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

Dear Superintendent Wright:

Thank you for the timely submission of Virginia’s Federal fiscal year (FFY) 2011 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The U.S. Department of Education (Department) has determined that, under IDEA section 616(d)(2)(A)(i), Virginia meets the requirements of Part B of the IDEA. The Department’s determination is based on the totality of the State’s data and information, including the State’s FFY 2011 APR and revised SPP, other State-reported data, and other publicly available information. The State’s data are reflected in a new 2013 Compliance Matrix (Compliance Matrix), described below.

Your State’s determination is based on the data reflected in the enclosed “2013 Part B Compliance Matrix” that the Office of Special Education Programs (OSEP) completed based on the State’s data. Also, enclosed is the document entitled, “How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2013: Part B,” which provides a detailed description of how OSEP evaluated States’ data using the Compliance Matrix. The Compliance Matrix reflects the compliance data summarized in the State’s FFY 2011 APR/SPP Response Table.

The enclosed Virginia FFY 2011 Response Table provides OSEP’s analysis of the State’s FFY 2011 APR and revised SPP. The Response Table includes: (1) the Indicators; (2) the Results Data Summary; (3) the Results Data Summary Notes; (4) the Compliance Data Summary; and (5) the Compliance Data Summary Notes. In the Results Data Summary and the Compliance Data Summary, the Response Table sets forth, by indicator, the State’s: (1) reported FFY 2010 data; (2) reported FFY 2011 data; and (3) FFY 2011 target(s), in a concise “dashboard” format. The Compliance Data Summary also includes a column that reflects the number of findings of noncompliance identified in FFY 2010, and the correction of those findings. In the “Notes” sections following the Results Data Summary and the Compliance Data Summary, OSEP has provided more detailed information regarding specific indicators, including, where appropriate, information regarding: (1) the State’s correction of any remaining findings of noncompliance identified in years prior to FFY 2010; (2) any issues with the validity and reliability of the data.
that the State reported; and (3) any required actions. It is important that the State read the 
information for each indicator in the Results Data Summary and the Compliance Data Summary 
together with any Notes for that indicator.

We are also enclosing with this letter a Data Display, which presents certain State-reported data 
in a transparent, user-friendly manner. The Data Display will be helpful for the public in getting 
a broader picture of State performance in key areas.

Pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), your State must 
report annually to the public on the performance of each local educational agency (LEA) located 
in the State on the targets in the SPP as soon as practicable, but no later than 120 days after the 
State’s submission of its FFY 2011 APR. In addition, your State must: (1) review LEA 
performance against targets in the State’s SPP; (2) determine if each LEA "meets requirements" 
of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in 
implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each 
LEA of its determination. See, IDEA section 616(a)(1)(C) and 34 CFR §300.600(a)(2) and (3). 
For further information regarding these requirements, see "The Right IDEA" Web site at: 
http://therightidea.tadnet.org/determinations. Finally, please ensure that your updated SPP is 
posted on the State educational agency’s Web site and made available to the public, consistent 
with IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(B).

As you know, OSEP is redesigning its accountability system to more directly support States in 
improving results for infants, toddlers, children and youth with disabilities, and their families. 
Section 616 of the IDEA requires that the primary focus of IDEA monitoring must be on 
improving educational results and functional outcomes for children with disabilities, and 
ensuring that States meet the IDEA program requirements. The monitoring system implemented 
between 2004 and 2012 placed a heavy emphasis on compliance and we are moving towards a 
more balanced approach that considers results as well as compliance.

OSEP is committed to several key principles to guide the development of a results-driven 
accountability system, including transparency, stakeholder involvement, and burden reduction. 
In support of these principles, we are taking a number of steps. First, we solicited input from 
special education, early intervention, assessment, and early childhood outcomes experts, and 
gathered input from the public through conference calls, a blog on the Department’s Web site, 
and through multiple meetings and conferences. Next, OSEP published for comment a new 
SPP/APR package for FFYs 2013 through 2018 that significantly reduces data collection and 
reporting burden by States, and shifts the focus of the SPP/APR to improving educational results 
and functional outcomes for children with disabilities. Third, as explained above, this year 
OSEP has incorporated compliance data into a matrix that is helpful in simultaneously 
processing multiple sets of data, and has used this matrix in making determinations. This 
Compliance Matrix includes a color-coded system (green, yellow, red) that provides a visual 
representation of a State’s performance. Finally, as we move forward in using results data in 
determinations, OSEP will provide the public with an opportunity to comment on how we will 
use results when making IDEA determinations in 2014 under section 616.

OSEP recognizes the State’s efforts to improve results for children and youth with disabilities 
and looks forward to working with your State over the next year as we continue our important 
work of improving the lives of children with disabilities and their families. If you have any
questions, would like to discuss this further, or want to request technical assistance, please contact Susan Murray, your OSEP State Contact, at 202-245-8247.

Sincerely,

[Signature]

Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education