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SENATE BILL NO. 644

Offered January 17, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-71.1:1, relating to educational neglect of students with disabilities; fraud; penalties.*

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-371.1:01 as follows:****§ 18.2-371.1:01. Educational neglect of students with disabilities; fraud within educational programs; penalties.**

A. Any educational professional, education-related services provider, or other person responsible for the educational service delivery of a student with disabilities from the age of two years through 21 years whose willful act or omission results in a delay in providing or failure to provide necessary educational services as outlined within the individualized education plan of the student, resulting in academic, physical, and emotional harm to the student is guilty of "educational neglect," a Class 6 felony.

B. Any educational professional, education-related services provider, or other person responsible for the educational service delivery of a student with disabilities from the age of two years through 21 years whose willful act or omission resulting in a delay in providing or failure to provide necessary educational services as outlined within the individualized education plan of the student was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 4 felony.

C. Any educational professional, education-related services provider, or other person responsible for the educational service delivery of a student with disabilities from the age of two years through 21 years who knowingly documents that specified educational services outlined in the student's individualized education plan were provided to the student when they were not, fraudulently alters an individualized education plan, or forges the signature of a parent or guardian or other party to the individualized education plan is guilty of a Class 4 felony and subject to revocation of a professional educational related license.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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