

# VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

## CHAPTER 433

*An Act to amend and reenact § 22.1-215 of the Code of Virginia, relating to special education; full-time virtual school programs.*

[H 1086]

Approved March 31, 2014

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-215 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-215. School divisions to provide special education; plan to be submitted to Board.**

Each school division shall provide free and appropriate education, including special education, for (i) the children with disabilities residing within its jurisdiction *and (ii) the children with disabilities who do not reside within its jurisdiction but reside in the Commonwealth and are enrolled in a full-time virtual school program provided by the school division*, in accordance with regulations of the Board of Education. *A school division that is required to provide a free and appropriate education, including special education, for a nonresident student who is enrolled in its full-time virtual school program pursuant to this section shall be entitled to any federal and state funds applicable to the education of such student. In the case of a student who is a resident of the Commonwealth but does not reside in the school division in which he is enrolled in a full-time virtual school program, the school division in which the student resides shall be released from the obligation to provide a free and appropriate education, including special education, for such student.*

For the purposes of this section, "children with disabilities, residing within its jurisdiction" shall include: ~~(i)~~ (a) those individuals of school age identified as appropriate to be placed in public school programs who are residing in a state facility operated by the Department of Behavioral Health and Developmental Services located within the school division, or ~~(ii)~~ (b) those individuals of school age who are Virginia residents and are placed and living in a foster care home or child-caring institution or group home located within the school division and licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 as a result of being in the custody of a local department of social services or welfare or being privately placed, not solely for school purposes.

The Board of Education shall promulgate regulations to identify those children placed within facilities operated by the Department of Behavioral Health and Developmental Services who are eligible to be appropriately placed in public school programs.

The cost of the education provided to children residing in state facilities who are appropriate to place within the public schools shall remain the responsibility of the Department of Behavioral Health and Developmental Services. The cost of the education provided to children who are not residents of the Commonwealth and are placed and living in a foster care home or child-caring institution or group home located within the school division and licensed under the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 shall be billed to the sending agency or person by the school division as provided in subsection C of § 22.1-5. No school division shall refuse to educate any such child or charge tuition to any such child.

Each school division shall submit to the Board of Education in accordance with the schedule and by the date specified by the Board, a plan acceptable to the Board for such education for the period following and a report indicating the extent to which the plan required by law for the preceding period has been implemented. However, the schedule specified by the Board shall not require plans to be submitted more often than annually unless changes to the plan are required by federal or state law or regulation.

**2. That the Board of Education shall modify its special education program regulations in accordance with the provisions of this act.**