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SENATE BILL NO. 220

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 8, 2024)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend and reenact §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-214.5 and 22.1-214.6, relating to special education and related services; definitions; records retention; duties of Department of Education; parent engagement specialists; professional development; education preparation program coursework; reports.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-214.5 and 22.1-214.6 as follows:

§ 22.1-213. Definitions.

As used in this article:

"Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who have intellectual disability or serious emotional disturbance, are physically disabled, speech impaired, deaf or hard of hearing, visually impaired, or multiple disabled, are otherwise health impaired, including those who have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by the Board of Education; and (iii) who because of such impairments need special education.

"Instructional practices to support specially designed instruction in inclusive settings" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence; (ii) provide access to grade-level content in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) are developed based on reliable data collection and progress monitoring from both valid and reliable assessments and tracking of progress toward individual goals and objectives; (iv) are able to be differentiated in order to meet the individual needs of students; and (v) align with student need based on special education eligibility, present level of performance, and related goals and objectives.

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. "Related services" also includes school health services, social work services in schools, and parent counseling and training.

"Special education" means specially designed instruction at no cost to the parent to meet the unique needs of a child with a disability, including classroom instruction, home instruction, instruction provided in hospitals and institutions, instruction in physical education, and instruction in career and technical education.

"Specially designed instruction" means instruction for which the content, methodology, or delivery is adapted, as appropriate to the needs of an eligible child, to (i) address the unique needs of the child that result from the child's disability and (ii) ensure that the child has access to the general curriculum so that the child can meet the educational standards that apply to all children within the jurisdiction of the local educational agency.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. "Specific learning disability" does not include children who have learning problems that are primarily the result of visual, hearing, motor, or intellectual disability, or of environmental, cultural, or economic disadvantage.

§ 22.1-214.4. Certain duties of Department.

The Department shall:

1. Provide training and guidance documents to local school divisions on the development of individualized education programs (IEPs) for children with disabilities that incorporate specific examples of high-quality present level of performance descriptions, annual goals, and postsecondary transition sections.

2. Develop a required training module for each individual who participates in an IEP meeting that

60 comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP
61 meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module
62 shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP
63 meeting and at regular intervals thereafter.

64 3. Annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of local
65 school divisions to verify that the IEPs are in compliance with state and federal laws and regulations
66 governing IEP content, and provide a summary report of the findings of such reviews and
67 recommendations regarding any necessary corrective actions to the reviewed divisions' superintendents,
68 special education directors, school board chairs and vice-chairs, and local special education advisory
69 committees. In reviewing local school divisions' IEPs, the Department shall determine whether the
70 special education and related services, supplementary aids and services, and program modifications that
71 will be provided to enable students with disabilities to participate in nonacademic and extracurricular
72 activities are sufficient, and include its findings and corrective actions in the summary reports it provides
73 to the reviewed local school divisions' superintendents, special education directors, and school board
74 members. Nothing in this section shall be construed to (i) direct the Department to make determinations
75 regarding whether a particular IEP provides a free appropriate public education to any individual student
76 or (ii) authorize the Department to override a parent's consent to proposed revisions to an individual
77 student's IEP. In determining corrective actions, the Department shall make recommendations to the
78 relevant school division regarding, among other things, those individual IEPs for which the IEP team
79 should convene to consider revisions necessary to incorporate content required by special education
80 regulations. For those individual IEPs for which the Department recommends that the IEP team should
81 convene to consider such revisions, the relevant school division shall notify the relevant parents or
82 caregivers of the recommendations issued in the summary report of the structured review conducted
83 pursuant to this subdivision.

84 4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices
85 related to transition planning and services for children with disabilities and (ii) technical assistance and
86 guidance provided for postsecondary transition planning and services for children with disabilities. At a
87 minimum, such plan shall articulate how the Department will reliably and comprehensively assess the
88 compliance and quality of transition plans for children with disabilities on an ongoing basis and
89 communicate findings to local school division staff and local school boards. The Department shall, no
90 later than December 1 of each year, update the Chairmen of the Senate Committee on Education and
91 Health and the House Committee on Education on its progress in implementing such plan.

92 5. Develop and maintain a statewide strategic plan for recruiting and retaining special education
93 teachers. At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of
94 each local school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for
95 addressing recruitment and retention challenges, including tuition assistance, differentiated pay for
96 special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate
97 the costs of implementing each such strategy, including the extent to which federal funds could be used
98 to support implementation. The Department shall, no later than November 1 of each year, update the
99 Chairmen of the Senate Committee on Education and Health and the House Committee on Education on
100 its progress in implementing such plan.

101 6. In order to (i) address variation in rates of determinations of student eligibility for special
102 education and related services both across local school divisions in the Commonwealth and based on
103 specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure
104 equal access to special education and related services across local school divisions, (a) *review and*
105 *update its special education eligibility all forms and worksheets as necessary relating to referral,*
106 *evaluation, reevaluation, and eligibility,* including clarifying any ambiguity or vagueness in the standard
107 *for providing an initial evaluation or in eligibility criteria; and; (b) provide to each local school division*
108 *the appropriate level of review and update guidance on the implementation of such referral, evaluation,*
109 *reevaluation, and eligibility forms and worksheets and the legal obligations of local school boards to*
110 *conduct initial evaluations and make eligibility determinations for special education and related services;*
111 *and (c) develop high-quality professional development to support the implementation of such referral,*
112 *evaluation, reevaluation, and eligibility guidance, forms, and worksheets.*

113 7. (i) Develop criteria for what constitutes "exceptional circumstances" that warrant extension of the
114 60-calendar day regulatory timeline for complaint investigations and include the criteria in its publicly
115 available complaint resolution procedures, (ii) consistently track the Department's receipt of each
116 sufficient complaint and its issuance of the respective letter of findings, and (iii) require staff to report at
117 least quarterly to the Superintendent of ~~Public Instruction~~ on the specific reasons for granting an
118 extension due to "exceptional circumstances" and the amount of time it took to complete each
119 investigation beyond the 60-calendar day regulatory timeline.

120 8. Develop policies and procedures for considering and addressing credible allegations of local
121 education agency (LEA) noncompliance with the requirements of the Individuals with Disabilities

Education Act (P.L. 101-476) that do not meet the current regulatory standard for state complaints. Such policies and procedures shall include expectations and mechanisms for collaboration between the Office of Dispute Resolution and Administrative Services and the Office of Special Education Program Improvement in the Division of Special Education and Student Services at the Department to investigate and resolve such credible allegations of noncompliance that do not qualify for state complaint investigations.

9. Elevate the position of ~~parent ombudsman~~ *State Parent Ombudsman for special education to Special Education. The State Parent Ombudsman for Special Education shall (i) report to the Superintendent of Public Instruction. The parent ombudsman for special education shall; (ii) systematically track and report to the Department questions and concerns raised by parents to the Superintendent of Public Instruction. The Department shall State Parent Ombudsman for Special Education and special education family support centers established pursuant to § 22.1-214.6; (iii) coordinate with the Parent Training and Information Center on the activities of the special education family support centers established pursuant to § 22.1-214.6; and (iv) develop a one-page comprehensive summary of the roles and responsibilities of the parent ombudsman State Parent Ombudsman for special education Special Education and such special education family support centers, the specific supports the parent ombudsman State Parent Ombudsman for special education Special Education and such special education family support centers can provide to parents, and how to contact the parent ombudsman State Parent Ombudsman for special education Special Education and such special education family support centers. The Department shall make the summary available in multiple languages on its website and as part of the Virginia IEP established pursuant to subdivision 11.*

10. Develop and implement a process for systematically auditing and verifying school divisions' self-determinations of compliance with all Individuals with Disabilities Education Act (P.L. 101-476) performance indicators. The verification process shall include a random sample of school divisions each year and ensure that all school divisions' self-determinations are reviewed and verified no less frequently than once every five years.

11. Develop, establish, review and update as necessary at least once every five years and make available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred to as the Virginia IEP that includes, at a minimum, an IEP template component and a data system component. The Department shall ensure that such data system component allows for secure transfer of data from division student information systems to the Department. The Department shall also develop and make available to each local school board guidance on the utilization of the Virginia IEP and high-quality professional development to support (i) the effective utilization of the Virginia IEP and (ii) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

12. Develop and publish a data dashboard for the annual public reporting, on a date to be determined by the Superintendent, of state-level, division-level, and school-level special education data, disaggregated by disability type and by subgroups of students with disabilities, including by race, ethnicity, economic disadvantage, English learner status, foster care status, and unhoused status, except when such disaggregation would result in the disclosure of any student's personally identifiable information in violation of relevant federal and state law. Such data dashboard shall include disaggregated (i) results on the early literacy screener provided by the Department, the Virginia Kindergarten Readiness Program, Standards of Learning assessments and (ii) college and career readiness and learning climate measures.

§ 22.1-214.5. School boards; utilization of Virginia IEP; aligned local alternatives.

Each school board shall utilize for each child with a disability:

1. The data system component of the Virginia IEP developed by the Department pursuant to subdivision 11 of § 22.1-214.4 or a locally developed or adopted IEP data system that aligns with the data system component of the Virginia IEP and is capable of securely transferring data to the data system component of the Virginia IEP; and

2. The IEP template component of the Virginia IEP developed by the Department pursuant to subdivision 11 of § 22.1-214.4 or a locally developed or adopted IEP template that aligns with but may be more comprehensive than the IEP template component of the Virginia IEP.

§ 22.1-214.6. Special education family support centers.

The Parent Training and Information Center in the Commonwealth designated pursuant to 20 U.S.C. § 1471(e) shall establish special education family support centers in eight distinct regions of the Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by such center, (ii) coordinate with special education parent engagement specialists required to be employed pursuant to subsection R of § 22.1-253.13:2, (iii) develop and implement outreach and support to parents of children with disabilities in its region; and (iv) track and report to the State Parent Ombudsman for Special Education data on questions and concerns raised by parents.

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade five and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a

related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing standard may assign reading specialists to grade levels according to grade levels with greatest need, regardless of the individual staffing standards established for grades kindergarten through five and six through eight.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the

state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. The Board may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to

schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

R. *Each local school board shall employ at least one full-time equivalent special education parent engagement specialist. The special education parent engagement specialist shall serve as a resource to parents to understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that their child has a disability and (ii) the IEP process and shall work in collaboration with the special education family support centers established pursuant to § 22.1-214.6.*

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who ~~complete~~:

1. *Complete alternative requirements, in the form of credit accommodations specified in their individualized education programs, to earn required standard and verified credits shall be awarded standard diplomas by local school boards. Such credit accommodations may include (i) approval of alternative courses to meet standard credit requirements, (ii) modifications to the requirements for local school divisions to award locally awarded verified credits, (iii) approval of additional tests to earn verified credits, (iv) adjusted cut scores required to earn verified credits, (v) allowance of work-based learning experiences, and (vi) special permission credit accommodations for locally awarded verified credits; and*

2. *Complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.*

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents (i) *informing them of the alternative path to earn a standard diploma through credit accommodations, including special permission credit accommodations for locally awarded verified credits;* (ii) *conveying* ~~(i)~~ (a) the limitations of the applied studies diploma, ~~(ii)~~ (b) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and ~~(iii)~~ (c) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma; and (iii) *supporting them to discuss these diploma options at the student's individualized education program meetings.*

Each local school board shall *develop a process for awarding locally verified credits to students with disabilities, require individualized education program teams to consider credit accommodations, including locally awarded verified credits, for students with disabilities to enable them to earn a standard diploma, and provide guidance from the Department to parents of students with disabilities regarding the availability of credit accommodations to earn a standard diploma and the limitations of*

the Applied Studies diploma ~~and its limitations~~ at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a

passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board.

School boards shall report annually to the Board the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

19. Permit any English language learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 22.1-253.13:5. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in science-based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in

evidence-based literacy instruction and science-based reading research; ~~and~~ (vii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research; (viii) *each teacher with a provisional general education or special education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices to support specially designed instruction in inclusive settings; and* (ix) *each teacher with a provisional special education license or an endorsement in special education general curriculum preschool through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4.*

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction for students in kindergarten through grade eight. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to teachers and reading specialists listed in subdivision E 2 in one of the programs enumerated in the list approved by the Board pursuant to this subdivision and that such professional development is provided at no cost to the teachers and reading specialists.

The Department shall provide technical assistance, including special education coaching, to local school divisions to provide professional development in special education and related services and in instructional practices to support specially designed instruction in inclusive settings. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to the teachers, principals, teacher's aides, and other paraprofessionals listed in subdivisions E 4 and 5 at no cost to such individuals.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall provide:

1. Teachers and principals with high-quality professional development programs each year in ~~(a)~~ (i) instructional content; ~~(b)~~ (ii) the preparation of tests and other assessment measures; ~~(c)~~ (iii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; ~~(d)~~ (iv) instruction and

remediation techniques in English, mathematics, science, and history and social science; ~~(e)~~ (v) interpreting test data for instructional purposes; ~~(f)~~ (vi) technology applications to implement the Standards of Learning; and ~~(g)~~ (vii) effective classroom management;

2. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in evidence-based literacy instruction and science-based reading research in order to aid in the licensure renewal process for such individuals; ~~and~~

3. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C, or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for (i) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research and (ii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research;

4. *High-quality professional development in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a provisional special education license or an endorsement in special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, and special education blindness and visual impairments preschool through grade 12; and*

5. *High-quality professional development in instructional practices to support specially designed instruction in inclusive settings for each teacher with a provisional general education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; each teacher's aide or other paraprofessional; and any teacher with a provisional special education license for whom the school board determines there is a need for such professional development.*

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" also shall not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request

from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

I. After a child with a disability, as defined in § 22.1-213, graduates from, ages out of, or otherwise leaves any public elementary or secondary school in the Commonwealth, such school shall retain the special education records of such child for at least seven years. Each such school shall notify the parents of each such child of the opportunity to obtain such records during such retention period.

§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation programs; coursework; audit.

A. As used in this section, :

"~~evidence-based~~ Evidence-based literacy instruction" and "science-based reading research" have the same meanings as provided in § 22.1-1.

"Instructional practices to support specially designed instruction in inclusive settings" has the same meaning as provided in § 22.1-213.

B. Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the Board of Education or a certificate or microcredential in early literacy or literacy coaching shall:

1. Include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with

798 definitions and expectations established by the Board of Education and the Department of Education
799 after consultation with a commission consisting of independent literacy experts and stakeholders with
800 knowledge of science-based reading research and evidence-based literacy instruction that has reviewed
801 the requirements established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190,
802 subdivision 2 a of 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660;
803 and

804 2. For any such student seeking initial licensure by the Board of Education as a teacher with an
805 endorsement in early childhood, elementary education, or special education or with an endorsement as a
806 reading specialist, ensure that reading coursework and field practice opportunities are a significant focus
807 of the education preparation program.

808 C. *Each education preparation program offered by a public institution of higher education or private*
809 *institution of higher education or alternative certification program that provides training for any student*
810 *seeking initial licensure by the Board of Education with an endorsement in early/primary education*
811 *preschool through grade three, elementary education preschool through grade six, middle education*
812 *grades six through eight, and secondary education grades six through 12 shall:*

813 1. *Include a program of coursework and require all such students to demonstrate mastery in*
814 *instructional practices to support specially designed instruction in inclusive settings. Each such program*
815 *of coursework and the student mastery required to be demonstrated therein shall be consistent with*
816 *definitions and expectations established by the Board of Education and the Department of Education*
817 *after consultation with a commission consisting of independent special education experts and*
818 *stakeholders that has reviewed the requirements established in 8VAC20-23-510 through 8VAC20-23-580;*
819 *and*

820 2. *For any such student seeking initial licensure by the Board of Education as a teacher with an*
821 *endorsement in early/primary, elementary, or secondary education, ensure that coursework and, as*
822 *available, field practice opportunities that build knowledge of instructional practices to support specially*
823 *designed instruction in inclusive settings are a significant focus of the education preparation program.*

824 D. The Department of Education shall audit at least once every seven years each education
825 preparation program, in alignment with each program's accreditation cycle, for compliance with the
826 requirements set forth in subsection B.

827 ~~D.~~ E. Each education preparation program offered by a public institution of higher education or
828 private institution of higher education that leads to a degree, concentration, endorsement, or certificate
829 for reading specialists shall include a program of coursework and other training in the identification of
830 and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or
831 a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying
832 remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery
833 of science-based reading research and evidence-based literacy instruction, including appropriate
834 application of instructional supports and services and reading literacy interventions to ensure reading
835 proficiency.

836 2. That the Department of Education shall amend its guidelines, *Management of the Student's*
837 *Scholastic Record in the Public Schools of Virginia*, in accordance with the provisions of § 22.1-289
838 of the Code of Virginia, as amended by this act.

839 3. That The Library of Virginia shall amend its *Records Retention and Disposition Schedule*,
840 *General Schedule No. GS-21, County and Municipal Governments, Public School* in accordance with
841 the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.

842 4. That the provisions of subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this
843 act, § 22.1-214.5 of the Code of Virginia, as created by this act, and subdivisions E 4 and 5 of
844 § 22.1-253.13:5, as amended by this act, shall become effective on July 1, 2027, and shall be fully
845 implemented in each local school division beginning in the 2027-2028 school year.

846 5. That no later than November 1, 2024, the Department of Education shall submit to the
847 Chairmen of the House Committee on Appropriations, the House Committee on Education, the
848 Senate Committee on Education and Health, and the Senate Committee on Finance and
849 Appropriations a comprehensive report on its progress toward fully implementing the relevant
850 provisions of this act, including (i) an analysis of state and local costs; (ii) a detailed timeline for
851 optimal local implementation; (iii) an explanation of any unforeseen circumstances that could
852 necessitate a delay in full implementation; (iv) a detailed plan and timeline for the development
853 and implementation of high-quality professional development to support (a) the implementation of
854 referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets; (b) the effective
855 utilization of the Virginia IEP; and (c) the implementation of instructional practices to support the
856 provision of specially designed instruction in inclusive settings as required pursuant to subdivisions
857 6 and 11 of § 22.1-214.4 of the Code of Virginia, as amended by this act, and subsection C of
858 § 22.1-253.13:5 of the Code of Virginia, as amended by this act; and (v) a detailed analysis of the
859 implementation of subsection C of § 23.1-902.1 of the Code of Virginia, as amended by this act.

860 6. That the Department of Education (the Department) shall make the first annual public report
861 as required pursuant to subdivision 12 of § 22.1-214.4 of the Code of Virginia, as amended by this
862 act, by January 1, 2025. Upon the completion of the planned update of the School Quality Profiles
863 system by the Department, the Department shall thereafter satisfy such annual reporting
864 requirement by incorporating the necessary data into such system.

865 7. That no later than January 1, 2028, each school board shall adopt policies regarding the
866 utilization of the components of the Virginia IEP or a local alternative to either such component
867 as set forth in § 22.1-214.5 of the Code of Virginia, as created by this act.

868 8. That the Board of Education shall review and consider an update to its regulations, including
869 8VAC20-81-110, to include parent and student input as required content in an IEP for all relevant
870 students, define "short-term objectives" for the purpose of IEP content, and include, as
871 appropriate, short-term objectives derived from measurable goals as required content in a IEP for
872 all relevant students.

873 9. That there is hereby established an advisory committee within the Department of Education (the
874 Department) to support the Department in the implementation of the requirements of this act.
875 Such advisory committee shall consist of at least 26 members, including two legislative members
876 and at least 24 nonlegislative citizen members, appointed as follows: (i) one member of the House
877 of Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a
878 member with a child with a disability enrolled in a public elementary or secondary school in the
879 Commonwealth; (ii) one member of the Senate of Virginia to be appointed by the Senate
880 Committee on Rules, giving preference to a member with a child with a disability enrolled in a
881 public elementary or secondary school in the Commonwealth; and (iii) at least 24 nonlegislative
882 citizen members appointed by the Superintendent of Public Instruction (the Superintendent),
883 including two parents of public school students with disabilities and two students with disabilities
884 who represent a diverse array of school settings, including by grade level, region of the
885 Commonwealth, disability, and Title I status; at least 15 school division staff who represent a
886 similarly diverse array of school settings and each of the eight Superintendent's regions and who
887 include at least two division superintendents, special education administrators, principals, general
888 education teachers, and special education teachers and at least one speech and language
889 pathologist, physical therapist, occupational therapist, school counselor, and school psychologist.
890 The Department shall work with such advisory committee to develop and implement a system for
891 gathering public input on the implementation of this act.

892 10. That the Virginia Commission on Youth (the Commission) shall study and make
893 recommendations on Virginia's special education dispute resolution system. In conducting such
894 study, the Commission shall (i) consider the entire special education dispute resolution system in
895 the Commonwealth, including the parent ombudsman for special education, mediation, complaints,
896 and due process; (ii) review the effectiveness of such system in responding to the concerns of
897 parents, analyze such system in comparison to best practices from other states, and make
898 actionable recommendations for improvement, including regulatory, statutory, staffing, and
899 budgetary modifications; and (iii) specifically review and make recommendations to improve the
900 Department of Education's system for collecting, tracking, analyzing, and publicly reporting data
901 on parent interactions with such system and the outcomes of such interactions. The Commission
902 shall report its findings and recommendations to the General Assembly no later than November 1,
903 2025.