



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

DIRECTOR

December 5, 2024

By Email

Honorable Lisa Coons
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218

Email: lisa.coons@doe.virginia.gov

Dear Superintendent Coons:

The purpose of this letter is to provide an update on the status of the required actions identified by the U.S. Department of Education's (the Department's) Office of Special Education Program's (OSEP's) March 13, 2024, Differentiated Monitoring and Support (DMS) monitoring report.

This letter is in response to the Virginia Department of Education's (VDOE's) May 22, September 20, October 25, and November 6, 2024, documents submitted to OSEP to address the corrective actions required in the March 13, 2024, monitoring report. These findings and corrective actions were identified as result of the targeted DMS activities conducted by OSEP during its monitoring visit with VDOE which occurred in September 2023.

The summary of monitoring priorities and outcomes chart below includes the monitoring component, finding, required actions, OSEP analysis, and status of correction based on the evidence received by OSEP to date.

OSEP appreciates the State's continued efforts to improve the implementation of the Individuals with Disabilities Education Act (IDEA) Part B and the development and implementation of a reasonably designed general supervision system which ensures compliance and improving results for students with disabilities. OSEP notes that having a consistent and transparent system for identifying and correcting noncompliance, particularly noncompliance that impacts the delivery of early intervention services, in accordance with individualized education programs (IEPs), and dispute resolution systems that protect the rights of parents, are essential elements to ensuring improved results for children and youth with disabilities. If you have any questions, please contact your OSEP State Lead.

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams".

Valerie C. Williams

cc: Part B Director

SUMMARY OF MONITORING PRIORITIES AND OUTCOMES

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|--|---|----------------------|
| <p>1.1 State Complaints</p> <p>a. Parties to a State Complaint</p> <p>OSEP finds that the State’s regulations and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. §§ 300.33 and 300.153(b).</p> <p>Specifically, the State’s regulations at 8VAC20-81-10 and 8VAC20-81-200.B.3, and its complaint procedures apply to “local educational agencies (LEAs)” or “school divisions” rather than to all of the entities listed under IDEA’s definition of “public agency” as required by 34 C.F.R. §§ 300.33 and 300.153(b).</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report, but not later than when the State submits its Federal fiscal year (FFY) 2024 IDEA Part B grant application, the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of VDOE’s State complaint procedures, revised to be consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.153(b). 2. A specific written assurance from the State that shows— <ol style="list-style-type: none"> (1) The State will revise its regulations at 8VAC20-81-10 and 8VAC20-81-200.B.3, as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report, to ensure the regulations are consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.153(b); (2) The State will issue a memorandum or other directive, to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulations and State complaint procedures to ensure they are | <p>On May 22, and September 20, 2024, the State submitted to OSEP revised Complaint Resolution Procedures, as well as the required specific grant assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|--|--|----------------------|
| | <p>consistent with the IDEA requirements as described above and provide a copy to OSEP; and</p> <p>(3) The State will comply with 34 C.F.R. §§ 300.33 and 300.153(b) throughout the FFYs 2023 and 2024 grant periods.</p> | | |
| <p>1.1 State Complaints</p> <p>b. Required Content for a State Complaint</p> <p>OSEP finds that the State’s regulation and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. § 300.153(b).</p> <p>Specifically, the State’s regulation at 8VAC20.81-200.B.7 requires that a complaint “contain all relevant documents,” and Section I.A.6</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of VDOE’s State complaint procedures, revised to be consistent with the requirements in 34 C.F.R. § 300.153(b). 2. A specific written assurance from the State that shows— <ul style="list-style-type: none"> (1) The State will revise its regulation at 8VAC20-81-200.B.7, as soon as possible but in no case later than one year | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |
| | | | |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|--|--|----------------------|
| <p>of VDOE’s State complaint procedures requires the complaint to “contain all relevant information and supporting documentation,” both of which are not required under 34 C.F.R. § 300.153(b).</p> | <p>from the date of OSEP’s 2024 DMS report, to ensure it is consistent with the requirements in 34 C.F.R. § 300.153(b);</p> <p>(2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulation and State complaint procedures to ensure they are consistent with the IDEA requirements as described above and provide a copy to OSEP; and</p> <p>(3) The State will comply with 34 C.F.R. § 300.153(b) throughout the FFYs 2023 and 2024 grant periods.</p> | | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <p>1. A copy of the finalized changes to the State’s regulation and documentation of the revisions.</p> | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |
| <p>1.1 State Complaints</p> | <p>Policies and Procedures—within 90</p> | <p>On May 22, 2024, the State submitted to</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|---|--|--------|
| <p>c. Complaints Filed by Non-Parent Complainants OSEP finds that the State’s regulations and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. § 300.152(a)(5) and OSEP’s IDEA Part B Dispute Resolution Procedures guidance.</p> <p>Specifically, the State’s regulation at 8VAC20-81-200.D.1.c and the State complaint procedures at II.A.5 do not allow for a case-by-case determination as to whether non-PII in the State educational agency’s (SEA’s) final decision on a State complaint can be shared with a non-parent complainant, which is inconsistent with 34 C.F.R. § 300.152(a)(5) and OSEP’s IDEA Part B Dispute Resolution Procedures guidance.</p> | <p>days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of VDOE’s State complaint procedures, revised to be consistent with the requirements in 34 C.F.R. § 300.152(a)(5) and OSEP’s guidance. 2. A specific written assurance from the State that shows – <ol style="list-style-type: none"> (1) The State will revise the State’s regulation at 8VAC20-81-200.D.1.c, as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report, to be consistent with the requirements in 34 C.F.R. § 300.152(a)(5) and OSEP’s guidance; (2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulation and State complaint procedures to ensure they are consistent with the IDEA requirements as described above and provide a copy to OSEP; and (3) The State will comply with 34 C.F.R. § 300.152(a)(5) throughout the FFYs 2023 and 2024 grant periods. | <p>OSEP, revised Complaint Resolution Procedures, as well as the required specific grant assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|--|--|----------------------|
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the finalized changes to the State’s regulation and documentation of the revisions. | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |
| <p>1.1 State Complaints</p> <p>d. Calculating the 60-Day Time Limit for State Complaint Resolution:</p> <p>OSEP finds that the State’s regulations and State complaint procedures contain provisions that are inconsistent with 34 C.F.R. §§ 300.11(a) and (b) and 300.152(a).</p> <p>Specifically, the State’s definition of “calendar day,” as referenced in its regulation in 8VAC20-81-10 and State complaint procedures includes components of the IDEA definition of both “day” and “business day,” which is inconsistent with 34 C.F.R. §§ 300.11(a) and (b)</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of VDOE’s State complaint procedures, revised to be consistent with the requirements in 34 C.F.R. §§ 300.11(a) and (b) and 300.152(a). 2. A specific written assurance from the State that shows— <ol style="list-style-type: none"> (1) The State will revise its regulation at 8VAC20-81-10, as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report, to be consistent with the requirements in 34 C.F.R. §§ 300.11(a) and (b) | <p>On May 22, 2024, the State submitted to OSEP, revised Complaint Resolution Procedures, as well as the required specific grant assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|---|--|---------------|
| and the requirements in 300.152(a). | <p>and the requirements in 300.152(a);</p> <p>(2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulations and State complaint procedures to ensure they are consistent with the IDEA requirements as described above and provide a copy to OSEP; and</p> <p>(3) The State will comply with 34 C.F.R. §§ 300.11(a) and (b) and 300.152(a) throughout the FFYs 2023 and 2024 grant periods.</p> | | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <p>1. A copy of the finalized changes to the State’s regulation and documentation of the revisions.</p> | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| 1.2 State Complaint Procedures and Remedies | Policies and Procedures —within 90 days of the date of this monitoring | On May 22 and September 20, 2024, the State submitted to OSEP revised Complaint | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|--|---|---------------|
| <p>for Denial of Appropriate Services: Addressing Noncompliance Found Through State Complaint Resolution</p> <p>OSEP finds that the State, in resolving State complaints, does not consistently identify and require correction of all noncompliance with IDEA requirements identified through complaint resolution when the noncompliance was not specifically alleged in the complaint. This practice is inconsistent with 34 C.F.R. §§ 300.149, 300.151, 300.153, 300.600 through 300.602, and OSEP guidance.</p> | <p>report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the revised procedure describing how the State will both review for and ensure the timely identification of all noncompliance with IDEA requirements found through its complaint resolution that was not included in the complainant’s allegations consistent with 34 C.F.R. §§ 300.149, 300.151, 300.153, 300.600 through 300.602 and OSEP guidance. | <p>Resolution Procedures.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Examples of actual complaint decisions (redacted) that demonstrate how the State both conducted its review for, and addressed, noncompliance with an IDEA requirement that was not included in the complainant’s allegation if such situations occur within one year of this monitoring report or if there are no such complaint decisions with these remedies, an explanation of how the State implemented its revised procedures. | <p>On September 20, 2024, the State submitted to OSEP, examples of actual complaint decisions that met the required actions.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| <p>1.3 State Model Forms</p> <p>OSEP finds that the State’s</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring</p> | <p>On May 22, 2024, the State submitted to OSEP a revised State complaint form and a link for the webpage where the model form</p> | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|--|--|----------------------|
| <p>model form for State complaints is inconsistent with 34 C.F.R. § 300.509(a) in that it requires information beyond what is required by the IDEA regulation at 34 C.F.R. § 300.153(b) without designating the additional information requested as optional.</p> | <p>report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the State’s revised model State complaint form that clearly identifies any information requested that is not required by 34 C.F.R. § 300.153(b). 2. Notice that the State has posted the revised model form on the SEA’s web site and other appropriate methods to ensure wide dissemination to all LEAs, parent advocacy groups, and other interested parties. | <p>is posted.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |
| <p>Mediation</p> <p>2.1 Confidentiality of Mediation Discussions</p> <p>OSEP finds that the State’s procedure requiring parties to sign a confidentiality pledge prior to the commencement of mediation as permitted in 8VAC20-81-190.E.3, is inconsistent with 34 C.F.R. § 300.506(b)(8) and OSEP guidance.</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A specific written assurance from the State that shows— <ol style="list-style-type: none"> (1) The State will revise the regulation in 8VAC20-81-190.E.3, as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report to be consistent with the requirements in 34 C.F.R. § 300.506(b)(8) and OSEP’s guidance; (2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising that the State | <p>On May 22, 2024, the State submitted to OSEP, the required specific written assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s May 22, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|---|--|---------------|
| | <p>will be revising 8VAC20-81-190.E.3 so that parties can no longer be required to sign a confidentiality pledge prior to the commencement of mediation and provide a copy to OSEP; and</p> <p>(3) The State will comply with 34 C.F.R. § 300.506(b)(8) throughout the FFYs 2023 and 2024 grant periods.</p> | | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <p>1. A copy of the finalized changes to the State’s regulation and documentation of the revisions.</p> | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| <p>Due Process</p> <p>3.1 Filing a Due Process Complaint</p> <p>OSEP finds that the State’s regulation at 8VAC20-81-210.A and due process complaint procedures apply only to “LEAs” or “school divisions” rather than all of the entities listed under IDEA’s</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <p>1. A specific written assurance from the State that shows—</p> <p>(1) The State will revise its regulation at 8VAC20-81-210.A, as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report to</p> | <p>On May 22, 2024, the State submitted to OSEP, the required written specific assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's May 22, 2024, monitoring report.</p> | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|--|--|----------------------|
| <p>“public agency” definition as required by 34 C.F.R. §§ 300.33 and 300.507.</p> | <p>be consistent with the requirements in 34 C.F.R. §§ 300.33 and 300.507;</p> <p>(2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulations and due process procedures and guidance to ensure they are consistent with the IDEA requirements as described above and provide a copy to OSEP; and</p> <p>(3) The State will comply with 34 C.F.R. §§ 300.33 and 300.507 throughout the FFYs 2023 and 2024 grant periods.</p> | <p>No further action needed at this time.</p> | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <p>1. A copy of the finalized changes to the State’s regulation and documentation of the revisions.</p> | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|---|--|----------------------|
| <p>Due Process</p> <p>3.2 Due Process Timelines and Convenience of Hearings and Reviews</p> <p>OSEP finds that the State’s regulation at 8VAC20-81-210.P.9.b. permits the SEA to provide approval for an extension of the due process hearing timeline when neither party requests an extension of time, which is inconsistent with the requirements in 34 C.F.R. § 300.515(a) and (c).</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A specific written assurance from the State that shows— <ol style="list-style-type: none"> (1) The State will revise its regulation at 8VAC20-81-210.P.9.b., as soon as possible but in no case later than one year from the date of OSEP’s 2024 DMS report to be consistent with the requirements in 34 C.F.R. §§ 300.515(a) and (c); (2) The State will issue a memorandum or other directive to all LEAs, parent advocacy groups, and other interested parties advising them of the changes proposed to the State regulations and due process procedures and guidance to ensure they are consistent with the IDEA requirements as described above and provide a copy to OSEP; and (3) The State will comply with 34 C.F.R. §§ 300.515(a) and (c) throughout the FFYs 2023 and 2024 grant periods. | <p>On May 22, 2024, the State submitted to OSEP, the required specific written assurance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s May 22, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report</p> | <p>On September 20, 2024, the State submitted to OSEP its finalized changes to the State’s regulations.</p> | <p>CLOSED</p> |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|--|--|---------------|
| | <p>the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the finalized changes to the State’s regulation and documentation of the revisions. | <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |
| <p>Procedural Safeguards 4.1 Prior Written Notice OSEP finds that the State’s guidance indicating that prior written notice is not required after an individualized education program (IEP) team meeting if the child’s IEP has not been finalized is inconsistent with the requirements in 34 C.F.R. § 300.503(a).</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the State’s revised policy that demonstrates that the State requires its LEAs to issue prior written notice consistent with the requirements in 34 C.F.R. § 300.503(a). | <p>On May 22 and September 20, 2024, the State submitted to OSEP a revised Guidance of Prior Written Notice In the Special Education Process.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| <p>Confidentiality 5.1 Education Record Definition OSEP finds that the State’s Frequently Asked Questions (FAQ) guidance is inconsistent with the State’s regulatory definition of education record. Further, the State’s FAQ guidance is inconsistent with IDEA’s definition of education</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. An updated copy of the State’s FAQ guidance document which removes language that is inconsistent with the State’s regulation and with the requirements in 34 C.F.R. § 300.611(b) and in FERPA at 34 C.F.R § 99.3. | <p>On May 22, 2024, the State submitted to OSEP revised Regulations Governing Special Education Programs for Children with Disabilities in Virginia - Frequently Asked Questions About 001-10. Education Records (Revised May 2024).</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required</p> | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|--|---|---------------|
| <p>record in 34 C.F.R. § 300.611(b) and in Family Education Rights and Privacy Act of 1974 (FERPA) definition at 34 C.F.R § 99.3.</p> | | <p>corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of a memorandum or other directive that the State has issued to all LEAs, parent advocacy groups, and other interested parties advising them of the change to the State confidentiality procedures and FAQ guidance. | <p>On September 20, October 25, and November 6, 2024, the State submitted to OSEP a memorandum that the State has issued to all LEAs, parent advocacy groups, and other interested parties advising them of the change to the State confidentiality procedures and FAQ guidance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| <p>Confidentiality 5.2 Notice to Parents OSEP finds that the State has not provided the required content in its notice to parents in a manner that is adequate to fully inform parents under 34 C.F.R. § 300.612.</p> <p>Specifically, OSEP found that the inclusion of multiple website locations for just part</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the State’s revised notice that includes all of the content in 34 C.F.R. § 300.612. | <p>On May 22 and September 20, 2024, the State submitted to OSEP, revised procedural safeguards notice, Your Family’s Special Education Rights Virginia Procedural Safeguards Notice: Special Education Procedural Safeguards Requirements.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's March</p> | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|--|---|---|---------------|
| <p>of one (of the four) content requirements (e.g., record retention) is not reasonably designed or adequate to fully inform parents under 34 C.F.R. § 300.612(a)(3).</p> | | <p>13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | |
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. Evidence that the State has issued (and provided to OSEP a copy) a memorandum or other directive that the State has issued to all LEAs, parent advocacy groups, and other interested parties advising them of the changes made to the State’s notice and any guidance to ensure they are consistent with the IDEA requirements as described above. | <p>On September 20, October 25, and November 6, 2024, the State submitted to OSEP a memorandum that the State has issued to all LEAs, parent advocacy groups, and other interested parties advising them of the change to the State confidentiality procedures and FAQ guidance.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | CLOSED |
| <p>6.1 Independent Educational Evaluations (IEE)</p> <p>OSEP finds that the State has not ensured that its LEAs are implementing the IEE requirements in the State’s revised regulation at 8VAC20-81.170.B.2.a and c, and IDEA’s requirements in 34 C.F.R. § 300.502.</p> | <p>Policies and Procedures—within 90 days of the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A copy of the finalized monitoring protocols the State will use in its cyclical monitoring to evaluate its LEAs’ compliance with 34 C.F.R. § 300.502 and the State’s revised regulation at 8VAC20-81.170.B.2.a and c. | <p>On May 22, 2024, the State submitted to OSEP, policies and procedures CSEA Narrative IEE Question</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> | CLOSED |

| MONITORING COMPONENT & ORIGINAL FINDING | ORIGINAL REQUIRED ACTIONS | OSEP ANALYSIS, COMMENTS, AND REQUIRED NEXT STEPS | STATUS |
|---|---|--|----------------------|
| | <p>Evidence of Implementation—as soon as possible, but no later than one year from the date of this monitoring report the State must submit to OSEP:</p> <ol style="list-style-type: none"> 1. A summary of the results of the State’s review of the five LEAs’ procedures, including copies of correspondence issued to any LEA with identified noncompliance with the requirements in 34 C.F.R. § 300.502. 2. Documentation that demonstrates the State has evaluated LEAs’ compliance with the requirements in 34 C.F.R. § 300.502 as a component of its most recent cyclical monitoring. | <p>No further action needed at this time.</p> <p>On September 20, 2024, the State submitted to OSEP, a summary of its review of the five LEAs’ procedures and documentation to demonstrate the State has evaluated the LEA’s compliance in its most recent cyclical monitoring.</p> <p>Based on OSEP’s review of the documents submitted by the State, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP’s March 13, 2024, monitoring report.</p> <p>No further action needed at this time.</p> | <p>CLOSED</p> |