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SENATE BILL NO. 220**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Finance and Appropriations
on February 12, 2024)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend and reenact §§ 22.1-214.4, 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, relating to special education and related services; records retention; duties of Department of Education; professional development; education preparation program coursework; inclusive settings; reports.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-214.4, 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 as follows:

§ 22.1-214.4. Certain duties of the 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 comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and at regular intervals thereafter.

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

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

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

60 Chairmen of the Senate Committee on Education and Health and the House Committee on Education on
61 its progress in implementing such plan.

62 6. In order to (i) address variation in rates of determinations of student eligibility for special
63 education and related services both across local school divisions in the Commonwealth and based on
64 specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure
65 equal access to special education and related services across local school divisions, (a) *review and*
66 *update its special education eligibility all forms and worksheets as necessary relating to referral,*
67 *evaluation, reevaluation, and eligibility,* including clarifying any ambiguity or vagueness in *the standard*
68 *for providing an initial evaluation or in eligibility criteria,* and (b) *provide to each local school division*
69 *the appropriate level of review and update guidance on the implementation of such referral, evaluation,*
70 *reevaluation, and eligibility forms and worksheets and the legal obligations of local school boards to*
71 *conduct initial evaluations and make eligibility determinations for special education and related services.*

72 7. (i) Develop criteria for what constitutes "exceptional circumstances" that warrant extension of the
73 60-calendar day regulatory timeline for complaint investigations and include the criteria in its publicly
74 available complaint resolution procedures, (ii) consistently track the Department's receipt of each
75 sufficient complaint and its issuance of the respective letter of findings, and (iii) require staff to report at
76 least quarterly to the Superintendent of ~~Public Instruction~~ on the specific reasons for granting an
77 extension due to "exceptional circumstances" and the amount of time it took to complete each
78 investigation beyond the 60-calendar day regulatory timeline.

79 8. Develop policies and procedures for considering and addressing credible allegations of local
80 education agency (LEA) noncompliance with the requirements of the Individuals with Disabilities
81 Education Act (P.L. 101-476) that do not meet the current regulatory standard for state complaints. Such
82 policies and procedures shall include expectations and mechanisms for collaboration between the Office
83 of Dispute Resolution and Administrative Services and the Office of Special Education Program
84 Improvement in the Division of Special Education and Student Services at the Department to investigate
85 and resolve such credible allegations of noncompliance that do not qualify for state complaint
86 investigations.

87 9. Elevate the position of ~~parent ombudsman~~ *State Parent Ombudsman for special education to*
88 *Special Education. The State Parent Ombudsman for Special Education shall (i) report to the*
89 ~~Superintendent of Public Instruction. The parent ombudsman for special education shall;~~ (ii)
90 *systematically track and report to the Department questions and concerns raised by parents to the*
91 ~~Superintendent of Public Instruction. The Department shall~~ *State Parent Ombudsman for Special*
92 *Education (iii) coordinate with the Parent Training and Information Center; and (iv) develop a one-page*
93 *comprehensive summary of the roles and responsibilities of the* ~~parent ombudsman~~ *State Parent*
94 *Ombudsman for special education Special Education and such special education family support centers,*
95 *the specific supports the* ~~parent ombudsman~~ *State Parent Ombudsman for special education Special*
96 *Education and such special education family support centers can provide to parents, and how to contact*
97 *the* ~~parent ombudsman~~ *State Parent Ombudsman for special education Special Education and such*
98 *special education family support centers. The Department shall make the summary available in multiple*
99 *languages on its website.*

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

105 **§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.**

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

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

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

B. Students identified as disabled who 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 Acts 2022, cc. 549 and 550, cl. 2) Standard 5. Quality of classroom instruction and educational leadership.

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

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

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

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

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

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

354 E. Each local school board shall provide a program of high-quality professional development (i) in
355 the use and documentation of performance standards and evaluation criteria based on student academic
356 progress and skills for teachers, principals, and superintendents to clarify roles and performance
357 expectations and to facilitate the successful implementation of instructional programs that promote
358 student achievement at the school and classroom levels; (ii) as part of the license renewal process, to
359 assist teachers and principals in acquiring the skills needed to work with gifted students, students with
360 disabilities, and students who have been identified as having limited English proficiency and to increase
361 student achievement and expand the knowledge and skills students require to meet the standards for
362 academic performance set by the Board; (iii) in educational technology for all instructional personnel
363 which is designed to facilitate integration of computer skills and related technology into the curricula;
364 and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and
365 management, including training in the evaluation and documentation of teacher and principal
366 performance based on student academic progress and the skills and knowledge of such instructional or
367 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.

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.

429 Permission of the parent, guardian, or other person having control or charge of the student, or of a
430 student who is 18 years of age or older, shall not be required for transfer of such scholastic record to
431 another school or school division within or without this Commonwealth.

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

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

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

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

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

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

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

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

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

469 **§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation**
470 **programs; coursework; audit.**

471 A. As used in this section:

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

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

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

487 B. Each education preparation program offered by a public institution of higher education or private
488 institution of higher education or alternative certification program that provides training for any student
489 seeking initial licensure by the Board of Education or a certificate or microcredential in early literacy or
490 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 definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the requirements established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

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

C. 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 with 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 shall:

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

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

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

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

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

3. That no later than November 1, 2024, the Department of Education shall submit to the Chairs of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations an initial report on its progress toward improving services to students with disabilities, including (i) the estimated costs, requirements, and timeline to implement a Virginia Individualized Education Program (IEP) data system and template; (ii) a plan for the Department of Education to begin providing technical assistance and coaching to localities; (iii) the status of reviews, form updates, and worksheet development relating to referral, evaluation, reevaluation, and eligibility; and (iv) estimated costs and the timeline to develop and implement high quality professional development to support (a) the implementation of referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets; (b) the effective utilization of a Virginia IEP data system and template; and (c) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

4. That no later than January 1, 2028, each school board shall adopt policies regarding the utilization of the components of the Virginia Individualized Education Program data system and template or a local alternative.

5. That the Board of Education shall review and consider an update to its regulations, including

552 8VAC20-81-110, to include parent and student input as required content in an Individualized
553 Education Program (IEP) for all relevant students, define "short-term objectives" for the purpose
554 of IEP content, and include, as appropriate, short-term objectives derived from measurable goals
555 as required content in an IEP for all relevant students.

556 6. That the Virginia Commission on Youth (the Commission) shall study and make
557 recommendations on Virginia's special education dispute resolution system. In conducting such
558 study, the Commission shall (i) consider the entire special education dispute resolution system in
559 the Commonwealth, including the State Parent Ombudsman for Special Education, mediation,
560 complaints, and due process; (ii) review the effectiveness of such system in responding to the
561 concerns of parents, analyze such system in comparison to best practices from other states, and
562 make actionable recommendations for improvement, including regulatory, statutory, staffing, and
563 budgetary modifications; and (iii) specifically review and make recommendations to improve the
564 Department of Education's system for collecting, tracking, analyzing, and publicly reporting data
565 on parent interactions with such system and the outcomes of such interactions. The Commission
566 shall report its findings and recommendations to the General Assembly no later than November 1,
567 2025.