

Dear Family Members:

As the year comes to an end, Governor Kaine asked me to send this note to you because he wanted to be back in touch with you concerning our meetings that took place in late November.

He and we on his staff understand from our conversations with you over time that every day can present challenges, but that the holidays can be a particularly difficult time.

It is our hope that you will be able to find some comfort, joy and peace in this difficult time.

At the Governor's request and with his guidance, we are addressing below many of the areas covered in the meetings.

We recognize that other important requests remain outstanding.

1) Relations with Virginia Tech

One of the primary messages we heard in our meetings was that for many families relationships with the Virginia Tech administration had frayed to a point where progress was very difficult to achieve. This is not a unanimous feeling among all families and some families have contacted us since the meetings to express their support for the Virginia Tech administration notwithstanding their grief.

But the concern is common enough that we have taken it seriously. And, as some of the family members stressed during our meeting, the settlement of litigation now allows for a new chapter. Most families want to be included as valued members of the broader Virginia Tech family and we believe that the University wants that as well.

Because much of the progress that can be made over time will depend on a better relationship among the Virginia Tech administration, family members, and the broader Virginia Tech community, we have spent significant time since our meetings talking to Virginia Tech officials.

Those discussions have centered on steps that we believe should be taken by Virginia Tech to facilitate further progress.

The discussions have included direct discussions with President Steger and members of the Board of Visitors.

These discussions have been productive and we believe they will create an opportunity for more fruitful dialogue in the coming weeks and months as additional challenges, questions and concerns arise. We have been assured by leadership of the Board of Visitors that there will be outreach directly from the Board that will begin in January 2009. The University wants to know what the best ways are at this point to re-build strong relationships with all who want them.

2) Archive of Public Documents

We know that the release of the April 16 archive surfaced issues of concern to many family members. The archive itself is a valuable resource, but circumstances surrounding its release highlighted one of our ongoing challenges.

It was the desire of Virginia Tech (and the Commonwealth) to give family members exclusive access to the archive for 2-3 months so that you could assess its contents and raise questions or concerns before the general information (not the family-specific section available to each family) was made available to the broader public.

Unfortunately, someone made a unilateral decision to provide access to the Virginia Tech student newspaper and many documents were placed on the Internet without time for reflection by family members.

We wish that the decision to release documents had been a considered judgment among family members broadly that took into account the wishes of all family members. But, we are also realistic. People have different expectations and needs. That will no doubt continue. It does, however, complicate how we can address individual concerns raised with us, because responses that may seem reasonable to requesting families will be disappointing or a source of conflict for others.

With respect to issues regarding the archives themselves, we have encouraged you to reach out directly to Virginia Tech in the first instance because the university had the primary role in designing the archive. We hope your concerns have been heard with a sympathetic ear.

To the extent that significant issues remain after your direct discussions with Virginia Tech, our office remains available to work with you and Virginia Tech to seek common ground.

3) Charitable Purposes Fund

One of the settlement provisions included the establishment of a board to consider appropriate charitable activities in honor of those whose lives were affected by April 16.

We have considered input from family members as to who should serve on that Board. There were many more nominees than available seats on the Board. The Governor is considering those individuals who have been recommended and will make appointments just after New Year's Day.

In doing so, it is inevitable that some family members who wanted to serve will be disappointed. In that regard, in discussions with some family members we have heard a concept that could be helpful. We will encourage the Board to create subcommittees that will enable broader participation by those family members not selected for the Board.

In choosing the Board, the Governor must consider a number of factors. Everyone who has asked or been nominated to serve is highly qualified to do so, but not everyone can be selected.

There is some paperwork involved in processing the selection of appointees, but we will endeavor to keep it to a minimum and will be available to help with the completion of that paperwork.

4) Hardship Fund

Another event that will occur in early January will be Judge Harris' announcement of the distributions from the Hardship Fund. We have confirmed with Judge Harris that he is making his final evaluations and will be prepared to make an announcement in the first 10 days of 2009.

5) Medical and Mental Health Expenses

In the meantime, we understand that the medical insurance program for the most severely injured victims has been working well. We appreciate the work of the Department of Human Resource Management and others on our internal Virginia Tech Working Group in moving through the issues involved in putting the plan in place. A number of claims have been submitted and payments made to cover necessary procedures. We thank those family members who are not covered by the plan, but felt that the insurance program for the most severely injured was nevertheless a critical part of the settlement agreements.

In addition, the senior staff at the Department of Criminal Justice Services has been working diligently to put in place the program for reimbursement of medical and mental health expenses for those persons covered under the settlement agreements.

Several families have submitted claims from prior months to Kate Paris and those have been packaged for presentation to DCJS. Those families should be receiving shortly either payments or guidance on what additional information is needed to permit prompt payments. DCJS is aware that this process must be family-friendly and that informal communication should be used to address any needs for information rather than a heavily bureaucratic system.

In the next week to 10 days, you should be receiving further guidance from DCJS on how they will be coordinating with you regarding their processing of your claims and how payments will be made.

You should feel free to continue to submit claims for pre-November 2008 medical and mental health care to Kate Paris (Office of the Governor, Patrick Henry Building, 1111 East Broad Street, 3rd Floor, Richmond, VA 23219). Claims for medical and mental health care services that were provided to you on or after November 1, 2008, should be sent directly to DCJS at the following contact address:

Virginia Department of Criminal Justice Services
Attn: Reeva Tilley
202 N. 9th Street, 10th Floor

Richmond, VA 23219

DCJS know that processing of these claims must be a high priority for the agency and the Commonwealth. Procedures are already in place for the authorization and issuance of payments to be made upon approval of the claim by DCJS.

6) Virginia Tech Panel Report

As for the Virginia Tech Panel Report, we understand your view that the report is, in many ways, the official record of what occurred on April 16, 2007. As such, you want to ensure that the factual recitation is accurate.

We are committed to a process by which revisions to the report can be submitted for consideration and evaluated for inclusion in an addendum that would be added to a re-released version of the report. We have already received suggested revisions from several families. I suspect that more revisions will be received as people scrutinize the archives.

We believe that the best process for considering corrections would be as follows. We will ask you to make any recommended corrections of fact by March 31, 2009. We will offer the same opportunity to other persons directly affected by, or involved in the response to, the events of April 16. Recommended revisions should be submitted to:

Kate Paris
Office of the Governor
Patrick Henry Building
1111 East Broad Street
3rd Floor
Richmond, VA 23219

Once recommendations for revision have been received, we will assess whether a consensus view has emerged and, if not, how best to resolve inconsistencies. Once that is resolved, we will issue an updated version after additional dialogue with you about what the subsequent review had determined.

7) Conclusion

Before concluding, we do want to call attention to a few additional matters.

First, the U.S. Department of Education has released its revised guidance on FRRPA to grant greater flexibility to colleges and universities in assessing troubled students and in communicating concerns to parents. By its specific references to Virginia Tech, the Department of Education appears to be encouraging colleges and universities to err on the side of public safety concerns. We will ensure that all Virginia colleges have this information and incorporate it into their practices.

Second, the Governor has released his proposed budget for Fiscal Year 2010, which begins in July 2009. In that budget, he worked to preserve the gains in community mental health treatment that were secured last year in the wake of the Virginia Tech tragedy. Although there were some cuts in administrative spending in the mental health area, the overall cuts to mental health spending were far less than in other areas of government.

Finally, we recognize that many other issues were raised in our meetings and in the direct follow up by many families with our office. Many of these issues reflect concerns specific to a few family members. Still other general matters are under continuing review by the Governor and his staff.

As always, feel free to contact our office with your thoughts. The Governor and all of us offer you our best wishes in this season.

Larry Roberts
Counselor to Governor Kaine