

HOUSE BILL NO. 1089

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on February 29, 2024)

(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 a section numbered 22.1-214.5, relating to special education and related services; definitions; records retention; duties of Department of Education; parent/family liaisons; 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 a section numbered 22.1-214.5 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 § 22.1-214.5; (iii)
134 coordinate with the Parent Training and Information Center on the activities of the special education

135 family support centers established pursuant to § 22.1-214.5; 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. Special education family support centers.**

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

174 **§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2.**
175 **Instructional, administrative, and support personnel.**

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

178 B. School boards shall employ licensed instructional personnel qualified in the relevant subject
179 areas.

180 C. Each school board shall assign licensed instructional personnel in a manner that produces
181 divisionwide ratios of students in average daily membership to full-time equivalent teaching positions,
182 excluding special education teachers, principals, assistant principals, school counselors or certain other
183 licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following
184 ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily
185 membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the
186 class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to
187 one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English
188 classes in grades six through 12. After September 30 of any school year, anytime the number of students

189 in a class exceeds the class size limit established by this subsection, the local school division shall notify
190 the parent of each student in such class of such fact no later than 10 days after the date on which the class
191 exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class
192 size limit and describe the measures that the local school division will take to reduce the class size to
193 comply with this subsection.

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

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

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

205 E. In addition to the positions supported by basic aid and in support of regular school year programs
206 of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be
207 provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K
208 through 12 who are identified as needing prevention, intervention, and remediation services. State funding
209 for prevention, intervention, and remediation programs provided pursuant to this subsection and the
210 appropriation act may be used to support programs for educationally at-risk students as identified by the
211 local school boards.

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

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

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

231 G. In addition to the full-time equivalent positions required elsewhere in this section, each local
232 school board shall employ one reading specialist for each 550 students in kindergarten through grade five
233 and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist
234 shall have training in science-based reading research and evidence-based literacy instruction practices. In
235 addition, each such reading specialist shall have training in the identification of and the appropriate
236 interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder
237 and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an
238 understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student
239 on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages
240 and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit,
241 systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and
242 assistive technology supports for students with dyslexia.

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

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

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

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

260 3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;
261 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at
262 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two
263 full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet
264 this staffing requirement may assign librarians to schools within the division according to the area of
265 greatest need, regardless of whether such schools are elementary, middle, or secondary; and

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

268 However, in order to meet the staffing requirements set forth in this subdivision, any local school
269 board (i) may employ, under a provisional license issued by the Department for three school years with

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

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

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

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

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

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

305 M. School boards shall, however, annually, on or before December 31, report to the public (i) the
306 actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the
307 current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local
308 school division by school for the current school year. Actual pupil/teacher ratios shall include only the
309 teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School
310 boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any
311 classes funded through the voluntary kindergarten through third grade class size reduction program shall
312 be identified as such classes. Any classes having waivers to exceed the requirements of this subsection
313 shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to
314 ensure the confidentiality of all teacher and pupil identities.

315 N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in
316 the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving
317 home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time
318 basis in any mathematics, science, English, history, social science, career and technical education, fine
319 arts, foreign language, or health education or physical education course shall be counted in the ADM in
320 the relevant school division on a pro rata basis as provided in the appropriation act. Each such course
321 enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home

322 school student shall be counted as more than one-half a student for purposes of such pro rata calculation.
323 Such calculation shall not include enrollments of such students in any other public school courses.

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

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

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

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

338 1. Executive policy and leadership positions, including school board members, superintendents
339 and assistant superintendents;

340 2. Fiscal and human resources positions, including fiscal and audit operations;

341 3. Student support positions, including (i) social work administrative positions not included in
342 subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii)
343 homebound administrative positions supporting instruction; (iv) attendance support positions related to
344 truancy and dropout prevention; and (v) health and behavioral administrative positions not included in
345 subsection O;

346 4. Instructional personnel support, including professional development positions and library and
347 media positions not included in subdivision H 3;

348 5. Technology professional positions not included in subsection J;

349 6. Operation and maintenance positions, including facilities; pupil transportation positions;
350 operation and maintenance professional and service positions; and security service, trade, and laborer
351 positions;

352 7. Technical and clerical positions for fiscal and human resources, student support, instructional
353 personnel support, operation and maintenance, administration, and technology; and

354 8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time
355 at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each
356 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in
357 high schools; one full-time and one additional full-time for each 600 students beyond 200 students and
358 one full-time for the library at 750 students. Local school divisions that employ a sufficient number of
359 school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to
360 schools within the division according to the area of greatest need, regardless of whether such schools are
361 elementary, middle, or secondary.

362 Pursuant to the appropriation act, support services shall be funded from basic school aid.

363 School divisions may use the state and local funds for support services to provide additional
364 instructional services.

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

368 R. Each local school board shall designate a faculty member to serve as a special education
369 parent/family liaison. The special education parent/family liaison shall serve as a resource to parents and
370 families to understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if
371 they suspect that their child has a disability and (ii) the IEP process and shall work in collaboration with
372 the special education family support centers established pursuant to § 22.1-214.5. Each school board shall
373 post the name of the designated special education parent/family liaison publicly on its website.

374 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

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

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

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

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

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

399 2. Complete the requirements of their individualized education programs and meet certain
400 requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any
401 named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall

402 develop and implement statewide requirements for earning an Applied Studies diploma for
403 implementation at the beginning of the 2022-2023 school year.

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

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

416 Each local school board shall develop a process for awarding locally verified credits to students
417 with disabilities, require individualized education program teams to consider credit accommodations,
418 including locally awarded verified credits, for students with disabilities to enable them to earn a standard
419 diploma, and provide guidance from the Department to parents of students with disabilities regarding the
420 availability of credit accommodations to earn a standard diploma and the limitations of the Applied Studies
421 diploma and its limitations at a student's annual individualized education program meeting corresponding
422 to grades three through 12 when curriculum or statewide assessment decisions are being made that impact
423 the type of diploma for which the student can qualify.

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

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

431 Each local school board shall provide notification of the right to a free public education for students
432 who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§
433 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation
434 requirements as provided in the standards for accreditation. If such student who does not graduate or
435 complete such requirements is a student for whom English is a second language, the local school board
436 shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-
437 5.

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

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

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

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

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

452 5. Require students to complete at least one course in fine or performing arts or career and technical
453 education, one course in United States and Virginia history, and two sequential elective courses chosen
454 from a concentration of courses selected from a variety of options that may be planned to ensure the

455 completion of a focused sequence of elective courses that provides a foundation for further education or
456 training or preparation for employment.

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

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

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

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

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

480 11. Establish a procedure to facilitate the acceleration of students that allows qualified students,
481 with the recommendation of the division superintendent, without completing the 140-hour class, to obtain

482 credit for such class upon demonstrating mastery of the course content and objectives and receiving a
483 passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude
484 relevant school division personnel from enforcing compulsory attendance in public schools.

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

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

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

496 In addition, the Board may:

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

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

507 13. Provide for the waiver of certain graduation requirements and the subsequent award of a high
508 school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the

509 request of the parent of any high school senior who died in good standing prior to graduation during the
510 student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-
511 by-case basis.

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

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

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

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

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

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

533 20. Permit a student who is pursuing an advanced diploma and whose individualized education
534 program specifies a credit accommodation for world language to substitute two standard units of credit in
535 computer science for two standard units of credit in a world language. For any student that elects to

536 substitute a credit in computer science for credit in world language, his or her school counselor must
537 provide notice to the student and parent or guardian of possible impacts related to college entrance
538 requirements.

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

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

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

548 3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education
549 and understanding of our state and federal constitutions and the democratic model of government for the
550 Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of
551 history, government, and civics courses, including courses that incorporate character education; (ii)
552 voluntary participation in community service or extracurricular activities that includes the types of
553 activities that shall qualify as community service and the number of hours required; and (iii) related
554 requirements as it deems appropriate.

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

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

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

574 H. The Board shall also collect, analyze, report, and make available to the public high school
575 graduation and dropout data using a formula that excludes any student who fails to graduate because such
576 student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local
577 law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation
578 rate required by this subsection.

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

581 **§ 22.1-253.13:5. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Standard 5. Quality**
582 **of classroom instruction and educational leadership.**

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

585 B. Consistent with the finding that leadership is essential for the advancement of public education
586 in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the
587 performance standards included in the Guidelines for Uniform Performance Standards and Evaluation
588 Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic

589 progress as a significant component and an overall summative rating. Teacher evaluations shall include
590 regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall
591 include identification of areas of individual strengths and weaknesses and recommendations for
592 appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

593 C. The Board shall provide guidance on high-quality professional development for (i) teachers,
594 principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and
595 division superintendents in the evaluation and documentation of teacher and principal performance based
596 on student academic progress and the skills and knowledge of such instructional or administrative
597 personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv)
598 teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and
599 Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool
600 through grade three, elementary education preschool through grade six, special education general
601 curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through
602 grade 12, special education blindness/visual impairments preschool through grade 12, or English as a
603 second language preschool through grade 12, or as a reading specialist that builds proficiency in science-
604 based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in
605 middle education grades six through eight who teaches English that builds proficiency in evidence-based
606 literacy instruction and science-based reading research; ~~and~~ (vii) each middle school principal and teacher
607 with an endorsement in middle education grades six through eight who teaches mathematics, science, or
608 history and social science that builds an awareness of evidence-based literacy instruction and science-
609 based reading research; (viii) each teacher with a provisional general education or special education
610 license or an endorsement in early/primary education preschool through grade three, elementary education
611 preschool through grade six, middle education grades six through eight, and secondary education grades
612 six through 12; each principal with an endorsement in administration and supervision preschool through
613 grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices
614 to support specially designed instruction in inclusive settings; and (ix) each teacher with a provisional
615 special education license or an endorsement in special education general curriculum preschool through

616 grade 12, special education deaf and hard of hearing preschool through grade 12, or special education
617 blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the
618 Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation,
619 reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4.

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

623 The Department shall provide technical assistance, including literacy coaching, to local school
624 divisions to provide professional development in science-based reading research and evidence-based
625 literacy instruction for students in kindergarten through grade eight. The Department shall also create a
626 list of professional development programs aligned with science-based reading research and evidence-
627 based literacy instruction that includes programs that provide training in dyslexia for reading specialists
628 as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department
629 shall provide resources to local school divisions to ensure that each division is able to provide professional
630 development to teachers and reading specialists listed in subdivision E 2 in one of the programs
631 enumerated in the list approved by the Board pursuant to this subdivision and that such professional
632 development is provided at no cost to the teachers and reading specialists.

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

639 D. Each local school board shall require (i) its members to participate annually in high-quality
640 professional development activities at the state, local, or national levels on governance, including, but not
641 limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use
642 of data in planning and decision making; and current issues in education as part of their service on the

643 local board and (ii) the division superintendent to participate annually in high-quality professional
644 development activities at the local, state, or national levels, including the Standards of Quality, Board
645 regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers,
646 Principals, and Superintendents.

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

660 In addition, each local school board shall provide:

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

668 2. High-quality professional development and training in science-based reading research and
669 evidence-based literacy instruction, from the list developed and the resources provided by the Department

670 pursuant to subsection C or an alternative program that consists of evidence-based literacy instruction and
671 aligns with science-based reading research approved by the Department, for each elementary school
672 principal and each teacher with an endorsement in early/primary education preschool through grade three,
673 elementary education preschool through grade six, special education general curriculum kindergarten
674 through grade 12, special education deaf and hard of hearing preschool through grade 12, special education
675 blindness/visual impairments preschool through grade 12, or English as a second language preschool
676 through grade 12, or as a reading specialist that builds proficiency in evidence-based literacy instruction
677 and science-based reading research in order to aid in the licensure renewal process for such individuals;
678 ~~and~~

679 3. High-quality professional development and training in science-based reading research and
680 evidence-based literacy instruction, from the list developed and the resources provided by the Department
681 pursuant to subsection C, or an alternative program that consists of evidence-based literacy instruction
682 and aligns with science-based reading research approved by the Department, for (i) each teacher with an
683 endorsement in middle education grades six through eight who teaches English that builds proficiency in
684 evidence-based literacy instruction and science-based reading research and (ii) each middle school
685 principal and teacher with an endorsement in middle education grades six through eight who teaches
686 mathematics, science, or history and social science that builds an awareness of evidence-based literacy
687 instruction and science-based reading research;

688 4. High-quality professional development in implementing the Virginia IEP established pursuant
689 to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and
690 worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a provisional special
691 education license or an endorsement in special education general curriculum kindergarten through grade
692 12, special education deaf and hard of hearing preschool through grade 12, and special education blindness
693 and visual impairments preschool through grade 12; and

694 5. High-quality professional development in instructional practices to support specially designed
695 instruction in inclusive settings for each teacher with a provisional general education license or an
696 endorsement in early/primary education preschool through grade three, elementary education preschool

697 through grade six, and secondary education grades six through 12; each principal with an endorsement in
698 administration and supervision preschool through grade 12; each teacher's aide or other paraprofessional;
699 and any teacher with a provisional special education license for whom the school board determines there
700 is a need for such professional development.

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

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

708 **§ 22.1-289. Transfer and management of scholastic records; disclosure of information in**
709 **court notices; penalty.**

710 A. As used in this section:

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

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

721 The term "scholastic record" also shall not include records of instructional, supervisory,
722 administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the

723 record and are not accessible or revealed to any other person except a temporary substitute for the maker
724 of the record.

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

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

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

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

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

745 E. Whenever the division superintendent is notified by the Department of Juvenile Justice,
746 pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local
747 jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a
748 school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational
749 program in a local jail or detention center, the school division superintendent or his designee shall transfer

750 the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention
751 center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the
752 scholastic record of a student who has been discharged from a juvenile correctional center to the relevant
753 school division within five work days of the student's discharge.

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

757 Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending
758 school division and the receiving school division, as such school divisions are defined in subsection D of
759 § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

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

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

767 H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his
768 designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-
769 305.1 shall be guilty of a Class 3 misdemeanor.

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

774 **§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation**
775 **programs; coursework; audit.**

776 A. As used in this section—;

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

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

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

785 1. Include a program of coursework and require all such students to demonstrate mastery in
786 science-based reading research and evidence-based literacy instruction. Each such program of coursework
787 and the student mastery required to be demonstrated therein shall be consistent with definitions and
788 expectations established by the Board of Education and the Department of Education after consultation
789 with a commission consisting of independent literacy experts and stakeholders with knowledge of science-
790 based reading research and evidence-based literacy instruction that has reviewed the requirements
791 established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of
792 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

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

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

802 1. Include a program of coursework and require all such students to demonstrate mastery in
803 instructional practices to support specially designed instruction in inclusive settings. Each such program

804 of coursework and the student mastery required to be demonstrated therein shall be consistent with
 805 definitions and expectations established by the Board of Education and the Department of Education after
 806 consultation with a commission consisting of independent special education experts and stakeholders that
 807 has reviewed the requirements established in 8VAC20-23-510 through 8VAC20-23-580; and

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

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

815 ~~D.~~E. Each education preparation program offered by a public institution of higher education or
 816 private institution of higher education that leads to a degree, concentration, endorsement, or certificate for
 817 reading specialists shall include a program of coursework and other training in the identification of and
 818 the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a
 819 related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying
 820 remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of
 821 science-based reading research and evidence-based literacy instruction, including appropriate application
 822 of instructional supports and services and reading literacy interventions to ensure reading proficiency.

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

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

829 **4. That the provisions of subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this**
 830 **act, and subdivisions E 4 and 5 of § 22.1-253.13:5 of the Code of Virginia, as amended by this act,**

831 shall become effective on July 1, 2027, and shall be fully implemented in each local school division
832 beginning in the 2027–2028 school year.

833 5. That no later than November 1, 2024, the Department of Education shall submit to the Chairmen
834 of the House Committee on Appropriations, the House Committee on Education, the Senate
835 Committee on Education and Health, and the Senate Committee on Finance and Appropriations an
836 initial report on its progress toward improving services to students with disabilities, including (i)
837 the estimated costs, requirements, and timeline to implement the Virginia IEP data system and
838 template; (ii) a plan for the Department of Education to begin providing technical assistance and
839 coaching to local school divisions; (iii) the status of reviews, form updates, and worksheet
840 development relating to referral, evaluation, reevaluation, and eligibility; and (iv) estimated costs
841 and the timeline to develop and implement high-quality professional development to support (a) the
842 implementation of referral, evaluation, reevaluation, and eligibility guidance, forms, and
843 worksheets; (b) the effective utilization of the Virginia IEP data system and template; and (c) the
844 implementation of instructional practices to support the provision of specially designed instruction
845 in inclusive settings.

846 6. That the Department of Education (the Department) shall make the first annual public report as
847 required pursuant to subdivision 12 of § 22.1-214.4 of the Code of Virginia, as amended by this act,
848 by January 1, 2025. Upon the completion of the planned update of the School Quality Profiles system
849 by the Department, the Department shall thereafter satisfy such annual reporting requirement by
850 incorporating the necessary data into such system.

851 7. That no later than January 1, 2028, each school board shall adopt policies regarding the
852 utilization of the components of the Virginia IEP or a local alternative to either such component.

853 8. That the Board of Education shall review and consider an update to its regulations, including
854 8VAC20-81-110, to include parent and student input as required content in an IEP for all relevant
855 students, define "short-term objectives" for the purpose of IEP content, and include, as appropriate,
856 short-term objectives derived from measurable goals as required content in an IEP for all relevant
857 students.

858 9. That there is hereby established an advisory committee within the Department of Education (the
859 Department) to support the Department in the implementation of the requirements of this act. Such
860 advisory committee shall consist of at least 26 members, including two legislative members and at
861 least 24 nonlegislative citizen members, appointed as follows: (i) one member of the House of
862 Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a member
863 with a child with a disability enrolled in a public elementary or secondary school in the
864 Commonwealth; (ii) one member of the Senate of Virginia to be appointed by the Senate Committee
865 on Rules, giving preference to a member with a child with a disability enrolled in a public
866 elementary or secondary school in the Commonwealth; and (iii) at least 24 nonlegislative citizen
867 members appointed by the Superintendent of Public Instruction (the Superintendent), including
868 two parents of public school students with disabilities and two students with disabilities who
869 represent a diverse array of school settings, including by grade level, region of the Commonwealth,
870 disability, and Title I status; at least 15 school division staff who represent a similarly diverse array
871 of school settings and each of the eight Superintendent's regions and who include at least two
872 division superintendents, special education administrators, principals, general education teachers,
873 and special education teachers and at least one speech and language pathologist, physical therapist,
874 occupational therapist, school counselor, and school psychologist. The Department shall work with
875 such advisory committee to develop and implement a system for gathering public input on the
876 implementation of this act.

877 10. That the Virginia Commission on Youth (the Commission) shall study and make
878 recommendations on Virginia's special education dispute resolution system. In conducting such
879 study, the Commission shall (i) consider the entire special education dispute resolution system in
880 the Commonwealth, including the parent ombudsman for special education, mediation, complaints,
881 and due process; (ii) review the effectiveness of such system in responding to the concerns of parents,
882 analyze such system in comparison to best practices from other states, and make actionable
883 recommendations for improvement, including regulatory, statutory, staffing, and budgetary
884 modifications; and (iii) specifically review and make recommendations to improve the Department

885 of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent
886 interactions with such system and the outcomes of such interactions. The Commission shall report
887 its findings and recommendations to the General Assembly no later than November 1, 2025.

888 #