



COMMONWEALTH of VIRGINIA  
Department of Education

**DATE:** January 12, 2018  
**TO:** Division Superintendents  
**FROM:** Steven M. Constantino, Ed.D., Acting Superintendent of Public Instruction  
**SUBJECT:** **Compliance Reminders Under the *Individuals with Disabilities Education Act***

The Virginia Department of Education (VDOE) is advising school divisions of two areas of compliance under the *Individuals with Disabilities Education Act (IDEA)* that will be areas of focus in the coming months.

First the VDOE has issued new guidance regarding the obligations of a Local Educational Agency (LEA) when a hearing officer has issued a ruling in favor of a parent in a special education due process hearing under the IDEA. The guidance addresses the obligation of a LEA to submit a plan for implementing the hearing officer's decision following a decision that is fully adjudicated. Furthermore, it addresses the steps that must be taken by the LEA if it appeals the decision. Finally, it outlines the consequences for failure to implement the hearing officer's decision. The guidance document is available on the VDOE website at the following address: [http://www.doe.virginia.gov/special\\_ed/resolving\\_disputes/due\\_process/index.shtml](http://www.doe.virginia.gov/special_ed/resolving_disputes/due_process/index.shtml)

In addition, school divisions are reminded of their obligations with regard to students who transfer. *The Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective January 25, 2010, (the Virginia Regulations) specify the obligations of school divisions with regard to obtaining student records, and implementation of services during the student's transition. In addition, the regulations outline the obligations of a school division for transfer students who are in the process of an evaluation. In an effort to enhance compliance with these requirements, the VDOE will be providing additional training and technical assistance on this topic. Resources and training will be announced through additional Superintendent's Memos in the upcoming new year. The VDOE will also add a focus of reviewing special education transfer student records, policies, practices, and procedures in our Results Driven Accountability local monitoring efforts.

These obligations are set forth in the Virginia Regulations at 8 VAC 20-81-60 and 8 VAC 20-81-120. The Virginia Regulations are available on the VDOE website at the following address: [http://doe.virginia.gov/special\\_ed/regulations/state/regs\\_speced\\_disability\\_va.pdf](http://doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf) (PDF)

Any questions should be directed to Patricia V. Haymes, Director of the Office of Dispute Resolution and Administrative Services, at [Patricia.Haymes@doe.virginia.gov](mailto:Patricia.Haymes@doe.virginia.gov); telephone (804) 225-2013, or Ronald Geiersbach, Due Process Coordinator, at [Ron.Geiersbach@doe.virginia.gov](mailto:Ron.Geiersbach@doe.virginia.gov); telephone (804) 225-2234, in the Division of Special Education and Student Services.

SC/PVH/stg

**Attachment:**

- A. [Guidance Regarding Implementation Plans in IDEA Due Process Hearings Fully Adjudicated](#) (Word)

