

**VIRGINIA DEPARTMENT OF EDUCATION
DEPARTMENT OF SPECIAL POPULATIONS
OFFICE OF DISPUTE RESOLUTION AND ADMINISTRATIVE SERVICES
LETTER OF FINDINGS**

School Division Virginia Department of Education Dr. Samantha Hollins Associate Superintendent, Department of Special Populations and Board Relations 101 N. 14 th Street Richmond, Virginia 23219	Parent(s)
Case # C25-065	Student Systemic
Date Complaint Received September 27, 2024	Complainant (if other than parent) <div style="background-color: red; color: white; text-align: center; padding: 10px; font-size: 2em; font-weight: bold;">REDACTED</div>
Notice of Complaint Date October 8, 2024	Findings Date November 26, 2024
Complaint Appeal Date December 26, 2024	Corrective Action Plan Date N/A – Self Corrected
Complaints Department Phone # (804) 750-8143	

The foregoing complaint raises a systemic issue concerning a statement by the Virginia Department of Education contained on its website.

A. Applicable Regulations

On May 28, 2009, the Virginia Board of Education adopted revised regulations to reflect IDEA '04 and its 2006 implementing regulations. The Board's revised regulations became effective on July 7, 2009, and were reissued on January 25, 2010, and on July 29, 2015, at 8 VAC 20-81-10 *et seq.* (the "Virginia Regulations"). Accordingly, this office based its investigation and findings on the Virginia Regulations, which are applicable to the allegations forming the basis of the complaint. The Virginia Regulations are available online at:

<https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/>

B. Sufficiency of Complaint (See 34 C.F.R. § 300.153)

Prior to the issuance of the *Notice of Complaint* in this case, this office reviewed the complaint documentation and determined that it met the filing requirements of the regulations.

ISSUE(S) AND REGULATIONS:

1. State Dispute Resolution Procedures.

LETTER OF FINDINGS

Dr. Samantha Hollins

REDACTED

November 26, 2024

Page 2

Complainant alleges that the SEA has violated federal and state regulations related to state complaints as follows:

- Complainant filed a state special education complaint on September 10, 2024, and she did not receive a copy of the inquiry letter regarding the complaint until September 27, 2024.

Applicable Regulations:

- The regulations implementing IDEA, at 34 C.F.R. §§ 300.151, 152 and 153, and the Virginia Regulations, at 8 VAC 20-81-200, establish the requirements for investigation and resolution of state special education complaints. In particular, 8 VAC 20-81-200(D) addresses specific steps to be taken by VDOE when it receives a state complaint.

Further, complaint resolution procedures, adopted as required under IDEA, are set forth at: <https://www.doe.virginia.gov/home/showpublisheddocument/19276/638054917500800000>

Findings:

The Virginia Department of Education finds the Office of Dispute Resolution to be in noncompliance with regard to this issue.

Analysis:

In its complaint response, VDOE recited the following:

- The Office of Dispute Resolution acknowledges that Complainant was unintentionally left off the email transmitting the Inquiry letter. To address the matter, as well as additional intermittent email problems we have been experiencing, I have sent the following directive to staff:

“When sending email regarding state complaints, all specialists should check their ‘Sent’ mail after the initial transmittal to double check that all parties have been copied and that the email has not become ‘caught’ in the system’s outbox.”
- A copy of the email has been included in the record, and is deemed sufficient for self-correction.

CORRECTIVE ACTION PLAN:

While we have found the SEA to be in noncompliance with regard to this issue, the matter has been self-corrected. No further corrective action is required.

LETTER OF FINDINGS

Dr. Samantha Hollins

REDACTED

November 26, 2024

Page 3

APPEAL INFORMATION:

Please note that the findings in this Letter of Findings are specific to this case. While general rules are cited, findings in other cases may differ due to distinctions in the specific facts and issues in each case.

Either party to this complaint has the right to appeal these findings within 30 calendar days of our office's issuance of the Letter of Findings. Any appeal must be received by our office no later than **December 26, 2024**.

Enclosed is a copy of the appeal procedures. Written appeals should be sent directly to:

Patricia V. Haymes
Director - Office of Dispute Resolution and Administrative Services
Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218

An appeal may also be filed via e-mail correspondence to ODRAS@doe.virginia.gov, or via facsimile transmission to (804) 786-8520.

A copy of the appeal, along with any submitted documentation, must be sent simultaneously to the non-appealing party. Questions regarding these procedures should be addressed to Ms. Sheila Gray at (804) 750-8143, or e-mail at: Sheila.gray@doe.virginia.gov.

/stg

Attachment - Appeal Procedures