

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1492

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: Davis

3. Committee: Education

4. Title: Board of Education; special education and related services; certain deadlines.

5. Summary: Requires the Board of Education to amend certain regulations to (i) permit local educational agencies to shorten the deadline of 65 business days from the date of receipt of referral for an initial evaluation or a reevaluation of a child to determine eligibility for special education and related services and (ii) extend the deadline by which local educational agencies are required to ensure that an individualized education program is developed from 30 calendar days from the date of an initial or subsequent determination that a child is in need of special education and related services to 30 business days from such date.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary, see item 8.

8. Fiscal Implications: The proposed expansion of the timeline for individualized education program (IEP) development to 30 business days rather than calendar days cannot be supported due to the establishment of the 30-day timeline by the federal Individuals with Disabilities Education Act (IDEA) statute (see 34 C.F.R. 300.323(c)(1)). It is also important to note, “day” as defined in the IDEA, means “calendar day” unless otherwise indicated as business day or school day (see 34 C.F.R. 300.11). This legislation proposes to make a change that would put Virginia in non-compliance with federally mandated timelines and requirements. Non-compliance would jeopardize Virginia’s eligibility to receive federal IDEA funding. HB1400/SB800, 2023 General Assembly Session, appropriates approximately \$310,000,000 per year in federal IDEA funding that could be lost if Virginia is not in compliance.

Any impact to local school divisions is indeterminate.

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

10. Technical Amendment Necessary: No

11. Other Comments: None