

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 172

*An Act to amend and reenact § 22.1-323 of the Code of Virginia, relating to licensed private schools for students with disabilities; accreditation.*

[H 2238]

Approved March 18, 2021

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

**1. That § 22.1-323 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-323. Licenses generally.**

A. No person shall open, operate, or conduct any school for students with disabilities in ~~this the~~ Commonwealth without a license to operate such school issued by the Board of Education. A license shall be issued for a school if it is in compliance with the regulations of the Board issued pursuant to this chapter, any fee for such license has been paid, and its facilities are approved by the Board after an inspection by the Department. No such license shall be transferable. The license shall be prominently displayed on the premises of the school in a place open for inspection by any interested person during the hours of operation.

B. *Notwithstanding the provisions of § 22.1-19, the Board shall require, pursuant to regulation, any private school for students with disabilities that is licensed by the Board, as a condition for renewal of its initial license to operate, to obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education within three years of the issuance of its initial triennial license by the Board.*

C. Any license issued to a residential school for students with disabilities, except a provisional or conditional license issued pursuant to § 22.1-323.1, may, upon written notification to the school, expire on a date subsequent to its stated expiration date and determined at the discretion of the Board, but in no case later than three years from the effective date. Licenses issued to residential schools for students with disabilities which are effective on or after July 1, 1992, may be issued for periods of up to three successive years. Licenses may be issued to private day special education schools for periods of up to three successive years.

~~C.~~ D. The Superintendent or his authorized agents may make unannounced inspections of each school for students with disabilities each year.

**2. That notwithstanding the provisions of the first enactment of this act, any private school for students with disabilities that is licensed to operate by the Board of Education as of July 1, 2021, shall obtain accreditation from an accrediting agency recognized by the Virginia Council for Private Education no later than July 1, 2024.**