

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**

2011 – 2012

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



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

2011 – 2012**

Reporting Period: July 1, 2011 – June 30, 2012

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 the VDOE's management team responsible for the development of the 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 the VDOE staff and consumer.

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/duo_process/index.shtml

PART I: DUE PROCESS HEARING SYSTEM

- A. *Baseline Data*
- B. *Hearing Officer Performance – Management of Hearings*
- C. *Hearing Officer Performance – Decisions*
- D. *Hearing Officer – Training*
- E. *Managing the 45-Day Mandated Timeline*
- F. *Implementation Plans*
- G. *Follow-up System for Implementation Plans*
- H. *Initiatives*

A. BASELINE DATA

Number of Hearing Requests

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of requests	45	65	79
Number dismissed/withdrawn ¹	35 ²	55	60
Number of decisions rendered after full hearing ³	3	9	12
Number pending as of 6-30 of relevant report year	7	1	7 ⁴

Number of Hearing Requests – 5-Year Period

Year	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Total Requests	45	65	79	81	87

Trends

- The number of requests for due process hearings (45) decreased by 20 from last year's reporting period (65). While this total appears to fall significantly below the 5-year average (357 total cases, averaging 71.4 cases per year), the number of hearings for the previous reporting period (2010-2011) included nine cases that were limited to a single issue in a single school division.

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.

²In one case the hearing officer found that the filed request for hearing was insufficient and ordered the case dismissed pending an opportunity by the parent to file an amended request for hearing. The parent did not file an amended request for hearing in the designated period to file the amendment, so the case was finally dismissed by the hearing officer.

³Redacted decisions are posted on the web at http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/index.shtml.

⁴The previously pending 7 cases were concluded during 2010-2011; five cases were dismissed/withdrawn, and two decisions were rendered after full hearing.

- 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.

□ Number of Decisions Following Full Hearing

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of Decisions	3	9	12
Initiating Party:			
Parent	3	9	12
LEA	0	0	0
Prevailing Party:			
Parent	0	0	1 ⁵
LEA	3	7	6
Split	0	2	5

Trends

- Consistent with total year data for 2009-2010 and 2010-2011, data from this current reporting period identified two repetitive themes:⁶
 - ✓ Parents are the more frequent initiating party (each of three decisions).
 - ✓ LEAs are more often the prevailing party (each of three decisions).
- The number of hearing decisions rendered following a full hearing (3), reflected a dramatic 66% decrease over the previous year (9 in 2010-2011) and a 75% decrease from 2009-2010 (12 decisions).

□ Additional Case Information for 2010-2011 Cases

During this reporting period, one decision for a case initiated in 2010-2011 was issued.

Issues	Prevailing Party	
	LEA	Parent
IEP:		
✓ Placement	1	0
✓ Tuition Reimbursement	1	0
FAPE	1	0
Other:		
✓ Compensatory Education	1	0

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

⁶See Annual Reports for Special Education, Office of Dispute Resolution and Administrative Services 2009-2010 and 2010-2011.

Issues/Sub-issues and Disposition for 2011-2012 Cases

Issues / Sub-issues	2011-2012			
	# Issues	Prevailing Party		
		LEA	Parent	Split
Total case issues	4	4	0	0
IEP	2			
Placement	2	2	0	0
Due Process	2			
Jurisdiction	1	1	0	0
Tuition reimbursement	1	1	0	0

Issues and Disposition – Three-Year Period

Issue	2011-2012			2010-2011			2009-2010		
	Total	LEA	P	Total	LEA	P	Total	LEA	P
IEP	2	2	0	16	16	0	17	14	3
Due Process	2	2	0	9	9	0	5	5	0
Discipline	0	0	0	2	2	0	4	1	3
Eligibility	0	0	0	3	2	1	3	3	0
Other	0	0	0	6	3	2	9	7	2
Totals	4	4	0	36	32	4	38	30	8

Trends

- The number of case issues (4) addressed in this reporting period represented a drastic reduction from the number of case issues reported in 2010-2011 (36); and from 2009-2010 (38).
 - While due process proceedings have focused primarily on IEP issues in the previous two reporting periods, IEP issues and due process issues each comprised half of the issues raised in due process proceedings for the current reporting period.
- Similar to percentages reported for the past two reporting periods, IEP issues again comprised half of the case issues (2 of 4); due process issues comprised the other half of issues raised. The IEP category accounted for 44% of the case issues in 2010-2011 (16/36), compared to about 45% (17/38) in 2009-2010. This comparison in percentages, however, may be statistically insignificant for 2011-2012, given the dramatic reduction in the number of decisions (three) and the total number of case issues (only four) for this reporting period.

☐ *Hearing Officers and School Divisions with Hearing Requests*

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of Hearing Officers	24	24	26
✓ assigned to hearings ⁷	21	21	21
✓ assigned more than once	16	20	20
Number of school divisions involved in hearing requests	19	31	35 ⁸

Trends

- The number of hearing officers (24) remained unchanged from the previous reporting period.
- 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 mandated by IDEA 2004 and the implementing regulations effective in October 2006 (34 C.F.R. § 300.511(1) (ii), (iii), (iv)). In reviewing matters at the pre-hearing level, hearing officers further enhance those skills addressed in training.
- A total of 19 school divisions were involved in hearing requests, representing a decrease from the 31 in the previous reporting period; one school division claimed 10 of the 19 requests (see Appendix A). No cases involved the VDOE. This 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.

☐ *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

⁷Three 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.

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

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	Agreements Reached	Waived For Mediation
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
2011-2012	45 ¹⁴	33	17	2

B. HEARING OFFICER PERFORMANCE – MANAGEMENT OF THE HEARING

□ *Consumer Evaluations*

Evaluations are sent to both parties following the issuance of a decision in any 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

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

¹¹In three 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 cases, the LEA initiated the due process hearing. In 10 cases, the resolution session was waived in favor of a mediation session.

¹²In five cases, the hearing officer found the notice was insufficient and dismissed the cases before the resolution session. In three 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 cases, the hearing officer found the notice was insufficient and dismissed the cases. In eight cases, the parent withdrew the request for hearing prior to the meeting. In six cases, mediation was substituted for the resolution session. In two cases, the parties waived the resolution session. In two cases, there was a settlement prior to the resolution session resulting in a dismissal of the case.

¹⁴In seven cases, the parent withdrew the request for hearing and the case was dismissed prior to the scheduled resolution meeting. One of these cases involved student discipline that was withdrawn by the school division. In two cases, mediation was substituted for the resolution session. In one case, the parties waived the resolution session since this was a record hearing dealing with the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, (FERPA) issues. In two cases, the school division was the initiating party.

necessary, the director or coordinator may meet with the hearing officer to review the application of the regulations.

	Reporting Periods			
	2011-2012	2010-2011	2009-2010	2008-2009
Number of evaluations sent	7	34	53	39
Number of responses	2	13	11	15

Trends

- The number of consumer evaluations sent (7) decreased this reporting period by 27 (34 in 2010-2011; 53 in 2009-2010; and 39 in 2008-2009). The decline in responses in 2011-2012 can be directly attributed to the number of cases that were fully adjudicated during this reporting period (4). There does not appear to be an identifiable pattern regarding previous 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. The VDOE developed and disseminated to its hearing officers operational procedures for this system; evaluation forms; and trained three 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.

Hearing officers are required to be certified annually to remain qualified to hear special education cases. All hearing officers have been notified of their eligibility to hear these cases for the upcoming year.

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 the 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, regulations, and case law updates) and management of special education hearings. In 2011-2012, hearing officers attended a one-day training event on May 17, 2012, which focused on:

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

- 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, including child find; individualized education programs and free appropriate public education (FAPE) issues; various procedural and substantive issues; related services and Assistive Technology; least restrictive environment; unilateral placements; behavior and discipline; due process hearing complaint requests; jurisdiction and party status; stay put; statute of limitations; hearing officer authority; attorney's fees; enforcement of hearing decisions; motions for reconsideration; exhaustion of administrative remedies; service dogs; lack of parental cooperation; charter schools; enrollment and the need for the LEA to offer FAPE.
- 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

On December 6, 2011, the Virginia Supreme Court provided all hearing officers with a training day focusing on Administrative Law. The program included a presentation by James M. McCauley, ethics counsel, Virginia State Bar. He covered ethical issues related to social media and networking, handling funds by lawyers, negotiations and settlement agreements, recording conversations by lawyers or their clients and reasonableness of legal fees. John Paul Jones, Professor of Law at the University of Richmond Law School, made a presentation covering recent developments in Virginia administrative law. The Honorable Lawrence L. Koontz, Jr., Senior Justice, Supreme Court of Virginia, made a presentation discussing opinion writing for administrative hearing officers. L. Jill McIntyre, Esq. of the Appalachian Institute of Digital Evidence covered evidentiary issues in the digital age. She specifically discussed issues related to the subpoena process and digital evidence that may be sought. She discussed the use of pre-hearing conferences in resolving issues related to this type of evidence as well. Finally, Gail Warren, State Law Librarian, provided information to assist hearing officers in accessing available electronic resources.

Supplemental training opportunities this year have included, among other things, 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

Following the 30-day resolution period after the local school division's receipt of a non-expedited due process request, hearing officers are mandated to issue their decisions within 45 calendar days. As stipulated at 8 VAC 20-81-210.P.9. of the *Regulations Governing Special*

Education Programs for Children with Disabilities in Virginia (the Virginia Regulations), hearing officers may grant an extension only when it serves the best interest of the child.

The 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). The 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.

☐ 45-day timeline extensions with proper notice

	2011-2012	2010-2011	2009-2010
Total number of due process requests	45	65	79
Number of cases exceeding the 45-day timeline	1	1	1
Number of cases in which extensions were granted	1 ¹⁶	1 ¹⁷	1 ¹⁸

Trends

- The three-year data indicates no change in the number of cases exceeding the 45-day timeline or in the number of cases for which extensions were granted.

☐ Number of days over the 45-day timeline

	Reporting Periods			
	2011-2012	2010-2011	2009-2010	2008-2009
Total Cases	1	1	1	3
1 – 30 days	1	0	1	3
31 – 90 days	0	1	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 documents 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

¹⁶The hearing officer granted an extension on the joint motion of the parties.

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.

timelines and extensions to ensure that the extensions comport with regulatory requirements.

Parties requesting extensions

	Reporting Periods			
	2011-2012	2010-2011	2009-2010	2008-2009
Parent	0	0	0	2 ¹⁹
LEA	0	0	0	0
Both	1	2 ²⁰	1	0
Hearing Officer	0	0	0	1 ²¹
Child	0	0	0	0

- The one extension in the current reporting period was necessary to ensure fairness in the hearing process. Hearing officers continue to be reminded that the Virginia Regulations contemplate the granting of extensions only in the most critical instances.
- Consistent with the previous reporting period, the extension for 2011-2012 was made by both parties, rather than the parents alone.

F. IMPLEMENTATION PLANS

The 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		
	2011-2012	2010-2011	2009-2010
Number of plans required	2	9	12 ²²
Received	2	7	9
Approved	2	7	9

¹⁹Two 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.

²⁰See footnote 17.

²¹In 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.

²²Based on decisions as of June 30, 2010. The Virginia Regulations, at 8 VAC 20-81-210.N.16, provide that: "[t]he 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 the Virginia Regulations has significantly reduced the number of implementation plans submitted to the VDOE.

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Pending review	0	0	0
Pending receipt/review	0	2	3
Total pending closure	0 ²³	2[0*]	3[0**]

*As of 6/30/2012; **As of 6/30/2011

Trends

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

G. FOLLOW-UP SYSTEM FOR IMPLEMENTATION PLANS

The 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 the VDOE. This meant developing a system to review all implementation plans, to require documentation, and/or to initiate an on-site review. In the 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		
	2011-2012	2010-2011	2009-2010
Number of due process cases	45	65	79
Number of plans requested and received	2	7	9
Number of plans pending receipt	0	2	3
Follow-up Implementation Plans reviewed	2	7	9
✓ not requiring additional action	1	1	4
✓ requiring follow-up activity	1	6	5
IPs pending review	0	0	3

Trends

- Changes in the Virginia Regulations (8 VAC 20-81-210.N.16) have significantly reduced the number of implementation plans submitted to the VDOE. The Virginia Regulations now direct school divisions to develop and submit an implementation plan to the VDOE,

²³In one case dealing with a FERPA issue, the hearing officer ruled that the case was moot because the record had been changed as requested by the parent. There was no implementation required or requested since the case was moot.

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 the VDOE's 2003 CIMP Report to OSEP; in the VDOE's 2002 report to Virginia's Code Commission; in the 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 2013.
- ❑ 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 state regulations. ODRAS also provides hearing officers with case summaries and updates on current special education case law.

PART II: MEDIATION SERVICES

- A. *Baseline Data*
- B. *Evaluations*
- C. *Training for Mediators*
- D. *Training Provided for Constituents*

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 2011-2012, it helped people to a successful outcome in 76% 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 a due process hearing. There is material descriptive of this process on our Web site at http://www.doe.virginia.gov/special_ed/resolving_disputes/index.shtml.

A. BASELINE DATA

The 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				
	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Number of requests	125	123	119	105	138
• resolved	81	68	56	74	87
• partially resolved	0	0	0	0	2
• unresolved	26	19	20	14	22
• withdrawn	18	24	22	16	18
• pending*	0	12	21	1	9

*as of June 30 of relevant reporting year

Mediation Requests Involving Due Process

	Reporting Periods				
	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Number of requests	125	123	119	105	138
Number involved in DP	12	19	20	24	32
✓ resolved	6	9	9	15	18
✓ partially resolved	0	0	0	0	0
✓ unresolved	2	3	7	5	6

	Reporting Periods				
	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
✓ withdrawn	4	7	2	4	8
✓ pending	0	0	2	0	0

Issues

	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Total number of issues	189	190	225	208	235
IEP	123	139	152	144	163
✓ sufficiency of services	61	46	55	58	65
✓ type of services	32	39	33	35	39
✓ placement	21	48	54	44	52
✓ goals	9	6	10	7	7
Staffing	21	9	18	17	8
Evaluation & Disability	17	13	18	15	19
Financial responsibility*	13	11	16	18	22
Discipline	9	11	11	8	8
Transportation	6	7	10	5	6

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

Requests by Region:

Regions	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Region I	24	26	12	14	14
Region II	26	16	32	20	40
Region III	12	2	9	5	9
Region IV	44	63	52	42	51
Region V	7	10	7	12	17
Region VI	9	3	5	8	4
Region VII	3	0	1	3	2
Region VIII	0	3	1	1	1

Trends

- The total number of requests for mediation (125) increased by two this year. Seventy-six percent (76%) of requests in which parties actually met for mediation were partially or completely resolved (81/107), reflecting a slight decrease over the previous reporting period (78%).
- Several superintendents' regions witnessed significant changes in the number of requests for mediation during this reporting period.

- The number of mediation requests (26) in Region II (Tidewater and Eastern Shore) represented a 63% increase over the 16 received in the 2010-2011 reporting period.
- Region III (Northern Neck) witnessed a significant increase in mediation requests—12—in the current reporting period.
- Region VI (Cities of Danville, Martinsville, Roanoke, and Salem, and surrounding counties), received 9 mediation requests in the current reporting period—triple the number received in 2010-2011.
- Region IV (Northern Virginia) claimed the highest number of total mediation requests, as it has in the previous four reporting periods.
- Trends in mediation requests remained somewhat consistent in four superintendent's regions.
 - Region I received 24 mediation requests in this reporting period—two fewer than the 26 received in 2010-2011.
 - Region V witnessed a slight decrease in the number of mediation requests.
 - Receiving no requests for mediation in 2010-2011, Region VII (Southwest Virginia) received three requests in 2011-2012.
 - Region VIII (South-Central Virginia) received no mediation requests in 2011-2012.
- 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 which also involved due process (12) reflected a 37% decrease from the number reported last year (19) and, similarly, a 40% decrease from the number reported in 2008-2009 (20). Since 75% of the cases in this category usually result in agreement, this underutilization of the mediation process raises questions.
- The total number of issues for this reporting period, 189, nearly matches the 190 reported in the previous year and is the lowest number of issues over five reporting periods.
 - For each of the five reporting periods, the IEP issue category has claimed the highest portion of mediation issues, accounting for about 65% (123/189) of the total number of issues.
 - The category of staffing followed as a distant second, accounting for 21 issues—or about 11% (21/189) of total issues in this reporting period.
 - Recording 17 issues, the evaluation and disability category accounted for about 9% (17/189) of total issues in this reporting period.

- The financial responsibility category accounted for 13 issues this year.
- The number of discipline issues (9) dropped only slightly this year (11 in 2010-2011), accounting for about 5% (9/189) of total issues.
- The number of transportation issues (6) nearly matched the number (7) recorded in 2010-2011, and accounted for 3% (6/189) of total issues.

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, 250 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: “The mediator was fair, wonderfully direct, a good listener and very accommodating. Excellent services.”

Parents: “Efficient, courteous, friendly.”

Administrator: “The mediator was very professional. He made sure both parties were heard and guided us toward a positive resolution.”

Parents: “The mediator was outstanding. He did not speak a lot, but when he did, it was helpful.”

Administrator: “The mediator’s assistance was beneficial in helping the parties resolve an important issue in a case that has a history of disagreements. She employed an impartial, balanced approach and allowed the parties to fully express their interests and points of view and facilitated the consideration of others’ viewpoints.”

Parents: “The mediator was superb, extremely professional and adept at encouraging the process.”

Administrator: “Very nicely done. I am a fan of the mediation process.”

Parent: “The mediator was very professional and helpful. We consider the process positive with an excellent outcome for our son.”

Administrator: “The VSEMS was helpful, professional and respectful. I appreciate the effect and the consideration given to our staff members.”

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 12 hours of training sponsored by ODRAS this year. Mediators supplemented this through other sources including state and national conferences. ODRAS provided mediators with summaries and texts of Virginia and Fourth Circuit and U.S. Supreme Court decisions relative to special education cases for 2011-2012.

D. TRAINING PROVIDED TO CONSTITUENTS

The Coordinator conducted workshops on negotiations for the Virginia Transition Forum and on mediation for the Virginia Office of Protection and Advocacy and 17 members of the Aspiring Leaders Academy. He chaired a panel discussion of mutual expectations between attorneys and mediators. The Consortium of Appropriate Dispute Resolution in Education (CADRE) recognized his work on the National Exemplar Initiative. *The Handbook of Leadership and Administration for Special Education* was published by Routledge with a chapter on Building Trust and Responding to Conflict in Special Education, co-authored by Barbara Lake and Art Stewart.

PART III: COMPLAINTS SYSTEM

- A. *Baseline Data*
- B. *Implementation System for Corrective Action Plans*
- C. *Initiatives*

A. BASELINE DATA

Number of Complaints

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of Complaints	136	160	132
• resolved through mediation or other settlement agreement	9	13	11
• withdrawn	12	37	20
• dismissed	1	1	2
• findings/decisions issued	101	88	99
• pending as of 6/30/2011	13	21	0
• exceeding 60-day timeline without mandated extension	0	0	0

Five-Year Review of Complaints Received

Fiscal Year	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Total Number of Complaints	136	160	132	121	138

Trends

- Although the number of complaints for this reporting period (136) was less than last year's number (160), it is consistent with the five-year average of approximately 137 cases (687 total cases over past five years).
 - Although the number of mediation requests was slightly higher this year (125 in 2011-2012, compared to 123 in 2010-2011), we cannot conclude how mediation efforts may have affected the number of complaints. There are no clearly identifiable factors accounting for this decrease in complaints.

Findings/Decisions

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of decisions issued	101*	88**	78***
Number of issues	404	356	251
Number of issues in compliance	293	227	171

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of issues in noncompliance	111	129	80

*As of 6/30/2012 **As of 6/30/2011 ***As of 6/30/2010

Trends

- The number of decisions issued (101) in 2011-2012 surpassed the number of decisions issued for the previous reporting period (88). Significantly, the percentage of complaints for which decisions were issued in 2011-2012—74% (101/136)—far exceeded the 55% (88/160) for the 2010-2011 reporting period.

Decisions Appealed

	Reporting Periods		
	2011-2012	2010-2011	2009-2010
Number of decisions issued	101	88	78
# of Decisions Appealed	22*	26**	31***
• Findings Affirmed	21	19	23
• Findings Reversed	0	0	1
• Findings Remanded	1	2 ²⁴	1 ²⁵
• Findings Split	0	3	3
• affirmed issues	0	11	13
• reversed issues	0	1	4
• remanded issues	0	3	2
• dismissed issues	0	0	0
• Appeals Withdrawn	0	1	0
• Appeals Denied (due to untimely filing)	0	1	3
• Appeal Decisions Pending as of 6/30/12	0	0	0

*4 appeals were based on findings issued in 2010-2011

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

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

Trends

- For two consecutive years, the total number of decisions that were appealed has decreased (22 in 2011-2012; 26 in 2010-2011; 31 in 2009-2010).
- The percentage of appeals fell to 21% (22/101), down from the 30% (26/88) in the previous reporting period and the 40% (31/78) recorded in 2009-2010.

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

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

- Approximately 18% (4/22) of the decisions appealed in 2011-2012 were based on findings issued in the previous reporting period, compared to 19% (5/26) in 2010-2011, and 23% (7/31) in 2009-2010.

Issues/Sub-issues

Issues/Sub-issues	Reporting Period		
	2011-2012		
	#Issues	C*	NC*
IEP	221	159	62
Implementation	119	79	40
Development, Review & Revision	88	72	16
Provision of Progress Reports	6	0	6
Accessibility to Staff	1	1	0
Copy of IEP to Parent	7	7	0
IEP Meetings	35	27	8
Team Composition	7	6	1
Parental Participation	20	16	4
Parental Consent	2	0	2
Notice	3	2	1
Parent Request For meeting	2	2	0
Excusal of Required Team Member	1	1	0
FAPE	22	18	4
Disability Harassment	1	1	0
Placement	1	1	0
ESY	12	9	3
Transportation	1	0	1
Safety	7	7	0
Procedural Safeguards	25	18	7
IEE	7	6	1
Written Prior Notice	16	10	6
Provision of Procedural Safeguards Document	1	1	0
Consent for Medicaid Billing	1	1	0
LRE	3	3	0
Least Restrictive Environment	3	3	0
Discipline	15	8	7
MDR	8	4	4
FBA/BIP	5	3	2
Services During Removal	2	1	1
Eligibility/Evaluation/Reevaluation	33	25	8
Eligibility Procedures	12	7	5
Evaluation/Reevaluation Procedures	20	18	2
Evaluation/Reevaluation Timelines	1	0	1
Child Find	3	3	0
Child Study Procedures	3	3	0

Issues/Sub-issues	Reporting Period		
	2011-2012		
	#Issues	C*	NC*
Placement	13	9	4
Change in Placement	9	8	1
Continuum of Alternative Placement Options	4	1	3
Records	19	13	6
Access	11	7	4
Confidentiality	5	3	2
Management	3	3	0
Program Standards	9	7	2
Qualified Staff	9	7	2
Other	6	3	3
Transfer Student Procedures	2	2	0
Due Process Procedure/Timely Assignment of Hearing Officer	1	0	1
Complaint Procedures/Timeliness of Response	2	1	1
Transfer of Rights at Age of Majority	1	0	1
TOTALS	404	293	111

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

Trends

- Sub-issue areas with highest numbers of noncompliance findings follow:
 - ✓ IEP implementation (40 of 111 total noncompliance findings)
 - ✓ IEP development, review, and revision (16 of 111)
 - ✓ Prior written notice (6 of 111)
 - ✓ Eligibility procedures (5 of 111)

Issues Summary: Three-Year Period

Issue Category	Reporting Period 2010-2011			Reporting Period 2010-2011			Reporting Period 2009-2010		
	Total Issues	C	NC	Total Issues	C	NC	Total Issues	C	NC
IEP	221	159	62	168	103	65	125	89	36
IEP Meetings	35	27	8	31	22	9	14	11	3
FAPE	22	18	4	30	21	9	15	9	6
Procedural Safeguards	25	18	7	45	32	13	24	15	9
LRE	3	3	0	5	2	3	2	1	1
Discipline	15	8	7	17	13	4	8	5	3
Eligibility/Evaluation/ Reevaluation	33	25	8	26	14	12	31	23	8
Child Find	3	3	0	1	1	0	2	2	0

Issue Category	Reporting Period 2010-2011			Reporting Period 2010-2011			Reporting Period 2009-2010		
	Total Issues	C	NC	Total Issues	C	NC	Total Issues	C	NC
Placement	13	9	4	2	1	1	3	0	3
Records	19	13	6	14	9	5	11	5	6
Program Standards	9	7	2	7	6	1	7	7	0
Other	6	3	3	10	3	7	9	4	5
TOTALS	404	293	111	356	227	129	251	171	80

Trends

- The number of complaint issues (404) is higher—48 greater—than that reported for 2010-2011 (356), and represents an increase of about 60% over the 251 issues reported in 2009-2010. Although the number of total complaints decreased in 2011-2012, the steady, significant increase in the number of complaint issues is nonetheless significant, as the regulations require the state education agency (SEA) to address each issue with findings.
- The IEP issue category again claimed the highest portion of complaint issues, comprising more than half 55% (221/404) of the total number of issues. While this percentage reflects an increase from the 47% (168/356) recorded in 2010-2011 and the 50% (125/251) reported in 2009-2010, it has nonetheless remained fairly consistent over the three-year period.
 - The IEP Meetings (35/404) and Eligibility/Evaluation/Reevaluation (33/404) categories followed at a distant second, each accounting for about 9% of total complaint issues. The Procedural Safeguards (25/404) category supplied approximately 6% of total complaint issues. The FAPE (22/404) and Records (19/404) categories each comprised about 5% of complaint issues.
- Issue categories that demonstrated improvement in compliance (as a percentage of complaints submitted in the particular category) since the last reporting period follow:
 - ✓ LRE – **100%** (3/3); **40%** (2/5) in 2010-2011
 - ✓ FAPE – **82%** (18/22); **70%** (21/30) in 2010-2011
 - ✓ IEP Meetings – **77%** (27/35); **71%** (22/31) in 2010-2011
 - ✓ Eligibility/Evaluation/Reevaluation – **76%** (25/33); **54%** (14/26) in 2010-2011
 - ✓ IEP – **72%** (159/221); **61%** (103/168) in 2010-2011
 - ✓ Procedural Safeguards – **72%** (18/25); **71%** (32/45) in 2010-2011
 - ✓ Placement – **69%** (9/13); **50%** (1/2) in 2010-2011
 - ✓ Records – **68%** (13/19); **64%** (9/14) in 2010-2011
 - ✓ Other – **50%** (3/6); **30%** (3/10) in 2010-2011
- In contrast, issue categories that declined in compliance since the last reporting period follow:
 - ✓ Discipline – **53%** (8/15); **77%** (13/17) in 2010-2011
 - ✓ Program Standards – **78%** (7/9); **86%** (6/7) in 2010-2011

- Two categories—Child Find and LRE—demonstrated a 100% compliance rate. The Child Find category matched its 100% compliance rate from the 2010-2011 and 2009-2010 reporting periods.
- 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

The 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 the 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 2001-2002 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
2011-2012	101	13	57*	21	36
2010-2011	106	0	56	59	0
2009-2010	99	0	58	62	0
2008-2009	83	0	49	49	0
2007-2008	103	0	46	53	0

* As of 6/30/2012

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 the 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, worked 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

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

to the VDOE to create such a position to assist parents with special education matters and understanding of dispute resolution options.²⁷

- 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 prior written notice, transition services, discipline, transportation, and dispute resolution.

²⁷Effective July 1, 2012, VDOE's Parent Ombudsman was assigned to ODRAS and is part of Administrative Services. The Parent Ombudsman serves as a source of information and referral for parents, aiding and assisting in the resolution of concerns and issues. A database has been developed, and Administrative Services will begin tracking data relative to these parent inquiries.

PART IV: ADMINISTRATIVE SERVICES

- A. Special Education Regulations*
- B. Training Activities*
- C. Frequently Asked Questions*
- D. Local Advisory Committees*
- E. Inquiries*
- F. Freedom of Information Act Requests*
- G. Transition of Areas of Responsibility*
- H. 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 activities related to local special education advisory committees throughout the Commonwealth.
- 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.
- coordinating the VDOE parent involvement activities with the VCU Center for Family Involvement and the Parent Educational Advocacy Training Center (PEATC), and providing oversight for these agencies' management of these activities.
- coordinating the VDOE activities with Parent Resource Centers (PRCs), including providing oversight for the VCU Center for Family Involvement's management of PRC-focused activities.
- providing staff support for the State Special Education Advisory Committee (SSEAC).
- preparing, distributing, collecting and analyzing data from the annual special education parent survey.

- responding to parent inquiries through the Parent Ombudsman.

A. SPECIAL EDUCATION REGULATIONS

Administrative Services is responsible for coordinating activities related to the implementation of the Virginia Regulations.

During the 2011-2012 school year, Administrative Services also collaborated with staff throughout the VDOE to develop and/or revise numerous technical assistance documents to assist the 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 guidelines for best practice for special education and related services in local and regional jails, and with ongoing revision efforts for the school health services guidance documents, as well a revised guidance document on age of majority issues, revised complaint appeal procedures, and new private school complaint procedures. Administrative Services also continued its participation in an interagency team developing guidance on the implementation of the federal Fostering Connections Act. Development of additional guidance documents was commenced and is ongoing.

Furthermore, during the 2011-2012 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, although primary responsibility for this area was transitioned to the Office of Special Education Instructional Services.

Administrative services also provided support to staff and served as liaison to the Office of Attorney General on a number of emerging and evolving legal and regulatory issues. These issues included the following, among others:

- Restraint and seclusion legislation and federal guidance
- United Nations treaty related to people with disabilities
- General Assembly initiatives
- Private school equitable services concerns
- Accessible instructional materials issues
- Virtual school, charter school, and lab school initiatives
- Student growth model and teacher evaluation issues

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

B. TRAINING ACTIVITIES

During the 2011-2012 year, ODRAS conducted 36 trainings for approximately 867 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 procedures related to Section 504 of the Rehabilitation Act of 1973, as amended.

In addition, Administrative Services coordinated two mini-internships for members of the VDOE's Aspiring Special Education Leaders group. The internships both took place over two days and involved 17 members of the aspiring leaders group.

C. 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 a 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 SSEAC. Questions are generated from inquiries received and are selected based on broad-based need. Eighteen additional FAQs were posted during the 2011-2012 school year. Additional FAQs will be included as they are identified and completed.

D. 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 creating a Web page that includes various resource materials and documents for use by local advisory committees.

At the request of the SSEAC, Administrative Services planned and conducted eight regional trainings for special education directors and local advisory committee chairs. The purposes of these trainings were to provide information about the SSEAC, collect information about local special education advisory committee (SEAC) successes and challenges, review regulations pertaining to local SEACs, present information about the Freedom of Information Act as it pertains to meetings, and furnish an opportunity for local SEAC chairs to meet and network. These training sessions were attended by 150 participants. Funding has been approved to continue to provide this service in 2012-2013.

E. INQUIRIES

Fiscal Year	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Number of Requests	287	370	283	264	251

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 a decline in these requests. There are no clearly identifiable factors accounting for this decrease.

F. FREEDOM OF INFORMATION ACT REQUESTS

Fiscal Year	2011-2012	2010-2011	2009-2010	2008-2009	2007-2008
Number of Requests	17	15	12	14	20

G. TRANSITION AREAS OF RESPONSIBILITY

☐ 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 the 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 the VDOE, in substantially approvable form, no later than July 1 of each year. Approval of these plans was the responsibility of Administrative Services until the 2011-2012 school year, when the responsibility shifted to the Division of Special Education and Student Services' Office of Financial Services. Administrative Services assisted in this transition.

☐ Parent Involvement

On July 1, 2012, Administrative Services was assigned responsibility for overseeing the VDOE's partnership with VCU's Center for Family Involvement and with PEATC. The Center for Family Involvement has primary management responsibilities for joint efforts in the areas of planning, training and technical assistance in the area of parent involvement. PEATC provides outreach to Latino families through a joint project with the VDOE. Administrative Services reviews, as necessary, training and technical assistance projects, provides quarterly reports to the Center and PEATC on the VDOE projects specific to family involvement, and reviews and approves certain expenditures.

☐ Parent Resource Centers

Administrative Services was also assigned responsibility in connection with Parent Resource Centers. The Center for Family Involvement is responsible for providing outreach and technical assistance to the PRCs, including the support for regional PRC networking, activities or training events; bi-annual training to the PRCs (subject to the VDOE budget approval); maintaining and updating the PRC roster and Web site; and collecting and reporting data from PRCs regarding services provided.

Administrative Services monitors these activities, and will administer sub-grant awards for PRC family/school involvement projects.

☐ State Special Education Advisory Committee

While Administrative Services has, in the past, provided some support for the SSEAC, it now has primary staffing responsibility in this area. Duties include scheduling and coordinating meetings and accommodations, assisting in developing the written agenda and securing speakers, drafting and posting notices and minutes, assisting with meeting facilitation, and providing responses to public comment.

H. INITIATIVES

Administrative Services will be responsible for the following activities during the 2012-2013 year:

- Developing, completing the development of, 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 issues related to residency, guidance with regard to school health services and 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. Training initiatives will include the VDOE's regional local SEAC trainings and aspiring leader internships.
- 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 the VDOE's Web site.
- Completing the 2012-2013 Parents of Children with Disabilities Survey.²⁸
- Working with the SSEAC.
- Continuing to provide assistance on the regulatory impact of emerging matters, such as virtual schools.
- Working with the VCU Center for Family Involvement and PEATC on parent involvement.
- Continuing to monitor the progress of pertinent national legislation, including any related to restraint and seclusion as well as action taken on the United Nations treaty related to the rights of those with disabilities.

APPENDIX A - Dispute Resolution Activities by LEA 2011-2012

²⁸This includes preparing and distributing the survey, collecting, compiling and distributing the results.

APPENDIX A
Dispute Resolution Activities by LEA
2011-2012

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Accomack	623	5,132	1	0	2
Albemarle	1,447	13,108	0	0	0
Alexandria City	1,595	12,396	1	0	3
Alleghany	415	2,728	0	1	0
Amelia	191	1,831	0	0	0
Amherst	582	4,527	0	0	0
Appomattox	257	2,310	0	0	0
Arlington	3,207	21,892	1	2	3
Augusta	865	10,743	0	1	1
Bath	77	674	0	0	0
Bedford	1,074	10,562	0	1	0
Bland	124	866	0	0	0
Botetourt	818	5,051	0	1	1
Bristol City	356	2,409	0	0	0
Brunswick	232	2,030	0	0	0
Buchanan	579	3,310	0	1	0
Buckingham	236	2,059	0	0	0
Buena Vista City	175	1,241	0	0	0
Campbell	938	8,371	0	0	0
Caroline	648	4,317	0	4	3
Carroll	598	4,348	0	0	0
Charles City County	129	804	0	0	0
Charlotte	323	2,096	0	0	0
Charlottesville City	605	4,175	0	0	0
Chesapeake City	6,712	39,468	5	9	7
Chesterfield	7,190	59,200	1	3	5
Clarke	210	2,065	1	1	1
Colonial Beach	95	616	0	0	0
Colonial Heights City	435	2,902	0	0	0
Covington City	152	944	0	0	0
Craig	145	708	0	0	0
Culpeper	750	7,808	0	2	0

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Cumberland	147	1,478	0	0	0
Danville City	985	6,330	0	0	0
Dickenson	401	2,486	0	0	0
Dinwiddie	583	4,453	0	1	1
Essex	241	1,628	0	0	1
Fairfax	24,782	177,611	10	10	14
Falls Church City	275	2,183	0	0	1
Fauquier	1,269	11,248	0	1	0
Floyd	290	2,043	0	0	0
Fluvanna	515	3,800	0	0	0
Franklin City	169	1,271	0	0	0
Franklin County	1,136	7,500	0	0	2
Frederick	1,438	13,137	0	0	0
Fredericksburg City	317	3,270	0	1	1
Galax City	141	1,331	0	0	0
Giles	378	2,445	0	0	0
Gloucester	610	5,795	0	1	0
Goochland	334	2,399	1	1	0
Grayson	262	1,864	0	0	0
Greene	398	3,014	0	0	0
Greensville	343	2,612	0	1	0
Halifax	1,042	5,840	0	0	0
Hampton City	2,966	21,588	1	9	1
Hanover	2,506	18,531	1	1	1
Harrisonburg City	607	5,051	0	0	0
Henrico	6,189	49,654	0	8	6
Henry	994	7,463	0	0	0
Highland	37	218	0	0	0
Hopewell City	626	4,284	0	0	1
Isle of Wight	661	5,519	2	4	2
King & Queen	111	757	0	0	0
King George	497	4,180	1	9	1
King William	268	2,252	0	2	4
Lancaster	195	1,300	0	0	0
Lee	647	3,594	0	0	0
Lexington City	48	521	0	0	0

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Loudoun	6,986	65,606	0	5	13
Louisa	783	4,706	0	0	0
Lunenburg	225	1,637	0	0	0
Lynchburg City	1,185	8,706	0	0	3
Madison	193	1,847	0	0	0
Manassas City	1,002	7,154	0	0	1
Manassas Park City	357	3,059	0	0	0
Martinsville City	276	2,317	0	0	0
Mathews	159	1,187	0	0	0
Mecklenburg	609	4,791	0	1	0
Middlesex	146	1,228	0	0	0
Montgomery	880	9,611	0	0	0
Nelson	271	1,983	0	0	0
New Kent	377	2,938	0	1	2
Newport News City	3,753	29,948	0	4	1
Norfolk City	4,520	33,522	3	5	2
Northampton	271	1,809	0	0	0
Northumberland	189	1,495	0	0	0
Norton City	129	904	0	0	0
Nottoway	247	2,357	0	0	0
Orange	487	5,239	0	1	0
Page	423	3,669	0	0	0
Patrick	410	2,570	0	0	0
Petersburg City	454	4,525	0	0	0
Pittsylvania	1,312	9,245	0	1	1
Poquoson City	239	2,232	0	0	1
Portsmouth City	1,894	15,261	0	0	0
Powhatan	508	4,436	0	1	1
Prince Edward	306	2,407	0	0	0
Prince George	769	6,438	0	1	3
Prince William	9,406	81,937	2	5	7
Pulaski	786	4,600	0	0	0
Radford City	221	1,573	0	0	1
Rappahannock	147	898	0	0	0
Richmond City	4,332	23,336	4	4	2
Richmond County	153	1,117	0	0	0

SCHOOL DIVISION	SPED PUPILS AGES 0-22+	TOTAL PUPILS	Due Process Hearings Filed	SPED Complaints Filed	Mediation Cases
Roanoke City	1,768	13,094	0	1	3
Roanoke County	2,164	14,454	2	0	2
Rockbridge	364	2,796	0	0	0
Rockingham	1,028	11,802	0	0	3
Russell	822	4,430	0	0	0
Salem City	525	3,916	0	0	0
Scott	595	3,922	0	1	0
Shenandoah	726	6,177	0	0	0
Smyth	793	4,810	0	0	1
Southampton	352	2,880	0	0	0
Spotsylvania	2,687	23,817	0	1	1
Stafford	2,426	27,333	0	0	2
Staunton City	410	2,681	0	0	0
Suffolk City	1,719	14,429	1	0	1
Surry	123	928	0	0	1
Sussex	190	1,153	0	0	0
Tazewell	1,033	6,560	0	0	0
Virginia Beach City	8,997	71,209	6	22	5
Warren	628	5,442	0	0	0
Washington	1,135	7,383	0	0	0
Waynesboro City	300	3,274	0	0	0
West Point	50	762	0	0	0
Westmoreland	198	1,730	1	0	0
Williamsburg-James City	1,548	10,975	0	4	2
Winchester City	621	4,103	0	1	1
Wise	829	6,246	0	1	1
Wythe	434	4,401	0	0	0
York	1,235	12,550	0	0	2
Department of Ed.	0	0	0	0	0
TOTALS	162,296	1,258,886	45	136	125