

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 173

An Act to require the Department of Education and Board of Education to take certain actions relating to special education and related services for students with disabilities.

[H 2316]

Approved March 18, 2021

Be it enacted by the General Assembly of Virginia:

1. § 1. *In order to (i) address variation in rates of determinations of student eligibility for special education and related services both across local school divisions in the Commonwealth and based on specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure equal access to special education and related services across local school divisions, the Department of Education shall (a) update its special education eligibility worksheets as necessary, including clarifying any ambiguity or vagueness in eligibility criteria, and (b) provide to each local school division the appropriate level of guidance on eligibility determinations for special education and related services.*

§ 2. *In order to (i) promote and improve the quality of individualized education programs (IEPs) for students with disabilities across the Commonwealth and (ii) ensure that each IEP contains key and required elements such as the student's academic or functional needs and goals, the Board of Education shall amend its Regulations Governing the Review and Approval of Education Programs in Virginia (8VAC20-543-10 et seq.) to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the IEP team.*