

VIRGINIA DEPARTMENT OF EDUCATION
Division of Special Education and Student Services
Office of Dispute Resolution & Administrative Services

**ANNUAL REPORT
OF THE
DISPUTE RESOLUTION SYSTEMS
AND
ADMINISTRATIVE SERVICES**

- Due Process Hearing System
- Mediation Services
- Complaints Resolution System
- Administrative Services

Reporting Period: July 1, 2010 – June 30, 2011

Reporting Date: September 1, 2011

This review serves to assist the Virginia Department of Education (VDOE) in:

- ensuring compliance with the federal and state mandates governing the dispute resolution systems;
- identifying future training activities, particularly for hearing officers and mediators;
- identifying and addressing systemic issues impacting local school divisions; and,
- assessing the strengths and challenges of each system.

This analysis serves as a reporting mechanism to VDOE's management team responsible for the development of VDOE's State Performance Plan to the U.S. Department of Education's Office of Special Education Programs and for other data collection reports. It also provides information on this office's systems to VDOE staff and consumer groups listed at the end of this report.

Questions regarding the content of this report may be directed to the Office of Dispute Resolution and Administrative Services at (804) 225-2013. Information regarding the office's services is available on the web at:

http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/index.shtml



PART I DUE PROCESS HEARING SYSTEM

- Baseline Data
- Hearing Officer Performance
 - ✓ Management of Hearings
 - ✓ Decisions
 - ✓ Managing the 45-Day Timeline
- Recertification of Hearing Officers
- Training of Hearing Officers
- Implementation Plans
- Follow-up System for Implementation Plans
- ODRAS Initiatives

A. BASELINE DATA

□ *Number of Hearing Requests*

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of requests	65	79	81
Number dismissed/withdrawn ¹	55	60	61
Number of decisions rendered after full hearing ²	9	12	9
Number pending as of 6-30 of relevant report year	1	7 ³	11 ⁴

□ *Number of Hearing Requests – 5-Year Period*

Year	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Total Requests	65	79	81	87	69

¹Cases closed without a hearing due to a mediation, or settlement agreement, or request for withdrawal. The cases may also be closed if a hearing officer dismisses the case for other reasons, such as the expiration of the statute of limitations or the failure to present a sufficient due process notice, etc. In 2009-2010, there were nine (9) cases in which a Hearing Officer entered a dismissal order based on various other reasons. Most of the remaining cases were dismissed based on some form of an agreement between the parties.

²Redacted decisions are posted on the web at http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/index.shtml.

³The previously pending 7 cases were concluded during 2010-2011; five (5) cases were dismissed/withdrawn, and two (2) decisions were rendered after full hearing.

⁴The previously pending 11 cases were concluded during 2009-2010; five (5) were dismissed/withdrawn, and six (6) decisions were rendered after full hearing.

Number of Decisions

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of Decisions	9	12	9
Initiating Party:			
Parent	9	12	7
LEA	0	0	2
Prevailing Party:			
Parent	0	1 ⁵	1
LEA	7	6	8
Split	2	5	0

Additional Case Information for 2009-2010 Cases

During this reporting period, 2 decisions for cases initiated in 2009-2010 were issued.

Issues	Prevailing Party	
	LEA	Parent
IEP:		
✓ Placement	1	0
FAPE	1	0
Other:		
✓ Safety/Bullying	1	0
✓ § 504	1	0

Issues/Sub-issues and Disposition for 2010-2011 Cases

Issues / Sub-issues	2010-2011			
	# Issues	Prevailing Party		
		LEA	Parent	Split
Total case issues	36	32	4	0
IEP	16			
Placement	10	10	0	0
Services	3	3	0	0
Development	2	2	0	0
Parental Participation	1	1	0	0
Due Process	9			
Procedural violations	4	4	0	0
Tuition reimbursement	5	5	0	0
Discipline	2			
Direct relationship	1	1	0	0
Stay Put	1	1	0	0
Eligibility	3			

⁵The primary prevailing party in the case, for classification purposes, was the parent.

Issues / Sub-issues	2010-2011			
	# Issues	Prevailing Party		
		LEA	Parent	Split
Evaluation	2	1	1	0
Child Find	1	1	0	0
Other	6			
ESY	1	0	1	0
LRE	1	0	1	0
Compensatory Education	2	1	1	0
§ 504	1	1	0	0
Independent Educational Evl. (IEE)	1	1	0	0

Issues and Disposition – Three-Year Period

Issue	2010-2011			2009-2010			2008-2009		
	Total	LEA	P	Total	LEA	P	Total	LEA	P
IEP	16	16	0	17	14	3	12	12	0
Due Process	9	9	0	5	5	0	4	4	0
Discipline	2	2	0	4	1	3	5	5	0
Eligibility	3	2	1	3	3	0	2	2	0
Other	6	3	3	9	7	2	2	1	1
Totals	36	32	4	38	30	8	25	24	1

Hearing Officers and School Divisions with hearing requests

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of Hearing Officers	24	26	26
✓ assigned to hearings ⁶	21	21	22 ⁷
✓ assigned more than once	20	20	21
Number of school divisions involved in hearing requests	31	35 ⁸	35

⁶Three members of the Special Education Hearing Officer List are excluded from being assigned due process cases during the reporting period based on certain alternative responsibilities. They serve as complaint appeal reviewers and/or hearing officer evaluators. They are required to complete the same training requirements as the other hearing officers; however, while serving as a complaint appeal reviewer or hearing officer evaluator, they are not appointed to due process hearing cases. There is one former Special Education Hearing Officer that serves as a Hearing Officer Evaluator in addition to the 24 active Hearing Officers.

⁷One additional hearing officer received a request to be assigned to a case but declined the appointment.

⁸The Virginia Department of Education was a party in two cases in 2009-2010, and was included in the reported total of 35.

☐ *Resolution Sessions*

- The IDEA '04 imposed an additional requirement that upon receipt of the request for due process, the school division is required to schedule a Resolution Session with the parent. This provides both parties with the opportunity to resolve the issue. The Resolution Session is not the same option as mediation. If both parties agree to substitute mediation for the resolution session, the 30-day resolution period applies but a resolution session is not held. If both parties waive resolution, the due process request moves forward in accordance with the required timelines.

Resolution Sessions				
Reporting Year	Number of Cases	Resolution Sessions Held⁹	Agreement Reached	Waived For Mediation
2006-2007	69	39	17	12
2007-2008	87 ¹⁰	53	16	13
2008-2009	81 ¹¹	46	17	9
2009-2010	79 ¹²	50	19	10
2010-2011	65 ¹³	44	25	6

☐ *Trends*

- The number of requests for due process hearings (65) decreased by 14 from last year's reporting period (79). This total falls significantly below the 5-year average (381 total cases, averaging 76.2 cases per year).
 - No single factor can be identified as contributing to the total number of due process requests, although effective mediation and school division efforts in early dispute resolution may have contributed to this total.
- A total of 31 school divisions were involved in hearing requests, representing a decrease of 3 school divisions; no cases involved the Virginia Department of Education. This

⁹Cases in which sessions were not held involved a written waiver of the session, substitution of mediation for the resolution session, or resolution of the case prior to the scheduled resolution meeting.

¹⁰In three (3) pending cases, there was not sufficient time for a resolution session to be held during the pertinent reporting period. In four (4) cases, the hearing officer dismissed the case prior to a resolution session. In seven (7) cases, the parent withdrew the request prior to the meeting. In three (3) cases, a settlement agreement was reached before the meeting. In four (4) cases, the LEA initiated the due process hearing.

¹¹In three (3) cases, the hearing officer found the notice was insufficient and dismissed the cases. In 17 cases, the parent withdrew the request prior to the meeting. In five (5) cases, the LEA initiated the due process hearing. In 10 cases, the resolution session was waived in favor of a mediation session.

¹²In five (5) cases, the hearing officer found the notice was insufficient and dismissed the cases before the resolution session. In three (3) cases, the Hearing Officer dismissed the cases for other legal reasons prior to the resolution session. In 11 cases, the parent withdrew the request prior to the meeting. In 10 cases, the resolution session was waived in favor of a mediation session.

¹³In three (3) cases, the hearing officer found the notice was insufficient and dismissed the cases. In eight (8) cases, the parent withdrew the request for hearing prior to the meeting. In six (6) cases, mediation was substituted for the resolution session. In two (2) cases, the parties waived the resolution session. In two (2) cases, there was a settlement prior to the resolution session resulting in a dismissal of the case.

reduction in the number of school divisions correlates with the reduction in the number of due process cases. No particular school division or region experienced an influx of cases in this reporting period.

- Consistent with total year data for 2008-2009 and 2009-2010, data from this current reporting period identified three repetitive themes:¹⁴
 - ✓ Parents are the more frequent initiating party.
 - ✓ LEAs are more often the prevailing party.
 - ✓ Issues focus primarily on IEP concerns.
- The number of hearing decisions (9), reflected a 33% decrease over the previous year (12 in 2009-2010), but matched the reported total (9) in 2008-2009.
- The number of case issues (36) addressed in this reporting period was a reduction of two case issues from the number of case issues (38) reported in 2009-2010, but reflected a significant increase above the number reported in 2008-2009 (25).
- Similar to figures for the past two reporting periods, IEP issues again comprised the greatest portion of case issues. This category accounted for 44% of case issues in 2010-2011 (16/36), compared to about 45% (17/38) in 2009-2010, and 48% (12/25) in 2008-2009.
- The number of hearing officers (24) has decreased by two from the previous two reporting periods (26) and is three less than the 27 serving in 2007-2008.
- Even though the number of hearing officers has significantly decreased since 2001-2002, a smaller cadre of hearing officers would increase the potential for their hearing more fully adjudicated cases, and thus, improve their ability and skills to manage hearings more effectively, enhance the quality of their decisions, and be even more grounded in the highly complex area of special education law.
 - This reduction in the number of hearing officers and their increased experience at the pre-hearing level are positive outcomes of the increased training requirements required by IDEA 2004 and the implementing regulations effective in October 2006 (34 C.F.R. § 300.511(1) (ii), (iii), (iv)). Hearing officers are receiving more assignments. Reviewing matters more frequently, even if only at the pre-hearing level, hearing officers further enhance those skills addressed in training.

B. HEARING OFFICER PERFORMANCE – MANAGEMENT OF THE HEARING

□ *Consumer Evaluations*

¹⁴See Annual Reports for Special Education, Office of Dispute Resolution and Administrative Services 2008-2009 and 2009-2010.

Evaluations are sent to both parties following the issuance of each decision in fully adjudicated cases.

The director of the Office of Dispute Resolution and Administrative Services (ODRAS) reviews each evaluation response. The coordinator of due process services checks any concerns against the case record and may call the party(ies) for clarification. The director or coordinator contacts the hearing officer to review issues of concern and as necessary, issues a written cautionary notice to the hearing officer regarding any identified concerns. Additionally, as necessary, the director or coordinator may meet with the hearing officer to review the application of the regulations.

	Reporting Periods			
	2010-2011	2009-2010	2008-2009	2007-2008
Number of evaluations sent	34	53	39	66
Number of responses	13	11	15	13

Trends

- The number of consumer evaluations sent (34) decreased this reporting period by 19 (53 in 2009-2010; 39 in 2008-2009, and 66 sent in 2007-2008). There does not appear to be an identifiable pattern regarding these shifts.
- The responses indicated that the hearing officers remain strongly consistent in the areas of:
 - ✓ Scheduling agreeable dates, times, and locations;
 - ✓ Maintaining a fair and impartial atmosphere;
 - ✓ Being knowledgeable of the requirements of both federal and state laws and regulations;
 - ✓ Making prompt contact with both the parent and the LEA.
 - ✓ Informing the parties of the availability of mediation;
 - ✓ Issuing the decision in the required timelines; and
 - ✓ Helping ensure that witnesses needed for the hearing were present.
- Areas of concern are raised with the individual hearing officer and as necessary, notice is sent to the individual regarding any need for improvement or conditional recertification status.

Evaluation of the Hearing Officers

On April 1, 2006, ODRAS established a system for evaluating each hearing officer's management of pre-hearing conferences and hearings. VDOE developed and disseminated to its hearing officers operational procedures for this system; evaluation forms; and trained 3 of the hearing officers to serve in the role of evaluator. They are required to complete the same training requirements as the other hearing officers; however, while serving as an evaluator, they are not appointed to due process hearings. The evaluators have been assigned to all pending cases and

have provided evaluations in all cases where they attended hearings, either in person or telephonically. The evaluations have been positive and have promoted the overall quality of the hearing process. When areas of concern are identified by the evaluator, the concerns are reviewed with the hearing officer. The ODRAS director and coordinator of due process services review all evaluations and follow up, as necessary, with the respective hearing officer.

C. HEARING OFFICER PERFORMANCE - DECISION

ODRAS' director and coordinator of due process services review each hearing officer's decision.¹⁵ Additionally, the coordinator reviews and monitors all pre-hearing reports, orders, and correspondences. Either the director or coordinator contacts the hearing officers if errors are identified relative to:

- apparent bias to either party
- correct use of citations
- readability
- correct appeal information
- other errors, such as incorrect names or conflicting data.

ODRAS may not review the decision for errors of law since that is reserved for appellate review. As necessary, the director or coordinator contacts the hearing officer with any concerns and, in certain instances, requires the hearing officer to issue an error correction or a statement of clarification. These procedures are consistent with VDOE's management responsibilities for the due process system (8 VAC 20-81-210).

☐ *Trends*

- Decisions and pre-hearing reports continue to be consistent in:
 - writing in a manner both the LEA and parents can understand;
 - advising both parties of the option of mediation;
 - clearly identifying what was being ordered as a result of the decision; and
 - including references to statutes or regulations that support the conclusions reached by the hearing officer.
- Following a continuing trend, few hearing officers erred this reporting period in:
 - advising the parties of their appeal rights; or
 - documenting that extensions of timelines were in the best interests of the child.

D. HEARING OFFICER – TRAINING

In addition to the training requirements of the Virginia Supreme Court, the VDOE is responsible for training hearing officers on the legal aspects of special education (laws,

¹⁵Redacted decisions are available at http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/index.shtml.

regulations, and case law updates) and management of special education hearings. In 2010-2011, hearing officers attended a one-day training event on May 12, 2011, which focused on:

- IDEA 2004 and IDEA 2006 Regulations
- Virginia 2009 Special Education Regulations
 - Legislative Issues Update
 - Case law update
 - IDEA 2004 and 2006 regulatory requirements for hearing officers with special attention to evaluation and eligibility issues; individualized education programs and free appropriate public education issues; various procedural issues; substantive issues; related services; least restrictive environment; unilateral placements; behavior and discipline; due process hearing complaint requests; jurisdiction and party status; stay put; hearing officer authority; attorney's fees; hearing officer competency and impartiality; handling mediation and settlement agreements; discovery and evidentiary issues; hearing timelines; Charter School closings; furlough days and stay put; service dogs; McKinney-Vento Act; and miscellaneous hearing issues
- Section 504 of the Rehabilitation Act of 1973 and its relationship to IDEA
- A Virginia legislative update covering relevant statutory changes in education-related provisions

In November of 2010, the Virginia Supreme Court provided the hearing officers with a training day focusing on Administrative Law. The program included a presentation by Leslie A.T. Haley, Senior Assistant Ethics counsel, Virginia State Bar. She covered ethical issues related to social media and networking. Kathleen A. McKee, Associate Professor and Director of the Civil Litigation Clinic at Regent University School of Law, made a presentation on new developments in administrative procedures. L. O. Natt Gantt, II, Associate Professor and Associate Dean for Student Affairs, Regent University School of Law, presented a legal writing refresher for hearing officers. Finally, one of the Special Education Hearing Officers moderated a panel discussing current issues in Administrative Law. The panel included Howard M. Casway, Senior Assistant Attorney General; Steven P. Jack, Assistant Attorney General; Hon. Theodore J. Markow, Retired Judge, Richmond Circuit Court; and Kathleen A. McKee.

In July of 2005, many of the changes mandated by IDEA 2004 became effective. In October of 2006, the implementing federal regulations became effective. During the past five years, hearing officers have been provided specific training and technical assistance for implementing these statutory and regulatory provisions. In the current reporting period, the Virginia Special Education Regulations have been revised. Specific training was offered to the hearing officers to assist in applying these revised regulations in appropriate cases. The resolution period process continues to be a challenge to hearing officers' efforts to manage the timeline for the hearing process. In addition, hearing officers have received a greater number of pre-hearing motions covering a variety of pre-hearing issues. In a related development, there were a significant number of sufficiency challenges alleging due process notices did not meet the specific statutory requirements. These various motions have required additional pre-hearing

conferences among the parties in order to provide greater focus in the due process hearings held. The year has included ongoing training in order to continue to facilitate application by hearing officers of statutory and regulatory changes in a variety of contexts.

Supplemental training activities this year have included, among other things:

- use of the *Parents' Guide to Special Education Dispute Resolution*;
- availability of an updated *Parents' Guide to Special Education*;
- implementation of the revision of Virginia's special education regulations; and
- ODRAS summaries and texts of Virginia and Fourth Circuit Court and U.S. Supreme Court decisions relative to special education cases for the 2010-2011 year.

E. MANAGING THE 45-DAY MANDATED TIMELINE

Hearing officers are mandated to issue their decisions within 45 calendar days after the local school division receives the request for the hearing. The hearing officer may grant an extension only when it serves the best interest of the child (8 VAC 20-81-210.P.9 of the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*).

VDOE identified the 45-day timeline as one of its target areas in its Continuous Improvement Monitoring Process Reports to U.S. Department of Education's Office of Special Education Programs (OSEP) (2002 and 2003); Annual Performance Report, 2004; and now the State Performance Plan (Indicator 17). VDOE developed and implemented a process that includes intensive monitoring and tracking of these timelines, training hearing officers on this subject, and issuance of notices to hearing officers who fail to document extensions. VDOE also assured Virginia's Code Commission that these efforts would address the concerns raised during the public hearings of the Administrative Law Advisory Committee (VDOE Report to the Code Commission and ALAC, November 1, 2002).

45-day timeline extensions with proper notice

	2010-2011	2009-2010	2008-2009
Total number of due process requests	65	79	81
Number of cases exceeding the 45-day timeline	1	1	3 ¹⁶
Number of cases in which extensions were granted	1 ¹⁷	1 ¹⁸	2

¹⁶In one case, the hearing officer was ill on the final day of the 45-day timeline and he issued the case on the next day. Unfortunately, there was no extension to the 45-day timeline granted in this case. In the remaining two cases, an extension was properly granted citing the best interest of the children and the decision was issued within the extended timeline provided in the extension order.

¹⁷In one case, two extensions were granted by the hearing officer. In each instance, there was a written request presented by both parties and the hearing officer found that it was in the best interest of the student to grant the extensions. The total period for both extensions was 37 days.

¹⁸In one case, an extension of 10 days was granted by the Hearing Officer on the joint motion of the parties and the decision was issued within the extended time limit.

Trends

- The three-year data indicates a decrease in the number of cases exceeding the 45-day timeline and in the number of cases for which extensions were granted.

Number of days over the 45-day timeline

	Reporting Periods			
	2010-2011	2009-2010	2008-2009	2007-2008
Total Cases	1	1	3	2
1 – 30 days	0	1	3	2
31 – 90 days	1	0	0	0
91 – 120 days	0	0	0	0
121+ days	0	0	0	0

Trends

- The data indicates a general consistency in the current reporting period and the previous two reporting periods, with only one case exceeding the 45-day timeline for the current reporting period. The record documented that extensions were properly granted in the child's best interests.
- The hearing officers are successfully documenting extensions during this reporting period. The coordinator of due process services employs an electronic tracking log to monitor all timelines and extensions to ensure that the extensions comport with regulatory requirements.

Parties requesting extensions

	Reporting Periods			
	2010-2011	2009-2010	2008-2009	2007-2008
Parent	0	0	2 ¹⁹	2 ²⁰
LEA	0	0	0	0
Both	2 ²¹	1	0	0
Hearing Officer	0	0	1 ²²	0
Child	0	0	0	0

¹⁹Two (2) extensions of the 45-day timeline were granted at the parties' request. These extensions were carefully documented in the record. Each extension was granted for a limited period of time based on the reasons presented by the party requesting the extension. Each of the two extensions resulted in 25-day delays.

²⁰Two (2) extensions of the 45-day timeline were granted. These extensions were carefully documented in the record. Each extension was granted for a limited period of time based on reasons presented by the party requesting the extension. One extension resulted in a 20-day delay and the other only 10 days.

²¹See footnote 17.

²²In this case, the hearing officer became ill when he was preparing the decision in the case. He recovered sufficiently on the following day and issued the decision with a one-day delay.

- The two extensions in the current reporting period were necessary to ensure fairness in the hearing process. Hearing officers continue to be reminded that Virginia’s regulations governing special education contemplate the granting of extensions only in the most critical instances.
- Consistent with the previous reporting period, the extensions for 2010-2011 were made by both parties, rather than the parents alone.

F. IMPLEMENTATION PLANS

The revised Virginia Regulations, at 8 VAC 20-81-210 N.16, require LEAs to file implementation plans detailing how the hearing officer’s decision will be implemented for fully adjudicated cases only. The LEA has 45 calendar days to submit the implementation plan following the hearing officer’s decision. The coordinator of due process services reviews and approves all implementation plans.

Implementation Plans

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of plans required	9	12²³	81
Received	7	9	68
Approved	7	9	68
Pending review	0	0	0
Pending receipt/review	2	3	13 [0**]
Total pending closure	2	3[0*]	13 [0**]

*As of 6/30/2011

**As of 6/30/2010

Trends

- Continuing the trend of prior reporting periods, all implementation plans submitted to ODRAS were approved.

G. FOLLOW-UP SYSTEM FOR IMPLEMENTATION PLANS

VDOE identified as a target area in its Continuous Improvement Monitoring Process (CIMP) follow-up with school divisions to ensure implementation of the plans submitted by LEAs to comport with the hearing officers’ decisions and approved by VDOE. This meant

²³Based on decisions as of June 30, 2010. The Virginia Regulations, at 8 VAC 20-81-210 N.16, provide that: “The local educational agency shall: Develop and submit to the Virginia Department of Education an implementation plan, with copy to the parent(s), within 45 calendar days of the hearing officer’s decision in hearings that have been fully adjudicated.” Previously, the predecessor of this regulation provided that implementation plans would also be submitted upon “the withdrawal of a hearing request” as well as upon full adjudication. This change in Virginia’s 2009 Special Education Regulations has significantly reduced the number of implementation plans submitted to the Virginia Department of Education.

developing a system to review all implementation plans, to require documentation, and/or to initiate an on-site review. In VDOE's CIMP reports to OSEP in June and November 2003, and 2004 Annual Performance Report, ODRAS documented its system for meeting this responsibility, which was implemented on July 1, 2003. ODRAS began with the 2002-03 Implementation Plans. ODRAS continues to report its efforts in its State Performance Plan at Indicator 15.

Follow-Up System

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of due process cases	65	79	81
Number of plans requested and received	7	9	68
Number of plans pending receipt	2	3	13
Follow-up Implementation Plans reviewed	7	9	68
✓ not requiring additional action	1	4	28
✓ requiring follow-up activity	6	5	40
IPs pending review	0	3	0

Trends

- Changes in the 2009 Virginia Regulations (8 VAC 20-81-210.N.16) have significantly reduced the number of implementation plans submitted to the Virginia Department of Education. The 2009 Virginia Regulations now direct school divisions to develop and submit an implementation plan to VDOE, with copy to the parent(s), within 45 calendar days of the hearing officer's decision in hearings that have been fully adjudicated.

H. INITIATIVES

- As reported in 2008-2009, ODRAS completed its guidance document for hearing officers on the subject of the 45-day timeline (*see D - Hearing Officer: Training, above*). This project was identified in VDOE's 2003 CIMP Report to OSEP; in VDOE's 2002 report to Virginia's Code Commission; in VDOE's 2004 Annual Performance Report, and the current State Performance Plan (Indicator 17). This document continues to guide Virginia's hearing officers in effectively avoiding lengthy delays of the 45-day timeline. In this reporting period, the document was utilized by the hearing officers and only one case exceeded the 45-day timeline when properly documented extensions were granted.
- The *Parents' Guide to Special Education Dispute Resolution*, issued in August 2008, remains available to address, among other things, parents' concerns regarding self-representation in due process hearings. This document has been recognized as a source of information and guidance on conflict resolution, including due process, mediation and the complaints system.
- ODRAS maintains on its Web site a list of legal and advocacy services for parents and students with disabilities, with a brief summary description of each of the services at

http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/legal_advocacy_groups.pdf. This document is updated to reflect changes in information.

- ❑ ODRAS received a work group report during 2007-2008 addressing alternative methods of conducting resolution sessions. Based on this report, ODRAS developed a guidance document on this topic for school division personnel. While it has been delayed due to unanticipated challenges, it is anticipated that this document will be released in 2012.
- ❑ Based on the IDEA 2004 mandate for Resolution Sessions, ODRAS has included a tracking system for resolution sessions held and disputes resolved through resolution agreements.
- ❑ ODRAS will continue to provide the hearing officers with guidance documents and training materials on the 2009 state regulations. ODRAS also provides hearing officers with case summaries and updates on current special education caselaw.

PART II MEDIATION SERVICES

- Baseline Data
- Evaluations
 - ✓ System
 - ✓ Consumer
 - ✓ Mediators
- Training

Mediation services are available to parents and school administrators to help them negotiate issues on which they disagree regarding the identification, testing or provision of special education services to school-age students. The sooner mediation is sought, the more likely it is to be successful. In 2010-2011, it helped people to a successful outcome in 78% of the times when it was sought. Changing the format and the dynamics of a meeting is likely to change its outcome. Mediation is also a good option to bear in mind when the settlement period is invoked by a request for hearing. There is material descriptive of the mediation process on our Web site at http://www.doe.virginia.gov/special_ed/resolving_disputes/index.shtml.

A. BASELINE DATA

VDOE's Special Education Mediation Services includes: 8 mediators, ODRAS director, Coordinator of Mediation Services, and an administrative assistant. The current system for maintaining the baseline data was developed and implemented during the 2003-2004 reporting period.

Disposition of Requests

	Reporting Periods				
	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Number of requests	123	119	105	138	129
• resolved	68	56	74	87	81
• partially resolved	0	0	0	2	2
• unresolved	19	20	14	22	18
• withdrawn	24	22	16	18	17
• pending*	12	21	1	9	11

*as of June 30 of relevant reporting year

Requests Involving Due Process

	Reporting Periods				
	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Number of requests	123	119	105	138	129
Number involved in DP	19	20	24	32	21

	Reporting Periods				
	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
✓ resolved	9	9	15	18	6
✓ partially resolved	0	0	0	0	1
✓ unresolved	3	7	5	6	6
✓ withdrawn	7	2	4	8	7
✓ pending	0	2	0	0	1

Five-Year Review of Mediation Requests

	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Mediations requested	123	119	105	138	129

Issues

	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Total number of issues	190	225	208	235	202
IEP	139	152	144	163	135
✓ sufficiency of services	46	55	58	65	48
✓ type of services	39	33	35	39	37
✓ placement	48	54	44	52	43
✓ goals	6	10	7	7	7
Staffing	9	18	17	8	17
Evaluation & Disability	13	18	15	19	24
Financial responsibility*	11	16	18	22	17
Discipline	11	11	8	8	7
Transportation	7	10	5	6	2

* Involves disputes over financial responsibility for costs associated with a program that the parent has selected.

Requests by Region:

Regions	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Region I	26	12	14	14	9
Region II	16	32	20	40	12
Region III	2	9	5	9	15
Region IV	63	52	42	51	62
Region V	10	7	12	17	17
Region VI	3	5	8	4	8
Region VII	0	1	3	2	1
Region VIII	3	1	1	1	5

□ *Trends*

- The total number of requests for mediation (123) increased by four (4) this year, reflecting three percent (3%) increase in the total for the previous reporting period (119). Seventy-eight percent (78%) of requests in which parties actually met for mediation were partially or completely resolved (68/87), reflecting an increase over the previous reporting period (74%).
- Several superintendents' regions witnessed significant changes in the number of requests for mediation during this reporting period.
 - After maintaining a somewhat consistent three-year trend in numbers of mediation requests, Region I received more than double the number of mediation requests (26), compared to the previous reporting period (12).
 - In contrast, the number of mediation requests in Region II (Tidewater and Eastern Shore) dropped by exactly half (16/32) for the current reporting period. The five-year comparison table indicates significant fluctuations in mediation requests annually in this region.
 - Similarly, Region III (Northern Neck) witnessed a dramatic decrease in mediation requests, receiving only two (2) in the current reporting period—a 78% drop from the previous reporting period (9 in 2009-2010).
- Region IV (Northern Virginia) again claimed the highest number of total mediation requests. Its total reflected a 21 % increase (63 in this reporting period; 52 in 2009-2010); similarly, the total number of mediation requests for the previous reporting period indicated a 24% increase (52 in 2009-2010; 42 in 2008-2009)
- Region V witnessed a slight increase in the number of mediation requests—10—three (3) more than the seven (7) received in 2009-2010, reversing a three-year trend of decreasing requests (7 in 2009-2010; 12 in 2008-2009; 17 in 2007-2008).
- Trends in mediation requests remained somewhat consistent in three (3) superintendent's regions.
 - Region VI (Cities of Danville, Martinsville, Roanoke, and Salem, and surrounding counties), again witnessed a decline in mediation requests, from 5 in 2009-2010 to 2 in 2010-2011.
 - Receiving no requests for mediation in 2010-2011, Region VII (Southwest Virginia) witnessed a 100% decrease from the one (1) request in 2009-2010.
 - Having previously reported only one (1) mediation request for three consecutive years (reporting periods ending in 2008, 2009, and 2010), Region VIII (South-Central Virginia) recorded three (3) mediation requests in 2010-2011.

- While increased awareness of the mediation option may augment the numbers of requests in some regions, no specific factors can be cited as contributing to the variations in the total numbers of mediation requests in the respective superintendents' regions.
- The total number of mediation requests made during due process (19) nearly matched the number reported last year (20). However, the percentage of mediation requests made during due process—15% (19/123)—decreased from the 17% (20/119) reported for the previous year.
- The total number of issues for this reporting period, 190, is the lowest number of issues over five reporting periods. The total number of issues is about 18% lower than the 225 reported in 2009-2010, and about 9% lower than the 208 reported in 2008-2009.
 - For each of the five reporting periods, the IEP issue category has claimed the highest portion of mediation issues, accounting for about 73% (139/190) of the total number of issues. This percentage remains fairly consistent with previous reporting periods: 68% (152/225) in 2009-2010; 69% in 2008-2009 (144/208) and 2007-2008 (163/235); and 66% in 2006-2007.
 - The category of evaluation and disability followed as distant second, accounting for 13 issues—or about 7% (13/190) of total issues in this reporting period, down from 18 issues in the previous reporting period, but reflecting an increase over the 4% of (18/225) of total issues reported in 2009-2010.
 - Two issue categories (financial responsibility and discipline) followed at third, accounting for 11 issues each, or about 6% of total issues (11/190). The number of discipline issues (11) matched the number reported in 2009-2010. While number of financial responsibility issues dropped by about 30% from the previous reporting period (16), its percentage of total issues has remained fairly consistent: 6% (11/190) in 2010-2011; 7% (16/225) in 2009-2010; 8% (18/208) in 2008-2009; and 9% (22/235) of total issues in 2007-2008.
 - The number of staffing issues (9) was half that reported in 2009-2010 (18), and comprised 5% (9/190) of total issues, as opposed to 8% (18/225) in the previous reporting period.
 - While the number of transportation issues (7) dropped by about one-third in 2010-2011, it again accounted for about 4% (7/190) of total issues reported (10/225 in 2009-2010).

B. EVALUATIONS

☐ *Consumer Evaluations*

People who participate in mediation are supplied with a form to complete to provide the Coordinator with a written evaluation with any comments they wish to make to transmit their experience in the mediation session. This reporting period, 246 consumer evaluations were distributed. The Coordinator reviews them for issues requiring clarification and calls for more

information if necessary. People are encouraged to call or write the Coordinator at any time to speak about their experiences.

Some sample comments from participants:

Administrator: "Working with the mediator was a pleasure. He helped my staff members and the parent feel comfortable and supported throughout the mediation process."

Parent: "The mediator did an excellent job. He was very thorough and showed a genuine interest in resolving the issues. Unfortunately there was no resolution. Thank you for providing a trustworthy mediator for me."

Administrator: "The mediator did a great job of explaining the process and dealing with the attorneys."

Parent: "We greatly appreciated the professionalism of our mediator and all of his assistance."

Administrator: "The mediator did an outstanding job of trying to facilitate a very, very challenging meeting. She kept us both moving forward."

Parent: "The mediator was very professional during the mediation and tried to help us come to an agreement."

Administrator: "The mediator handled the meeting effectively. I felt comfortable throughout the meeting. The mediator helped us improve a volatile parent/school relationship."

Parent: "The mediator was extremely knowledgeable and professional in every circumstance. She skillfully and smoothly guided the process, making the mediation process as painless as possible. Thank you!"

The Coordinator observes mediators at work, followed by debriefing discussions and assessments. The objective in a progressive assessment is to assist the mediators in developing their understanding and skills in the service of assisting people in negotiating important issues in special education.

C. TRAINING FOR MEDIATORS

Mediators received 21 hours of training sponsored by ODRAS this year. Mediators supplemented this through other sources including state and national conferences. The office provided mediators with summaries and texts of Virginia and Fourth Circuit and U.S. Supreme Court decisions relative to special education cases for 2010-2011.

D. TRAINING PROVIDED TO CONSTITUENTS

The Coordinator conducted workshops on negotiations for the Virginia Transition Forum and the Virginia Department of Rehabilitative Services. He made presentations for four Regional Administrators' meetings and three groups of Leadership Academy interns.

PART III COMPLAINTS SYSTEM

- Baseline Data
- Implementation System for CAPS
- ODRAS Initiatives

A. BASELINE DATA

Number of Complaints

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of Complaints	160	132	121
• resolved through mediation or other settlement agreement	13	11	28
• withdrawn	37	20	9
• dismissed	1	2	0
• findings/decisions issued	88	99	64
• pending as of 6/30/2011	21	0	0
• exceeding 60-day timeline without mandated extension	0	0	0

Five-Year Review of Complaints Received

Fiscal Year	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Total Number of Complaints	160	132	121	138	115

Findings/Decisions

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of decisions issued	88*	78**	64***
Number of issues	356	251	192
Number of issues in compliance	227	171	116
Number of issues in noncompliance	129	80	76

*As of 6/30/2011 **As of 6/30/2010 ***As of 6/30/2009

Decisions Appealed

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
Number of decisions issued	88	78	64

	Reporting Periods		
	2010-2011	2009-2010	2008-2009
# of Decisions Appealed	26*	31**	13***
• Findings Affirmed	19	23	9
• Findings Reversed	0	1	0
• Findings Remanded	2 ²⁴	1 ²⁵	2
• Findings Split	3	3	2
• affirmed issues	11	13	2
• reversed issues	1	4	1
• remanded issues	3	2	1
• dismissed issues	0	0	0
• Appeals Withdrawn	1	0	0
• Appeals Denied (due to untimely filing)	1	3	0
• Appeal Decisions Pending as of 6/30/11	0	0	0

*5 appeals were based on findings issued in 2009-2010

**7 appeals were based on findings issued in 2008-2009

***5 appeals were based on findings issued in 2007-2008

Issues/Sub-issues

Issues/Sub-issues	Reporting Period		
	2010-2011		
	#Issues	C*	NC*
IEP	168	103	65
Implementation	97	52	45
Development, Review & Revision	53	41	12
Provision of Progress Reports	11	5	6
Accessibility to Staff	1	1	0
Copy of IEP to Parent	6	4	2
IEP Meetings	31	22	9
Team Composition	5	5	0
Parental Participation	7	5	2
Parental Consent	5	2	3
Notice	6	3	3
Parent Request For meeting	8	7	1
FAPE	30	21	9
Disability Harassment	2	2	0
Placement	6	4	2
ESY	9	7	2

²⁴Three other appeal decisions also contained a remand order, along with split findings that are addressed below.

²⁵Two other appeal decisions also contained a remand order, along with split findings that are addressed below.

Issues/Sub-issues	Reporting Period		
	2010-2011		
	#Issues	C*	NC*
Transportation	5	3	2
Safety	5	4	1
Provision of Medication	2	1	1
Length of School Day	1	0	1
Procedural Safeguards	45	32	13
IEE	6	6	0
Written Prior Notice	37	24	13
Provision of Procedural Safeguards Document	2	2	0
LRE	5	2	3
Least Restrictive Environment	5	2	3
Discipline	17	13	4
Determination of Pattern	1	0	1
MDR	8	7	1
FBA/BIP	3	2	1
Services During Removal	4	3	1
Provision of Records to Judicial Authorities	1	1	0
Eligibility/Evaluation/Reevaluation	26	14	12
Eligibility Procedures	10	7	3
Evaluation/Reevaluation Procedures	8	5	3
Termination of Services	1	0	1
Evaluation/Reevaluation Timelines	3	0	3
Consent to Evaluate	4	2	2
Child Find	1	1	0
Child Study Procedures	1	1	0
Placement	2	1	1
Change in Placement	2	1	1
Records	14	9	5
Access	9	6	3
Confidentiality	4	2	2
Management	1	1	0
Program Standards	7	6	1
Qualified Staff	5	5	0
Caseload Standards	2	1	1
Other	10	3	7
Transfer Student Procedures	2	2	0
Due Process Procedures/Failure to Implement Hearing Officer's Decision	7	0	7
Compulsory Attendance	1	1	0
TOTALS	356	227	129

*denotes that the LEA was found to be in compliance "C" or non-compliance "NC."

☐ *Issues Summary: Three-Year Period*

Issue Category	Reporting Period 2010-2011			Reporting Period 2009-2010			Reporting Period 2008-2009		
	Total Issues	C	NC	Total Issues	C	NC	Total Issues	C	NC
IEP	168	103	65	125	89	36	87	49	38
IEP Meetings	31	22	9	14	11	3	22	14	8
FAPE	30	21	9	15	9	6	7	6	1
Procedural Safeguards	45	32	13	24	15	9	12	8	4
LRE	5	2	3	2	1	1	2	2	0
Discipline	17	13	4	8	5	3	21	12	9
Eligibility/Evaluation/ Reevaluation	26	14	12	31	23	8	27	16	11
Child Find	1	1	0	2	2	0	4	3	1
Placement	2	1	1	3	0	3	6	4	2
Records	14	9	5	11	5	6	1	0	1
Program Standards	7	6	1	7	7	0	0	0	0
Other	10	3	7	9	4	5	3	2	1
TOTALS	356	227	129	251	171	80	192	116	76

☐ *Trends*

- The number of complaints for this reporting period (160) surpassed last year's number (132) by 28, and exceeds by 27 the average of the total number of cases over the last 5 years (666 total cases, averaging approximately 133 cases per year).
 - Although the number of mediation requests was slightly higher this year (123 in 2010-2011, compared to 119 in 2009-2010), we cannot conclude how mediation efforts may have affected the number of complaints. There are no clearly identifiable factors accounting for this increase in complaints.
- The number of complaint issues (356) is significantly higher—105 greater—than that reported for 2009-2010 (251), and reflects an 85% increase—nearly double—the 192 issues reported two (2) years ago, in 2008-2009. Although the number of total complaints also increased in 2010-2011, the increase in the number of complaint issues is nonetheless significant, as the regulations require the SEA to address each issue with findings.
- The number of decisions issued (88) in 2010-2011 is slightly higher than the number of decisions issued for the previous reporting period (84).

- The total number of decisions that were appealed (26) dropped by five (5) from the previous reporting period (31), but was double the number reported in 2008-2009 (13).
- The percentage of appeals fell to 30% (26/88), from the 40% (31/78) recorded in 2009-2010, but nonetheless surpassed the 20% (13/64) reported in 2008-2009.
 - Approximately 19% (5/26) of the decisions appealed in 2010-2011 were based on findings issued in the previous reporting period, compared to 23% (7/31) in 2009-2010, and 38% (5/13) in 2008-2009.
- The IEP issue category again claimed the highest portion of complaint issues, comprising approximately 47% (168/356) of the total number of issues. While this percentage reflects a slight decrease from the 50% (125/251) reported in 2009-2010, this percentage has remained fairly consistent over the three-year period (45%, or 87/192 in 2008-2009).
 - The Procedural Safeguards category followed at a distant second, accounting for about 13% (45/356) of total complaint issues. The IEP Meetings (31/356) and FAPE (30/356) categories supplied approximately 9% each of total complaint issues. The Eligibility/Evaluation/Reevaluation category comprised 7% (26/356) of complaint issues.
- Sub-issue areas with highest numbers of noncompliance findings follows:
 - ✓ IEP implementation (45 of 129 total noncompliance findings)
 - ✓ IEP development, review, and revision (12 of 129)
 - ✓ Prior written notice (9 of 129)
 - ✓ Due Process Procedures/Failure to Implement Hearing Officer's Decision (7 of 129)
- Issue categories that demonstrated improvement in compliance (as a percentage of complaints submitted in the particular category) since the last reporting period follow:
 - ✓ FAPE (70%; 60% in 2009-2010)
 - ✓ Procedural Safeguards (71%; 63% in 2009-2010)
 - ✓ Discipline (77%; 63% in 2009-2010)
 - ✓ Records (64%; 45% in 2009-2010)
 - ✓ Placement (50%; 0% in 2009-2010)
- In contrast, issue categories that declined in compliance since the last reporting period follow:
 - ✓ IEP (61%; 71% in 2009-2010)
 - ✓ IEP Meetings (70%; 79% in 2009-2010)
 - ✓ LRE (40%; 50% in 2009-2010)
 - ✓ Eligibility/Evaluation/Reevaluation (54%; 74% in 2009-2010)
 - ✓ Program Standards (86%; 100% in 2009-2010)
 - ✓ Other (30%; 44% in 2009-2010)
- Only one category—Child Find—demonstrated a 100% compliance rate in this reporting period, matching its 100% compliance rate in 2009-2010.

- Data reflects no clear nexus between revised regulatory requirements and any significant increase or decrease in various complaint totals or findings.

B. IMPLEMENTATION SYSTEM FOR CORRECTIVE ACTION PLANS

VDOE identified as one of its target areas in its Continuous Improvement Monitoring Process (CIMP) and Annual Performance Report to follow up with school divisions to ensure timely correction of non-compliances as required by complaint decisions. This meant developing a system to review all Corrective Action Plans (CAPs) that had been approved by ODRAS, and as necessary, require documentation and/or initiate an on-site review to ensure complete implementation. In VDOE's CIMP reports to OSEP in June and November 2003, and 2004 Annual Performance Report, ODRAS evidenced its system for meeting this responsibility, which was developed and implemented on July 1, 2003. ODRAS began with the 2001-02 school year CAPs. This element is now included in the State Performance Plan (Indicator 15).

☐ *Corrective Action Plan Implementation*

Fiscal Year	Number of Decisions Issued	Pending Decision	CAPs Issued	Reviewed for Full Implementation and Closed²⁶	Pending Review
2010-2011	88	21	47*	9	38
2009-2010	99	0	58	62	0
2008-2009	83	0	49	49	0
2007-2008	103	0	46	53	0
2006-2007	84	0	46	52	0

* As of 6/30/2011

C. INITIATIVES

- ODRAS' complaints specialists participated in a variety of trainings on special education law and regulatory matters. Each specialist is assigned by regions and serves on VDOE's technical assistance team for those particular regions. The specialist also attends regional meetings of the special education directors in the assigned region.
- ODRAS staff, particularly the complaints staff, work closely with the VDOE parent ombudsman (from the Office of Student Services) to provide information and guidance to the Parent Resource Centers and parents on dispute resolution matters. The ombudsman position began in 2003-04 in response to the Code Commission's 2001 recommendation to VDOE to create such a position to assist parents with special education matters and understanding of dispute resolution options.
- ODRAS' complaints specialists also provided training sessions for school divisions, special educators, parents and other interested groups to address a variety of special education issues, including transition services, discipline, transportation, and dispute resolution.

²⁶This includes the review of ODRAS-accepted self-corrective actions which were submitted by the LEA with their response to the complaint.

PART IV ADMINISTRATIVE SERVICES

- O Annual Plans
- O Special Education Regulations
- O Training Activities
- O Frequently Asked Questions
- O Local Advisory Committees
- O Inquiries
- O Freedom of Information Act Requests
- O Initiatives

The Office of Dispute Resolution and Administrative Services is responsible for:

- coordinating activities related to the implementation of Virginia's special education regulations.
- training initiatives relative to IDEA '04 and its federal and state implementing regulations.
- coordinating the Annual Plan process for local school divisions and state-operated programs. The coordinator of administrative services oversees the annual plan system, and provides technical assistance and trainings regarding its components. The administrative services specialist is responsible for approval of local advisory committee (LAC) submissions and working with localities when issues arise.
- coordinating the process for developing and posting responses to Frequently Asked Questions (FAQs), reflecting questions generated by the field.
- responding to written and electronic inquiries involving the application of federal and state regulations governing special education. The ODRAS staff is responsible for responding to inquiries.
- responding to Freedom of Information Act (FOIA) requests relative to the dispute resolution systems. The coordinator of due process services coordinates the responses to FOIA requests.
- working with the Partnership for People with Disabilities (Partnership) office at Virginia Commonwealth University to provide technical assistance to LACs to ensure compliance with Virginia's special education regulations. The administrative services specialist serves as the liaison to the Partnership.

☐ ***Annual Plans***

Pursuant to the *Code of Virginia*, § 22.1-215, each of the 148 Virginia school divisions and state-operated programs must submit to VDOE for approval a plan to provide special education services to identified children with disabilities within its jurisdiction. This plan must not be submitted more than annually unless changes to the plan are required by federal or state law or regulation. This plan must be received by VDOE, in substantially approvable form, no later than July 1 of each year.

During the 2010-2011 school year, ODRAS provided training and technical assistance, as necessary, to assist school divisions and state-operated programs in the development and submission of their annual plans. For the first year, these plans, including all required information and electronic applications for federal funding, were submitted entirely in electronic form via the Online Management of Education Grant Awards (OMEGA) system. All annual plans were received, reviewed, and approved by June 24, 2011.

☐ ***Special Education Regulations***

Administrative Services is responsible for coordinating activities related to the implementation of the “Regulations Governing Special Education for Children with Disabilities in Virginia,” Virginia’s special education regulations.

During the 2010-2011 school year, administrative services also collaborated with staff throughout VDOE to develop and/or revise numerous technical assistance documents to assist VDOE personnel, local school divisions and state-operated programs with maintaining compliance with Virginia’s special education regulations. These efforts included assisting in the development of the revised *Homebound Instructional Services Guidelines* and participation in an interagency team developing guidance on the implementation of the federal Fostering Connections Act.

Furthermore, during the 2010-2011 school year, Administrative Services provided guidance regarding a number of issues involving the Comprehensive Services Act for At-Risk Youth and Families and its interplay with special education regulations. In addition, at the end of the school year, the Coordinator of Administrative Services began serving on the State and Local Advisory Committee for the Comprehensive Services Act.

Administrative Services has updated, as appropriate, VDOE’s website for special education regulations at http://www.doe.virginia.gov/special_ed/regulations/index.shtml.

☐ ***Training Activities***

During the 2010-2011 year, ODRAS conducted approximately 33 trainings for 970 participants for multiple constituency groups across the state regarding regulatory requirements. Trainings have addressed a variety of topics, such as the implementation of Virginia’s special education regulations, IEPs, discipline, provision of written prior notice and revisions to Section 504 of the Rehabilitation Act of 1973, as amended.

In addition, Administrative Services coordinated two mini-internships for members of VDOE's Aspiring Special Education Leaders group. The internships both took place over two days and involved eight (8) members of the aspiring leaders group.

Frequently Asked Questions

In 2009-2010, a process for identifying and answering questions in a FAQ format was implemented which has resulted in the posting of FAQs on the Web site at http://www.doe.virginia.gov/special_ed/regulations/state/faq_implementing_regulations/index.shtml. Once an FAQ is posted, the director e-mails local directors informing them of the posting and the Administrative Services specialist e-mails the members of the State Special Education Advisory Committee (SSEAC). Questions are generated from inquiries received and are selected based on broad-based need. Three additional FAQs were posted during the 2010-2011 school year. Additional FAQs will be included as they are identified and completed.

Local Advisory Committees

Administrative Services has assumed responsibility for providing technical assistance to localities regarding required local advisory committees for special education. This has included the review of the LAC portion of the annual plan process as well as working with the Partnership for People with Disabilities at VCU to update documents and materials for use by localities. While the Partnership will continue to provide most on-site training, Administrative Services staff has also been available to provide training and technical assistance.

As the result of a recommendation by the SSEAC, the Partnership worked with invited local SEAC chairs from 2 regions at each of the SSEAC quarterly meetings during the 2010-2011 year to identify issues and needs of local SEACs. Due to the low attendance of local SEAC chairs, however, the SSEAC asked DOE with the help of the Partnership to meet with local SEAC chairs during the 2011-2012 year in each of the eight regions. By having a meeting closer in proximity to the local chairs, it is hoped that representation will increase and that networking will occur between and among the chairs within each region. Administrative Services met with the Partnership to develop goals, activities, and a budget for the upcoming year.

Administrative Services has also been represented at each of the SSEAC meetings to assist with the meetings. After each meeting, minutes are reviewed and amended as needed and responses are drafted for those making public comment for the Assistant Superintendent's consideration, revision, and signature.

Inquiries

Fiscal Year	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Number of Requests	370	283	264	251	174

Inquiries are requests for interpretation or application of regulations that are not related to a specific complaint, mediation, or due process case. As the data indicates, there has been an increase in these requests. This is attributable, in part, to questions about the application of the new state special education regulations.

Freedom of Information Act Requests

Fiscal Year	2010-2011	2009-2010	2008-2009	2007-2008	2006-2007
Number of Requests	15	12	14	20	14

Initiatives

Administrative Services will be responsible for the following activities during the 2011-2012 year:

- Developing and/or revising technical assistance documents, as necessary, to assist local school divisions and state-operated programs in ensuring compliance with state and federal special education requirements. These documents include guidance on special education and related services in local and regional jails, and guidance on students with learning disabilities, as well as continuing guidance on the Fostering Connections Act.
- Providing, upon request, training to a variety of constituency groups across the Commonwealth to review and clarify Virginia's special education requirements.
- Disseminating the state special education regulations upon request. Administrative Services will also ensure that the regulations, procedural safeguards, and the technical assistance documents are translated, as appropriate.
- Identifying and responding to FAQs, and ensuring their timely posting to VDOE's Web site.
- Coordinating the transfer of the Annual Plan process to the Office of Special Education Financial and Data Services.
- Working with the Partnership at VCU on publication of the LAC technical assistance document and providing training and technical assistance to localities.
- Continuing to monitor the progress of national legislation related to restraint and seclusion as well as action taken on the UN Treaty related to the rights of those with disabilities.

APPENDIX A - Dispute Resolution Activities by LEA 2010-2011

- c: VDOE's management team responsible for the State Performance Plan
 VDOE staff in the Division of Special Education and Student Services
 VDOE hearing officers and mediators
 Virginia Supreme Court, Office of the Executive Secretary
 State Special Education Advisory Committee
 Directors of Special Education
 PEATC

APPENDIX A
Dispute Resolution Activities by LEA
2010-2011

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Accomack	589	5,092	0	0	0
Albemarle	1,504	13,213	0	1	0
Alexandria City	1,661	11,999	1	2	5
Alleghany	451	2,804	0	0	0
Amelia	221	1,815	0	0	0
Amherst	545	4,601	0	0	0
Appomattox	267	2,300	1	0	1
Arlington	3,073	21,485	1	6	3
Augusta	1,008	10,769	0	0	1
Bath	90	658	0	0	0
Bedford	1,059	10,592	1	1	0
Bland	130	897	0	0	0
Botetourt	824	5,012	0	2	1
Bristol City	393	2,400	0	0	0
Brunswick	241	2,097	0	0	0
Buchanan	600	3,333	0	0	0
Buckingham	227	2,035	0	0	0
Buena Vista City	163	1,135	0	0	0
Campbell	934	8,528	0	0	0
Caroline	649	4,257	0	0	0
Carroll	591	4,475	0	0	0
Charles City County	129	844	0	0	0
Charlotte	315	2,125	0	0	0
Charlottesville City	594	4,030	0	0	0
Chesapeake City	6,859	39,748	1	8	4
Chesterfield	7,361	59,243	1	7	4
Clarke	189	2,083	1	0	4
Colonial Beach	95	590	0	1	0
Colonial Heights City	452	2,927	1	0	0
Covington City	173	980	0	0	0
Craig	123	718	0	0	0
Culpeper	736	7,710	0	2	1

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Cumberland	158	1,503	0	0	0
Danville City	996	6,416	2	5	0
Dickenson	413	2,521	0	0	0
Dinwiddie	571	4,570	0	0	0
Essex	229	1,634	0	1	0
Fairfax	24,461	174,490	13	20	20
Falls Church City	246	2,084	0	0	0
Fauquier	1,251	11,288	1	0	0
Floyd	306	2,071	0	0	0
Fluvanna	506	3,773	1	0	0
Franklin City	190	1,283	0	0	0
Franklin County	1,177	7,408	0	0	1
Frederick	1,419	13,143	1	3	2
Fredericksburg City	312	3,220	0	0	0
Galax City	149	1,314	0	0	0
Giles	394	2,507	0	0	0
Gloucester	716	6,015	0	0	0
Goochland	326	2,481	0	1	1
Grayson	290	1,950	0	0	0
Greene	389	2,887	0	2	1
Greensville	364	2,669	0	0	0
Halifax	1,110	5,910	0	0	0
Hampton City	2,939	21,568	1	5	3
Hanover	2,534	18,628	0	0	1
Harrisonburg City	555	4,822	0	0	0
Henrico	6,291	49,405	3	4	11
Henry	1,041	7,491	0	0	0
Highland	42	238	0	0	0
Hopewell City	631	4,240	0	0	0
Isle of Wight	671	5,517	0	5	0
King & Queen	109	781	0	0	0
King George	513	4,227	0	6	1
King William	282	2,239	0	0	0
Lancaster	178	1,321	0	0	0
Lee	712	3,597	0	0	0
Lexington City	50	488	0	0	0

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Loudoun	6,723	63,151	2	6	16
Louisa	746	4,731	1	4	1
Lunenburg	228	1,653	0	0	0
Lynchburg City	1,167	8,662	1	0	2
Madison	189	1,849	0	0	0
Manassas City	963	6,986	0	6	1
Manassas Park City	356	2,957	0	0	0
Martinsville City	274	2,379	0	0	0
Mathews	174	1,212	0	0	0
Mecklenburg	614	4,816	0	1	0
Middlesex	152	1,191	0	0	0
Montgomery	946	9,578	0	0	0
Nelson	251	1,966	0	0	0
New Kent	361	2,888	0	0	0
Newport News City	3,908	30,488	0	1	0
Norfolk City	4,630	33,829	5	9	1
Northampton	281	1,800	0	0	0
Northumberland	187	1,474	0	0	0
Norton City	107	876	0	0	0
Nottoway	262	2,347	0	0	0
Orange	485	5,237	1	0	0
Page	431	3,697	0	0	1
Patrick	437	2,581	0	0	0
Petersburg City	458	4,559	1	1	1
Pittsylvania	1,349	9,258	7	15	2
Poquoson City	255	2,324	0	0	0
Portsmouth City	1,924	15,126	0	1	0
Powhatan	575	4,479	0	0	0
Prince Edward	368	2,551	0	2	1
Prince George	784	6,357	0	0	2
Prince William	9,194	79,358	1	7	6
Pulaski	809	4,685	0	0	0
Radford City	227	1,567	0	0	0
Rappahannock	131	928	0	0	0
Richmond City	4,557	23,454	5	4	2
Richmond County	160	1,214	0	0	0

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Roanoke City	1,747	13,039	0	0	1
Roanoke County	2,152	14,622	1	0	1
Rockbridge	355	2,798	0	0	0
Rockingham	1,112	11,921	1	0	5
Russell	802	4,333	0	0	0
Salem City	503	3,932	0	0	0
Scott	608	3,970	0	0	0
Shenandoah	752	6,201	0	0	0
Smyth	767	4,855	0	3	1
Southampton	377	2,887	0	0	0
Spotsylvania	2,698	23,585	1	4	2
Stafford	2,412	27,257	1	2	0
Staunton City	427	2,665	0	0	0
Suffolk City	1,735	14,510	1	0	0
Surry	122	977	0	1	1
Sussex	195	1,201	0	0	0
Tazewell	979	6,628	0	0	0
Virginia Beach City	8,997	71,209	5	9	7
Warren	609	5,452	0	0	2
Washington	1,141	7,414	0	0	0
Waynesboro City	325	3,298	0	0	0
West Point	65	771	0	0	0
Westmoreland	177	1,742	0	0	0
Williamsburg-James City	1,549	10,857	1	2	1
Winchester City	598	3,960	0	0	0
Wise	875	6,655	0	0	0
Wythe	422	4,369	0	0	0
York	1,213	12,620	0	0	0
Department of Ed.	0	0	0	0	0
TOTALS	163,144	1,252,130	65	160	123