

14103359D

HOUSE BILL NO. 1086

Offered January 9, 2014

A *BILL to amend and reenact §§ 22.1-212.24 and 22.1-215 of the Code of Virginia, relating to special education; multidivision online courses and virtual school programs.*

Patrons—Bell, Richard P., Anderson, Greason, Landes, Loupassi and Morris

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.24 and 22.1-215 of the Code of Virginia are amended and reenacted as follows: § 22.1-212.24. Approval of multidivision online providers; contracts with local school boards.

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the Board of Education for review. The approval of a multidivision online provider under this section shall be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of revocation of approval of a multidivision online provider or rejection of an application by a multidivision online provider shall state the grounds for such action with reasonable specificity and give reasonable notice to the multidivision online provider to appeal. These criteria and processes shall be adopted by January 31, 2011.

B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or state accreditation program approved by the Board; (ii) require such courses or programs, pupil performance standards, and curriculum to meet or exceed any applicable Standards of Learning and Standards of Accreditation; (iii) require any educational objectives and assessments used to measure pupil progress toward achievement of the school's pupil performance standards to be in accordance with the Board's Standards of Accreditation and all applicable state and federal laws; and (iv) require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs.

C. Local school boards may enter into contracts, consistent with the criteria approved by the Board pursuant to this section, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

Each local school board shall provide appropriate special education for each student with a disability who attends a multidivision online course or virtual school program in the school division that the school board provides pursuant to this subsection. In the case of a student who is a resident of the Commonwealth but does not reside in the school division in which he attends a multidivision online course or virtual school program that the school board provides pursuant to this subsection, the school division in which the student resides shall be released from the obligation under § 22.1-215 to provide appropriate special education for such student. The Board shall modify its special education program regulations in accordance with this section.

In the case of a student who is a resident of the Commonwealth but does not reside in the school division in which he attends a multidivision online course or virtual school program that the school board provides pursuant to this subsection, the school division in which the student resides shall transfer to the school division in which the student attends a multidivision online course or virtual school program funds sufficient to cover the actual cost of any special education program provided the student.

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

Each school division shall provide (i) free and appropriate education, including special education, for the children with disabilities residing within its jurisdiction and (ii) appropriate special education for the children with disabilities attending multidivision online courses or virtual school programs within its jurisdiction that the school division provides pursuant to subsection C of § 22.1-212.24 in accordance with regulations of the Board of Education.

For the purposes of this section, "children with disabilities, residing within its jurisdiction" shall include: (a) those individuals of school age identified as appropriate to be placed in public school

INTRODUCED

HB1086

59 programs who are residing in a state facility operated by the Department of Behavioral Health and
60 Developmental Services located within the school division; or ~~(ii)~~ (b) those individuals of school age
61 who are Virginia residents and are placed and living in a foster care home or child-caring institution or
62 group home located within the school division and licensed under the provisions of Chapter 17
63 (§ 63.2-1700 et seq.) of Title 63.2 as a result of being in the custody of a local department of social
64 services or welfare or being privately placed, not solely for school purposes.

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

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

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