

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[S 340]

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

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

8 § 22.1-216. Use of public or private facilities and personnel under contract for special education.

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

15 § 22.1-218. Reimbursement for placement in private schools; reimbursement of school boards from  
16 state funds.

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

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

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

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