

**VIRGINIA DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES
OFFICE OF DISPUTE RESOLUTION AND ADMINISTRATIVE SERVICES**

NOTICE OF COMPLAINT

School Division Chesterfield County Public Schools John T. Murray, Division Superintendent Ms. Summer Manos, Director of Special Education 13900 Hull Street Road Midlothian, VA 23112 Summer_manos@ccpsnet.net	Parent Student Systemic
Case Number C25-154	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>
Date Complaint Received January 13, 2025	
Notice of Complaint Date January 23, 2025	Findings Due Date March 14, 2025
Early Resolution Date/ LEA Response Due Date February 6, 2025	Additional Information Due Date February 20, 2025
Contact ODRAS@doe.virginia.gov	Complaints Department Phone # (804) 225-2013

The Office of Dispute Resolution and Administrative Services in the Virginia Department of Education (VDOE) has received a complaint alleging that Chesterfield County Public Schools (CCPS or “LEA”) has violated federal and state laws and regulations governing special education programs. This notice of complaint gives official notice to all parties that a formal written complaint has been filed with our office and confirms that it is sufficient pursuant to federal special education regulations.

APPLICABLE REGULATIONS:

This office will base its investigation and findings on the reauthorization of the federal Individuals with Disabilities Education Improvement Act, December 3, 2004 (IDEA '04), its implementing federal regulations, adopted October 13, 2006 (the 2006 implementing regulations), and the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, effective on July 7, 2009, and were reissued on January 25, 2010, and on July 29, 2015, (the Virginia Regulations). The Virginia Regulations are available online at <https://law.lis.virginia.gov/admincode/title8/agency20/chapter81/>.

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SYSTEMIC COMPLAINT AUTHORITY

In its *Analysis of Comments and Changes* for the 2006 implementing regulations, the U.S. Department of Education (USED), Office of Special Education Programs (OSEP) has stated that state education agencies—such as the VDOE—are “required to resolve any complaint that meets the [sufficiency] requirements” set forth in the 2006 implementing regulations, “including complaints that raise systemic issues....”¹ OSEP has also stated that “the broad scope of the State complaint procedures, as permitted in the regulations, is critical to each State’s exercise of its general supervision responsibilities. The complaint procedures provide parents, organizations, and other individuals with an important means of ensuring that the educational needs of children with disabilities are met and provide the SEA [state education agency] with a powerful tool to identify and correct noncompliance....” Accordingly, this office is authorized to investigate alleged systemic violations of special education regulations.

INVESTIGATORY NOTE

The allegations set forth below allege violations the IDEA, Section 504 and the Americans with Disabilities Act. Our office’s jurisdiction is limited to matters arising under the IDEA. Issues arising under Section 504 and the Americans with Disabilities Act may be directed to the Office for Civil Rights (OCR) within the United States Department of Education. Information about OCR may be found at: [Office for Civil Rights \(OCR\) | U.S. Department of Education](#)

ISSUE(S) AND REGULATIONS:

1. Free Appropriate Public Education (FAPE) – Transportation Individualized Education Program (IEP) - Implementation

Complainant alleges that LEA has violated state and federal special education laws and regulations relating to transportation of students with disabilities. More specifically, Complainant alleges that:

- “The Transportation Division of Chesterfield County Public Schools admits that it does not carry IEPs/504s on Buses/Transportation for Special Education Students. All Special Education Service Providers must have access to IEPs at all times in order to follow IEPs/504s (IEP = FAPE + ADA). Not only will Bus/Transportation Drivers/Aides NOT have available instructions in the event of behavioral considerations, and how to follow IEPs for any support/interventions, it is critical that ALL providers of services have access to any 504

¹ U.S. Department of Education, Office of Special Education Programs, *Analysis of Comments and Changes*, at 46605, Federal Register, Vol. 71, No. 156 (August 14, 2006) [hereinafter referred as *Analysis*].

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portions of IEPs AND the proper tools/equipment to assist in the event of such possibilities as, but not limited to, seizures, anaphylactic reactions and any and all medical interventions....”

Applicable Regulations

- The 2006 implementing regulations for IDEA '04, at 34 C.F.R. § 300.17, define a free appropriate public education (FAPE) to mean special education and related services that, among other things, are provided in conformity with an IEP that meets the applicable regulatory requirements.
- The IDEA 2004 implementing regulations, at 34 C.F.R. § 300.2, 34 C.F.R. § 300.101, 34 C.F.R. §300.124 and 34 C.F.R. § 300.209 and the Virginia Regulations, at 8VAC20-81-30.B. Each local school division shall ensure that all children with disabilities aged two to 21, inclusive, residing in that school division have a right to a free appropriate public education. reasons; and Children with disabilities regardless of citizenship or immigration status.
- This office is further required to determine whether a school division acted in accordance with the regulatory mandates in light of the student’s unique needs and ensured that he or she continued to receive FAPE. See U.S. Department of Education’s Office of Special Education Programs Memorandum, July 17, 2000, Complaint Resolution Procedures under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), effective July 1, 2005, at 20 U.S.C § 1415(f)(3)(F), OSEP 00-20.
- The IDEA 2006 implementing regulations, at 34 C.F.R. § 300.320(a)(2), and the Virginia Regulations, at 8 VAC 20-81-110.G. lays out the requirements for the contents of the IEP.
- The 2006 implementing regulations, at 34 C.F.R. § 300.323, and the Virginia Regulations, at 8 VAC 20-81-110.B.3, state, in part, that the school division must provide special education and related services to a child with a disability in accordance with the child’s IEP.
- The IDEA 2006 implementing regulations, at 34 C.F.R. § 300.323(c), and the Virginia Regulations, at 8 VAC 20-81-110.B.2, require each local education agency to ensure that an IEP is implemented as soon as possible following parental consent to the IEP.
- The IDEA 2004 implementing regulations, at 34 C.F.R. § 300.112, and the Virginia Regulations, at 8 VAC 20-81-110.A. The local educational agency shall ensure that an IEP is developed and implemented for each child with a disability served by that local educational agency.

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- The IDEA implementing regulations, at 34 CFR 300.323(d), and the corresponding Virginia Regulations, at 8 VAC 20-81-110.B.3, provide that the LEA must ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and teachers and providers are informed of: (1) Their specific responsibilities related to implementing the child's IEP; and (2) The specific accommodations, modifications, and supports that shall be provided for the child in accordance with the IEP.
- The IDEA 2004 implementing regulations, at 34 C.F.R. § 300.107, and the corresponding Virginia Regulations, at 8 VAC 20-81-100.G, provide that “each child with a disability shall be entitled to transportation to and from such program at no cost if such transportation is necessary to enable such child to benefit from educational programs and opportunities. Children with disabilities and children without disabilities shall share the same transportation unless a child's IEP requires specialized transportation. In addition, the applicable regulations provide that if the IEP team determines that a child with a disability requires accommodations or modifications to participate in transportation, the accommodations or modifications shall be provided in the least restrictive environment. Transportation personnel may be on the IEP team or be consulted before any modifications or accommodations are written into the student's IEP to ensure that the modifications and accommodations do not violate any state or federal standard or any nationally recognized safety practices.”

EARLY RESOLUTION REQUIREMENTS:

Our complaint system has an Early Resolution System that supports both parties working cooperatively to resolve this matter prior to the due date for the school division's response without formal investigation by our office. We believe early resolution will benefit both parties and that it is in the best interest of students. Early resolution may include use of the statewide special education mediation system. We have enclosed a brochure for the complainant that describes mediation that is voluntary on the part of both parties. Both parties are asked to keep our office informed of changes in the status of this complaint.

If this complaint is resolved within the 10-day timeline, the school division must furnish a written response, including the following:

1. A record of contacts with the complainant;
2. A statement of the proposed resolution;
3. A signed statement indicating that the complainant has agreed to the resolution and the details of the resolution.

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If the complaint is not resolved, the school division must furnish a written response, including all requested documentation in the areas noted below, by the designated due date, as indicated above. The school division must simultaneously provide a copy of the response, along with all submitted documentation, to the complainant if the complaint was filed by the parent or parents of the student, a student who has reached the age of majority, or their attorney. If the complaint was filed by another individual, the school division must provide a copy of the response and documentation to the complainant only if a release signed by the parent or parents or the student who has reached the age of majority has been provided.

For technical assistance in resolving the complaint, please contact your VDOE Regional School Division Technical Assistance Specialist or one of the VDOE Training and Technical Assistance Centers (T/TACs).

INFORMATION/DOCUMENTATION REQUESTED:

- A **detailed chronology of events** related to these allegations, including any related documentation;
- A **narrative statement** regarding each allegation, including a specific statement indicating **whether LEA complied with or violated** regulatory requirements, and any supporting documentation or related materials outlining LEA's position regarding each allegation, documenting, among other things, LEA's compliance or noncompliance with regard to the issues set forth above. Specifically, the LEA is should address how it ensures that IEPs are implemented as required during student transportation.
- A copy of any correspondence and records of any other communications between LEA and Complainant regarding each issue and complaint;
- Any additional statements, along with any supporting documentation, that LEA deems appropriate for addressing the complaint allegations or, if appropriate, to support the actions taken by LEA in regard to these allegations.

TIMELINES FOR RESPONSE AND ADDITIONAL INFORMATION:

School Division Response Timeline

LEA is to transmit all documentation to our office so that it is received by **February 6, 2025**, at the following address:

Office of Dispute Resolution and Administrative Services

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Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218

ODRAS retains discretion to base its review of LEA's materials on the documentation LEA submitted by the response due date.

Additional Information that may be submitted by either party

The complainant and the school division may submit *additional information*, either orally, electronically, by facsimile, or in writing, about the allegations in this complaint. This information must be received by the Office of Dispute Resolution and Administrative Services no later than **February 20, 2025**.

The parties are instructed to copy all response and additional information submissions to each other.

Information and/or materials submitted after this date will not be considered by this office, unless specifically requested by the compliance specialist for the purposes of clarification.

Attachments - Complaint Resolution Procedures
Mediation Brochure