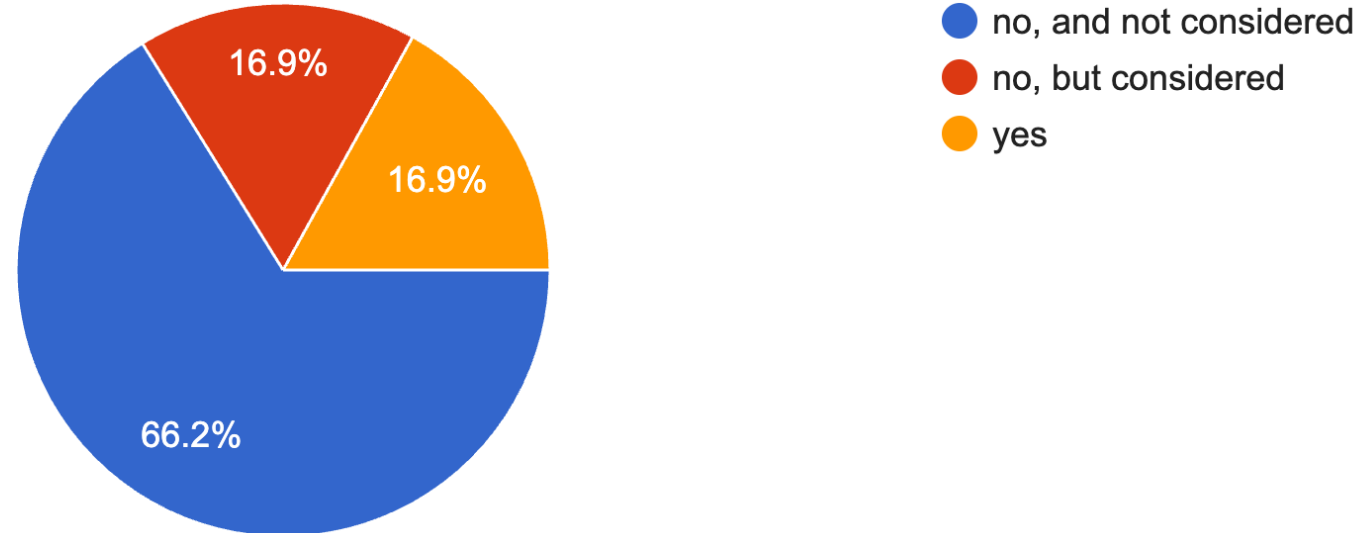


# Complaints

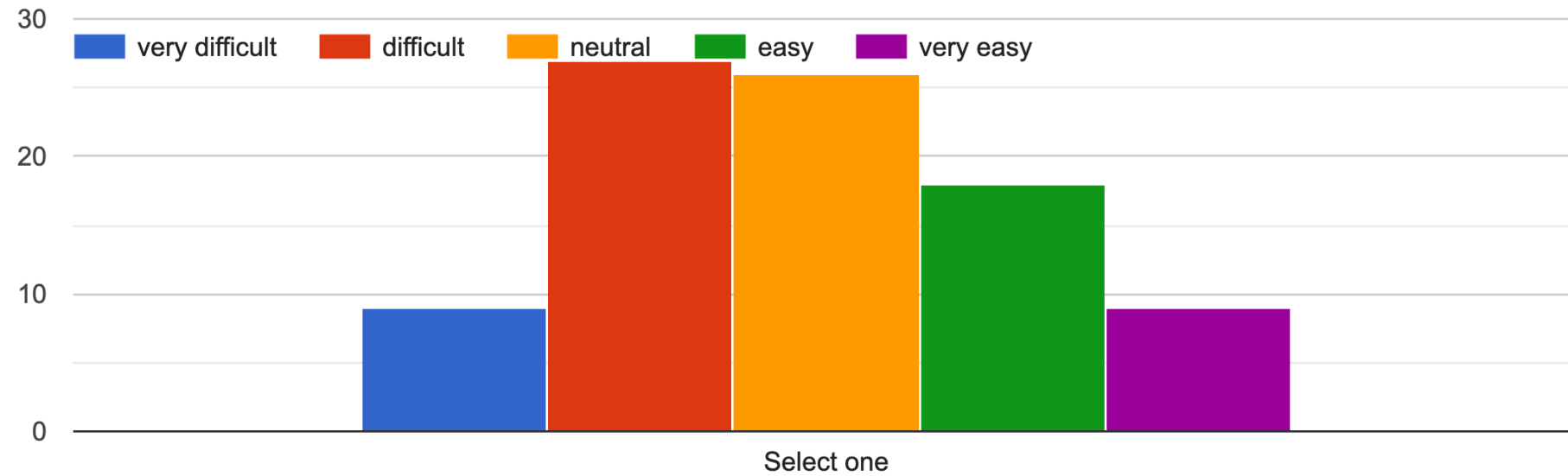
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### 35. Have you filed a complaint with the VDOE?

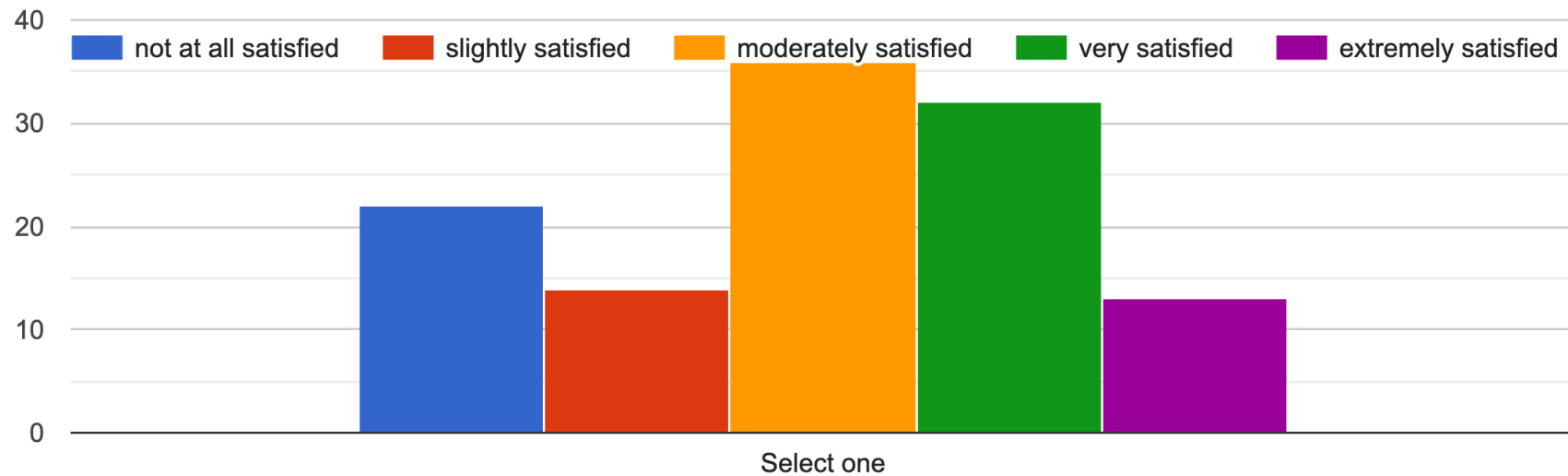
260 responses



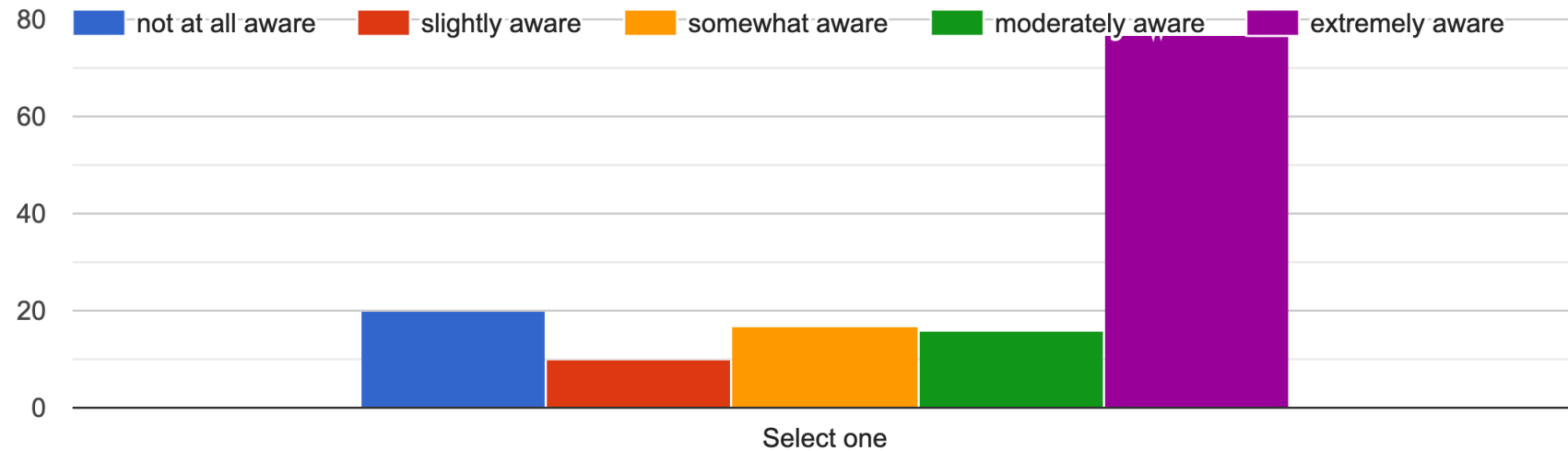
38. Please rate the level of ease or difficulty in using the complaint process:



39. How satisfied are you with the level of information about the complaint process and the available resources on the VDOE Special Education Complaints website page?

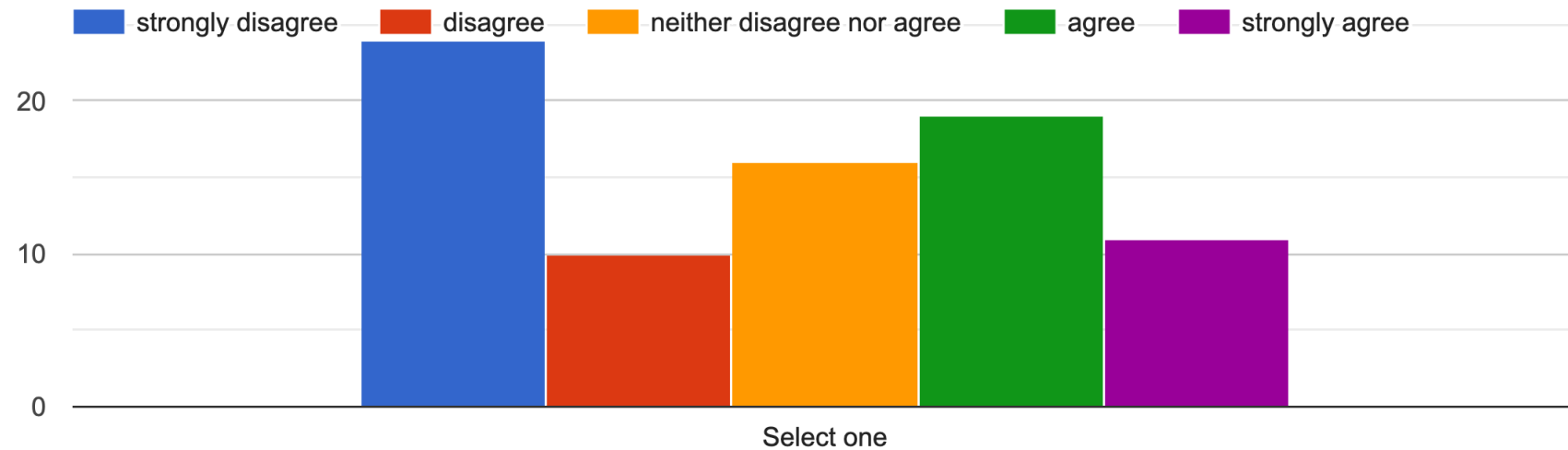


42i. The complaint investigator has the authority to take corrective action (such as awarding compensatory services or monetary reimbursement) ...e student(s) who is the subject of the complaint.

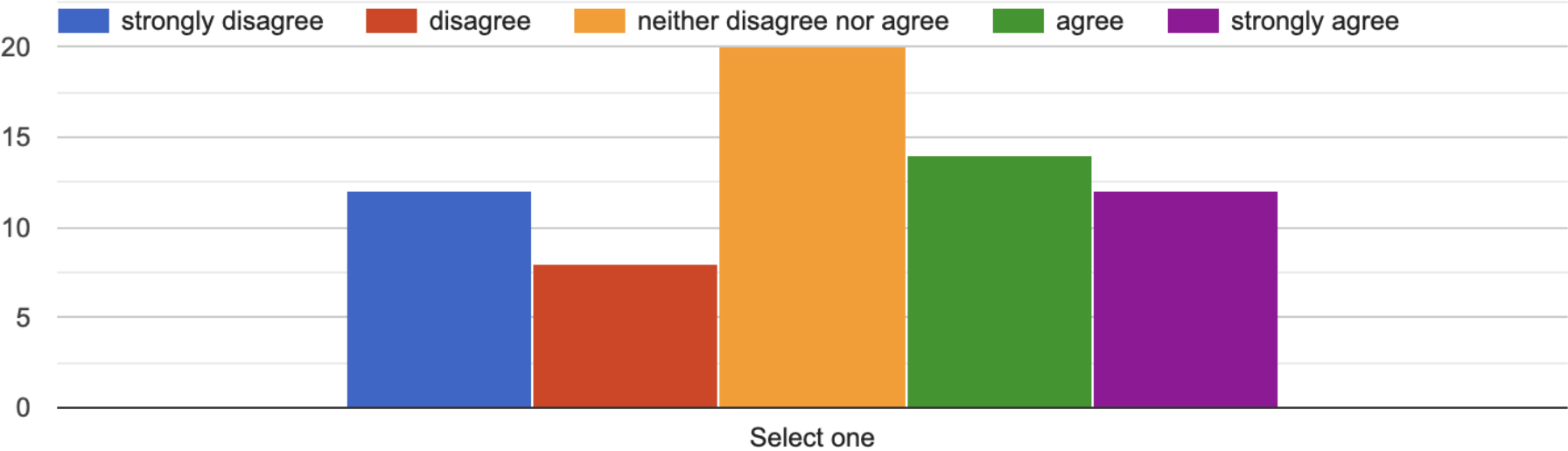




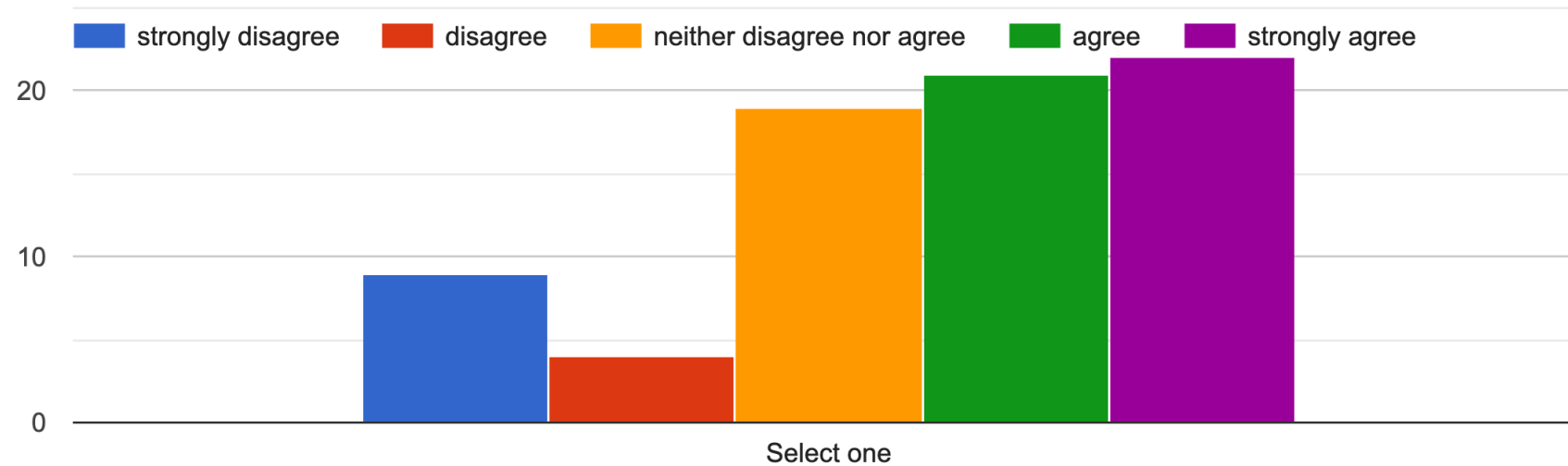
44f. When the VDOE finds a violation, the VDOE takes corrective action, as appropriate, including by awarding compensatory services, monetary reimburs...edies appropriate to the needs of the student(s).



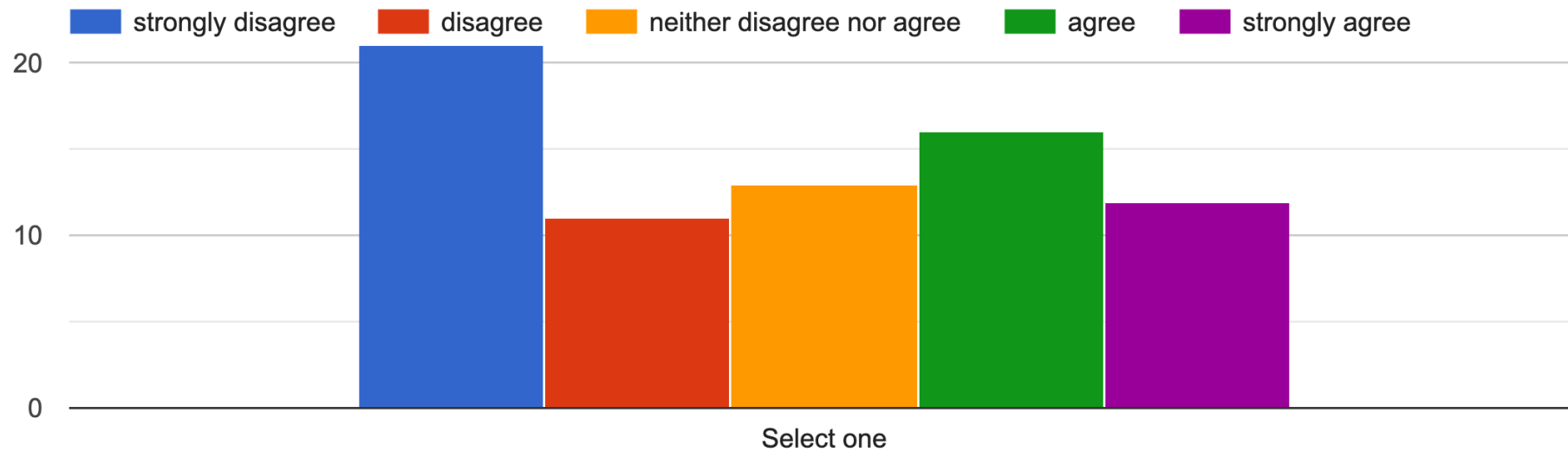
44a. The complaint process was fair and allowed the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.



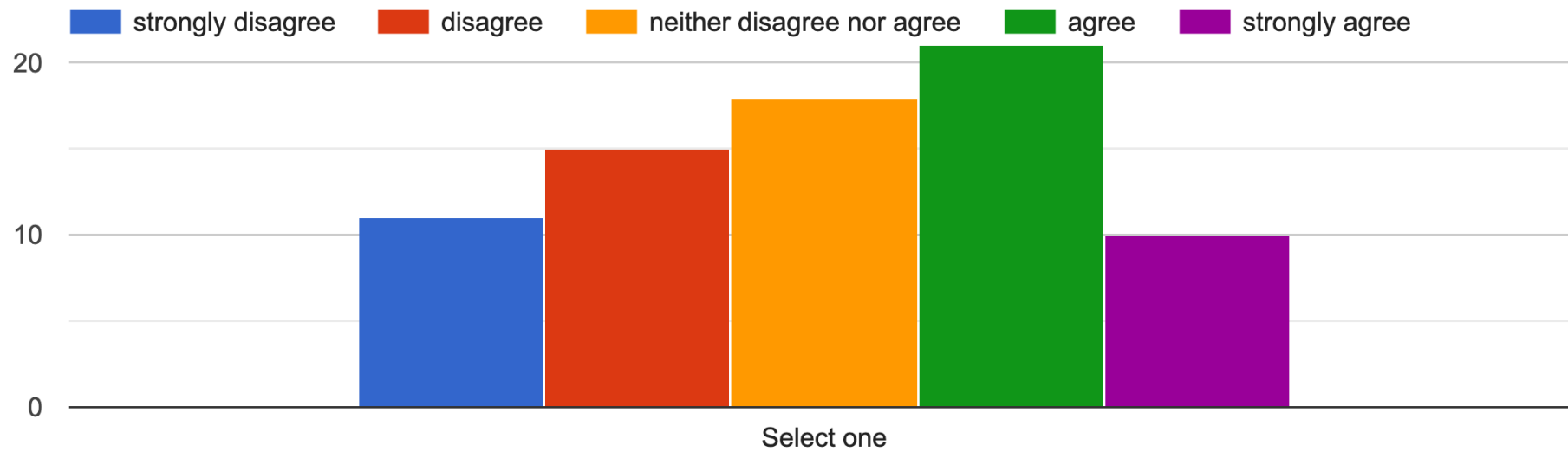
44b. The complaint process was fair and allowed the non-complaining party an opportunity to respond to the complaint.



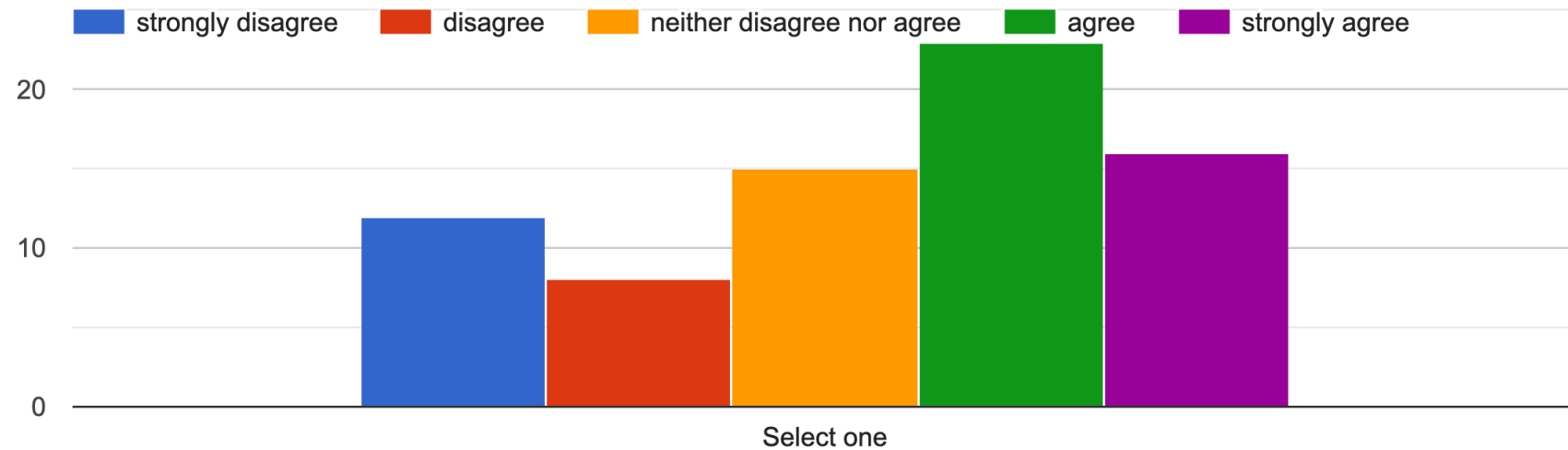
44c. The complaint investigator thoroughly addressed all concerns/issues raised in the complaint.



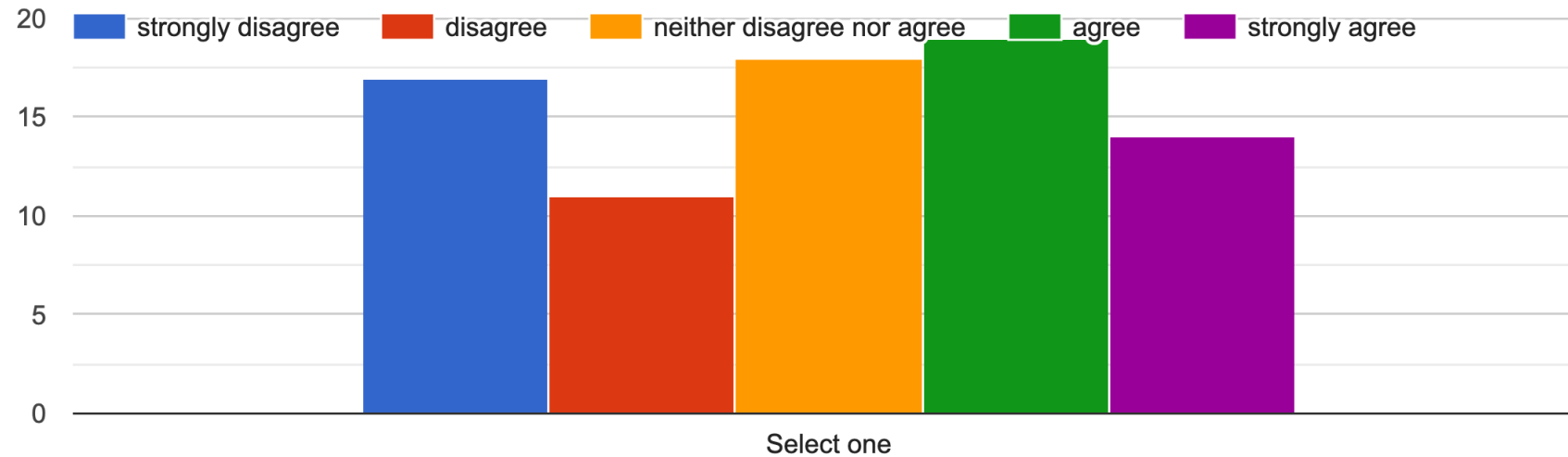
44d. The written decision was well written and easy to understand.



44e. The complaint investigator appeared knowledgeable of federal and state laws and regulations protecting the rights of students with disabilities.



45. Given your overall experience with the complaint process, you are likely to use the complaint process again if the need arises and would recommend it to others.



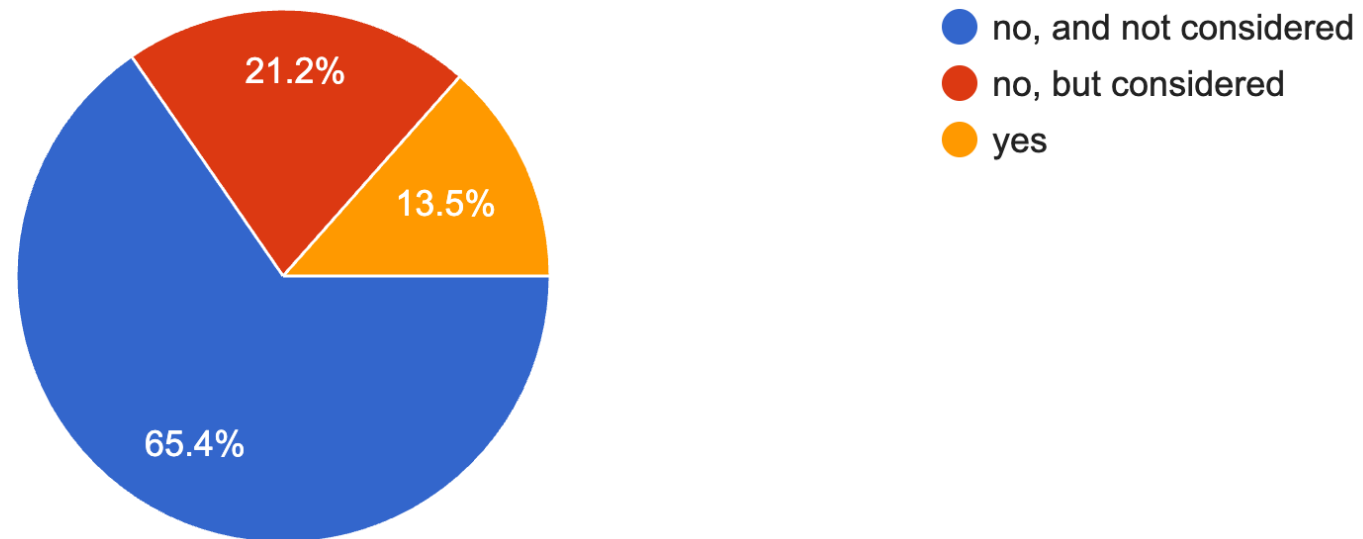
# Due Process

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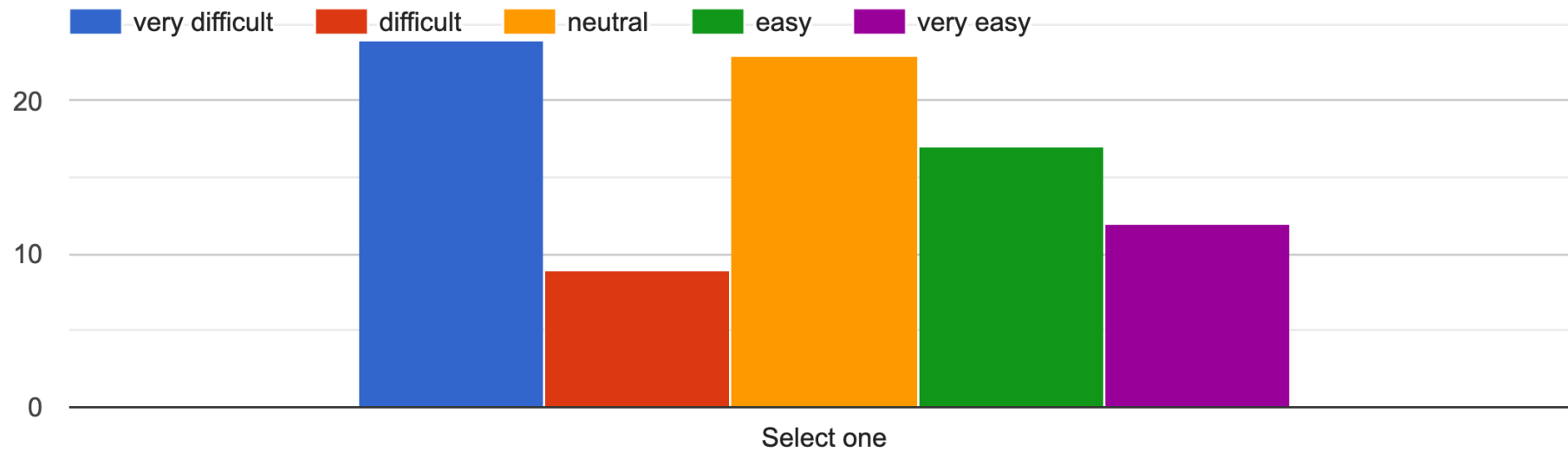


#### 46. Have you requested a due process hearing from the VDOE?

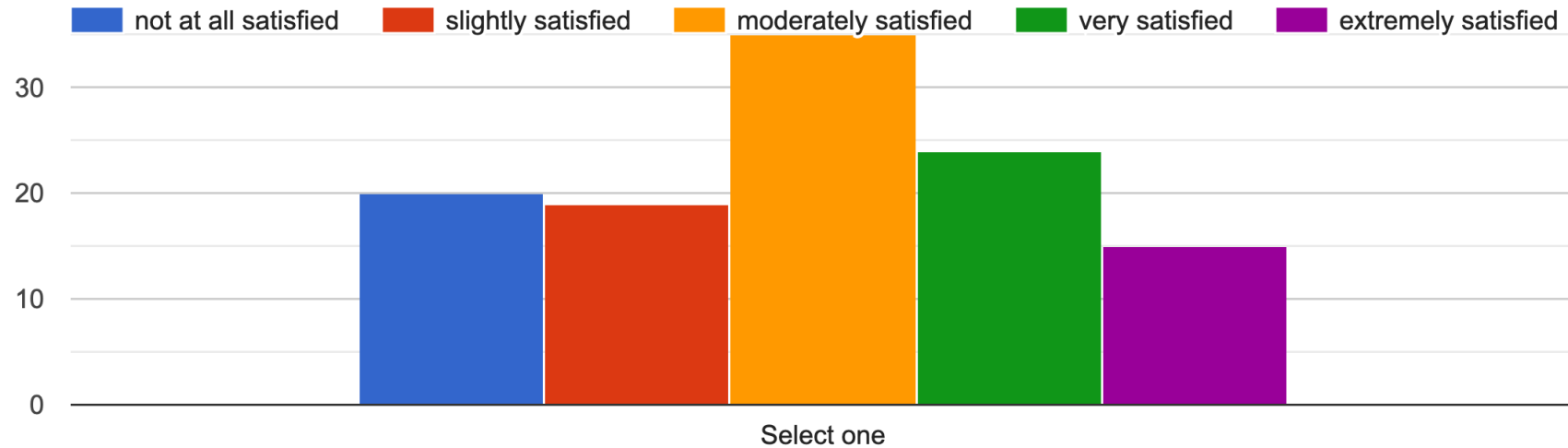
260 responses



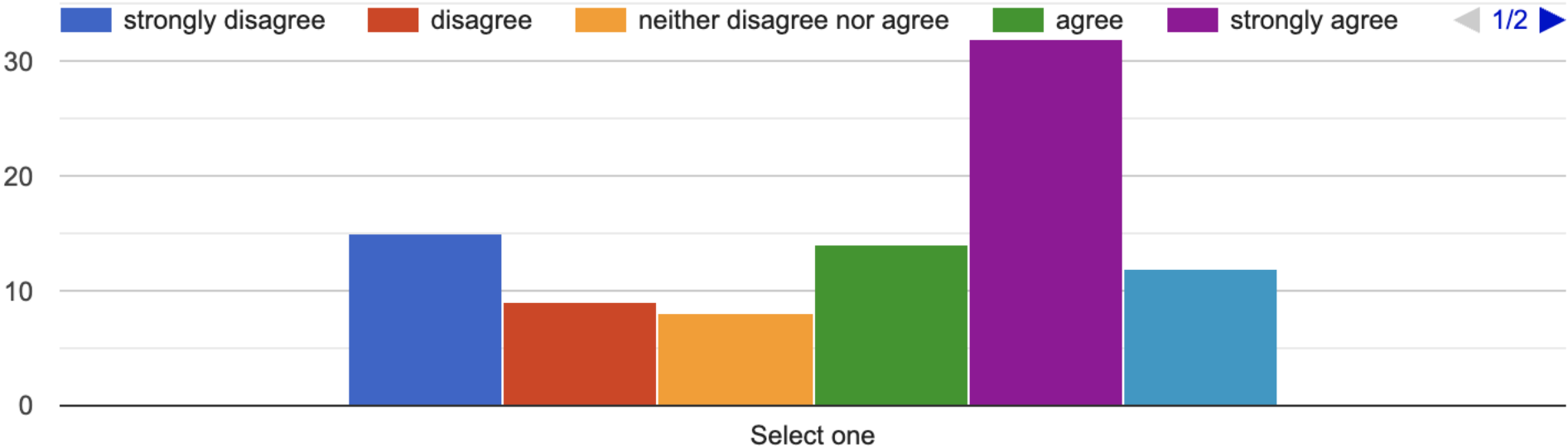
49. Please rate the level ease or difficulty in using the due process hearing option:



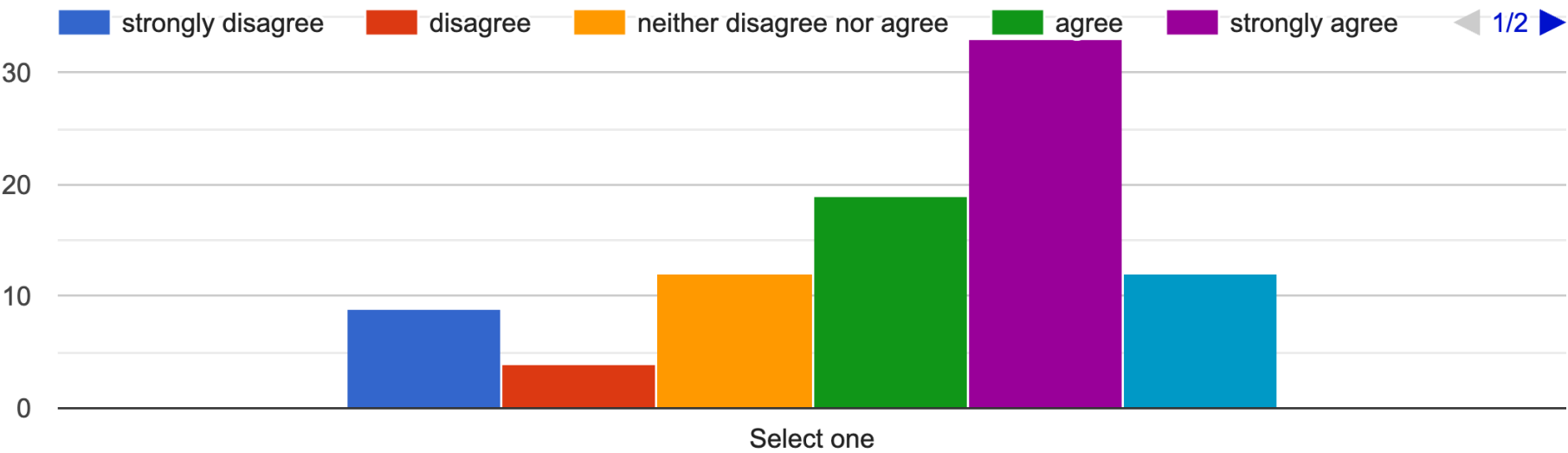
50. How satisfied are you with the level of information about due process hearings and the available resources on the VDOE the Special Education Due Process Hearings website page?



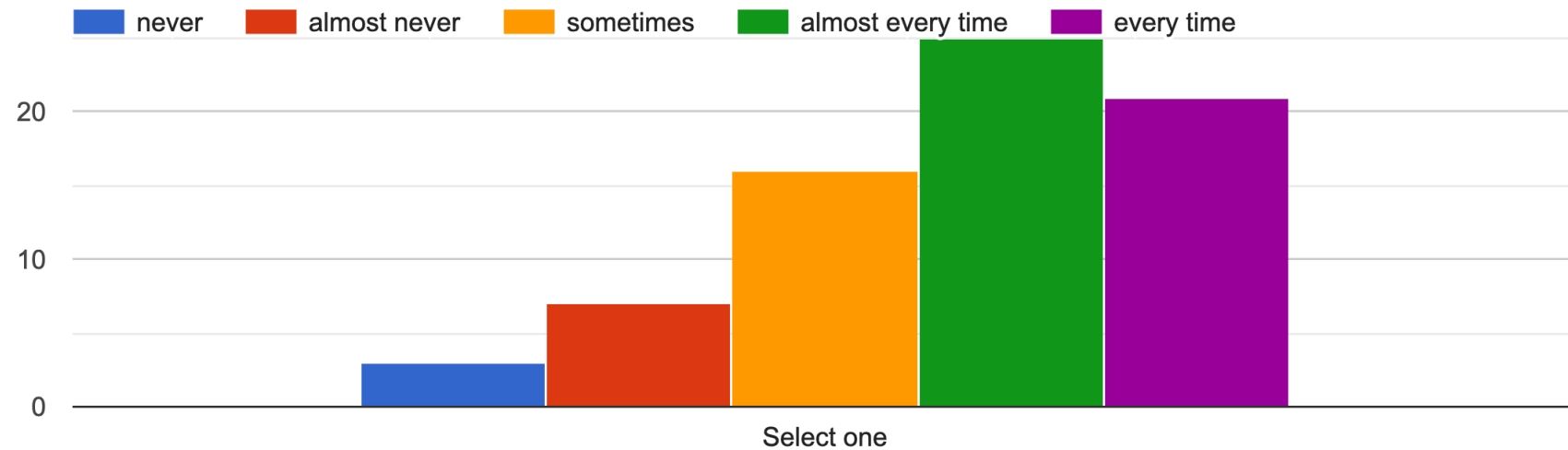
52a. The hearing officer did not take sides and was fair to the parties.



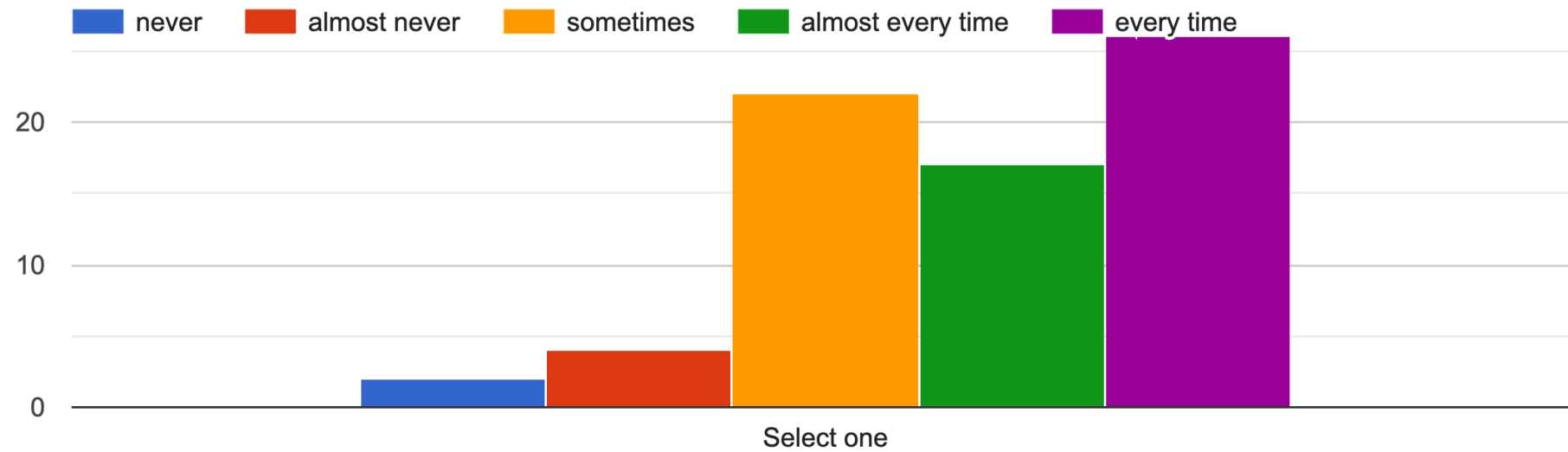
52b. The hearing officer helped to ensure that both parties were heard during the hearing.



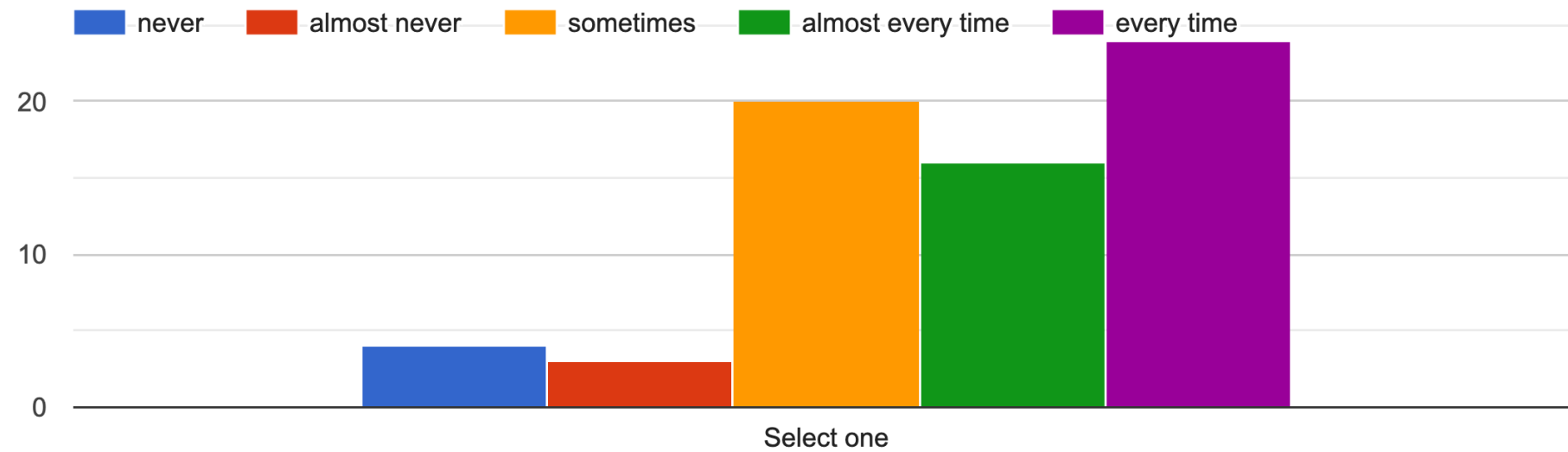
53c3. Hearing officers conduct/express themselves in an impartial and temperate manner in all proceedings and writings.



53c4. Hearing officers treat parties, witnesses, and attorneys/advocates fairly and courteously.

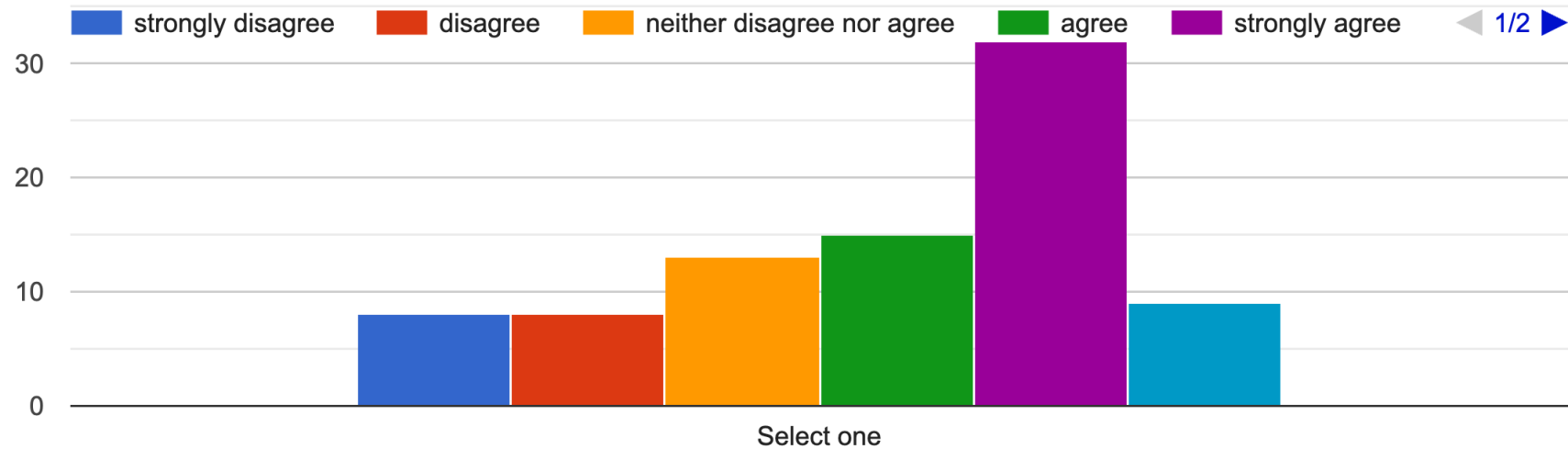


53c6. Hearing officers withhold judgment until the record is closed.

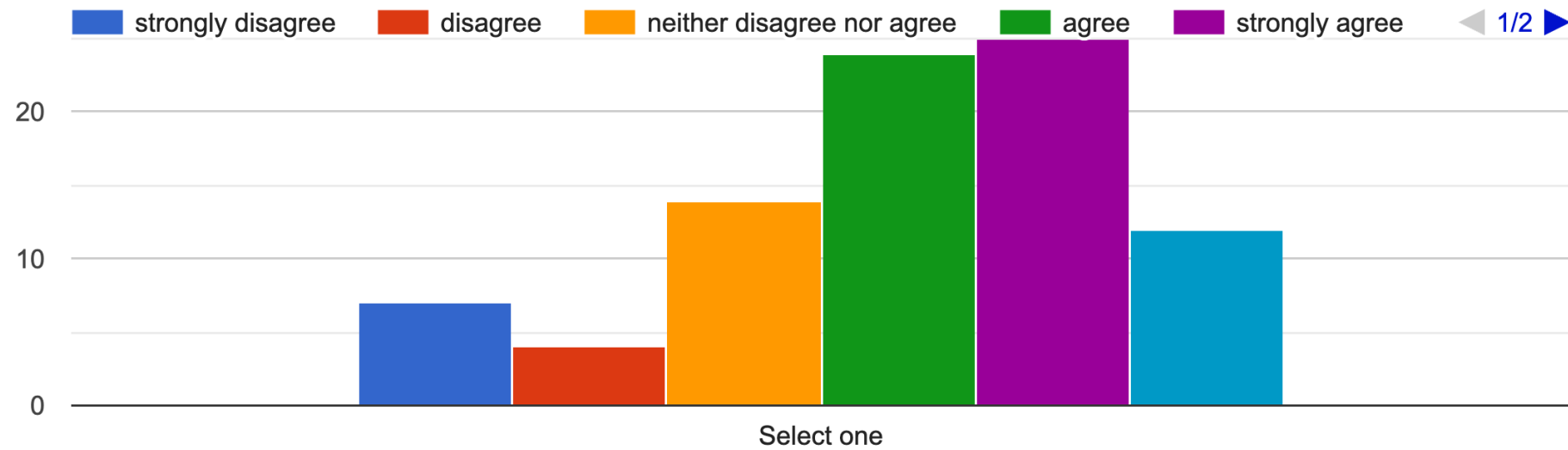




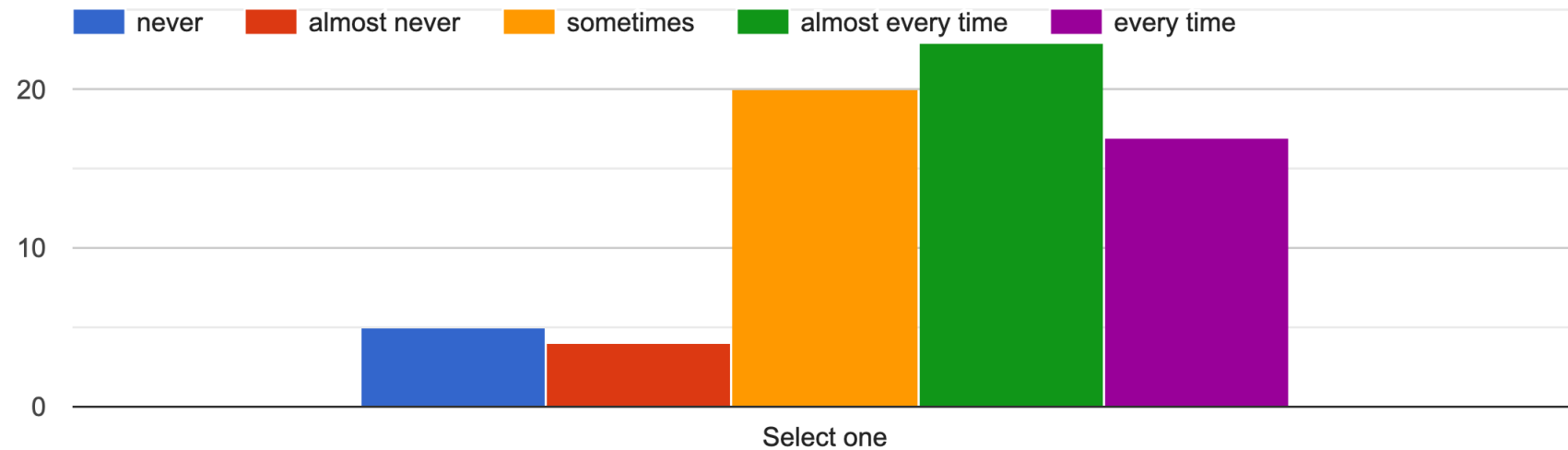
52f. The hearing officer appeared to have knowledge of, and the ability to understand, federal and state laws and regulations relating to the provision ...related services, and legal interpretations of same.



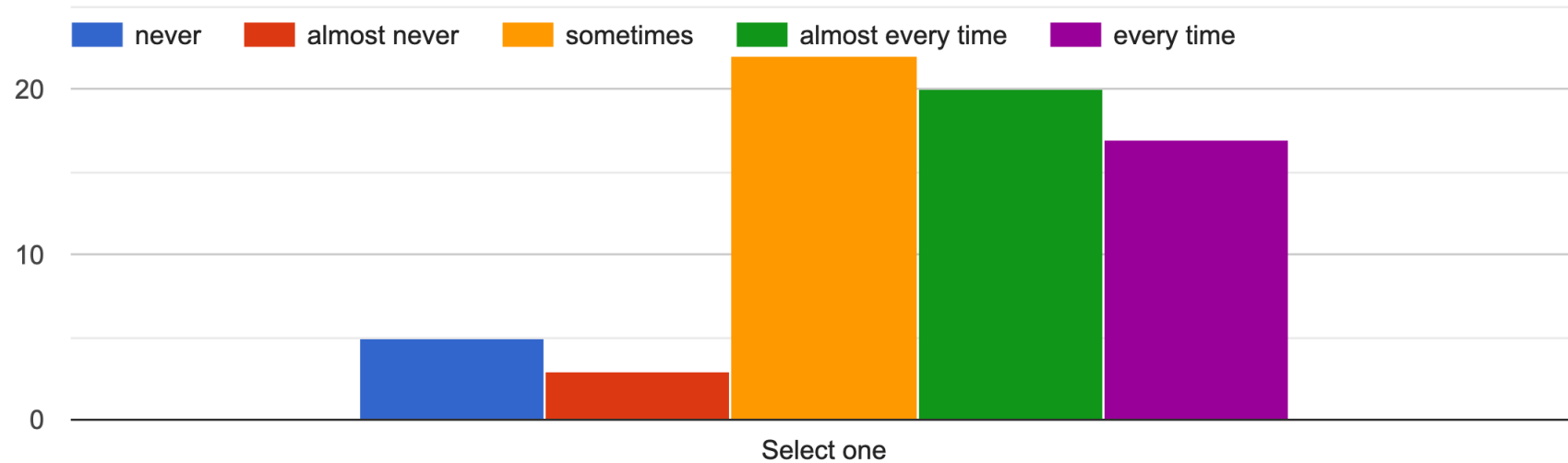
52h. The hearing officer's decision was easy to understand.



53d2. Hearing officer decisions are founded upon demonstrable facts based in the record and include the application of relevant legal authority.



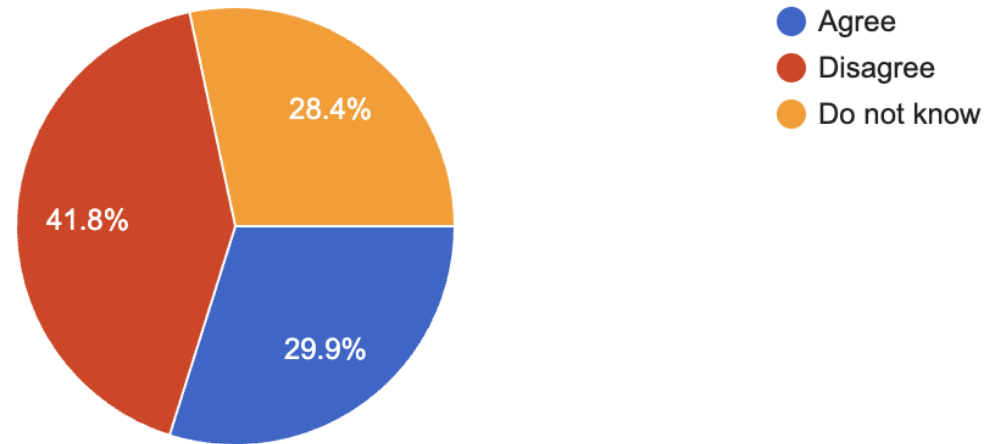
53d3. When denials of FAPE are established, hearing officer decisions provide meaningful remedies such as revisions to the student's IEP, compensatory services, and/or monetary reimbursement.



53a. Representation

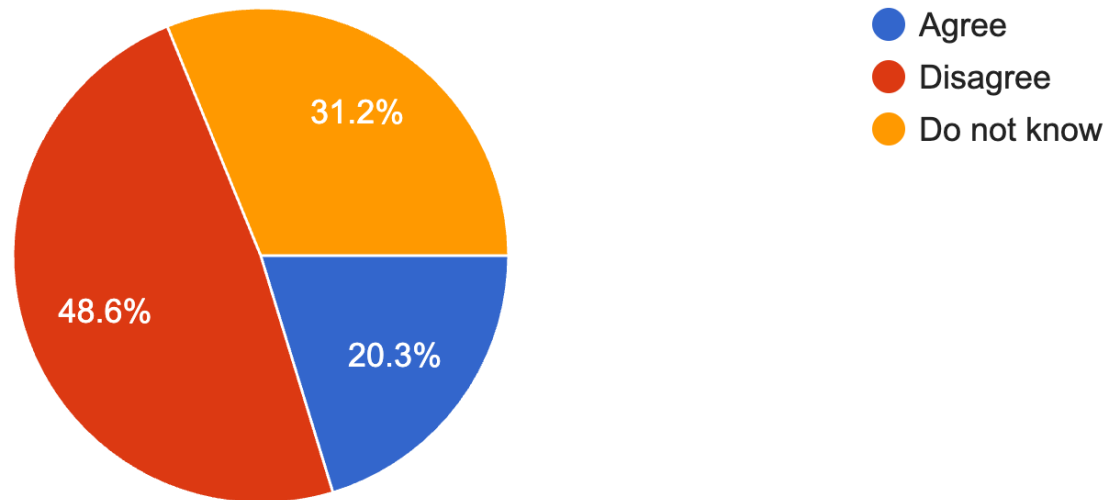
53a1. There are a sufficient number of available attorneys in the Commonwealth of Virginia who are experienced and knowledgeable about special education law.

134 responses



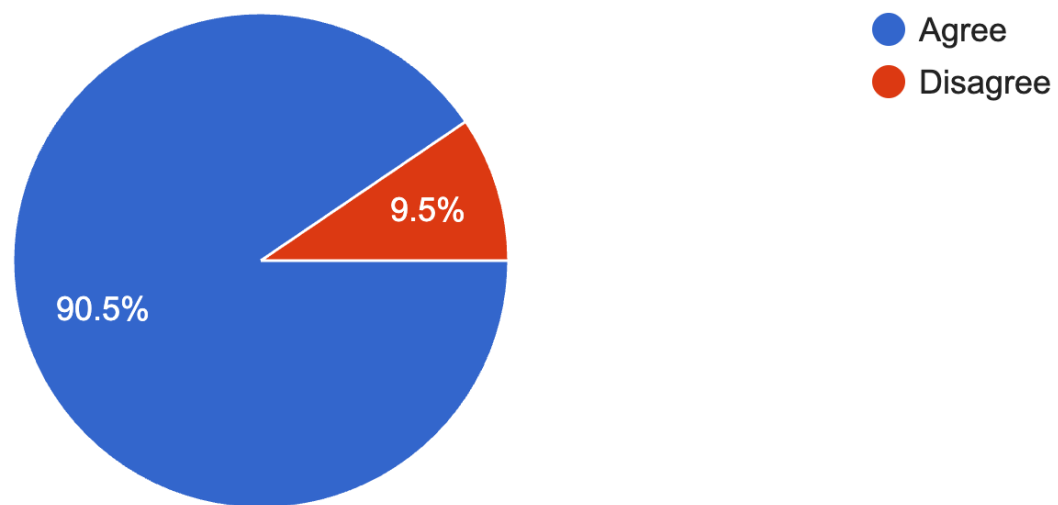
53a2. There are a sufficient number of available advocates in the Commonwealth of Virginia who are experienced and knowledgeable about special education law.

138 responses



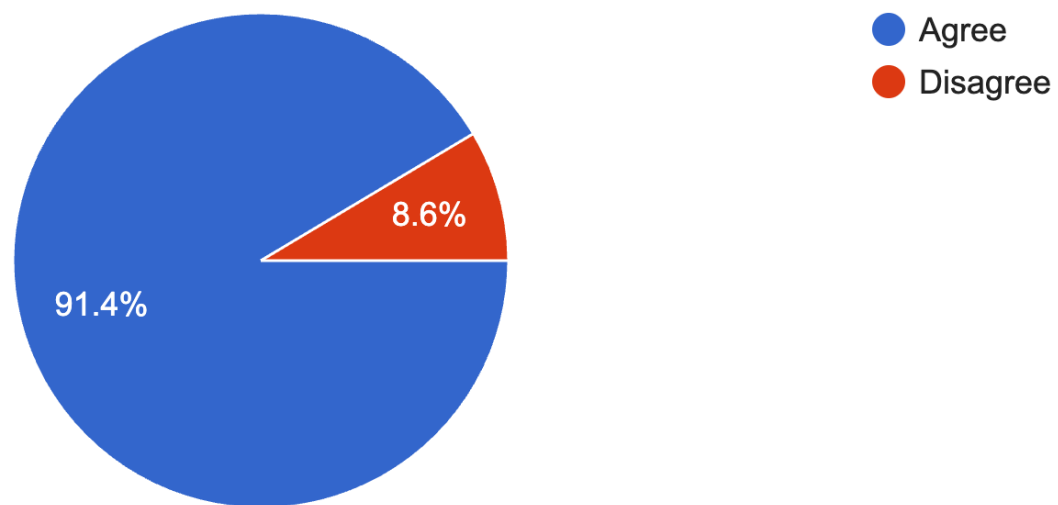
53a3. There should be a certification process for special education advocates in the Commonwealth of Virginia.

137 responses



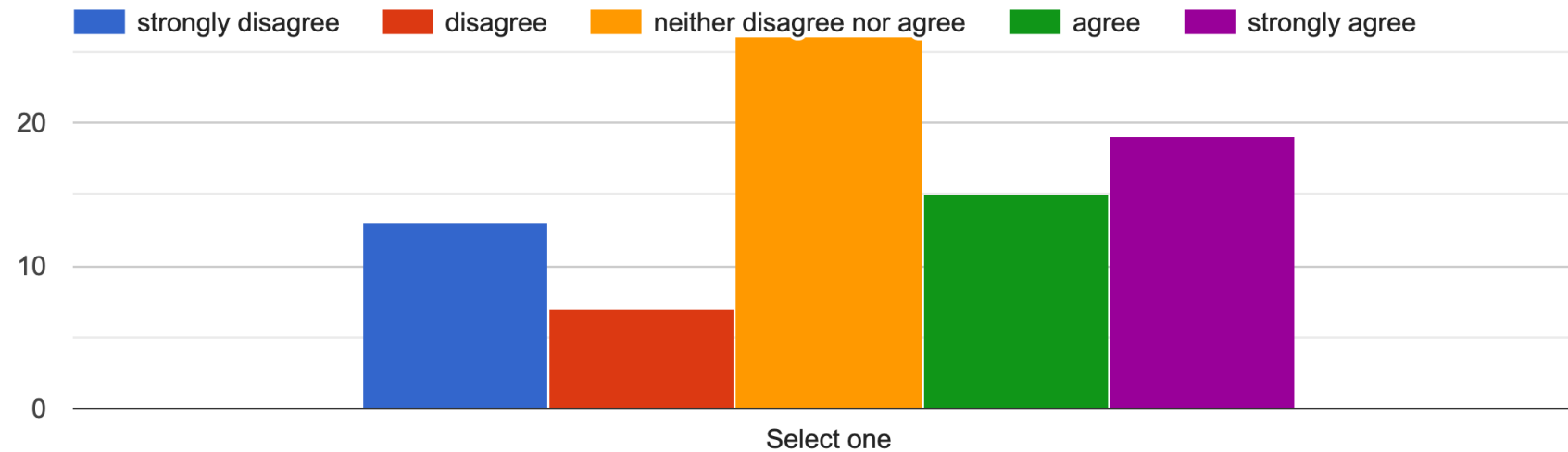
53a4. There should be a code of conduct for special education advocates representing parents in the Commonwealth of Virginia.

140 responses





54. Given your overall experience in due process, are you likely to utilize the hearing process again if the need arises and would recommend it to others.



# Thank You

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