



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120
RICHMOND, VA 23218-2120

September 15, 2023

VIA EMAIL ONLY

TO: Dawn Schaefer
Director of Special Education Procedural Support
Fairfax County Public Schools
(dmschaefer@fcps.edu)

Callie Oettinger
Complainant

(REDACTED)

FROM: Patricia V. Haymes
Director, Dispute Resolution

PH

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.

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Previously, in the course of our ongoing review of information and documentation provided by the parties, as well as relevant VDOE data, we determined that the nature of the allegations would require classroom observations and staff interviews that could not be effectively conducted during the summer months. In addition, we noted that while VDOE's Office of Dispute Resolution routinely consults with specialists within the Department of Special Education and Student Services who have relevant expertise in identification of and instruction for students in particular age groups and with particular areas of academic and functional need, these wide-ranging allegations required concurrent involvement of and coordination with VDOE staff members outside of the Office of Dispute Resolution that is well beyond normal practice, and accordingly, extended the 60-day timeline for issuance of our findings to September 15, 2023.

Initial classroom visits and staff interviews have been completed. However, those activities have resulted in the need for additional data and information and may require additional staff interviews. In addition, within the last two weeks, Complainant has provided new information that may have a significant bearing on our findings.

Accordingly, to ensure that the best interests of affected students are served and, given the scope of the allegations set forth in the complaint, the need to supplement information already obtained, and to address new information provided, all of which is critical to appropriate fact-finding and regulatory analysis, we find that exceptional circumstances exist and are further extending the timeline for issuance of our findings to **October 31, 2023**.

PVH/stg

c: Dr. Terri Edmunds-Heard (terriedmundsheard@fcps.edu)