

# HB2606

Education, Board of; regulations relating to special education due process hearings.



Bill Patron: Delegate R. Lee Ware (72<sup>nd</sup> House District)

## What the Bill Does:

This legislation provides that special education hearing officers have authority to dismiss due process hearings that are substantially the same as a previously adjudicated cases and that demonstrate a pattern of vexatious and repetitive litigation. This legislation expires on July 1, 2027. Additionally, the bill directs the Virginia Commission on Youth to study and make recommendations on the provisions of the bill in connection with its currently ongoing study of special education dispute resolution.

## Why Does This Matter?

This bill is seeking to safeguard local school divisions from vexatious and repetitive litigation within the special education due process system. It clearly communicates the ability of hearing officers to dismiss repetitive, substantively identical special education complaint filings. This encourages fairness and efficiency so resources can be directed toward legitimate disputes and improving special education supports.

## How Does This Impact Students?

This law better protects educational time as school and state resources are less likely to be tied up in repeated frivolous complaints. Legitimate grievances concerning special education are still able to be resolved, reducing delays in students receiving services and supports the student requires.

The mandated study may lead to long-term enhancements in how special education disputes are handled, benefiting students through more responsive, fair, and timely resolutions.

## How Does This Impact School Divisions?

This bill does not require any immediate action, but local school divisions should be aware of potential impacts:

- This legislation may impact when and how school divisions file motions to dismiss when facing due process hearing filings that are substantially the same as previously adjudicated cases and that demonstrate a pattern of vexatious and repetitive litigation.
- Possible future regulatory or legislative changes may result based on the Commission on Youth's recommendations.
- This legislation may result in increased scrutiny of due process complaint trends and school division responses.

## What Resources Are Available?

The VDOE has developed technical assistance guidance to support families and school divisions who participate in due process hearings.

- [Navigating the maze of the due process requirements](#)
- [Managing the Timeline in Due Process Hearings Guidance Document for Special Education Hearing Officers](#)
- [Timeline Summary in Due Process Hearings](#)

## What Additional Items Will Be Released?

- The Virginia Commission on Youth's final report and recommendations on Virginia's Special Education Dispute Resolution System is due by November 1, 2025.

## School Division Next Steps:

- While no immediate action is required, school division should prepare for potential adjustments to dispute resolution procedures following the Commission on Youth's recommendations.

## Who is the VDOE Contact:

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