



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

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

JAN 15 2010

Dear Superintendent Wright:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Virginia Department of Education during the week of October 12, 2009. As indicated in our letter to you dated July 2, 2009, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under Part B of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C<sup>1</sup> of the IDEA in accordance with 20 U.S.C. 1416 and 1442. Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving early intervention and educational results for children with disabilities.

The purpose of the verification visit is to review the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data, and fiscal systems to determine the extent to which they are effective in ensuring compliance and improving performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's FFY 2007 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Virginia, OSEP staff met with you and with H. Douglas Cox, State Director of Special Education, and State personnel responsible for implementing the general supervision, data, or fiscal systems. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Virginia's Federal Fiscal Year (FFY) 2007 APR submitted to OSEP in February 2009; (2) Virginia's SPP submitted to OSEP in December 2005 and updated in 2007, 2008 and 2009; (3) Virginia's eligibility document submissions under Part B of the IDEA for FFY 2009; (4) OSEP's Verification Visit letter to Virginia dated May 1, 2005; (5) the Virginia Department of Education's website; and (6) other pertinent information<sup>2</sup>. OSEP also collected and reviewed stakeholder input from the State's Parent Training and Information Center (PTI) and the State Advisory Panel (SAP).

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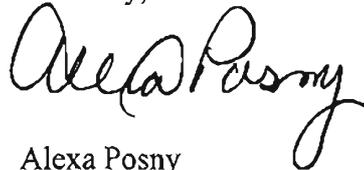
<sup>1</sup> During the week of October 12, 2009, OSEP also conducted its Part C verification visit to the Virginia Department of Behavioral Health and Developmental Services (DBHDS). OSEP is sending the Part C verification letter and enclosure to DBHDS under separate cover.

<sup>2</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

OSEP developed critical elements that were used to guide its evaluation of Virginia's general supervision, data, and fiscal systems. OSEP's analysis of each critical element and any required actions, if noncompliance was identified during the verification visit, are provided in the Enclosure to this letter. As further detailed in the Enclosure, OSEP found noncompliance, and has required corrective action in the following areas: (1) the State's use of percentage thresholds for identifying noncompliance; (2) the State's practice of finding noncompliance to be corrected without determining whether a school division is correctly implementing the specific regulatory requirements; (3) the State's failure to consider underrepresentation when determining whether school divisions have disproportionate representation; (4) the State's definition of significant disproportionality; and (5) the State's practice of calculating State-level maintenance of effort based solely upon State educational agency expenditures.

OSEP appreciates the cooperation and assistance of PTI staff, SAP members, and parents in providing feedback and input on the State's systems for special education. We look forward to collaborating with all stakeholders and actively working with the State to improve results for infants, toddlers, children, and youth with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Jennifer Finch, at 202-245-6610.

Sincerely,



Alexa Posny  
Acting Director  
Office of Special Education Programs

Enclosure

cc: H. Douglas Cox, State Director of Special Education