

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 133

An Act to amend and reenact §§ 22.1-216 and 22.1-218 of the Code of Virginia, relating to reimbursement for special education placements.

[S 340]

Approved March 8, 1996

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-216 and 22.1-218 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-216. Use of public or private facilities and personnel under contract for special education.

A school board may provide special education for children with disabilities either directly with its own facilities and personnel or under contract with another school division or divisions or any other public or private nonsectarian school, agency or institution ~~approved~~ *licensed or certified* by the Board of Education *or by a licensing authority in the state where the facility is located*. Special education for children below the compulsory school attendance age may be provided in nonsectarian child-day programs licensed in accordance with state law.

§ 22.1-218. Reimbursement for placement in private schools; reimbursement of school boards from state funds.

A. If a school division is unable to provide a free appropriate public education to a disabled child and it is not appropriately available in a state facility, other than Woodrow Wilson Rehabilitation Center, it shall offer to place the child in Woodrow Wilson Rehabilitation Center or a nonsectarian private school for children with disabilities approved by the Board of Education or such other licensing agency as may be designated by state law. Further, if consistent with the student's individualized education plan, the school board may also place such student in a partial, half-day, or tutoring service in a nonsectarian private school for children with disabilities approved by the Board of Education. The school board of such division shall pay to, or on behalf of, the parent or guardian of such child the reasonable tuition cost and other reasonable charges. The school board, from its own funds, is authorized to pay such additional tuition or charges as it may deem appropriate. The school board shall be reimbursed sixty percent from such state funds as are appropriated for this purpose. *If a child's individualized education program calls for placement in a private nonsectarian school, agency, or institution, payment for reasonable tuition cost and other reasonable charges shall be made from the state pool of funds pursuant to § 2.1-757.*

B. Where a school board enters into an agreement with another school division or divisions, the Woodrow Wilson Rehabilitation Center, or a public or private nonsectarian school to pay the tuition cost of special education for children with disabilities within its jurisdiction *regional program established pursuant to regulations of the Board of Education*, the Board of Education is authorized to reimburse the school board sixty percent of its reasonable costs *from such funds as are appropriated for this purpose*.

C. The Board of Education is further authorized to reimburse each school board operating a preschool special education program for children with disabilities aged two through four, through the Standards of Quality Special Education account.