

From: DOE - ODRAS <ODRAS@doe.virginia.gov>
Sent: Monday, January 13, 2025 1:33 PM
To: State Complaints (DOE) <statecomplaints@doe.virginia.gov>
Subject: Fw: Dec. 4th, 2024: CCPS Transport 5

From: [REDACTED]
Sent: Monday, January 13, 2025 12:44 PM
To: Millward, Hank (DOE) <hank.millward@doe.virginia.gov>; superintendent@ccpsnet.net
<superintendent@ccpsnet.net>
Subject: Fwd: Dec. 4th, 2024: CCPS Transport [REDACTED]

Caution: External Email. Do Not Open Attachments or Click Links, Unless This Email Comes From A Known Sender And You Know The Content Is Safe.

**Virginia Department of Education
Division of Special Education and Student Services
Office of Dispute Resolution and Administrative Services
P. O. Box 2120
Richmond, Virginia 23218-2120
(804) 225-2013 phone / (804) 786-8520 fax**

**SYSTEMIC STATE COMPLAINT – CHESTERFIELD COUNTY PUBLIC SCHOOLS
– CHESTERFIELD COUNTY PUBLIC SCHOOLS SCHOOL BOARD**

**Acting/Interim Superintendent: Dr. John T. Murray
Director of Transportation: Dr. Calvin Frye
School Board Chair: Dorothy (Dot) Heffron
School Board Vice Chair: Anne Coker**

Complaint Date: 1-13-2025

**VDOE does NOT have permission to share this information which included PII
EXTERNALLY of VDOE staff.**

**VDOE/ODRAS is expected to follow ALL Laws, Rules and Regulations up to and
including its OWN Corrective Actions all of which it has only recently updated in policy
to become in compliance with DMS/JLARC 2020.**

STATE SPECIAL EDUCATION COMPLAINT FORM

***PLEASE TYPE OR WRITE LEGIBLY A RESPONSE TO EACH QUESTION BELOW.
THEN SIGN AND DATE THE FORM.***

1. Name of Person Filing Complaint ^[1] : [REDACTED]

Address: [REDACTED]

Email address (optional): [REDACTED]

Telephone: Home [REDACTED] Office Click or tap here to enter text.

Relationship to student:

Parent ☐

Citizen ☐

Attorney ☐

Advocate ☒

2. Full Name of Student: Systemic Complaint – ALL IEP/504 Scholars of CCPS

School: All

School Division: Chesterfield County Public Schools of Virginia

Student's Address: All IEP/504 Scholars of CCPS

In case of a homeless child or youth, please include any available contact information for the child.

3. Subject(s) the Complaint Involves: (Please include the disability area involved, and give a brief summary of what you allege to be the violation(s) of the special education regulations):

The Transportation Division of Chesterfield County Public Schools admits that it does not carry IEPs/504s on Buses/Transportation for Special Education Students. All Special Education Service Providers must have access to IEPs at all times in order to follow IEPs/504s (IEP = FAPE + ADA). Not only will Bus/Transportation Drivers/Aides NOT have available instructions in the event of behavioral considerations, and how to follow IEPs for any support/interventions, it is critical that ALL providers of services have access to any 504 portions of IEPs AND the proper tools/equipment to assist in the event of such possibilities as, but not limited to, seizures, anaphylactic reactions and any and all medical interventions, which is a **RISK TO THE SAFETY OF ALL IEP/504 Scholars. THIS IS IN VIOLATION of 34 C.F.R. 300.323 (d) at a minimum.**

4. List persons you have already talked with to resolve this complaint, along with their response to your request. [REDACTED] in Transportation Area [REDACTED] – Special Education Transportation

5. Provide a description of the nature of the problem, including facts relating to the problem here. Use additional sheets, if needed. Please number specific areas of concern, if you can. Please include dates, where available. (note: complaints must address an action that occurred not more than one year prior to the date the complaint is received by the Virginia DEPARTMENT OF Education (vdoe)). **The CCPS School Board is out of compliance in that not ALL Service/Support providers have IEPs at hand to ensure**

compliance for Behavioral and/or Medical Interventions as required in transit to/from school and/or School Sponsored Activities at all times. **Included is a recording from Transportation [REDACTED], the Special Education Transportation Office.**

6. Provide a proposed resolution of the problem to the extent known and available. ^[2]

A. CCPS will immediately train and no less than SEMI-ANNUALLY ALL Providers of Transportation and Leadership, Superintendents/Chiefs/Directors, and School Board Members, and including Third Party Transporters, on IDEA Compliance concerning Transportation. VDOE will document this training as evidence of compliance enforcement and assure Public Awareness of the Corrective Actions, as many parents may not be aware that ALL Service Providers MUST have access to IEPs at all times for support and to avoid denials of FAPE. VDOE can choose to prescribe training for ALL LEAs Across Va.

B. CCPS will update its Special Education Handbook and Policies and Procedures and its Transportation Division with policy and language to ASSURE that ALL Services/Education Providers MUST have IEPs (and 504 Plans) accessible at all times for IDEA compliance and enforcement and that ALL providers are adequately trained for the needs of each specific child and document the necessity of compliance with 34 C.F.R 300.323(d) – This US Code must be referenced.

C. Written Assurance from Chesterfield County Public Schools to the VDOE AND the State Complaint Submitter, actions that CCPS will take to prevent Non-Compliance moving forward with fidelity.

D. Submitter requests ALL communications regarding the complaint/enforcement to be sent to the State Complaint Submitter, [REDACTED]. (There should not be a lack of transparency in the production of State Complaints at any stage).

E. State Complaint Submitter requests compensation of \$100,000 by the LEA for enacting the State Complaint and follow-up required to assure the SAFETY of ALL Chesterfield County Public Schools Scholars who utilize Transportation provided by and/or paid for by the LEA.

F. VDOE does NOT have permission to share this information which includes PII EXTERNALLY of VDOE.

G. State Complaint Submitter is OPEN to a Resolution Meeting with the Interim Superintendent, Dr. John T. Murray directly. If successful, State Complaint Submitter *may* agree to withdraw the State Complaint. A Resolution *may* provide for the RIGHTS of Students and their SAFETY far more efficiently and swiftly than State Complaint constraints and length of time VDOE indicates for compliance, which is TOO lenient for FAPE violations and SAFETY matters, when ‘no greater than one year’....

A COPY OF THIS COMPLAINT, WHICH INCLUDES THE SUPPORTING DOCUMENTATION, MUST BE SIMULTANEOUSLY FORWARDED TO THE SCHOOL DIVISION.

7. To satisfy the sufficiency standards established by federal and state regulations for

processing of a state complaint, a copy of this complaint, along with the supporting documentation, must be simultaneously submitted to the school division. Please indicate below if this requirement has been met: YES ☒ NO ☐

Signature (Required) [REDACTED] – Digital Signature

Date 1-13-2025

MEDIATION

Mediation is offered at no cost to parents and school personnel. Mediation is encouraged and may be beneficial in your case. Please be advised, however, that mediation is a voluntary system for resolving disputes. Both parties must agree to mediate their issues prior to the initiation of the mediation process. Additional information regarding mediation is available on our office's website at:

[Special Education Mediation.](#)

Please indicate your interest below concerning mediation as an option in resolving your complaint issues.

_____ I am interested in mediation as an option in resolving my complaint issues.

_____X_____ I decline mediation.

PLEASE SUBMIT THIS FORM TO: ODRAS@doe.virginia.gov

[1]

If the person filing the complaint is not the child's parent, or if the child has reached the age of majority (18 in Virginia), this complaint should include a consent for the release of information, signed by the child's parent or the child if age 18 or older, to the complainant, before any information will be shared with that individual. If authorization for release of information is not provided, then no information will be shared with the complainant subsequent to the issuance of this office's Notice of Complaint in this matter.

[2]

Proposed resolutions are intended in part to assist the parent and school division in reaching early resolution of the complaint. Any corrective action that may be required in connection with the complaint is within the discretion of the VDOE. Certain actions that may be suggested, such as discipline or termination of school division personnel, are not within the VDOE's authority.

----- Forwarded message -----

From: [REDACTED] >

Date: Wed, Dec 4, 2024 at 1:28 PM

Subject: **SYSTEMIC STATE COMPLAINT: TRANSPORTATION:** Dec. 4th, 2024: CCPS

Transport [REDACTED]

To: [REDACTED] ■

Recorded with Easy Voice Recorder. Download the app for Android here:

<https://goo.gl/94E4Om>

A. Can't find [REDACTED] in Records

B. CCPS does not carry IEPs or 504s on Buses

[REDACTED]