

067030824

SENATE BILL NO. 545

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 16.1, consisting of sections numbered 22.1-335.1 through 22.1-335.8, relating to a new scholarship program for disabled students.

Patrons—Stosch, Bell, Blevins, Rerras, Stolle, Wagner and Williams; Delegate: Hamilton

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 16.1, consisting of sections numbered 22.1-335.1 through 22.1-335.8, as follows:

CHAPTER 16.1.**SCHOLARSHIP FOR DISABLED STUDENTS PROGRAM.**

§ 22.1-335.1. Scholarship for Disabled Students Program; established.

There is hereby established a Scholarship for Disabled Students Program (Scholarship Program) to provide scholarships to a private school of choice for students with disabilities for whom an individualized educational program has been written in accordance with regulations of the Board of Education. Students with disabilities include K-12 students who are autistic, mentally retarded, physically disabled, seriously emotionally disturbed, speech impaired, hearing impaired, visually impaired, multiple disabled, other health impaired or who have a specific learning disability, or who are otherwise disabled, as defined by the Board of Education.

§ 22.1-335.2. Scholarship recipients; eligibility.

A. The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a scholarship for the student to enroll in and attend a private school in accordance with this section if:

1. The student attended a public school of the Commonwealth for at least one year. This requirement shall not apply to a dependent child of a member of the United States Armed Forces who transfers to a school in the Commonwealth from out of state or from a foreign country pursuant to a parent's permanent change of station orders.

2. The parent has obtained acceptance for admission of the student to a private school that is eligible for the Scholarship Program pursuant to § 22.1-332.4 and has notified the school division of the request for a scholarship at least 60 days prior to the anticipated date of the first scholarship payment. The parental notification shall be through a communication sent directly to the division or through the Department of Education to the division in a manner that creates a written or electronic record of the notification and the date of receipt of the notification.

B. The scholarship shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the Scholarship Program pursuant to § 22.1-332.4 or in a public school pursuant to § 22.1-332.3.

§ 22.1-335.3. Board of Education and school division; obligations.

A. A school division shall timely notify the parent of the student of all options available pursuant to this chapter and offer the student's parent an opportunity to enroll the student in another public school or program within the division. The parent is not required to accept this offer in lieu of requesting a scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school.

B. If the parent chooses the private school option and the student is accepted by the private school, pending the availability of space for the student, the parent of the student shall notify the school division 60 days prior to the anticipated date of the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

C. The parent may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school division that has available space and has a program with services required by the student's individualized educational program already in place, and that school division shall accept the student and report the student for purposes of the division's funding.

D. For a student in the division who participates in the Scholarship Program whose parent requests

INTRODUCED

SB545

59 *that the student take the Standards of Learning tests or assessments, the division shall provide locations*
60 *and times to take all such assessments.*

61 *E. A school division shall notify the Board of Education within 10 days after it receives notification*
62 *of a parent's intent to apply for a scholarship for a student with a disability.*

63 *§ 22.1-335.4. Private schools; eligibility.*

64 *To be eligible to participate in the Scholarship Program, a private school shall be a Virginia private*
65 *school, nonsectarian, and shall:*

66 *1. Demonstrate fiscal soundness by being in operation for at least one year, or providing the Board*
67 *of Education with a (i) statement by a certified public accountant confirming that the private school is*
68 *insured and the owner or owners have sufficient capital or credit to operate the school for the*
69 *upcoming year serving the number of students anticipated with expected revenues from tuition and other*
70 *sources that may be reasonably expected; or (ii) surety bond or letter of credit for the amount equal to*
71 *the scholarship funds for any quarter.*

72 *2. Notify the Board of Education of its intent to participate in the Scholarship Program under this*
73 *section, specifying the grade levels and services that the private school has available for students with*
74 *disabilities who are participating in the scholarship program.*

75 *3. Comply with the antidiscrimination provisions of 42 U.S.C. § 2000d.*

76 *4. Meet state and local health and safety laws and codes.*

77 *5. Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least*
78 *three years of teaching experience in public or private schools, or have special skills, knowledge, or*
79 *expertise that qualifies them to provide instruction in subjects taught.*

80 *6. Hold a license to operate as a school for students with disabilities pursuant to Chapter 16 of Title*
81 *22.1.*

82 *7. Adhere to the tenets of its published disciplinary procedures prior to expulsion of a scholarship*
83 *student.*

84 *§ 22.1-335.5. Program participants; obligations.*

85 *A. A parent who applies for the Scholarship Program is exercising the parental option to place the*
86 *child in a private school and thus shall select the private school and apply for the admission of the*
87 *child.*

88 *B. The parent shall request the scholarship at least 60 days prior to the anticipated date of the first*
89 *scholarship payment.*

90 *C. Any student participating in the scholarship program shall remain in attendance throughout the*
91 *school year, unless excused by the school for illness or other good cause, and shall comply fully with*
92 *the school's code of conduct.*

93 *D. The parent of each student participating in the Scholarship Program shall comply fully with the*
94 *private school's parental involvement requirements, unless excused by the school for illness or other*
95 *good cause.*

96 *E. If the parent requests that the student participating in the scholarship program take all Standards*
97 *of Learning tests required by the Standards of Accreditation, the parent shall be responsible for*
98 *transporting the student to the assessment site designated by the school division.*

99 *F. School funds issued on behalf of participating students pursuant to this chapter shall be dispersed*
100 *by warrant from the Superintendent of Public Instruction, directly to the school in which the student is*
101 *enrolled.*

102 *G. A participant who fails to comply with this subsection shall forfeit the scholarship.*

103 *§ 22.1-335.6. Funding.*

104 *The amount of the scholarship granted for an eligible student with disabilities shall be calculated in*
105 *accordance with the appropriation act and shall not exceed \$10,000 per year.*

106 *§ 22.1-335.7. Liability.*

107 *Nothing in this chapter shall give rise to any liability on the part of the Commonwealth based on the*
108 *award or use of a scholarship from the Scholarship Program.*

109 *§ 22.1-335.8. Board to issue guidelines.*

110 *The Board of Education shall issue guidelines to administer this chapter and aid local school*
111 *divisions and private schools in the implementation of the Scholarship Program.*