



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120
RICHMOND 23218-2120

July 10, 2023

TO: Dawn Schaefer,
Director of Special Education Procedural Support
Fairfax County Public Schools

Callie Oettinger,
Complainant

FR: Patricia V. Haymes
Director, Dispute Resolution

TIMELINE EXTENSION

Student: Systemic Complaint

Complaint: May 12, 2023 (Notice of Complaint Issued May 23, 2023)

School Division: Fairfax County Public Schools (FCPS)

This letter concerns the ongoing investigation of the May 12, 2023, special education complaint filed relating to the operation of several programs within FCPS, including: (i) pre-school programs (specific areas identified include transportation and related services); (ii) the provision of services for students with disabilities in honors and foreign language programs; and (iii) provision of services and behavioral support at the division's five separate public day school programs for students with disabilities.

The Virginia Regulations, at 8 VAC 20-81-200.D.4.c.1, provide that the Virginia Department of Education (VDOE) has 60 days to complete a special education complaint investigation. However, as set out in 8 VAC 20-81-200.D.4.c.2, an extension of this timeline may be granted if exceptional circumstances exist.

In the course of the ongoing review of information and documentation provided by the parties, as well as relevant VDOE data, staff have determined that the nature of the

Timeline Extension

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July 10, 2023

Page 2

allegations will require classroom observations and staff interviews that cannot be effectively conducted during the summer months.

Accordingly, to ensure that the best interests of affected students are served and, given (i) the scope of the allegations set forth in the complaint, (ii) the need to conduct interviews and observations within classroom settings critical to appropriate fact-finding and regulatory analysis, we find that exceptional circumstances exist and are extending the 60-day timeline for issuance of our findings to **September 15, 2023**.

FCPS is hereby notified that VDOE will conduct an onsite review after the commencement of the 2023-24 school year, which we understand will begin on August 21, 2023. At present, we anticipate being onsite during the week **August 28, 2023**. VDOE staff will be in contact with FCPS to address logistics for the visit within the next several days.