18:22:08 From Cristy Horsley, CASA of Central VA : Oh wow

18:23:08 From Cristy Horsley, CASA of Central VA : That is interesting & helpful background, because yes, I do see this a lot, where schools are utilizing non-behavioral therapists to administer FBAs.

18:23:41 From Cristy Horsley, CASA of Central VA : Lynchburg folks, you heard it here! We have someone who has ABA background & a teaching license at the Centra Autism Center, in case we need them for an IEE! Writing it down to remember it better!

18:24:41 From Christina Covington Gower : That is interesting because in my experience FBAs are typically completed by the school psychologist or some combination of school psychologist, social worker, behavior specialist, and sped teacher

18:25:47 From Cristy Horsley, CASA of Central VA : Christina, I have yet to experience an FBA--it's something I've asked for multiple times, but something happens where that data collection never occurs, or the request is not followed up on.

18:26:11 From Cristy Horsley, CASA of Central VA : I would love to see one, just to know what types of data to be looking for, what a good one looks like, etc.

18:26:51 From Kathleen Long : How much does a school district's budget impact a school's willingness to provide necessary services? For example the difference between Fairfax County and where I live in the rural Northern Neck.

18:27:08 From Christina Covington Gower : Christy that is very frustrating!!!

18:28:42 From Kathleen Long : I hate that kids who live in Fairfax have access to just about anything/everything they need educationally and kids who live in more rural areas fall through the cracks

18:31:06 From Cristy Horsley, CASA of Central VA : Kathleen, in theory, financial restraints should not be a driving/limiting factor in determining what services the child has access to--by law, that must be driven by the child's needs.

18:32:18 From Kathleen Long : Christy, Key words here being, "In Theory"

18:33:31 From Cristy Horsley, CASA of Central VA : Correct.

18:42:06 From Cristy Horsley, CASA of Central VA : So--if a child is in a private day placement school (e.g. Rivermont School, New Vistas, etc.), that funding burden shifts from the school to the FAPT team.

18:42:22 From Cristy Horsley, CASA of Central VA : (But school remains responsible for paying transportation costs to get the child to school every day)

18:44:35 From Kathleen Long : Christy, are you saying funding shifts to FAPT as the result of a dispute?

18:44:38 From Cristy Horsley, CASA of Central VA : In case you're not familiar with FAPT or the office that administrates FAPT, the CSA (Children's Services Act)

18:45:38 From Cristy Horsley, CASA of Central VA : @Kathleen--no. Remember, Melissa noted that FAPT \*MUST\* by law pay for the child's private day placement if it is documented in the IEP that the child needs that--so, there must be consensus among IEP team for that to happen.

18:46:36 From Cristy Horsley, CASA of Central VA : Melissa said that the burden of paying tuition reimbursement shifts \*back\* to the schools if, as a result of dispute resolution, the school is ordered to reimburse

18:47:38 From Cristy Horsley, CASA of Central VA : Link to article describing the US DOE investigation of VDOE that Melissa was referring to: <https://richmond.com/news/virginia/u-s-department-of-education-criticizes-virginia-for-lack-of-special-education-oversight/article_7530e4ad-3088-513e-b988-fc77c852075a.html>

18:48:16 From Kathleen Long : Yes, I know this, I just wasn't certain why you made this comment. Confused, but you unconfused me!

18:49:21 From Cristy Horsley, CASA of Central VA : Just trying to capture important tidbits in the chat, to help record key ideas!

18:49:44 From Kathleen Long : Good idea, thanks

18:52:35 From Cristy Horsley, CASA of Central VA : Link for VDOE page on filing complaints: <https://www.doe.virginia.gov/special_ed/resolving_disputes/complaints/index.shtml>

18:52:43 From Kathleen Long : Who determines that first time?

18:54:25 From Kathleen Long : More precise question: Who determines point A that begins the clock to 365 days

18:54:57 From Cristy Horsley, CASA of Central VA : I think it means, the thing you're filing complaint on must have occurred within last year

18:55:47 From Cristy Horsley, CASA of Central VA : Complaint form:https://www.doe.virginia.gov/special\_ed/resolving\_disputes/complaints/forms/state-special-education-complaint-form.pdf

18:55:54 From Cristy Horsley, CASA of Central VA : They also have the form in Spanish on the VDOE page!

18:56:00 From Mark Rushing : VDOE handling the appeal sounds like a lack of due process

18:58:04 From Cristy Horsley, CASA of Central VA : Mark, I think it's rather similar to the relationship of VDSS to local Depts. of Social Services--there is written state policy, but VDSS doesn't necessarily have a lot of power to force compliance if a local agency is not abiding by policy. VDSS can point it out, try to guide/support/direct back to the policy, but if local agency chooses not to comply, it's really on local stakeholders (and/or legislators at state level?) to hold their local institution accountable.

19:00:07 From Kathleen Long : I agree with Mark.

19:01:13 From Mark Rushing : Only difference is that the remedy being sought is a matter of law/interpretation of law as opposed to policy.

19:01:17 From Kathleen Long : What is the point of VDOE if they have to leave it to the locality to comply??

19:03:04 From Kathleen Long : Interpretation of the law is soooo open to interpretation

19:03:52 From Cristy Horsley, CASA of Central VA : Procedural violation--flag on the play due to technicality/process issue

19:05:00 From Cristy Horsley, CASA of Central VA : Substantive violation--gross violation of access to education

19:05:53 From Kathleen Long : Sort of

19:06:26 From Cristy Horsley, CASA of Central VA : Link to JLARC report released Dec. 2020 on Special Ed in VA: <http://jlarc.virginia.gov/landing-2020-special-education.asp>

19:06:55 From Cristy Horsley, CASA of Central VA : Link to Mediation resources on VDOE site: <https://www.doe.virginia.gov/special_ed/resolving_disputes/mediation/index.shtml>

19:07:56 From Kathleen Long : Seems like VDOE choosing the mediator is kind of a conflict of interest.

19:08:31 From Cristy Horsley, CASA of Central VA : Well--VDOE is the one administering the process

19:08:45 From Cristy Horsley, CASA of Central VA : Remember, too, that VDOE is a distinct org from the local school district

19:09:48 From Kathleen Long : I guess, but a mediator is not supposed to be beholden to either party?

19:13:43 From Cristy Horsley, CASA of Central VA : Here is the link to the VDOE's manual on administration of mediators, including how they recruit/train mediators, etc.: <https://www.doe.virginia.gov/special_ed/resolving_disputes/mediation/administration_mediation_system.pdf>

19:15:22 From Diane Dale to Cristy Horsley, CASA of Central VA(Direct Message) : I find it very distracting to have this running chat discussion. As in past sessions it is dominated by one or two people.. The rest of us are listening to the speaker.

19:15:27 From Kathleen Long : If there is no cost to the parent, then that means the school/VDOE is paying the mediator fee?

19:18:47 From Kathleen Long : Same as an NDA (Non Disclosure Agreement)?

19:21:37 From Kathleen Long : Has it happened that the school refused to mediation? What then?

19:22:19 From iPhone to Cristy Horsley, CASA of Central VA(Direct Message) : Who at the school should the mediation form go to? Principal? Or send it to the Sped Director?

19:24:02 From iPhone to Cristy Horsley, CASA of Central VA(Direct Message) : The form is on the VDOE website

19:24:22 From Diane Dale : Since many of us are CASA dealing with children in foster care: 1) can the foster parent or social service case manager initiate the request? is there any difference in the process when it's a foster child? 2) what role does the GAL provide in representing the foster child's needs? In my experience the school has always invited the bio parents to every IEP meeting but I have no experience with challenges. Thanks.

19:24:33 From iPhone : The mediation form is on the VDOE website

19:30:28 From Cristy Horsley, CASA of Central VA : Melissa & I are united in our desire to equip GALs further in this area, and we have plans for this!!

19:34:04 From Kathleen Long : Wow Christy, great question?

19:34:12 From Mark Rushing : THe school assigns someone at the substitute

19:34:23 From Kathleen Long : Oops, question!

19:36:54 From Cristy Horsley, CASA of Central VA : @Mark, have you had a case where a substitute educational parent is assigned for the child? I know there is policy to allow for this, but have never had the opportunity to see that play out up close

19:37:53 From Mark Rushing : Yes, I was on a Zoom where the school appointed "parent" was assigned for a child in a group home.

19:38:07 From Mark Rushing : And TPR awa in place

19:38:31 From Cristy Horsley, CASA of Central VA : Very interesting! Thanks for sharing, Mark!

19:39:12 From Kathleen Long : So, good advice to parents is "document, document, document". What is evidence, a journal devoted to school issues?

19:40:19 From Cristy Horsley, CASA of Central VA : Sure, a journal works! Writing letters/e-mails to the school recapping conversations or documenting concerns is also good. A journal or notebook or spreadsheet documenting specific issues you're tracking, etc.

19:42:59 From Kathleen Long : It feels somehow not fair that the HO is appointed by VDOE, that's kind of like the prosecutor appointing the judge he wants

19:43:11 From Cristy Horsley, CASA of Central VA : Info on appointing a surrogate parent for educational decision-making: <https://www.doe.virginia.gov/special_ed/regulations/state/surrogate_parents/fact_sheet.pdf>

19:49:29 From Cristy Horsley, CASA of Central VA : <https://www.wrightslaw.com/>

19:49:46 From Cristy Horsley, CASA of Central VA : <https://www.doe.virginia.gov/special_ed/resolving_disputes/ombudsman/index.shtml>

19:50:34 From Cristy Horsley, CASA of Central VA : Oh, interesting! I love the idea of being able to have access to a VDOE person for the "facilitated IEP!" <https://www.doe.virginia.gov/special_ed/resolving_disputes/facilitated-iep/index.shtml>

19:59:21 From Sonia Heidinger : appreciate links esp ADHD

19:59:28 From Cristy Horsley, CASA of Central VA : Here are links to where you can sign up for Parts 4 and 5 of this series, Trauma-Informed Education (3/25/21) and Targeting Social Skills & Executive Function in the IEP <https://www.cvcasa.org/upcoming-events>

19:59:56 From Cristy Horsley, CASA of Central VA : <https://docs.google.com/forms/d/e/1FAIpQLScu2m8vyJe7ZZdQ3Lpb5BDYAUH9sV6FT59p3GjSbFH7UaPm8A/viewform?usp=sf_link>

20:00:07 From Phoebe Winter : This is great information. Thank you!

20:00:21 From Jo Ann : Great seminar, full of information, but very understandable for the layman. Thank you Melissa and Cristy!

20:00:24 From Deborah Bowman : Thank you so much!

20:00:43 From lisa boman : Very informative!

20:01:02 From Priscilla : Great information, thank you!

20:02:11 From Kathleen Long : Thanks Melissa & Cristy. Valuable information!

20:04:30 From Yvonne Metcalfe : Very helpful and insightful. Thank you!

20:04:46 From Cristy Horsley, CASA of Central VA to Mary Nelson(Direct Message) : Thank you for being here!!

20:06:00 From Gloria Braxton : There is always more to know. More to learn. Thank You.\

20:08:18 From Melissa Barnes : Thank you, Cristy and Melissa! Absolutely wonderful and incredibly informative presentations! The trainings are greatly appreciated. Melissa Barnes, Brain Injury Services of SWVA Melissa@bisswva.org

20:10:31 From Iris Graves : Do any deadlines/timeframes change if there are a host of changes involved, i.e. child starts HS, custody transferrred from parents to DSS/Foster Care, etc? Parents never involved but now GAL or DSS are reviewing the IDEA and don't agree?

20:12:10 From Melissa Waugh : <https://www.doe.virginia.gov/special_ed/regulations/federal/extended_schoolyear_services.pdf>

20:20:03 From Cristy Horsley, CASA of Central VA : Sometimes our biological parents may be unreliable narrators, or the child's functioning is profoundly different now, etc.

20:21:37 From Iris Graves : thank you

20:31:22 From Kandel Berry : Extremely helpful, thank you Melissa