



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

DIRECTOR

May 12, 2023

Lisa Coons, Ed.D.
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218
Lisa.Coons@doe.virginia.gov

Dear Dr. Coons:

The U.S. Department of Education's (Department) Office of Special Education Programs (OSEP) has shared information with States regarding the implementation of our Differentiated Monitoring and Support (DMS) activities as part of the Results Driven Accountability System. OSEP selects States for monitoring in two ways: (1) DMS 2.0 uses a cyclical process to assign States to cohorts; and (2) OSEP identifies States with emerging issues that require out-of-cycle monitoring. Virginia has been selected for DMS targeted monitoring due to emerging issues regarding its general supervision system, including but not limited to, implementation of the Individuals with Disabilities Education Act (IDEA) regulatory requirements related to Integrated Monitoring, Sustaining Compliance and Improvement, and Dispute Resolution.

Under IDEA, Virginia must fulfill its general supervisory and monitoring requirements consistent with 20 U.S.C. § 1412(a)(11) and § 1416(a) and 34 C.F.R. §§ 300.149 and 300.600(a)(1) and (d)(2), and its 20 U.S.C. § 1232d(b)(3)(A) requirements related to the administration and enforcement of, among other things, dispute resolution obligations of local educational agencies (LEAs). In monitoring these requirements, the State also must ensure that when it identifies LEA noncompliance, the noncompliance is corrected as soon as possible, and in no case later than one year after the State's identification of the noncompliance. 34 C.F.R. § 300.600(e).

In OSEP's letter of February 17, 2023, we notified the State that OSEP would be conducting additional monitoring activities. In subsequent communications with Dr. Samantha Hollins, the Virginia Department of Education's (VDOE's) State Special Education Director, OSEP agreed to conduct the on-site portion of its review at the VDOE during the week of September 25, 2023. The specific dates and times will be governed by an agenda, developed in consultation between VDOE and OSEP personnel. OSEP staff will continue to communicate with Dr. Hollins and her staff to discuss DMS more specifically and to plan calls and related information-gathering activities. OSEP will use information provided by the State and its stakeholders to inform our monitoring efforts. Additional information about DMS can be found [here](#).

As shared with Dr. Hollins and stated in OSEP's February 17, 2023 letter, OSEP's monitoring activities will be designed to evaluate VDOE's implementation of certain IDEA requirements. Specifically, OSEP intends to review the State's implementation of the following IDEA requirements: (1) general supervision procedures for the identification and correction of noncompliance (34 C.F.R. §§ 300.149 and 300.600); (2) State complaint policies, procedures,

and practices (34 C.F.R. §§ 300.151 through 300.153); (3) due process complaint and hearing procedures (34 C.F.R. §§ 300.507 through 300.516); (4) independent educational evaluation policies, procedures, and practices (34 C.F.R. § 300.502); and (5) confidentiality of information procedures, particularly parent consent before the disclosure of personally identifiable information (34 C.F.R. §§ 300.611 through 300.626).

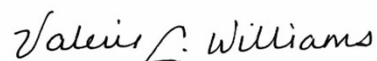
In addition, OSEP will examine the State's response to the Department's Office for Civil Rights findings that Fairfax County Public Schools failed or was unable to provide a free appropriate public education to thousands of students with services identified in the students' individualized education programs during remote learning. Specifically, OSEP would like to learn about the actions the State has taken, or plans to take, with similarly situated districts in light of these findings.

Following the DMS activities, OSEP will issue a monitoring report that summarizes our review of your State's implementation of the above requirements and describes recommendations, next steps, or required actions, as appropriate. If OSEP's analysis of any component indicates noncompliance, OSEP will describe the noncompliance in the monitoring report and require the State to take appropriate corrective action.

If you have any questions, please contact Dr. Ayorkor Austin, OSEP's State Lead for Virginia at 202-245-6720 or by email Ayorkor.Austin@ed.gov.

Thank you for your cooperation and continued work to improve results for children with disabilities and their families. OSEP looks forward to continuing its work with your staff and stakeholders.

Sincerely,



Valerie C. Williams

cc: Dr. Samantha Hollins
Assistant Superintendent
Department of Special Education and Student Services
Samantha.Hollins@doe.virginia.gov