

HOUSE BILL NO. 1089

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Delegate Coyner)

A BILL to amend and reenact §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-214.5 and 22.1-214.6, relating to special education and related services; definitions; records retention; duties of Department of Education; parent engagement specialists; professional development; education preparation program coursework; reports.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-214.5 and 22.1-214.6 as follows:

§ 22.1-213. Definitions.

As used in this article:

"Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who have intellectual disability or serious emotional disturbance, are physically disabled, speech impaired, deaf or hard of hearing, visually impaired, or multiple disabled, are otherwise health impaired, including those who have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by the Board of Education; and (iii) who because of such impairments need special education.

"Instructional practices to support specially designed instruction in inclusive settings" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that

27 (i) are based on reliable, trustworthy, and valid evidence; (ii) provide access to grade-level content in core
28 or general instruction, supplemental instruction, intervention services, and intensive intervention services;
29 (iii) are developed based on reliable data collection and progress monitoring from both valid and reliable
30 assessments and tracking of progress toward individual goals and objectives; (iv) are able to be
31 differentiated in order to meet the individual needs of students; and (v) align with student need based on
32 special education eligibility, present level of performance, and related goals and objectives.

33 "Related services" means transportation and such developmental, corrective, and other supportive
34 services as are required to assist a child with a disability to benefit from special education, including
35 speech pathology and audiology, psychological services, physical and occupational therapy, recreation,
36 early identification and assessment of disabilities in children, counseling services, and medical services
37 for diagnostic or evaluation purposes. "Related services" also includes school health services, social work
38 services in schools, and parent counseling and training.

39 "Special education" means specially designed instruction at no cost to the parent to meet the unique
40 needs of a child with a disability, including classroom instruction, home instruction, instruction provided
41 in hospitals and institutions, instruction in physical education, and instruction in career and technical
42 education.

43 "Specially designed instruction" means instruction for which the content, methodology, or delivery
44 is adapted, as appropriate to the needs of an eligible child, to (i) address the unique needs of the child that
45 result from the child's disability and (ii) ensure that the child has access to the general curriculum so that
46 the child can meet the educational standards that apply to all children within the jurisdiction of the local
47 educational agency.

48 "Specific learning disability" means a disorder in one or more of the basic psychological processes
49 involved in understanding or using language, spoken or written, which may manifest itself in an imperfect
50 ability to listen, think, speak, read, write, spell, or do mathematical calculations. "Specific learning
51 disability" does not include children who have learning problems that are primarily the result of visual,
52 hearing, motor, or intellectual disability, or of environmental, cultural, or economic disadvantage.

53 **§ 22.1-214.4. Certain duties of Department.**

54 The Department shall:

55 1. Provide training and guidance documents to local school divisions on the development of
56 individualized education programs ~~(IEPs)~~ for children with disabilities that incorporate specific examples
57 of high-quality present level of performance descriptions, annual goals, and postsecondary transition
58 sections.

59 2. Develop a required training module for each individual who participates in an IEP meeting that
60 comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP
61 meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module
62 shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP
63 meeting and at regular intervals thereafter.

64 3. Annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of
65 local school divisions to verify that the IEPs are in compliance with state and federal laws and regulations
66 governing IEP content, and provide a summary report of the findings of such reviews and
67 recommendations regarding any necessary corrective actions to the reviewed divisions' superintendents,
68 special education directors, school board chairs and vice-chairs, and local special education advisory
69 committees. In reviewing local school divisions' IEPs, the Department shall determine whether the special
70 education and related services, supplementary aids and services, and program modifications that will be
71 provided to enable students with disabilities to participate in nonacademic and extracurricular activities
72 are sufficient, and include its findings and corrective actions in the summary reports it provides to the
73 reviewed local school divisions' superintendents, special education directors, and school board members.
74 Nothing in this section shall be construed to (i) direct the Department to make determinations regarding
75 whether a particular IEP provides a free appropriate public education to any individual student or (ii)
76 authorize the Department to override a parent's consent to proposed revisions to an individual student's
77 IEP. In determining corrective actions, the Department shall make recommendations to the relevant school
78 division regarding, among other things, those individual IEPs for which the IEP team should convene to
79 consider revisions necessary to incorporate content required by special education regulations. For those
80 individual IEPs for which the Department recommends that the IEP team should convene to consider such

81 revisions, the relevant school division shall notify the relevant parents or caregivers of the
82 recommendations issued in the summary report of the structured review conducted pursuant to this
83 subdivision.

84 4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices
85 related to transition planning and services for children with disabilities and (ii) technical assistance and
86 guidance provided for postsecondary transition planning and services for children with disabilities. At a
87 minimum, such plan shall articulate how the Department will reliably and comprehensively assess the
88 compliance and quality of transition plans for children with disabilities on an ongoing basis and
89 communicate findings to local school division staff and local school boards. The Department shall, no
90 later than December 1 of each year, update the Chairmen of the Senate Committee on Education and
91 Health and the House Committee on Education on its progress in implementing such plan.

92 5. Develop and maintain a statewide strategic plan for recruiting and retaining special education
93 teachers. At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of
94 each local school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for
95 addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special
96 education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs
97 of implementing each such strategy, including the extent to which federal funds could be used to support
98 implementation. The Department shall, no later than November 1 of each year, update the Chairmen of
99 the Senate Committee on Education and Health and the House Committee on Education on its progress in
100 implementing such plan.

101 6. In order to (i) address variation in rates of determinations of student eligibility for special
102 education and related services both across local school divisions in the Commonwealth and based on
103 specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure
104 equal access to special education and related services across local school divisions, (a) review and update
105 its special education eligibility all forms and worksheets as necessary relating to referral, evaluation,
106 reevaluation, and eligibility, including clarifying any ambiguity or vagueness in the standard for providing
107 an initial evaluation or in eligibility criteria, and; (b) ~~provide to each local school division the appropriate~~

108 level of review and update guidance on the implementation of such referral, evaluation, reevaluation, and
109 eligibility forms and worksheets and the legal obligations of local school boards to conduct initial
110 evaluations and make eligibility determinations for special education and related services; and (c) develop
111 high-quality professional development to support the implementation of such referral, evaluation,
112 reevaluation, and eligibility guidance, forms, and worksheets.

113 7. (i) Develop criteria for what constitutes "exceptional circumstances" that warrant extension of
114 the 60-calendar day regulatory timeline for complaint investigations and include the criteria in its publicly
115 available complaint resolution procedures, (ii) consistently track the Department's receipt of each
116 sufficient complaint and its issuance of the respective letter of findings, and (iii) require staff to report at
117 least quarterly to the Superintendent of Public Instruction on the specific reasons for granting an extension
118 due to "exceptional circumstances" and the amount of time it took to complete each investigation beyond
119 the 60-calendar day regulatory timeline.

120 8. Develop policies and procedures for considering and addressing credible allegations of local
121 education agency (LEA) noncompliance with the requirements of the Individuals with Disabilities
122 Education Act (P.L. 101-476) that do not meet the current regulatory standard for state complaints. Such
123 policies and procedures shall include expectations and mechanisms for collaboration between the Office
124 of Dispute Resolution and Administrative Services and the Office of Special Education Program
125 Improvement in the Division of Special Education and Student Services at the Department to investigate
126 and resolve such credible allegations of noncompliance that do not qualify for state complaint
127 investigations.

128 9. Elevate the position of ~~parent ombudsman~~ State Parent Ombudsman for special education to
129 Special Education. The State Parent Ombudsman for Special Education shall (i) report to the
130 Superintendent of Public Instruction. The parent ombudsman for special education shall; (ii)
131 systematically track and report to the Department questions and concerns raised by parents to the
132 Superintendent of Public Instruction. The Department shall State Parent Ombudsman for Special
133 Education and special education family support centers established pursuant to § 22.1-214.6; (iii)
134 coordinate with the Parent Training and Information Center on the activities of the special education

135 family support centers established pursuant to § 22.1-214.6; and (iv) develop a one-page comprehensive
136 summary of the roles and responsibilities of the ~~parent ombudsman~~ State Parent Ombudsman for ~~special~~
137 education Special Education and such special education family support centers, the specific supports the
138 ~~parent ombudsman~~ State Parent Ombudsman for ~~special education~~ Special Education and such special
139 education family support centers can provide to parents, and how to contact the ~~parent ombudsman~~ State
140 Parent Ombudsman for ~~special education~~ Special Education and such special education family support
141 centers. The Department shall make the summary available in multiple languages on its website and as
142 part of the Virginia IEP established pursuant to subdivision 11.

143 10. Develop and implement a process for systematically auditing and verifying school divisions'
144 self-determinations of compliance with all Individuals with Disabilities Education Act (P.L. 101-476)
145 performance indicators. The verification process shall include a random sample of school divisions each
146 year and ensure that all school divisions' self-determinations are reviewed and verified no less frequently
147 than once every five years.

148 11. Develop, establish, review and update as necessary at least once every five years and make
149 available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred
150 to as the Virginia IEP that includes, at a minimum, an IEP template component and a data system
151 component. The Department shall ensure that such data system component allows for secure transfer of
152 data from division student information systems to the Department. The Department shall also develop and
153 make available to each local school board guidance on the utilization of the Virginia IEP and high-quality
154 professional development to support (i) the effective utilization of the Virginia IEP and (ii) the
155 implementation of instructional practices to support the provision of specially designed instruction in
156 inclusive settings.

157 12. Develop and publish a data dashboard for the annual public reporting, on a date to be
158 determined by the Superintendent, of state-level, division-level, and school-level special education data,
159 disaggregated by disability type and by subgroups of students with disabilities, including by race,
160 ethnicity, economic disadvantage, English learner status, foster care status, and unhoused status, except
161 when such disaggregation would result in the disclosure of any student's personally identifiable

162 information in violation of relevant federal and state law. Such data dashboard shall include disaggregated
163 (i) results on the early literacy screener provided by the Department, the Virginia Kindergarten Readiness
164 Program, Standards of Learning assessments and (ii) college and career readiness and learning climate
165 measures.

166 **§ 22.1-214.5. School boards; utilization of Virginia IEP; certain waivers or local alternatives.**

167 Each school board shall utilize for each child with a disability:

168 1. The data system component of the Virginia IEP developed by the Department pursuant to
169 subdivision 11 of § 22.1-214.4, unless the school board receives a waiver from the Department upon
170 providing sufficient evidence that the school board's IEP data system can securely transfer to the
171 Department all data required by the Department to implement the Virginia IEP; and

172 2. The IEP template component of the Virginia IEP developed by the Department pursuant to
173 subdivision 11 of § 22.1-214.4 or a locally developed or adopted IEP template that aligns with but may
174 be more comprehensive than the IEP template component of the Virginia IEP.

175 **§ 22.1-214.6. Special education family support centers.**

176 The Parent Training and Information Center in the Commonwealth designated pursuant to 20
177 U.S.C. § 1471(e) shall establish special education family support centers in eight distinct regions of the
178 Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by
179 such center, (ii) coordinate with special education parent engagement specialists required to be employed
180 pursuant to subsection R of § 22.1-253.13:2, (iii) develop and implement outreach and support to parents
181 of children with disabilities in its region; and (iv) track and report to the State Parent Ombudsman for
182 Special Education data on questions and concerns raised by parents.

183 **§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2.**
184 **Instructional, administrative, and support personnel.**

185 A. The Board shall establish requirements for the licensing of teachers, principals, superintendents,
186 and other professional personnel.

187 B. School boards shall employ licensed instructional personnel qualified in the relevant subject
188 areas.

189 C. Each school board shall assign licensed instructional personnel in a manner that produces
190 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
191 excluding special education teachers, principals, assistant principals, school counselors or certain other
192 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
193 ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily
194 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
195 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
196 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
197 classes in grades six through 12. After September 30 of any school year, anytime the number of students
198 in a class exceeds the class size limit established by this subsection, the local school division shall notify
199 the parent of each student in such class of such fact no later than 10 days after the date on which the class
200 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class
201 size limit and describe the measures that the local school division will take to reduce the class size to
202 comply with this subsection.

203 Within its regulations governing special education programs, the Board shall seek to set
204 pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for
205 self-contained classes for pupils with specific learning disabilities.

206 Further, school boards shall assign instructional personnel in a manner that produces schoolwide
207 ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in
208 middle schools and high schools. School divisions shall provide all middle and high school teachers with
209 one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

210 D. Each local school board shall employ with state and local basic, special education, gifted, and
211 career and technical education funds a minimum number of licensed, full-time equivalent instructional
212 personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation
213 act.

214 E. In addition to the positions supported by basic aid and in support of regular school year programs
215 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be

216 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
217 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
218 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
219 appropriation act may be used to support programs for educationally at-risk students as identified by the
220 local school boards.

221 To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions
222 may employ mathematics teacher specialists to provide the required algebra readiness intervention
223 services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this
224 manner shall only employ instructional personnel licensed by the Board.

225 F. In addition to the positions supported by basic aid and those in support of regular school year
226 programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation
227 act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021
228 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time
229 equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students
230 identified as having limited English proficiency, which positions may include dual language teachers who
231 provide instruction in English and in a second language.

232 To provide flexibility in the instruction of English language learners who have limited English
233 proficiency and who are at risk of not meeting state accountability standards, school divisions may use
234 state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to
235 employ additional English language learner teachers or dual language teachers to provide instruction to
236 identified limited English proficiency students. Using these funds in this manner is intended to supplement
237 the instructional services provided in this section. School divisions using the SOQ Prevention,
238 Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by
239 the Board.

240 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
241 school board shall employ one reading specialist for each 550 students in kindergarten through grade five
242 and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist

243 shall have training in science-based reading research and evidence-based literacy instruction practices. In
244 addition, each such reading specialist shall have training in the identification of and the appropriate
245 interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder
246 and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an
247 understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
248 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
249 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
250 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
251 assistive technology supports for students with dyslexia.

252 To provide reading intervention services required by § 22.1-253.13:1, school divisions may
253 employ reading specialists to provide the required reading intervention services. School divisions using
254 the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel
255 licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to
256 meet this staffing standard may assign reading specialists to grade levels according to grade levels with
257 greatest need, regardless of the individual staffing standards established for grades kindergarten through
258 five and six through eight.

259 H. Each local school board shall employ, at a minimum, the following full-time equivalent
260 positions for any school that reports fall membership, according to student enrollment:

261 1. Principals, one full-time in each elementary school, middle school, and high school, to be
262 employed on a 12-month basis;

263 2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900
264 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in
265 high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of
266 assistant principals to meet this staffing requirement may assign assistant principals to schools within the
267 division according to the area of greatest need, regardless of whether such schools are elementary, middle,
268 or secondary;

269 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
270 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
271 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
272 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
273 this staffing requirement may assign librarians to schools within the division according to the area of
274 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

275 4. School counselors, one full-time equivalent position per 325 students in grades kindergarten
276 through 12.

277 However, in order to meet the staffing requirements set forth in this subdivision, any local school
278 board (i) may employ, under a provisional license issued by the Department for three school years with
279 an allowance for an additional two-year extension with the approval of the division superintendent, any
280 professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board
281 of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling
282 professional with appropriate experience and training, provided that any such individual makes progress
283 toward completing the requirements for full licensure as a school counselor during such period of
284 employment or (ii) in the event that the school board does not receive any application from a licensed
285 school counselor, professional counselor, clinical social worker, or psychologist or another licensed
286 counseling professional with appropriate experience and training to fill a school counselor vacancy in the
287 school division, may enter into an annual contract with another entity for the provision of school
288 counseling services by a licensed professional counselor, clinical social worker, or psychologist or another
289 licensed counseling professional with appropriate experience and training. Local school boards that
290 employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision
291 may assign such individuals to schools within the division according to the area of greatest need,
292 regardless of whether such schools are elementary, middle, or high schools.

293 I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades
294 kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

295 J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades
296 kindergarten through 12, one to provide technology support and one to serve as an instructional technology
297 resource teacher.

298 To provide flexibility, school divisions may use the state and local funds for instructional
299 technology resource teachers to employ a data coordinator position, an instructional technology resource
300 teacher position, or a data coordinator/instructional resource teacher blended position. The data
301 coordinator position is intended to serve as a resource to principals and classroom teachers in the area of
302 data analysis and interpretation for instructional and school improvement purposes, as well as for overall
303 data management and administration of state assessments. School divisions using these funds in this
304 manner shall employ only instructional personnel licensed by the Board.

305 K. Local school boards may employ additional positions that exceed these minimal staffing
306 requirements. These additional positions may include, but are not limited to, those funded through the
307 state's incentive and categorical programs as set forth in the appropriation act.

308 L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing
309 requirements for the highest grade level in that school; this requirement shall apply to all staff, except for
310 school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based
311 on the school's total enrollment. The Board may grant waivers from these staffing levels upon request
312 from local school boards seeking to implement experimental or innovative programs that are not consistent
313 with these staffing levels.

314 M. School boards shall, however, annually, on or before December 31, report to the public (i) the
315 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the
316 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local
317 school division by school for the current school year. Actual pupil/teacher ratios shall include only the
318 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School
319 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any
320 classes funded through the voluntary kindergarten through third grade class size reduction program shall
321 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection

322 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to
323 ensure the confidentiality of all teacher and pupil identities.

324 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
325 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
326 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
327 basis in any mathematics, science, English, history, social science, career and technical education, fine
328 arts, foreign language, or health education or physical education course shall be counted in the ADM in
329 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
330 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home
331 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.
332 Such calculation shall not include enrollments of such students in any other public school courses.

333 O. Each school board shall provide at least three specialized student support positions per 1,000
334 students. For purposes of this subsection, specialized student support positions include school social
335 workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior
336 analysts, and other licensed health and behavioral positions, which may either be employed by the school
337 board or provided through contracted services.

338 In order to fill vacant school psychologist positions, any local school board may employ, under a
339 provisional license issued by the Department for three school years with an allowance for an additional
340 two-year extension with the approval of the division superintendent, clinical psychologists licensed by the
341 Board of Psychology, provided that any such individual makes progress toward completing the
342 requirements for full licensure as a school psychologist during such period of employment.

343 P. Each local school board shall provide those support services that are necessary for the efficient
344 and cost-effective operation and maintenance of its public schools.

345 For the purposes of this title, unless the context otherwise requires, "support services positions"
346 shall include the following:

- 347 1. Executive policy and leadership positions, including school board members, superintendents
348 and assistant superintendents;

- 349 2. Fiscal and human resources positions, including fiscal and audit operations;
- 350 3. Student support positions, including (i) social work administrative positions not included in
351 subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii)
352 homebound administrative positions supporting instruction; (iv) attendance support positions related to
353 truancy and dropout prevention; and (v) health and behavioral administrative positions not included in
354 subsection O;
- 355 4. Instructional personnel support, including professional development positions and library and
356 media positions not included in subdivision H 3;
- 357 5. Technology professional positions not included in subsection J;
- 358 6. Operation and maintenance positions, including facilities; pupil transportation positions;
359 operation and maintenance professional and service positions; and security service, trade, and laborer
360 positions;
- 361 7. Technical and clerical positions for fiscal and human resources, student support, instructional
362 personnel support, operation and maintenance, administration, and technology; and
- 363 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
364 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
365 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
366 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
367 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
368 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
369 schools within the division according to the area of greatest need, regardless of whether such schools are
370 elementary, middle, or secondary.
- 371 Pursuant to the appropriation act, support services shall be funded from basic school aid.
- 372 School divisions may use the state and local funds for support services to provide additional
373 instructional services.

374 Q. Notwithstanding the provisions of this section, when determining the assignment of
375 instructional and other licensed personnel in subsections C through J, a local school board shall not be
376 required to include full-time students of approved virtual school programs.

377 R. Each local school board shall employ at least one full-time equivalent special education parent
378 engagement specialist. The special education parent engagement specialist shall serve as a resource to
379 parents to understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they
380 suspect that their child has a disability and (ii) the IEP process and shall work in collaboration with the
381 special education family support centers established pursuant to § 22.1-214.6.

382 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

383 A. Each local school board shall award diplomas to all secondary school students, including
384 students who transfer from nonpublic schools or from home instruction, who meet the requirements
385 prescribed by the Board and meet such other requirements as may be prescribed by the local school board
386 and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade
387 placement of students from other public secondary schools, from nonpublic schools, or from home
388 instruction as outlined in the standards for accreditation. The standards for accreditation shall include
389 provisions relating to the completion of graduation requirements through Virtual Virginia. Further,
390 reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise
391 qualified students with disabilities as needed.

392 In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary
393 school students, a mechanism for calculating class rankings that takes into consideration whether the
394 student has taken a required class more than one time and has had any prior earned grade for such required
395 class expunged.

396 Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i)
397 the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that
398 have yet to be completed by the individual student.

399 B. Students identified as disabled who ~~complete~~:

400 1. Complete alternative requirements, in the form of credit accommodations specified in their
401 individualized education programs, to earn required standard and verified credits shall be awarded
402 standard diplomas by local school boards. Such credit accommodations may include (i) approval of
403 alternative courses to meet standard credit requirements, (ii) modifications to the requirements for local
404 school divisions to award locally awarded verified credits, (iii) approval of additional tests to earn verified
405 credits, (iv) adjusted cut scores required to earn verified credits, (v) allowance of work-based learning
406 experiences, and (vi) special permission credit accommodations for locally awarded verified credits; and

407 2. Complete the requirements of their individualized education programs and meet certain
408 requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any
409 named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall
410 develop and implement statewide requirements for earning an Applied Studies diploma for
411 implementation at the beginning of the 2022-2023 school year.

412 ~~Each local school board shall notify the parent of such students with disabilities who have an~~
413 ~~individualized education program and who fail to meet the graduation requirements of the student's right~~
414 ~~to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of~~
415 ~~Chapter 13.~~

416 The Department shall develop guidance, in multiple languages, for students and parents (i)
417 informing them of the alternative path to earn a standard diploma through credit accommodations,
418 including special permission credit accommodations for locally awarded verified credits; (ii) conveying
419 ~~(i)~~ (a) the limitations of the applied studies diploma, (b) key curriculum and testing decisions that
420 reduce the likelihood that a student will be able to obtain a standard diploma, and (c) a statement that
421 the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma;
422 and (iii) supporting them to discuss these diploma options at the student's individualized education
423 program meetings.

424 Each local school board shall develop a process for awarding locally verified credits to students
425 with disabilities, require individualized education program teams to consider credit accommodations,
426 including locally awarded verified credits, for students with disabilities to enable them to earn a standard

427 diploma, and provide guidance from the Department to parents of students with disabilities regarding the
428 availability of credit accommodations to earn a standard diploma and the limitations of the Applied Studies
429 diploma and its limitations at a student's annual individualized education program meeting corresponding
430 to grades three through 12 when curriculum or statewide assessment decisions are being made that impact
431 the type of diploma for which the student can qualify.

432 Each local school board shall notify the parent of such students with disabilities who have an
433 individualized education program and who fail to meet the graduation requirements of the student's right
434 to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of
435 Chapter 13.

436 C. Students who have completed a prescribed course of study as defined by the local school board
437 shall be awarded certificates of program completion by local school boards if they are not eligible to
438 receive a Board-approved diploma.

439 Each local school board shall provide notification of the right to a free public education for students
440 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§
441 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation
442 requirements as provided in the standards for accreditation. If such student who does not graduate or
443 complete such requirements is a student for whom English is a second language, the local school board
444 shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-
445 5.

446 D. In establishing graduation requirements, the Board shall:

447 1. Develop and implement, in consultation with stakeholders representing elementary and
448 secondary education, higher education, and business and industry in the Commonwealth and including
449 parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate
450 that identifies the knowledge and skills that students should attain during high school in order to be
451 successful contributors to the economy of the Commonwealth, giving due consideration to critical
452 thinking, creative thinking, collaboration, communication, and citizenship.

453 2. Emphasize the development of core skill sets in the early years of high school.

454 3. Establish multiple paths toward college and career readiness for students to follow in the later
455 years of high school. Each such pathway shall include opportunities for internships, externships, and
456 credentialing.

457 4. Provide for the selection of integrated learning courses meeting the Standards of Learning and
458 approved by the Board to satisfy graduation requirements, which shall include Standards of Learning
459 testing, as necessary.

460 5. Require students to complete at least one course in fine or performing arts or career and technical
461 education, one course in United States and Virginia history, and two sequential elective courses chosen
462 from a concentration of courses selected from a variety of options that may be planned to ensure the
463 completion of a focused sequence of elective courses that provides a foundation for further education or
464 training or preparation for employment.

465 6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate,
466 or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the
467 Board; or (iii) earn a career and technical education credential that has been approved by the Board, except
468 when a career and technical education credential in a particular subject area is not readily available or
469 appropriate or does not adequately measure student competency, in which case the student shall receive
470 satisfactory competency-based instruction in the subject area to earn credit. The career and technical
471 education credential, when required, could include the successful completion of an industry certification,
472 a state licensure examination, a national occupational competency assessment, the Armed Services
473 Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall
474 develop, maintain, and make available to each local school board a catalogue of the testing
475 accommodations available to English language learners for each such certification, examination,
476 assessment, and battery. Each local school board shall develop and implement policies to require each
477 high school principal or his designee to notify each English language learner of the availability of such
478 testing accommodations prior to the student's participation in any such certification, examination,
479 assessment, or battery.

480 7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the
481 use of automated external defibrillators, including hands-on practice of the skills necessary to perform
482 cardiopulmonary resuscitation.

483 8. Make provision in its regulations for students with disabilities to earn a diploma.

484 9. Require students to complete one virtual course, which may be a noncredit-bearing course.

485 10. Provide that students who complete elective classes into which the Standards of Learning for
486 any required course have been integrated and achieve a passing score on the relevant Standards of
487 Learning test for the relevant required course receive credit for such elective class.

488 11. Establish a procedure to facilitate the acceleration of students that allows qualified students,
489 with the recommendation of the division superintendent, without completing the 140-hour class, to obtain
490 credit for such class upon demonstrating mastery of the course content and objectives and receiving a
491 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude
492 relevant school division personnel from enforcing compulsory attendance in public schools.

493 12. Provide for the award of credit for passing scores on industry certifications, state licensure
494 examinations, and national occupational competency assessments approved by the Board.

495 School boards shall report annually to the Board the number of Board-approved industry
496 certifications obtained, state licensure examinations passed, national occupational competency
497 assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia
498 workplace readiness skills assessments passed, and the number of career and technical education
499 completers who graduated. These numbers shall be reported as separate categories on the School
500 Performance Report Card.

501 For the purposes of this subdivision, "career and technical education completer" means a student
502 who has met the requirements for a career and technical concentration or specialization and all
503 requirements for high school graduation or an approved alternative education program.

504 In addition, the Board may:

505 a. For the purpose of awarding credit, approve the use of additional or substitute tests for the
506 correlated Standards of Learning assessment, such as academic achievement tests, industry certifications,
507 or state licensure examinations; and

508 b. Permit students completing career and technical education programs designed to enable such
509 students to pass such industry certification examinations or state licensure examinations to be awarded,
510 upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate
511 credit for one or more career and technical education classes into which relevant Standards of Learning
512 for various classes taught at the same level have been integrated. Such industry certification and state
513 licensure examinations may cover relevant Standards of Learning for various required classes and may,
514 at the discretion of the Board, address some Standards of Learning for several required classes.

515 13. Provide for the waiver of certain graduation requirements and the subsequent award of a high
516 school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the
517 request of the parent of any high school senior who died in good standing prior to graduation during the
518 student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-
519 by-case basis.

520 14. Consider all computer science course credits earned by students to be science course credits,
521 mathematics course credits, or career and technical education credits. The Board shall develop guidelines
522 addressing how computer science courses can satisfy graduation requirements.

523 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours
524 of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the
525 students for whom such requirements are waived have learned the content and skills included in the
526 relevant Standards of Learning.

527 16. Provide for the award of verified units of credit for a satisfactory score, as determined by the
528 Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying
529 Test (PSAT/NMSQT) examination.

530 17. Permit students to exceed a full course load in order to participate in courses offered by an
531 institution of higher education that lead to a degree, certificate, or credential at such institution.

532 18. Permit local school divisions to waive the requirement for students to receive 140 clock hours
533 of instruction after the student has completed the course curriculum and relevant Standards of Learning
534 end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives
535 instruction, coursework, or study toward an industry certification approved by the local school board.

536 19. Permit any English language learner who previously earned a sufficient score on an Advanced
537 Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a
538 foreign language to substitute computer coding course credit for any foreign language course credit
539 required to graduate, except in cases in which such foreign language course credit is required to earn an
540 advanced diploma offered by a nationally recognized provider of college-level courses.

541 20. Permit a student who is pursuing an advanced diploma and whose individualized education
542 program specifies a credit accommodation for world language to substitute two standard units of credit in
543 computer science for two standard units of credit in a world language. For any student that elects to
544 substitute a credit in computer science for credit in world language, his or her school counselor must
545 provide notice to the student and parent or guardian of possible impacts related to college entrance
546 requirements.

547 E. In the exercise of its authority to recognize exemplary performance by providing for diploma
548 seals:

549 1. The Board shall develop criteria for recognizing exemplary performance in career and technical
550 education programs by students who have completed the requirements for a Board of Education-approved
551 diploma and shall award seals on the diplomas of students meeting such criteria.

552 2. The Board shall establish criteria for awarding a diploma seal for science, technology,
553 engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider
554 including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication
555 skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

556 3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education
557 and understanding of our state and federal constitutions and the democratic model of government for the
558 Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of

559 history, government, and civics courses, including courses that incorporate character education; (ii)
560 voluntary participation in community service or extracurricular activities that includes the types of
561 activities that shall qualify as community service and the number of hours required; and (iii) related
562 requirements as it deems appropriate.

563 4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who
564 demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The
565 Board shall consider criteria including the student's (i) score on a College Board Advanced Placement
566 foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency
567 level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or
568 another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point
569 average in a sequence of foreign language courses approved by the Board.

570 F. The Board shall establish, by regulation, requirements for the award of a general achievement
571 adult high school diploma for those persons who are not subject to the compulsory school attendance
572 requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency
573 examination approved by the Board; (ii) successfully completed an education and training program
574 designated by the Board; (iii) earned a Board-approved career and technical education credential such as
575 the successful completion of an industry certification, a state licensure examination, a national
576 occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia
577 workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the
578 Board for the award of such diploma.

579 G. To ensure the uniform assessment of high school graduation rates, the Board shall collect,
580 analyze, report, and make available to the public high school graduation and dropout data using a formula
581 prescribed by the Board.

582 H. The Board shall also collect, analyze, report, and make available to the public high school
583 graduation and dropout data using a formula that excludes any student who fails to graduate because such
584 student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local

585 law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation
586 rate required by this subsection.

587 I. The Board may promulgate such regulations as may be necessary and appropriate for the
588 collection, analysis, and reporting of such data required by subsections G and H.

589 § 22.1-253.13:5. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) **Standard 5. Quality**
590 **of classroom instruction and educational leadership.**

591 A. Each member of the Board shall participate in high-quality professional development programs
592 on personnel, curriculum and current issues in education as part of his service on the Board.

593 B. Consistent with the finding that leadership is essential for the advancement of public education
594 in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the
595 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation
596 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic
597 progress as a significant component and an overall summative rating. Teacher evaluations shall include
598 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
599 include identification of areas of individual strengths and weaknesses and recommendations for
600 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

601 C. The Board shall provide guidance on high-quality professional development for (i) teachers,
602 principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and
603 division superintendents in the evaluation and documentation of teacher and principal performance based
604 on student academic progress and the skills and knowledge of such instructional or administrative
605 personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv)
606 teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and
607 Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool
608 through grade three, elementary education preschool through grade six, special education general
609 curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through
610 grade 12, special education blindness/visual impairments preschool through grade 12, or English as a
611 second language preschool through grade 12, or as a reading specialist that builds proficiency in science-

612 based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in
613 middle education grades six through eight who teaches English that builds proficiency in evidence-based
614 literacy instruction and science-based reading research; ~~and~~ (vii) each middle school principal and teacher
615 with an endorsement in middle education grades six through eight who teaches mathematics, science, or
616 history and social science that builds an awareness of evidence-based literacy instruction and science-
617 based reading research; (viii) each teacher with a provisional general education or special education
618 license or an endorsement in early/primary education preschool through grade three, elementary education
619 preschool through grade six, middle education grades six through eight, and secondary education grades
620 six through 12; each principal with an endorsement in administration and supervision preschool through
621 grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices
622 to support specially designed instruction in inclusive settings; and (ix) each teacher with a provisional
623 special education license or an endorsement in special education general curriculum preschool through
624 grade 12, special education deaf and hard of hearing preschool through grade 12, or special education
625 blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the
626 Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation,
627 reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4.

628 The Board shall also provide technical assistance on high-quality professional development to
629 local school boards designed to ensure that all instructional personnel are proficient in the use of
630 educational technology consistent with its comprehensive plan for educational technology.

631 The Department shall provide technical assistance, including literacy coaching, to local school
632 divisions to provide professional development in science-based reading research and evidence-based
633 literacy instruction for students in kindergarten through grade eight. The Department shall also create a
634 list of professional development programs aligned with science-based reading research and evidence-
635 based literacy instruction that includes programs that provide training in dyslexia for reading specialists
636 as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department
637 shall provide resources to local school divisions to ensure that each division is able to provide professional
638 development to teachers and reading specialists listed in subdivision E 2 in one of the programs

639 enumerated in the list approved by the Board pursuant to this subdivision and that such professional
640 development is provided at no cost to the teachers and reading specialists.

641 The Department shall provide technical assistance, including special education coaching, to local
642 school divisions to provide professional development in special education and related services and in
643 instructional practices to support specially designed instruction in inclusive settings. The Department shall
644 provide resources to local school divisions to ensure that each division is able to provide professional
645 development to the teachers, principals, teacher's aides, and other paraprofessionals listed in subdivisions
646 E 4 and 5 at no cost to such individuals.

647 D. Each local school board shall require (i) its members to participate annually in high-quality
648 professional development activities at the state, local, or national levels on governance, including, but not
649 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use
650 of data in planning and decision making; and current issues in education as part of their service on the
651 local board and (ii) the division superintendent to participate annually in high-quality professional
652 development activities at the local, state, or national levels, including the Standards of Quality, Board
653 regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers,
654 Principals, and Superintendents.

655 E. Each local school board shall provide a program of high-quality professional development (i)
656 in the use and documentation of performance standards and evaluation criteria based on student academic
657 progress and skills for teachers, principals, and superintendents to clarify roles and performance
658 expectations and to facilitate the successful implementation of instructional programs that promote student
659 achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers
660 and principals in acquiring the skills needed to work with gifted students, students with disabilities, and
661 students who have been identified as having limited English proficiency and to increase student
662 achievement and expand the knowledge and skills students require to meet the standards for academic
663 performance set by the Board; (iii) in educational technology for all instructional personnel which is
664 designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for
665 principals and supervisors designed to increase proficiency in instructional leadership and management,

666 including training in the evaluation and documentation of teacher and principal performance based on
667 student academic progress and the skills and knowledge of such instructional or administrative personnel.

668 In addition, each local school board shall provide:

669 1. Teachers and principals with high-quality professional development programs each year in ~~(a)~~
670 (i) instructional content; ~~(b)~~ (ii) the preparation of tests and other assessment measures; ~~(c)~~ (iii) methods
671 for assessing the progress of individual students, including Standards of Learning assessment materials or
672 other criterion-referenced tests that match locally developed objectives; ~~(d)~~ (iv) instruction and
673 remediation techniques in English, mathematics, science, and history and social science; ~~(e)~~ (v)
674 interpreting test data for instructional purposes; ~~(f)~~ (vi) technology applications to implement the
675 Standards of Learning; and ~~(g)~~ (vii) effective classroom management;

676 2. High-quality professional development and training in science-based reading research and
677 evidence-based literacy instruction, from the list developed and the resources provided by the Department
678 pursuant to subsection C or an alternative program that consists of evidence-based literacy instruction and
679 aligns with science-based reading research approved by the Department, for each elementary school
680 principal and each teacher with an endorsement in early/primary education preschool through grade three,
681 elementary education preschool through grade six, special education general curriculum kindergarten
682 through grade 12, special education deaf and hard of hearing preschool through grade 12, special education
683 blindness/visual impairments preschool through grade 12, or English as a second language preschool
684 through grade 12, or as a reading specialist that builds proficiency in evidence-based literacy instruction
685 and science-based reading research in order to aid in the licensure renewal process for such individuals;
686 ~~and~~

687 3. High-quality professional development and training in science-based reading research and
688 evidence-based literacy instruction, from the list developed and the resources provided by the Department
689 pursuant to subsection C, or an alternative program that consists of evidence-based literacy instruction
690 and aligns with science-based reading research approved by the Department, for (i) each teacher with an
691 endorsement in middle education grades six through eight who teaches English that builds proficiency in
692 evidence-based literacy instruction and science-based reading research and (ii) each middle school

693 principal and teacher with an endorsement in middle education grades six through eight who teaches
694 mathematics, science, or history and social science that builds an awareness of evidence-based literacy
695 instruction and science-based reading research;

696 4. High-quality professional development in implementing the Virginia IEP established pursuant
697 to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and
698 worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a provisional special
699 education license or an endorsement in special education general curriculum kindergarten through grade
700 12, special education deaf and hard of hearing preschool through grade 12, and special education blindness
701 and visual impairments preschool through grade 12; and

702 5. High-quality professional development in instructional practices to support specially designed
703 instruction in inclusive settings for each teacher with a provisional general education license or an
704 endorsement in early/primary education preschool through grade three, elementary education preschool
705 through grade six, and secondary education grades six through 12; each principal with an endorsement in
706 administration and supervision preschool through grade 12; each teacher's aide or other paraprofessional;
707 and any teacher with a provisional special education license for whom the school board determines there
708 is a need for such professional development.

709 F. Schools and school divisions shall include as an integral component of their comprehensive
710 plans required by § 22.1-253.13:6, high-quality professional development programs that support the
711 recruitment, employment, and retention of qualified teachers and principals. Each school board shall
712 require all instructional personnel to participate each year in these professional development programs.

713 G. Each local school board shall annually review its professional development program for quality,
714 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers
715 and the academic achievement needs of the students in the school division.

716 **§ 22.1-289. Transfer and management of scholastic records; disclosure of information in**
717 **court notices; penalty.**

718 A. As used in this section:

719 "Scholastic record" means those records that are directly related to a student and are maintained
720 by an educational agency or institution or by a party acting for the agency or institution. These include,
721 but are not limited to, documentation pertinent to the educational growth and development of students as
722 they progress through school, student disciplinary records, achievement and test data, cumulative health
723 records, reports of assessments for eligibility for special education services, and Individualized Education
724 Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print,
725 computer media, video or audio tape, film, microfilm, and microfiche.

726 A notice of adjudication or conviction received by a superintendent relating to an incident which
727 did not occur on school property or during a school-sponsored activity shall not be a part of a student's
728 scholastic record.

729 The term "scholastic record" also shall not include records of instructional, supervisory,
730 administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the
731 record and are not accessible or revealed to any other person except a temporary substitute for the maker
732 of the record.

733 B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy
734 of the scholastic record shall be transferred to the school division to which the pupil transfers upon request
735 from such school division. Permission of the parent, guardian, or other person having control or charge of
736 the student shall not be required for transfer of such scholastic record to another school or school division
737 within or outside the Commonwealth.

738 C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the
739 student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

740 D. Every student's scholastic record shall be available to the student and his parent, guardian, or
741 other person having control or charge of the student for inspection during the regular school day.
742 Permission of the parent, guardian, or other person having control or charge of the student, or of a student
743 who is 18 years of age or older, shall not be required for transfer of such scholastic record to another
744 school or school division within or without this Commonwealth.

745 Consistent with federal law and regulation, each school shall annually notify parents of students
746 currently enrolled and in attendance of their rights under the federal Family Educational Rights and
747 Privacy Act (20 U.S.C. § 1232g) and related regulations.

748 A school responding to a request for the transfer of the scholastic record from another school
749 division need not provide written notice of the transfer of the record, including the identity of the requester,
750 to the parent, guardian, or other person having control or charge of the student, or to a student who is 18
751 years of age or older, if the school has previously included in the annual notice required by this subsection
752 a statement that it forwards such records to such requesting school divisions.

753 E. Whenever the division superintendent is notified by the Department of Juvenile Justice,
754 pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local
755 jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a
756 school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational
757 program in a local jail or detention center, the school division superintendent or his designee shall transfer
758 the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention
759 center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the
760 scholastic record of a student who has been discharged from a juvenile correctional center to the relevant
761 school division within five work days of the student's discharge.

762 The Board of Education shall adopt regulations concerning the transfer and management of
763 scholastic records from one school division to another, to the learning centers of the Department of
764 Juvenile Justice, and to educational programs in local jails and detention centers.

765 Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending
766 school division and the receiving school division, as such school divisions are defined in subsection D of
767 § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

768 F. The division superintendent or his designee shall notify the local police or sheriff's department
769 for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to
770 obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that
771 the pupil is a missing child.

772 G. Superintendents and their designees shall be immune from any civil or criminal liability in
773 connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or
774 failure to give such notice as required by this section.

775 H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his
776 designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-
777 305.1 shall be guilty of a Class 3 misdemeanor.

778 I. After a child with a disability, as defined in § 22.1-213, graduates from, ages out of, or otherwise
779 leaves any public elementary or secondary school in the Commonwealth, such school shall retain the
780 special education records of such child for at least seven years. Each such school shall notify the parents
781 of each such child of the opportunity to obtain such records during such retention period.

782 **§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation**
783 **programs; coursework; audit.**

784 A. As used in this section,:

785 ~~"evidence-based~~ Evidence-based literacy instruction" and "science-based reading research" have
786 the same meanings as provided in § 22.1-1.

787 "Instructional practices to support specially designed instruction in inclusive settings" has the same
788 meaning as provided in § 22.1-213.

789 B. Each education preparation program offered by a public institution of higher education or
790 private institution of higher education or alternative certification program that provides training for any
791 student seeking initial licensure by the Board of Education or a certificate or microcredential in early
792 literacy or literacy coaching shall:

793 1. Include a program of coursework and require all such students to demonstrate mastery in
794 science-based reading research and evidence-based literacy instruction. Each such program of coursework
795 and the student mastery required to be demonstrated therein shall be consistent with definitions and
796 expectations established by the Board of Education and the Department of Education after consultation
797 with a commission consisting of independent literacy experts and stakeholders with knowledge of science-
798 based reading research and evidence-based literacy instruction that has reviewed the requirements

799 established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of
800 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

801 2. For any such student seeking initial licensure by the Board of Education as a teacher with an
802 endorsement in early childhood, elementary education, or special education or with an endorsement as a
803 reading specialist, ensure that reading coursework and field practice opportunities are a significant focus
804 of the education preparation program.

805 C. Each education preparation program offered by a public institution of higher education or
806 private institution of higher education or alternative certification program that provides training for any
807 student seeking initial licensure by the Board of Education with an endorsement in early/primary
808 education preschool through grade three, elementary education preschool through grade six, middle
809 education grades six through eight, and secondary education grades six through 12 shall:

810 1. Include a program of coursework and require all such students to demonstrate mastery in
811 instructional practices to support specially designed instruction in inclusive settings. Each such program
812 of coursework and the student mastery required to be demonstrated therein shall be consistent with
813 definitions and expectations established by the Board of Education and the Department of Education after
814 consultation with a commission consisting of independent special education experts and stakeholders that
815 has reviewed the requirements established in 8VAC20-23-510 through 8VAC20-23-580; and

816 2. For any such student seeking initial licensure by the Board of Education as a teacher with an
817 endorsement in early/primary, elementary, or secondary education, ensure that coursework and, as
818 available, field practice opportunities that build knowledge of instructional practices to support specially
819 designed instruction in inclusive settings are a significant focus of the education preparation program.

820 D. The Department of Education shall audit at least once every seven years each education
821 preparation program, in alignment with each program's accreditation cycle, for compliance with the
822 requirements set forth in subsection B.

823 ~~D.~~ E. Each education preparation program offered by a public institution of higher education or
824 private institution of higher education that leads to a degree, concentration, endorsement, or certificate for
825 reading specialists shall include a program of coursework and other training in the identification of and

826 the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
827 related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying
828 remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of
829 science-based reading research and evidence-based literacy instruction, including appropriate application
830 of instructional supports and services and reading literacy interventions to ensure reading proficiency.

831 **2. That the Department of Education shall amend its guidelines, Management of the Student's
832 Scholastic Record in the Public Schools of Virginia, in accordance with the provisions of § 22.1-289
833 of the Code of Virginia, as amended by this act.**

834 **3. That The Library of Virginia shall amend its Records Retention and Disposition Schedule,
835 General Schedule No. GS-21, County and Municipal Governments, Public School in accordance
836 with the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.**

837 **4. That the Department of Education (the Department) shall fully establish and implement the
838 Virginia IEP as required pursuant to subdivision 11 of § 22.1-214.4 of the Code of Virginia, as
839 amended by this act, upon the expiration of its contract with the current individualized education
840 program (IEP) data system vendor. The Department shall certify in writing to the Virginia Code
841 Commission established pursuant to Chapter 15 (§ 30-145 et seq.) of Title 30 of the Code of Virginia
842 the date on which it meets such requirement. The provisions of subdivision 2 of § 22.1-214.5 of the
843 Code of Virginia, as created by this act, shall become effective beginning with the first annual IEP
844 meeting for each relevant student following such certified date. In the intervening period before
845 such certified date, (i) the Department shall take all reasonable steps to assist school boards to plan
846 for full implementation of the Virginia IEP, including providing timely and regular guidance on the
847 utilization of the Virginia IEP and high-quality professional development as required pursuant to
848 subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this act, and subsection C of
849 § 22.1-253.13:5 of the Code of Virginia, as amended by this act; (ii) the Department shall annually
850 no later than November 1 submit to the Chairmen of the House Committee on Appropriations, the
851 House Committee on Education, the Senate Committee on Education and Health, and the Senate
852 Committee on Finance and Appropriations, a comprehensive report on its progress toward fully**

853 implementing the Virginia IEP, including an analysis of state and local costs; a detailed timeline for
854 optimal local implementation; an explanation of any unforeseen circumstances that could
855 necessitate a delay in full implementation; a report on the relevant activities, findings, and
856 recommendations of the advisory committee established pursuant to the ninth enactment of this act;
857 and any other data or information that the Department deems relevant or useful; and (iii) the Board
858 of Education shall review and consider an update to its regulations, including 8VAC20-81-110, to
859 include parent and student input as required content in an IEP for all relevant students, define
860 "short-term objectives" for the purpose of IEP content, and include, as appropriate, short-term
861 objectives derived from measurable goals as required content in an IEP for all relevant students.

862 5. That during the fiscal year beginning July 1, 2024, the Department of Education shall develop
863 high-quality professional development to support the implementation of referral, evaluation,
864 reevaluation, and eligibility guidance, forms, and worksheets; the effective utilization of the Virginia
865 IEP; and the implementation of instructional practices to support the provision of specially designed
866 instruction in inclusive settings as required pursuant to subdivisions 6 and 11 of § 22.1-214.4 of the
867 Code of Virginia, as amended by this act, and subsection C of § 22.1-253.13:5 of the Code of Virginia,
868 as amended by this act.

869 6. That during the fiscal year beginning July 1, 2025, each school board shall fully implement the
870 program of high-quality professional development in (i) implementing the Virginia IEP and
871 referral, evaluation, reevaluation, and eligibility forms and worksheets for each teacher with a
872 provisional special education license or an endorsement in special education general curriculum
873 kindergarten through grade 12, special education deaf and hard of hearing preschool through grade
874 12, and special education blindness and visual impairments preschool through grade 12 as required
875 pursuant to subdivision E 4 of § 22.1-253.13:5 of the Code of Virginia, as amended by this act, and
876 (ii) instructional practices to support specially designed instruction in inclusive settings for each
877 principal with an endorsement in administration and supervision preschool through grade 12 as
878 required pursuant to subdivision E 5 of § 22.1-253.13:5 of the Code of Virginia, as amended by this
879 act.

880 7. That during the fiscal year beginning July 1, 2026, each school board shall fully implement the
881 program of high-quality professional development in instructional practices to support specially
882 designed instruction in inclusive settings for each teacher with a provisional general education
883 license or an endorsement in early/primary education preschool through grade three, elementary
884 education preschool through grade six, and secondary education grades six through 12; each
885 teacher's aide or other paraprofessional; and any teacher with a provisional special education
886 license for whom the school board determines there is a need for such professional development as
887 required pursuant to subdivision E 5 of § 22.1-253.13:5 of the Code of Virginia, as amended by this
888 act.

889 8. That the Department of Education (the Department) shall make the first annual public report as
890 required pursuant to subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this act,
891 by January 1, 2025. Upon the completion of the planned update of the School Quality Profiles system
892 by the Department, the Department shall thereafter satisfy such annual reporting requirement by
893 incorporating the necessary data into such system.

894 9. That there is hereby established an advisory committee within the Department of Education (the
895 Department) to support the Department in the implementation of the requirements of this act. Such
896 advisory committee shall consist of at least 26 members, including two legislative members and at
897 least 24 nonlegislative citizen members, appointed as follows: (i) one member of the House of
898 Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a member
899 with a child with a disability enrolled in a public elementary or secondary school in the
900 Commonwealth; (ii) one member of the Senate of Virginia to be appointed by the Senate Committee
901 on Rules, giving preference to a member with a child with a disability enrolled in a public
902 elementary or secondary school in the Commonwealth; and (iii) at least 24 nonlegislative citizen
903 members appointed by the Superintendent of Public Instruction (the Superintendent), including
904 two parents of public school students with disabilities and two students with disabilities who
905 represent a diverse array of school settings, including by grade level, region of the Commonwealth,
906 disability, and Title I status; at least 15 school division staff who represent a similarly diverse array

907 of school settings and each of the eight Superintendent's regions and who include at least two
908 division superintendents, special education administrators, principals, general education teachers,
909 and special education teachers and at least one speech and language pathologist, physical therapist,
910 occupational therapist, school counselor, and school psychologist. The Department shall work with
911 such advisory committee to develop and implement a system for gathering public input on the
912 implementation of this act.

913 10. That the Virginia Commission on Youth (the Commission) shall study and make
914 recommendations on Virginia's special education dispute resolution system. In conducting such
915 study, the Commission shall (i) consider the entire special education dispute resolution system in
916 the Commonwealth, including the parent ombudsman for special education, mediation, complaints,
917 and due process; (ii) review the effectiveness of such system in responding to the concerns of parents,
918 analyze such system in comparison to best practices from other states, and make actionable
919 recommendations for improvement, including regulatory, statutory, staffing, and budgetary
920 modifications; and (iii) specifically review and make recommendations to improve the Department
921 of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent
922 interactions with such system and the outcomes of such interactions. The Commission shall report
923 its findings and recommendations to the General Assembly no later than November 1, 2025.

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