

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 258

An Act to amend and reenact §§ 22.1-323 and 22.1-323.1 of the Code of Virginia, relating to licensure of certain schools.

[H 330]

Approved April 4, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-323 and 22.1-323.1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-323. Licenses and certificates generally.

A. No person shall open, operate or conduct any school in this Commonwealth without a license or certificate to operate such school issued by the Board of Education. A license or certificate 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 or certificate has been paid, and its facilities are approved by the Board after an inspection by the Department. No such license or certificate shall be transferable. The license or certificate 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. Any license or certificate issued to a residential school for ~~the handicapped~~ *students with disabilities*, except a provisional or conditional license or certificate issued pursuant to § 22.1-323.1, which is in effect on July 1, 1992, 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 and certificates issued to residential schools for ~~the handicapped~~ *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. The Superintendent or his authorized agents shall make at least one unannounced inspection of each residential school for ~~the handicapped~~ *students with disabilities* each year.

§ 22.1-323.1. Provisional and conditional licenses.

Upon completion of the investigation for renewal of a license or certificate, the Board may issue a provisional license or certificate to any residential school for ~~the handicapped~~ *students with disabilities* if the school is temporarily unable to comply with all of the requirements of this chapter. A provisional license or certificate may be renewed, but the issuance of a provisional license or certificate and any renewal thereof shall be for no longer a period than six successive months.

At the discretion of the Board, a conditional license or certificate may be issued to operate a new residential school for ~~the handicapped~~ *students with disabilities* in order to permit the school to demonstrate compliance with all of the requirements of this chapter. A conditional license or certificate may be renewed, but the issuance of a conditional license or certificate and any renewals thereof shall be for no longer a period than six successive months.