# Procedures for Requesting Approval of Alternative Special Education Staffing Plans

Virginia Department of Education, Division of Special Education and Student Services, Revised July 2020

## Background

Each school division and private school for students with disabilities licensed by the Virginia Department of Education (VDOE) must comply with the special education staffing requirements set forth in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, at 8VAC20-81-40, Figures 1 and 2 at 8VAC20-81-340 of those regulations, and the Regulations Governing the Operation of Private Schools for Students with Disabilities, at 8VAC20-671-310, respectively. The aforementioned regulations, at 8VAC20-81-40.D and 8VAC20-671-310.F, permit school divisions and private schools for students with disabilities to offer for consideration alternative staffing plans outlining innovative programs that are not consistent with the established staffing levels. Such a request for consideration must ensure that the requirements of the state and federal laws governing the education of children with disabilities are followed and submitted and approved by VDOE in accordance with the procedures established here before implementing the alternative plan.

An alternative staffing plan can be for the benefit of one child or a group of children. Since the individual needs of students are a prime consideration in developing a proposed alternative staffing plan, a plan that will affect more than one student must be appropriate for each student. Information on alternative staffing plan requests and approvals should be made available to teachers and parents. School divisions and private schools for students with disabilities should involve teachers and other service providers in developing an alternative staffing plan request. Students’ individualized education program (IEP) teams must be in agreement with an individual student’s program and/or placement changes resulting from an alternative staffing plan.

The summer months are the most practical time for school divisions and private schools for students with disabilities to develop alternative staffing plans unless the plan is for students new to the school, newly identified as a student with a disability, or for students whose needs have changed during the school year.

## Requesting Approval for an Alternative Staffing Plan

Prior to implementation, any request for consideration and approval of an alternative special education staffing plan shall be submitted to and approved by the VDOE. If there is a mid-year development or revision of an alternative staffing plan, it shall be submitted for review to the VDOE. The local school division’s special education director or designee and the private school for students with disabilities director or designee shall submit requests for approval of an alternative staffing plan to the VDOE’s Assistant Superintendent for Special Education and Student Services (SESS) as described in the proposal section of these procedures. No plan which would result in the violation of other state or federal laws and regulations governing the education of students with disabilities will be approved.

## Timelines

The VDOE, school divisions, and private special education schools should make reasonable attempts to comply with the following processing timelines. Upon receipt of the alternative special education staffing plan proposal, VDOE will assign staff members to review the request. No later than ten business days after receiving the request, the VDOE staff will notify the school division or private school designee of one of the following:

1. the alternative staffing plan is approved;
2. the alternative staffing plan is denied; or
3. additional information is needed before the Virginia Department of Education can make a determination.

When the VDOE staff has requested additional information, the school division or private school for students with disabilities will provide the requested information within five business days after receiving the request for additional information. No later than five business days after receiving the additional information, the VDOE will notify the school division or private school for students with disabilities designee of the outcome of its review. On a case-by-case basis and with proper supporting documentation, the timelines set forth above may be extended.

## Due Process Rights

Approval of an alternative special education staffing plan by the VDOE does not preclude a parent, school division, or private school for students with disabilities from disputing and ultimately prevailing in a dispute involving the identification, evaluation, placement, and services or other provisions of a free appropriate public education for a child with a disability. In such instances, the parties to the dispute may utilize the complaint and/or due process procedures set forth in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia, at 8VAC20-81-200 and 8VAC20-81-210, respectively, to address the dispute.

## Alternative Special Education Staffing Plan Proposal

Provide information as requested in the prompts below.

## Designee Information

Public School Division or Private School for Students with Disabilities: Click here to enter text.

Director/Designee Name: Click here to enter text.

Director/Designee Position: Click here to enter text.

School Address: Click here to enter text.

Director/Designee Direct Telephone Number: Click here to enter text.

Director/Designee/School Fax Number: Click here to enter text.

Director/Designee Email Address: Click here to enter text.

## Date

Date of anticipated implementation of the proposed alternative staffing plan: Click here to enter text.

## Plan Description

Reason for an alternative staffing plan. Describe the current staffing pattern, the reason for changing, and the new staffing pattern. Click here to enter text.

Describe the students affected by the proposed alternative staffing plan. Do not provide students' names or identification numbers. Include:

* The number and ages of students with disabilities receiving Level 1 services: Click here to enter text.
* The number and ages of students with disabilities receiving Level 2 services: Click here to enter text.
* The number and ages of any other students involved in the proposed plan. Click here to enter text.
* Describe the teachers in the proposed alternative staffing plan. Do not provide teachers’ names:
* The number of teachers and endorsement(s): Click here to enter text.

Describe the paraprofessional(s) and other service providers in the proposed alternative staffing plan. Do not provide names: Click here to enter text.

The number of paraprofessionals and other service providers, the amount of time each day that the paraprofessional(s) and other service providers will be available: Click here to enter text.

Role of the paraprofessional(s) and other service providers: Click here to enter text.

Describe how teachers, paraprofessionals, other service providers, and parents were involved in and/or informed of the development of the alternative staffing plan: Click here to enter text.

## Signatures

By typing the name of the Public School Division Special Education Director or Private School for Students with Disabilities Director, or their designees, you are verifying that this individual reviewed the alternative staffing plan proposal for completeness and accuracy. Click here to enter text.

## Submit completed form by email to:

Assistant Superintendent, Department of Special Education and Student Services

email: [specialed.assistantsuperintendent.memo@doe.virginia.gov](mailto:specialed.assistantsuperintendent.memo@doe.virginia.gov)

For questions or additional information about the procedures call 804-786-8079, or for persons who are deaf/hard of hearing text users, dial 711 for relay.