

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-215 of the Code of Virginia, relating to special education plans.*

3 [S 341]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 22.1-215 of the Code of Virginia is amended and reenacted as follows:**

7 § 22.1-215. School divisions to provide special education; plan to be submitted to Board.

8 Each school division shall provide free and appropriate education, including special education, for the
9 children with disabilities residing within its jurisdiction in accordance with regulations of the Board of
10 Education.11 For the purposes of this section, "children with disabilities, residing within its jurisdiction" shall
12 include: (i) those individuals of school age identified as appropriate to be placed in public school
13 programs, who are residing in a state institution operated by the Department of Mental Health, Mental
14 Retardation and Substance Abuse Services located within the school division, or (ii) those individuals of
15 school age who are Virginia residents and are placed and living in a foster care home or child-caring
16 institution or group home located within the school division and licensed under the provisions of
17 Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 as result of being in the custody of a local department of
18 social services or welfare or being privately placed, not solely for school purposes.19 The Board of Education shall promulgate regulations to identify those children placed within
20 facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse
21 Services who are eligible to be appropriately placed in public school programs.22 The cost of the education provided to children residing in the state institutions, who are appropriate
23 to place within the public schools, shall remain the responsibility of the Department of Mental Health,
24 Mental Retardation and Substance Abuse Services. The cost of the education provided to children who
25 are not residents of the Commonwealth and are placed and living in a foster care home or child-caring
26 institution or group home located within the school division and licensed under the provisions of
27 Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 shall be billed to the sending agency or person by the
28 school division as provided in subsection C of § 22.1-5. No school division shall refuse to educate any
29 such child or charge tuition to any such child.30 Each school division shall submit ~~annually~~ to the Board of Education *in accordance with the*
31 *schedule and by such the date as specified by the Board shall specify*, a plan acceptable to the Board
32 for such education for the ~~year~~ *period* following and a report indicating the extent to which the plan
33 required by law for the preceding ~~year~~ *period* has been implemented. *However, the schedule specified by*
34 *the Board shall not require plans to be submitted more often than annually unless changes to the plan*
35 *are required by federal or state law or regulation.*