

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB220S2

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

2. Patron: Favola

3. Committee: Education

4. Title: Special education and related services; definitions; records retention; duties.

5. Summary: Makes several changes relating to special education and related services for children with disabilities in public elementary and secondary schools in the Commonwealth, including requiring (i) the Department of Education to (a) review and update all forms and worksheets relating to referral, evaluation, reevaluation, and eligibility, and to review and update guidance on the implementation of all such forms and worksheets; (b) develop guidance for students and parents on and processes relating to the alternative path to earning a standard diploma through credit accommodations, including special permission credit accommodations for locally awarded verified credits; and (c) review and consider updating its regulations to include parent and student input as required content in an individualized education program (IEP), define "short-term objectives" for the purpose of IEP content, and include, as appropriate, short-term objectives derived from measurable goals as content in an IEP; (ii) each public elementary or secondary school, after a child with a disability graduates from, ages out of, or otherwise leaves any such school, to retain the special education records of such child for at least seven years; (iii) each education preparation program offered by a public 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 certain endorsements as specified in the bill to (a) include a program of coursework and require all such students to demonstrate mastery in instructional practices to support specially designed instruction, as that term is defined in the bill, in inclusive settings and (b) 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; and (iv) each school board to notify the parent of any student with disabilities who has an IEP and who fails to meet the graduation requirements of such student's right to a free and appropriate education to age 21, as provided in relevant law. The bill requires the Department of Education to 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 by November 1, 2024 an initial report on its progress toward improving services to students with disabilities, including estimated costs, requirements, and the timeline to implement a Virginia Individualized Education Program data system and template and plans, estimated costs, and timelines for the implementation of other provisions of the

bill relating to the development and provision of high quality professional development and instructional practices to support the provision of specially designed instruction in inclusive settings. The bill also requires each school board to adopt by January 1, 2028 policies relating to the utilization of the components of the Virginia Individualized Education Program data system and template or a local alternative. Finally, the bill directs the Virginia Commission on Youth to study and make recommendations to the General Assembly by November 1, 2025 on Virginia's special education dispute resolution system.

- 6. **Budget Amendment Necessary:** No
- 7. **Fiscal Impact Estimates:** Preliminary, see item 8.
- 8. **Fiscal Implications:**

Department of Education

This bill places additional requirements on the Department of Education (DOE) and local school divisions related to special education. DOE estimates that the work required by this bill including updating forms and guidance and assisting the Board of Education on IEP content will cost approximately \$16,500, which can be absorbed. The State Parent Ombudsman is an existing position required in code and the additional duties required by this bill can be absorbed. Any impact to local school divisions is indeterminate.

Institutions of Higher Education

This bill requires institutions of higher education with teacher preparation programs to include a program of coursework in instructional practices to support specially designed instruction in inclusive settings, and to ensure coursework and field practice opportunities that build knowledge of these practices. It is anticipated that higher education institutions would absorb any costs associated with implementing these requirements.

Library of Virginia

The Library of Virginia can absorb any cost related to amending their record retention policy.

Virginia Commission on Youth

The bill requires the Virginia Commission on Youth to study and make recommendations on Virginia's special education dispute resolution system and to report its findings to the General Assembly no later than November 1, 2025. The Commission on Youth can absorb any cost to complete the study.

- 9. **Specific Agency or Political Subdivisions Affected:** Department of Education, local school divisions, institutions of higher education, The Library of Virginia, Virginia Commission on Youth

10. Technical Amendment Necessary: No

11. Other Comments: This bill is similar to HB1089.