

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: HB381

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Greason

3. Committee: Education

4. Title: Customized Standards of Learning assessments for children with disabilities.

5. Summary: Permits any local school board and its employees to design, consistent with guidelines established by the Board, a customized Standards of Learning assessment for children with disabilities, as that term is defined in § 22.1-213, in any subject area and administer such assessment to such children as an alternative to the traditional Standards of Learning assessment or any other applicable modified, substitute, or alternative assessment.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: This bill conflicts with state and federal law and guidance, which requires the state to ensure that students with disabilities are assessed along with other students in terms of the general curriculum with appropriate accommodations and alternate assessments where necessary and as indicated in their respective Individualized Education Programs (IEP). While state and federal regulations permit alternate assessments for students with disabilities, such assessments must be standardized statewide. Implementing this proposal could result in the withholding of federal funding that supports public education.

Other than the possible withholding of federal funding, the primary financial burden from HB 381 would fall to local school divisions, though the provisions of the bill are optional. The guidelines that would need to be established by the Board of Education would be written by current Department of Education staff, and any related costs can be absorbed into existing resources.

9. Specific Agency or Political Subdivisions Affected: Board of Education, Department of Education, local school divisions.

10. Technical Amendment Necessary: No.

11. Other Comments: In Virginia, all students in tested grade levels and courses are expected to participate in Virginia's assessment program, unless specifically exempted by state or federal

law or by Board of Education regulations. The Regulations Governing Special Education Programs for Children with Disabilities in Virginia, 8VAC20-81-20, Virginia Administrative Code, state that the Virginia Department of Education (VDOE) must ensure that each school division includes all children with disabilities in all general VDOE and division-wide assessment programs with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs. Section 1412(a)(16)(A) of the federal Individuals with Disabilities Education Act (IDEA) requires the state to ensure that students with disabilities are assessed along with other students in terms of the general curriculum with appropriate accommodations and alternate assessments where necessary and as indicated in their respective IEPs. Moreover, on September 28, 2015, the U.S. Justice Department issued guidance regarding testing accommodations for children with disabilities.