

Special Education Law and Policy

Presented by: John Paul Cimino
October 6, 2023

AGENDA

Part I: Special Education Law in Virginia: an Introduction

Part II: Dispute Resolution

Part III: Discipline & Restraint and Seclusion

Part IV: Advocating for Change

Part I: Special Education Law in Virginia

Where does special education law come from?

U.S. Constitution

- *Parc v. PA*
- *Mills v. Bd. of Educ. of D.C.*

Federal Statutes & Regulations

- IDEA
- ADA/Rehabilitation Act (Section 504)

State Statutes & Regulations

- Title 22.1, Chapter 12, Article 2: Special Education
- Regulations Governing Special Education Programs for Children with Disabilities in Virginia

Case Law - Judicial precedent

- *Rowley*
- *Endrew F.*
- *Fry*

Legal Citation Examples

Va. Code § 22.1-214

- Va. Code = state statute
- Title 22.1 = Education
- Section 214 = State Bd. to develop Special Education program

8 VAC 20-81-10

- VAC = Virginia Administrative Code (regulations)
- Title 8 = Education
- Agency # 20 = Bd. of Education
- Chapter 81 = Special Education
- Section 10 = Definitions

20 U.S. Code § 1412

- U.S. Code = Federal statute
- Title 20 = Education
- Section 1412 = defines state eligibility for special education funding

34 CFR 300.22

- CFR = Code of Federal Regulations
- Title 34 = Education
- Section 300.22 = Individualized Education Program (IEP)

FAPE: The core promise of the IDEA

“A free appropriate public education must be made available to all children residing in the State between the ages of 3 and 21....”

34 CFR 300.101; 8 VAC 20-81-30(B)

What does FAPE mean?

"Free appropriate public education" or "FAPE" means **special education and related services** that:

1. Are **provided at public expense**, under public supervision and direction, and without charge;
2. Meet the standards of the Virginia Board of Education;
3. Include an appropriate preschool, elementary school, middle school or secondary school education in Virginia; and
4. Are provided **in conformity with an individualized education program** that meets the requirements of this chapter.

8 VAC 20-81-10; 34 CFR 300.17

What does FAPE include?

- Special Education and Related Services include:
 - Assistive Technology
 - Transportation
 - Physical Education
 - Nonacademic and Extracurricular Activities
 - Extended School Year

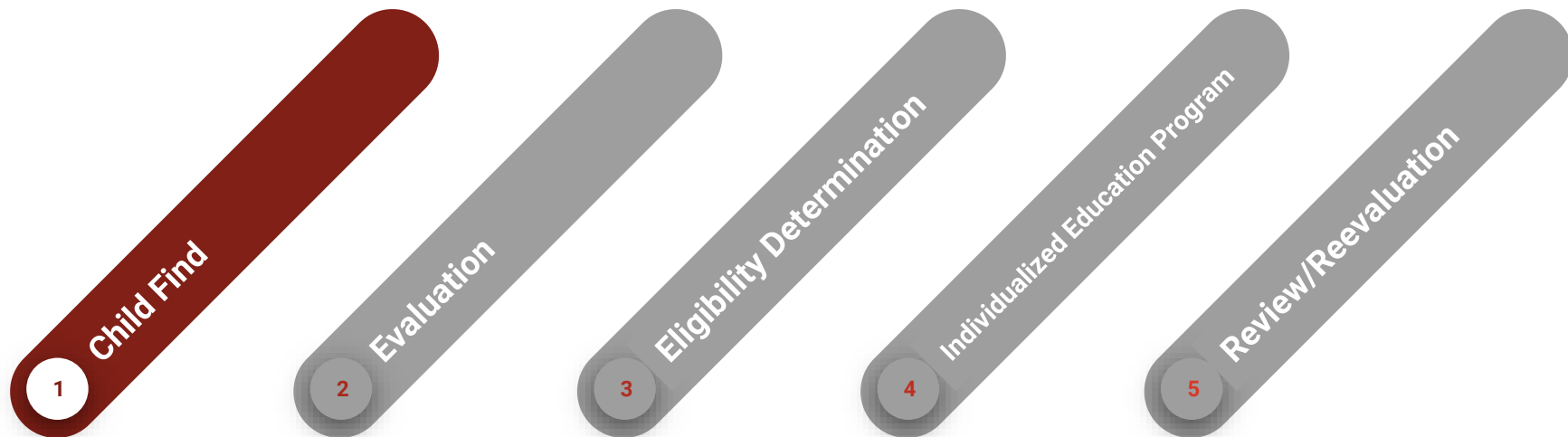
34 CFR 300.103 *et seq*;
8 VAC 20-81-100

Who is eligible for FAPE?

A free appropriate public education shall be available to all **children with disabilities** who **need special education and related services**, aged **two to 21**, inclusive,... This includes children with disabilities who are in need of special education and related services **even though they have not failed or been retained in a course or grade** and are advancing from grade to grade, **and students who have been suspended or expelled** from school....

8 VAC 20-81-100; 34 CFR 300.101

Special Education Is a Process



Child Find

1. Each local school division shall maintain an active and continuing child find program designed to identify, locate and evaluate those children residing in the jurisdiction who are birth to age 21, inclusive, who are in need of special education and related services, including children who: (34 CFR 300.102 and 34 CFR 300.111)

- a. Are highly mobile, such as **migrant and homeless children**;
- b. Are wards of the state;
- c. **Attend private schools**, including children who are home-instructed or home-tutored;
- d. Are suspected of being children with disabilities under this chapter and in need of special education, even though they are **advancing from grade to grade**; and
- e. Are under age 18, who are suspected of having a disability who need special education and related services, and who are **incarcerated** in a regional or local jail in its jurisdiction for 10 or more days.

8 VAC 20-81-50(A); 34 CFR 300.102; 34 CFR 300.111)

Child Find Process & Timeline

Initial Referral

The clock begins to run when the initial referral is received

Evaluation Determination

The school has 10 business days after referral to determine whether to evaluate

Referral to Special Education Admin

Within 3 business days of decision to evaluate, referral must be made to the special education administrator

Evaluations

Evaluations must be completed and eligibility meeting held within 65 business days from decision to evaluate

Child Find – Referral

- Can be made by any source
- Directed to special education administrator
- Include why evaluation is requested
- What efforts have been made to address concerns
- Federal – in writing
- Virginia – can be oral or written

8 VAC 20-81-60

Special Education is a Process



Evaluation

- Provides information on academic and functional performance
- Copy given to parents at least 2 business days prior to meeting
- Types of evaluations may include:
 - Social Cultural/Emotional
 - General Intelligence/IQ
 - Academic Performance/Educational
 - Speech/Communication
 - Occupational/Physical Therapy
 - Teacher/Parent Observation
 - Hearing/Vision/Medical

What if you disagree with the school's evaluation?

8VAC20-81-170. Procedural safeguards

- a. The parent has the right to an **independent educational evaluation at public expense** if the parent disagrees with an evaluation obtained by the local educational agency.
- b. If the parent requests an independent educational evaluation at public expense, the **local educational agency shall**, without unnecessary delay, either:
 - (1) **Initiate a due process hearing** to show that its evaluation is appropriate; or
 - (2) **Ensure that an independent educational evaluation is provided at public expense**, unless the local educational agency demonstrates in a due process hearing that the evaluation obtained by the parent does not meet the local educational agency's criteria.

Special Education is a Process



Eligibility Team

- (1) Local educational agency personnel representing the **disciplines providing assessments**;
- (2) The **special education administrator** or designee;
- (3) The **parent(s)**;
- (4) A **special education teacher**;
- (5) The child's **general education teacher** or if the child does not have a general education teacher, a general education teacher qualified to teach a child of the child's age; or for a child of less than school age, an individual qualified to teach a child of the child's age; and
- (6) At least one person **qualified to conduct individual diagnostic examinations of children**, such as school psychologist, speech-language pathologist, or remedial reading teacher.

8 VAC 20-81-
80(C)(2)

Eligibility criteria

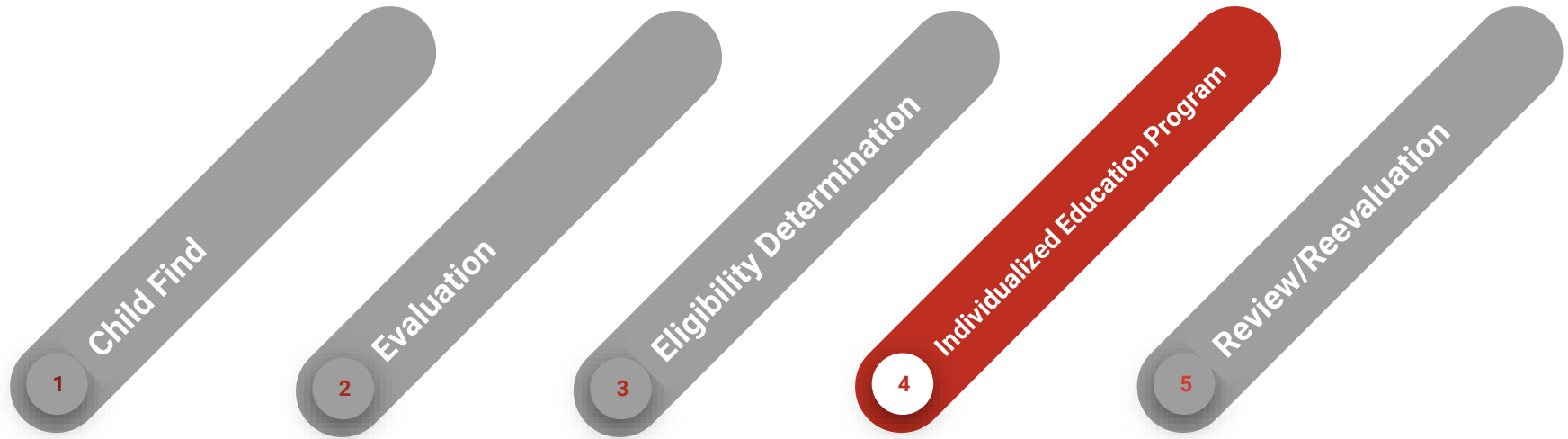
1. Must have have a disability that falls into a **defined list of disability categories**;
2. The identified disability must interfere with the child's ability to learn such that **by reason of the child's disability, they need special education and related services.**

8 VAC 20-81-80

Eligibility Categories

- Autism
- Deaf-Blindness
- Deafness
- Developmental Delay
- Emotional Disability
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment (including Blindness)

Special Education is a Process



The IEP

A very brief primer on
the Individualized
Education Program

The IEP Team Members

- Parent
- At least 1 of the child's regular education teachers
- At least 1 of the child's special education teachers or providers
- An representative of the school system with knowledgeable of
 - Special education
 - General education curriculum
 - The resources of the school system
- Someone who can interpret evaluation results
- Anyone else who has knowledge or special expertise of the child
 - Invited by either the LEA or the parents
- The child, when appropriate

The Anatomy of an IEP

- PRESENT LEVELS OF PERFORMANCE (PLOP)
- ANNUAL GOALS
- SERVICES AND AIDS
- PLACEMENT
- TESTING ACCOMMODATIONS
- TRANSITION PLAN



IEP – The PLOP

- **The PLOP should answer the questions:**
 1. How the child's disability affects his involvement and progress
 2. What are the child's educational needs resulting from their disability
- **There must be a direct relationship between the PLOP and other parts of the IEP, such as the goals and benchmarks**



When reviewing the PLOP make sure that it describes the child's PRESENT level of performance and does not rely on old data or scores.

IEP – Annual Goals

- Academic and functional goals
- Designed to meet the child’s disability related needs
- Should be specific and measurable
- Annual goals may be broken down into short-term goals called “benchmarks”
- Section must state:
 1. How progress will be measured
 2. When periodic progress reports will be provided to parents

IEP – Services and Aids

- This section of the IEP lists what specific services and aids will be provided.
- The start date and duration of each services must be listed.
- Services and aids will vary for each child based on his or her needs. These may include:
 - Occupational Therapy
 - Speech therapy
 - Assistive technology
 - Counseling services
 - Individualized or small group instruction
 - Mobility services
 - Therapeutic recreation
 - Transportation services

IEP – Educational Placement

- The team must decide where the child will receive instruction and participate in school activities
- Placement options may include:
 - General education classes
 - Separate classes
 - Separate schools
 - Home-based instruction
 - Instruction in hospitals and institutions
- If a child will be in multiple placements the IEP must specify when each placement will be used

IEP – Continuum of Placements



IEP – Least Restrictive Environment (LRE)

8VAC20-81-130. Least restrictive environment and placements.

A. General least restrictive environment requirements.

1. Each local educational agency shall ensure: (34 CFR 300.114)

a. That **to the maximum extent appropriate, children with disabilities**, aged two to 21, inclusive, including those in public or private institutions or other care facilities, are **educated with children without disabilities**; and

b. That special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs **only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.**

IEP – Testing Accommodations

- Changes to the standard testing
- Necessary to measure the child’s academic achievement and functional performance on Standard State Assessments, or
- If the IEP team determines that an alternative assessment must be taken:
 - Why the child cannot take the standard assessment,
 - Why the assessment selected is appropriate, and
 - How this will impact promotion, graduation, or other matters

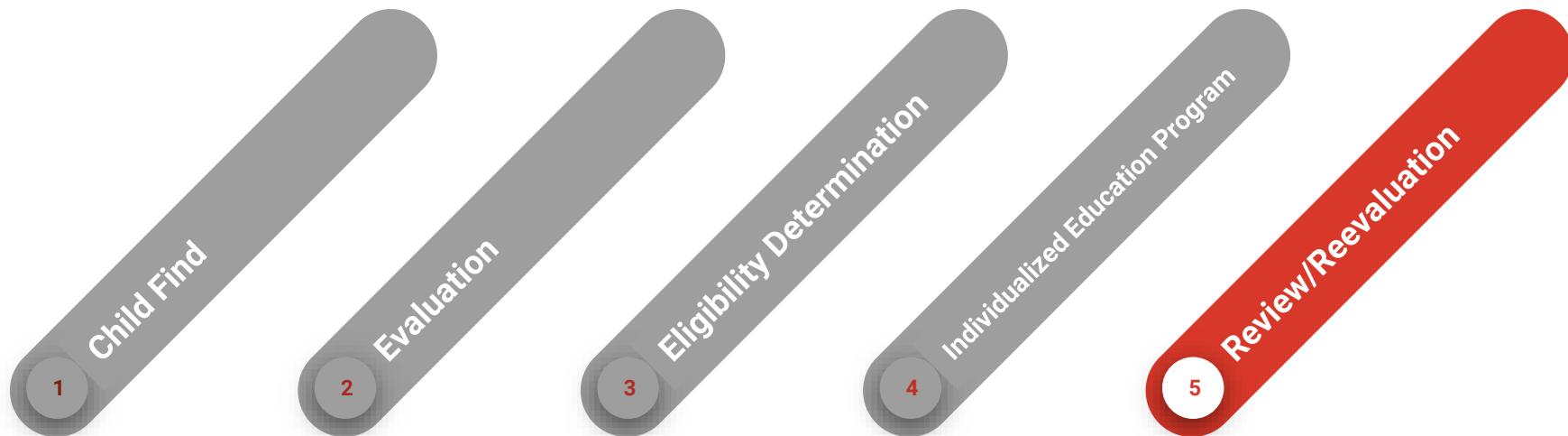
Testing Accommodations: Examples

- Planned breaks
- Reading of test aloud
- Calculator
- Large print test
- Spelling aids
- Adjusting the time of day the test is administered

IEP – Transition Plan

- Beginning at age 14, IEP must include post-secondary goals: goals related to training, education, employment, and independent living skills
- The IEP must also identify transition services designed to help a child reach his transition goals
- The first IEP to be in effect when a child turns 16 must include a statement identifying the agencies that will provide each transition service
- Student must be invited to these meetings
- If student does not attend, their preferences and interests still must be considered

Special Education is a Process



Review & Reevaluation

Review

- The IEP team must review the child's IEP "periodically, but not less than annually" to determine if goals are being met and to revise the plan as appropriate.

8 VAC 20-81-110

Reevaluation

- Reevaluation of eligibility must be conducted at least every three years, but not more than once in a year (unless parent and school agree otherwise); and
 - If the school determines that the child's needs have changed; or
 - If parent or teacher requests reevaluation.

8 VAC 20-81-70

What about 504 plans?

"504 Plan" means a written plan ... [that] details modifications, accommodations, and services that are **needed for the student with a disability to participate in and enjoy the benefits of school programs at the same level as his peers without disabilities.**

8 VAC 20-671-10

504 Plans vs. IEPs

- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability
- Definition of “Disability” in Section 504 is broader than the definition in IDEA
- Less procedural protections than IDEA.
 - No requirement to review plan annually
 - No right to an independent evaluation at school’s expense
- Focus is on accommodations that enable student to access the curriculum/programs to the same extent as students without disabilities
 - Examples: Wheelchair ramp, visual schedule, calculator, extended time on tests, use of speech to text (dictation) software, etc.

Part II: Dispute Resolution

Dispute Resolution: Options in Virginia

- Mediation
 - 8 VAC 20-81-190
- Virginia Department of Education Complaint
 - 8 VAC 20-81-200
- Due Process Hearing
 - 8 VAC 20-81-210

Dispute Resolution: Additional Options

- US Department of Education Office for Civil Rights Complaint
- Federal suit under Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act

Mediation

- Mediator is an impartial third party, assigned by VDOE
- Voluntary (either party can refuse to mediate), confidential process
- Cannot be used as a delay tactic
- Final Result – Mediation Agreement
 - Legally binding and enforceable
 - Cannot seek other dispute resolution options for issue settled at mediation

VDOE Complaint

- Best used for procedural violations of student's or parents' rights
- Complaint must be submitted to VDOE and the LEA simultaneously
- VDOE investigates and makes determination on remedy
- Looks back one year from date VDOE receives complaint
- 60-calendar-day timeline from complete file to decision
- 60 day timeline can be extended for exceptional circumstances or if parties agree to extend time in order to engage in mediation or other dispute resolution
- VDOE will issue letter of findings. If school is found in violation, letter of findings will include corrective action.

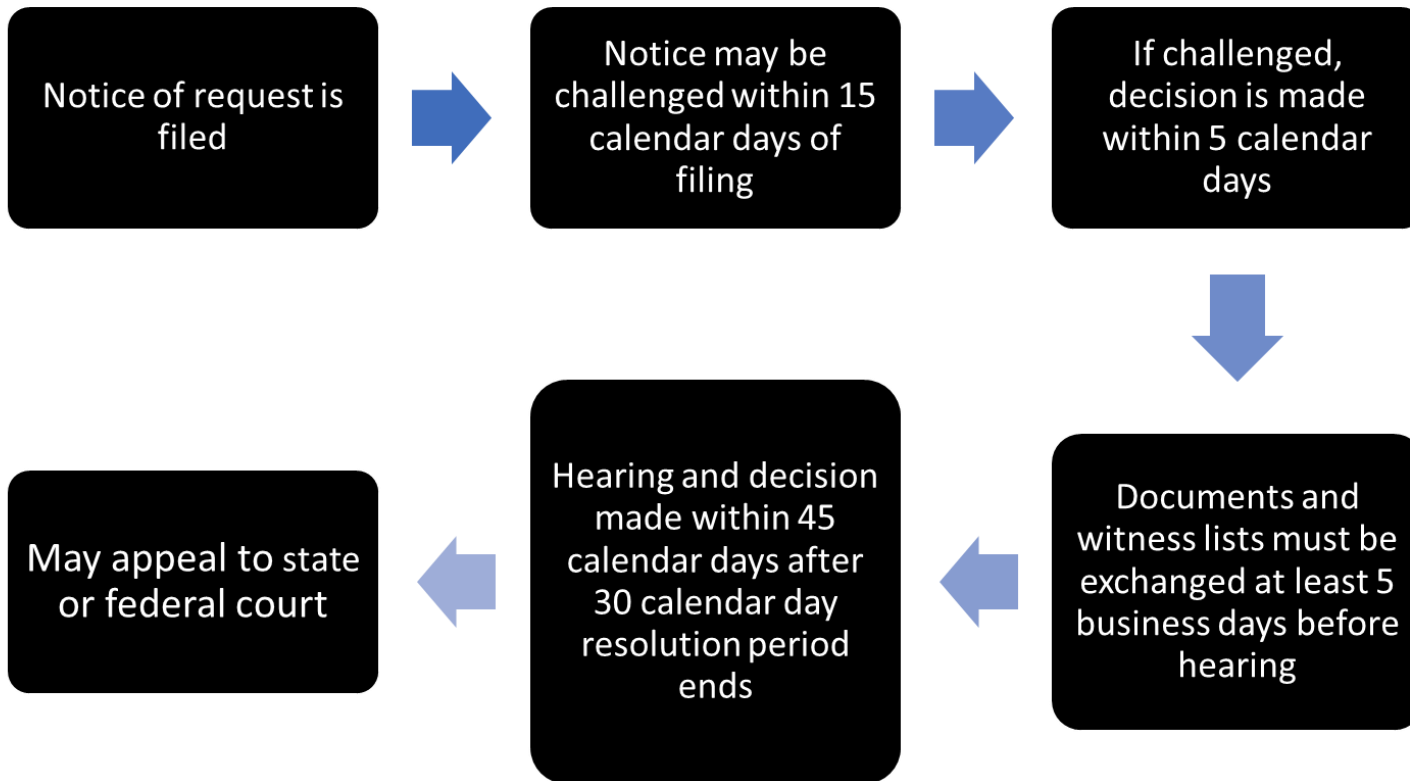
VDOE Complaint – Practice Tips

- The complaint form can be found on VDOE’s website.
- When completing the complaint request form, be sure to cite to the section of the “Virginia Regulations Governing Special Education” that the school violated and explain with facts how the school violated this section.
- If there is an educational record (such as an IEP or Prior Written Notice) that supports your claim, submit a copy of this document with the complaint form.
- You may wish to attach a letter outlining the facts surrounding the complaint and how the school violated the special education regulations as the complaint form does not leave much space to explain what is occurring.

Due Process Hearings

- Can be used for procedural violations and when type or quality of services is at issue.
- School or parent can request due process
- Looks back two years from when requester knew or should have known about basis for complaint
 - Exceptions:
 - 1. LEA misrepresents that it has resolved the basis for complaint
 - 2. LEA did not provide parent with information required to be given to the parent under IDEA
- Administrative Hearing
- School will be represented by an attorney
- Determination based on the preponderance of the evidence (51%)

Due Process Timeline



U.S. DOE OCR Complaint

- Used for discrimination based on disability – violations of Section 504 of the Rehabilitation Act of 1973 and the ADA
- Process is similar to Virginia Complaint procedure
- Looks back 180 calendar days from receipt of the complaint form (with some exceptions)
- OCR can mediate a Resolution Agreement during the complaint process
- OCR's goal is to complete their investigation within 180 days from receipt of the complaint, but heavy workloads and complexity of the issues presented can delay that timeline.
- OCR can work with the school directly to reach a Resolution Agreement, can suspend, terminate or refuse continued funding for schools who refuse to comply, or refer the case to the Department of Justice.

OCR Complaint: Practice Tips

- Include any supporting documentation with your Complaint request
- You don't have to use OCR's form, but it's the easiest way to make sure OCR has all the information they need – you can always attach additional papers if you need more room
- Be prepared to answer questions from the OCR investigator assigned to your Complaint
- Be clear about what school personnel are responsible for implementing the Resolution Agreement and how to report any violations back to OCR
- Familiarize yourself with the OCR Case Processing Manual (available online at the US DOE OCR website)

Dispute Resolution: what if you are not satisfied with outcome?

Appeals must be based on newly found information or error of fact or law

- Include supporting documents and identify errors

VDOE Complaint

- Appealable to Virginia Department of Education
- 30 days from Letter of Findings

Due Process

- State Circuit Court – 180 days
- Federal District Court – 90 days

OCR

- Appealable to OCR
- 60 days from Determination Letter

Part III: Discipline and Restraint & Seclusion

Discipline Restraint & Seclusion: Disparities

All available data confirms that students with disabilities and students who are black are secluded, restrained, suspended, referred to law enforcement, and arrested for school related conduct at rates that far exceed their white nondisabled classmates.

Suspension – Generally Applicable Limitations

Students in Pre-K-Grade 3 (22.1-277)

- Maximum suspension = 3 days; and
- No Expulsion; UNLESS
- physical harm, credible threat of physical harm, or aggravating circumstances

All other students (22.1-277.05)

- Maximum long term suspension 45 calendar days; unless
- firearms, certain drug offences, serious bodily injury physical harm, or aggravating circumstances

Expulsion – Generally Applicable Limitations

Applies to all students (Va. Code §§ 22.1-276.01 – 22.1-280.4)

- Must be approved by the school board.
- Cannot be expelled only for truancy.
- Parent and child are given written notice of the proposed expulsion and of the right to a hearing before the school board or a sub-committee of the school board.
- If appeal heard before a committee of the school board and their decision is not unanimous, can appeal the decision to the full school board.

Expulsion – Readmission Procedures

- School boards must establish a schedule by which students can petition for readmission to the school
 - if granted, student can return to school one calendar year from the date of expulsion.
- If the superintendent or committee of the school board denies this petition the student can petition the full school board.

Discipline – Prevention

8 VAC 20-81-160

2. In the event that the child's behavior impedes the child's learning or that of others, the **IEP team shall consider** the use of positive behavioral interventions, strategies, and supports to address the behavior. The IEP team shall consider either:

- a. Developing **goals and services specific to the child's behavioral needs**; or
- b. Conducting a **functional behavioral assessment** and determining the need for a **behavioral intervention plan** to address the child's behavioral needs.

Functional Behavioral Assessments & Behavioral Intervention Plans (BIPs)

"Functional behavioral assessment" means a process to determine the **underlying cause or functions of a child's behavior** that impede the learning of the child with a disability or the learning of the child's peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.

"Behavioral intervention plan" means a plan that utilizes **positive behavioral interventions and supports** to address behaviors that interfere with the learning of students with disabilities or with the learning of others or behaviors that require disciplinary action.

Disciplinary Removals – i.e. Exclusionary Discipline

Short-Term Removals

- Ten (10) school days or less
- Students w/ disabilities may be disciplined the same as students without disabilities
- No services required during removal

Long-Term Removals

- More than ten (10) school days
 - May be consecutive; or
 - Cumulative (a pattern)
- Triggers Manifestation Determination Review (MDR)

Manifestation Determination Review (MDR)

- Required before any discipline that creates a change in placement
- Not later than 10 days after the removal decision is made
- MDR Team Members
 - Parent
 - School Division Representative(s)
 - Relevant members of IEP team
- Review all relevant information in student's file and information provided by parent
- Determine relationship between child's disability and the behavior that resulted in the long-term removal

MDR Standard # 1

Was the behavior caused by or does it have a direct and substantial relationship to child's disability?

If yes:

- 1) School must complete a Functional Behavioral Assessment (FBA)
- 2) School must implement or modify the child's behavioral intervention plan (BIP)
- 3) Student returns to original placement, Unless:
 - a) Parent(s) and school agree to a change in placement, or
 - b) Criteria for an alternative interim placement is met

MDR Standard # 2

Was the conduct in question the direct result of the school's failure to implement the child's IEP

If yes:

- 1) The school must take immediate steps to remedy the issue
- 2) Must ensure that the IEP is implemented going forward

What if neither standard is met

If neither standard met, then:

- 1) The student may be disciplined the same as a student without a disability, but
- 2) The school must continue to provide services

Alternative Interim Placement

What triggers it?

- Behavior involving dangerous weapons,
- Possession, use, sale, or purchase of controlled substances, or
- Infliction of serious bodily injury.

What does it entail:

- 45 school day change of placement (maximum)
- Even if MDR standards 1 or 2 are met
- School must continue providing services

Restraint & Seclusion – What are they?

“Seclusion” means the involuntary **confinement** of a student **alone** in a **room or area** from which the student is **physically prevented from leaving**.

8VAC20-750-10

"Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move freely.

8VAC20-750-10

Restraint & Seclusion Regulations

- Took effect January 2021
- Seclusion & restraint may only be used to:
 1. Prevent a student from inflicting **serious physical harm or injury to self or others**;
 2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threaten serious physical harm or injury to persons;
 3. **Defend self or others** from **serious physical harm or injury**;
 4. Obtain possession of **controlled substances or paraphernalia** that are upon the person of the student or within the student's control; or
 5. Obtain possession of **weapons or other dangerous objects** that are upon the person of the student or within the student's control.

Prohibited Actions

- Mechanical restraints
- Pharmacological restraints
- Prone restraints (lying face down)
- Any other restraint that restricts a student's breathing or harms the student
- Seclusion that restricts a student's breathing or harms a student

Use of restraint or seclusion as

- Punishment
- Discipline
- A means of coercion or retaliation
- A convenience
- Solely to prevent property damage

Prohibited Actions cont.

Use of restraint or seclusion when **medically or psychologically contraindicated** as stated in **documentation by the IEP team, the student's Section 504 team, school professionals, or by a licensed physician, psychologist, or other qualified health professional** under the scope of the professional's authority.

8VAC20-750-30

Notification and Reporting

On the day of restraint or seclusion:

1. Notice to principal or principal designee *as soon as possible*
2. **...reasonable effort to ensure that direct contact is made with the student's parent, either in person or through telephone conversation, or other means of communication authorized by the parent, such as email...**

8VAC20-750-60

Incident Report

Incident Report

1. To principal w/in 2 school days of incident
2. Copy to parent w/in 7 days of incident

“Shall contain information sufficient to inform the parent about the incident”

“Such information *would typically include* the following:”

8VAC20-750-60

Annual reporting

*The principal or the principal's designee shall submit to the division superintendent a report on the use of physical restraint and seclusion in the school.... The division superintendent shall annually report the frequency of such incidents to the Superintendent of Public Instruction and **shall make such information available to the public.***

8VAC20-750-90

Restraint & Seclusion Prevention – planning ahead

If a student has an IEP or 504 plan the team first must determine if the student has behaviors that are likely to result in restraint and seclusion. If so the team must consider the need for the following:

1. An FBA (Functional Behavioral Assessment)
2. A new or revised BIP (Behavior Intervention Plan)
3. New or revised behavior goals
4. New evaluations or re-evaluations

R & S Prevention – multiple incidents

If a child has been restrained or secluded for a second school day in the same school year, the IEP or 504 team must meet within 10 school days to:

1. Discuss the incident
2. Consider the need for the same items discussed on the prior slide.

8VAC20-750-80(A)

R & S Prevention – students without an IEP or 504 plan

- If a child has been restrained or secluded for a second school day in the same school year, a team meeting must be held within ten school days.
- The team must consist of the parent, principal (or designee), a teacher of the student, school personnel involved in the incident, and other appropriate personnel (as determined by the school division).
- “Other appropriate personnel” may include the school psychologist, school counselor, and school resource officer.
- The team must discuss the incident as well as the need for the following:
 1. An FBA
 2. A new or revised BIP
 3. A referral for evaluation

8VAC20-750-80(B)

Policies & Procedures

The regulations require school divisions to have policies and procedures that meet **or exceed** the requirements of the new regulations.

12VAC20-750-70

School Resource Officers (SROs)

8VAC20-750-110. Construction and interpretation.

Nothing in this chapter shall be construed to modify or restrict:

2. The authority and duties of school resource officers and school security officers... except to the extent governed by a memorandum of understanding between the local law enforcement agency and the school division

SROs – MOU

8VAC20-750-70. School division policies and procedures.

B. School divisions utilizing school resource officers **shall enter into a memorandum of understanding** with local law enforcement **addressing the use of seclusion and restraint** by law enforcement personnel in school settings.

SROs – Model MOU

I. Differentiating Disciplinary Misconduct from Criminal Offenses

School administrators and personnel are responsible for school discipline. Although SROs are expected to be familiar with the school division code of student conduct, the rules of individual schools, and their application in day-to-day practice, **SROs should not be involved with the enforcement of school rules or disciplinary infractions that are not violations of law.**

Virginia Model MOU, DCJS, p. 4 (Rev. August 2022)

Part IV: Advocating for Change

Regulating Restraint & Seclusion in Schools: A Lesson in Patience and Persistence

Preventing Harmful Restraint and Seclusion in Schools Act

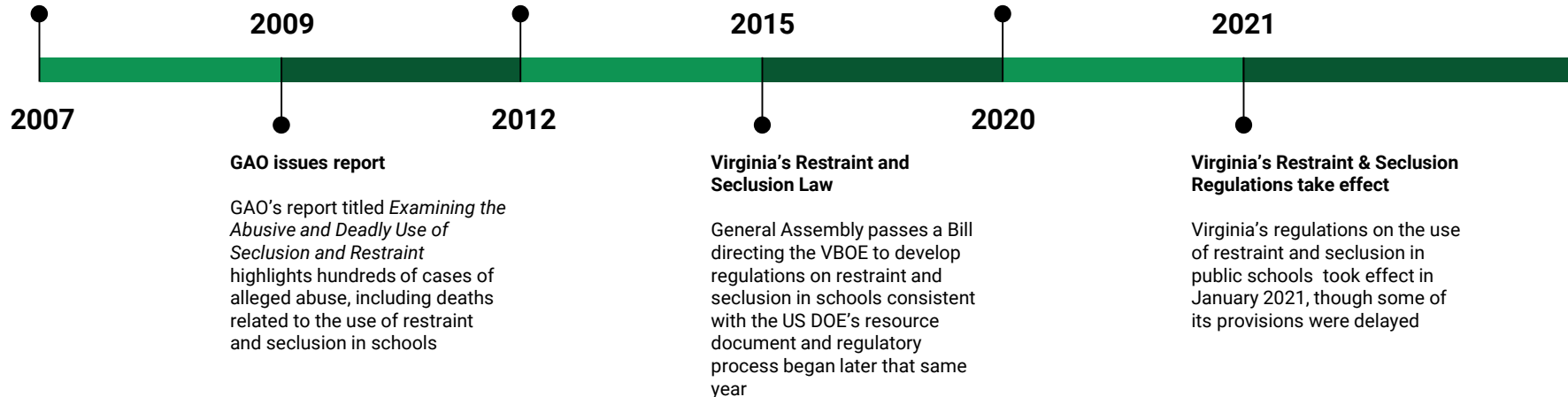
The first national Bill seeking to limit the use of restraining and seclusion in schools is proposed in the U.S. congress

US DOE publishes Resource Document

US DOE's *Restraint and Seclusion Resource Document* states that restraint & seclusion should only be used to prevent imminent serious physical harm

Final Regulatory Language Published

The final regulatory text of the Restraint & Seclusion regulations is published on July 14, 2020



Who is the decision-maker?

U.S. Congress

Congress passes laws: IDEA, ADA, Rehabilitation Act, FERPA, etc

U.S. Dept. of Education

Dept. of Education implements federal laws and develops regulations

Federal Courts

Federal Courts interpret laws and regulations to resolve disputes

Virginia General Assembly

General Assembly passes state laws affecting special education and passes the state budget

Governor's Office

Governor has own education priorities and has a role in legislative and budget processes

Virginia Board of Education

VA Bd. of Education develops policies and regulations and establishing state standards

Local School Board

Local school boards implement federal and state laws and develop policies and procedures

School Administration

School administrators implement local policies and procedures and make decisions about the allocation of resources

IEP Team

IEP Teams make decisions about the services and supports that an individual child will receive

Individual Teachers

Teachers implement IEPs and accommodations and make decisions about lesson plans and allocation of classroom resources

Tips for Successful Systemic Advocacy Initiatives

- Identify partners
 - Who is already engaging on the issue?
 - Who is not yet engaging on the issue, but could be engaged?
- Identify the decision makers
 - Who has the authority to affect the change that you want to see?
 - There may be more than one answer to this question.
- Tailor your approach to your audience
- Be patient; but be persistent

All politics is local

Each school division that elects to use physical restraint or seclusion shall develop and implement written policies and procedures that **meet or exceed** the requirements of this chapter

8 VAC 20-750-70(A)

School divisions utilizing school resource officers **shall enter into a memorandum of understanding** with local law enforcement

8 VAC 20-750-70(B)

All politics is local,
except when it's
not

Talk to your legislators:

<https://whosmy.viriniageneralassembly.gov/>

Stay informed with Lobbyist in a box

https://vi.viriniainteractive.org/cgi-bin/liab_signup.cgi

Virginia School Board Meetings and Agendas can be found on the VDOE's website:

<https://www.doe.virginia.gov/data-policy-funding/virginia-board-of-education/board-meetings-agendas-and-minutes>

Additional Resources

Special Education Regulations:

<https://law.lis.virginia.gov/admincodefull/title8/agency20/chapter81/>

Restraint & Seclusion Regulations:

<https://law.lis.virginia.gov/admincodefull/title8/agency20/chapter750/>

Virginia Due Process Information and Decisions

<https://www.doe.virginia.gov/programs-services/special-education/resolving-disputes/special-education-due-process-hearings>

Federal OCR decisions

<https://www2.ed.gov/about/offices/list/ocr/frontpage/caseresolutions/disability-cr.html>

Presentation: Regulating Restraint and Seclusion in Schools

[Videos – PEATC](#)