

## **Department of Planning and Budget**

### **2014 Fiscal Impact Statement**

**1. Bill Number:** HB1086

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
<b>Second House</b>	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Bell

**3. Committee:** Education and Health

**4. Title:** Special education; full-time virtual school programs.

**5. Summary:** The proposed legislation would require each local school board to provide appropriate special education for each non-resident student with a disability who attends a multi-division online course or virtual school program provided by the school board in accordance with regulations of the Board of Education.

Currently, the Code of Virginia requires the division of residence to provide a free appropriate public education (FAPE) to students with disabilities. The current interpretation of the Code is that this responsibility to provide FAPE remains with the division of residence when a student is attending a multi-division online course or virtual school program in a school division that is not the division of residence.

The bill would clarify that when a student with disabilities does not reside in the division where he attends the multi-division online course or virtual school program, the non-resident school division will be responsible for providing the FAPE and the resident school division would be released from the obligation. The non-resident school division would receive the applicable state and federal funds that otherwise would have gone to the resident division.

**6. Budget Amendment Necessary:** None.

**7. Fiscal Impact Estimates:** Indeterminante. See Item 8.

**8. Fiscal Implications:** This bill would require the Board of Education to modify its special education program regulations in accordance with this legislation. State data systems and processes may need to be modified to reflect the change in FAPE responsibility. Local school divisions may also experience additional administrative responsibilities and potentially have a fiscal impact associated with having responsibility for FAPE. Actual costs to the state and localities cannot be determined at this time.

**9. Specific Agency or Political Subdivisions Affected:** Local school divisions.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/28/2014 dpb/smc

**Document:** G:\GA\FIS 2014\HB1086H1.doc