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HOUSE BILL NO. 2299

Offered January 18, 2021

A BILL to amend the Code of Virginia by adding a section numbered 22.1-214.4, relating to the Department of Education; duties; special education.

Patrons—Carr, Helmer and Levine

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-214.4 as follows:

§ 22.1-214.4. Certain duties of Department.

The Department shall:

1. Provide training and guidance documents to local school divisions on the development of Individualized Education Programs (IEPs) for children with disabilities that incorporate specific examples of high quality present level of performance descriptions, annual goals, and postsecondary transition sections.

2. Develop a training module for each individual who participates in an IEP meeting that comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and at regular intervals thereafter.

3. Annually (i) conduct structured reviews of a sample of IEPs from a sufficiently large sample of local school divisions to verify that the IEPs are in compliance with state and federal laws and regulations and are of high quality and (ii) provide a summary report of the findings of such reviews and any necessary corrective actions to the reviewed divisions' superintendents, special education directors, school board chairs and vice-chairs, and local special education advisory committee.

4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices related to transition planning and services for children with disabilities and (ii) technical assistance and guidance provided for postsecondary transition planning and services for children with disabilities. At a minimum, such plan shall articulate how the Department will reliably and comprehensively assess the compliance and quality of transition plans for children with disabilities on an ongoing basis and communicate findings to local school division staff and local school boards. The Department shall, no later than December 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

5. Develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of each local school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The Department shall, no later than November 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

2. That the Department of Education shall (i) conduct a one-time targeted review of the transition sections of a random sample of students' Individualized Education Programs (IEPs) in each local school division; (ii) communicate its findings to each local school division, school board, and local special education advisory committee; and (iii) ensure that local school divisions correct any IEPs that are found to be out of compliance no later than the end of the 2021-22 school year. The Superintendent of Public Instruction shall submit a letter to the Chairmen of the Senate Committee on Education and Health and the House Committee on Education certifying that school divisions have corrected all instances of noncompliance identified pursuant to such review.

3. That the Department of Education shall submit to the Chairmen of the Senate Committee on Education and Health and the House Committee on Education (i) the statewide plan developed pursuant to subdivision 4 of § 22.1-214.4 of the Code of Virginia, as created by this act, no later than December 1, 2022, and (ii) the statewide strategic plan developed pursuant to subdivision 5 of § 22.1-214.4 of the Code of Virginia, as created by this act, no later than November 1, 2021.

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