



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 18 2013

Honorable James W. Stewart, III
Commissioner
Virginia Department of Behavioral Health and
Developmental Services
P.O. Box 1797
Richmond, Virginia 23218-1797

Dear Commissioner Stewart:

This letter is a follow-up to the December 12, 2012 hearing held in response to Virginia's July 3, 2012 request for a hearing regarding the Department's June 28, 2012 determination that the Commonwealth of Virginia (Virginia) "needs intervention" under sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA) in meeting the requirements of Part C of the IDEA. I appreciated the information provided at the December 13, 2012 hearing by representatives from the Department of Behavioral Health and Developmental Services (DBHDS), the lead agency responsible for administering IDEA Part C in Virginia. As further detailed below, after careful consideration of the information presented by DBHDS in its July 3, 2012 letter, and the information provided both prior to and during the December 13, 2012 meeting, I have determined that Virginia has demonstrated that the Department should change Virginia's 2012 determination under Part C of the IDEA from "needs intervention" to "needs assistance." This letter replaces Virginia's 2012 Part C determination letter.

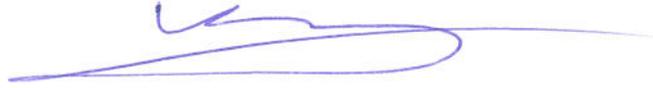
This letter includes three enclosures. Enclosure A explains the basis on which I have changed the State's 2012 determination to "needs assistance," and specifies certain actions that all States must take and specific actions that Virginia must take related to its revised determination of "needs assistance." Enclosure B is a revised Response Table, which provides OSEP's analysis of Virginia's Federal fiscal year (FFY) 2010 Annual Performance Report (APR) and revised State Performance Plan (SPP), and identifies, by APR indicator, OSEP's review of any revisions made by Virginia to its targets, improvement activities (timelines and resources), and baseline data in Virginia's SPP. The only revisions made by the Department to the FFY 2010 APR Response Table issued in June 2012 are to Indicator 9 and Indicator 14 of that table. Finally, Enclosure C is the document entitled, "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2012: Part C," which the Department included as an enclosure with all 2012 State determination letters.

We are committed to supporting Virginia's efforts to improve results for infants and toddlers with disabilities and their families and look forward to working with Virginia over the next year. If you have any questions, you would like to discuss this further, or

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you wish to request technical assistance, please contact Danny Rice, the OSEP Contact for Virginia, at 202-245-7888.

Sincerely,



Michael K. Yudin
Delegated the authority to
perform the functions and
duties of Assistant Secretary
for Special Education and
Rehabilitative Services

Enclosures

cc: Ms. Catherine Hancock
Part C Coordinator