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1 **HOUSE BILL NO. 473**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *A BILL to amend and reenact §§ 22.1-214, 22.1-214.4, and 22.1-214.5 of the Code of Virginia and to amend*  
5 *the Code of Virginia by adding a section numbered 22.1-214.6, relating to public education; special*  
6 *education dispute resolution system; administration, organization, oversight, and training; regional*  
7 *special education ombudsman established.*

8 Patron—Convirs-Fowler

9 Committee Referral Pending

10 **Be it enacted by the General Assembly of Virginia:**11 **1. That §§ 22.1-214, 22.1-214.4, and 22.1-214.5 of the Code of Virginia are amended and reenacted and**  
12 **that the Code of Virginia is amended by adding a section numbered 22.1-214.6 as follows:**13 **§ 22.1-214. Board to prepare special education program for children with disabilities.**14 A. The Board of Education shall prepare and supervise the implementation by each school division of a  
15 program of special education designed to educate and train children with disabilities between the ages defined  
16 in § 22.1-213 and may prepare and place in operation such program for such individuals of other ages. The  
17 program developed by the Board of Education shall be designed to ensure that all children with disabilities  
18 have available to them a free and appropriate education, including specially designed instruction to meet the  
19 unique needs of such children. The program shall require (i) that the hearing of each disabled child be tested  
20 prior to placement in a special education program and (ii) that a complete audiological assessment, including  
21 tests that will assess inner and middle ear functioning, be performed on each child who is deaf or hard of  
22 hearing or who fails the test required in clause (i). The school boards of the several school divisions, the  
23 Department for the Blind and Vision Impaired, the Department for the Deaf and Hard-of-Hearing, the  
24 Department of Health, and other state and local agencies that can or may be able to assist in providing  
25 educational and related services shall assist and cooperate with the Board of Education in the development of  
26 such program.27 B. The Board of Education shall prescribe procedures to afford due process to children with disabilities  
28 and their parents or guardians and to school divisions in resolving disputes as to program placements,  
29 individualized education programs, tuition eligibility and other matters as defined in state or federal statutes  
30 or regulations. These procedures shall *encourage provide for a tiered dispute resolution system that*  
31 *encourages* the use of mediation as an informal means of resolving such disputes. Mediation shall not,  
32 however, be used to deny or delay the due process rights of parents or guardians. The procedures shall require  
33 that all testimony be given under oath or affirmation administered by the hearing officer.34 C. The Board of Education may provide for final decisions to be made by a hearing officer. The parents  
35 and the school division shall have the right to be represented by legal counsel or other representative before  
36 such hearing officer without being in violation of the provisions of § 54.1-3904.37 D. Any party aggrieved by the findings and decision made pursuant to the procedures prescribed pursuant  
38 to subsections B and C may, within 180 days of such findings and decision, bring a civil action in the circuit  
39 court for the jurisdiction in which the school division is located. In any such action, the court shall receive the  
40 records of the administrative proceedings, shall hear additional evidence at the request of a party, and basing  
41 its decision on the preponderance of the evidence, shall grant such relief as the court determines appropriate.42 D1. In any action brought pursuant to subsection D, the court, in its discretion, may award reasonable  
43 attorney fees as part of the costs (i) to a prevailing party who is the parent of a child with a disability; (ii) to a  
44 prevailing party who is the Board of Education or a local school division against the attorney of a parent who  
45 files a complaint or a subsequent cause of action that is frivolous, unreasonable, or without foundation, or  
46 against the attorney of a parent who continued to litigate after the litigation clearly became frivolous,  
47 unreasonable, or without foundation; or (iii) to a prevailing party who is the Board of Education or a local  
48 school division against the attorney of a parent, or against the parent, if the parent's complaint or subsequent  
49 cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to  
50 needlessly increase the cause of litigation.51 Attorney fees may not be awarded relating to any meeting of the individualized education program (IEP)  
52 team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the  
53 discretion of the State, for a mediation described in subsection B.54 E. Whenever the Board of Education, in its discretion, determines that a school division fails to establish  
55 and maintain programs of free and appropriate public education that comply with regulations established by  
56 the Board, the Board may withhold all special education moneys from the school division and may use the

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59 payments that would have been available to such school division to provide special education, directly or by  
60 contract, to eligible children with disabilities in such manner as the Board considers appropriate.

61 F. The Board of Education shall supervise educational programs for children with disabilities by other  
62 public agencies and shall ensure that the identification, evaluation, and placement of children with disabilities  
63 and youth in education programs by other public agencies, as appropriate, are consistent with the provisions  
64 of the Board of Education's special education regulations.

65 G. The Board of Education shall prescribe regulations to provide a range of assessment procedures for the  
66 evaluation of children with disabilities. These regulations shall include provision for parents to participate, if  
67 they so request, in the consideration of the assessment components to be used. However, such regulations  
68 shall not require any local school board to exceed the requirements of federal law or regulations for the  
69 identification and evaluation of children with disabilities.

70 **§ 22.1-214.4. Certain duties of Department.**

71 The Department shall:

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

75 2. Develop a required training module for each individual who participates in an IEP meeting that  
76 comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP  
77 meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module shall  
78 be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and  
79 at regular intervals thereafter.

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

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

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

116 6. In order to (i) address variation in rates of determinations of student eligibility for special education and  
117 related services both across local school divisions in the Commonwealth and based on specific student  
118 disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure equal access to special  
119 education and related services across local school divisions, (a) review and update all forms and worksheets

120 relating to referral, evaluation, reevaluation, and eligibility, including clarifying any ambiguity or vagueness  
 121 in the standard for providing an initial evaluation or in eligibility criteria; (b) review and update guidance on  
 122 the implementation of such referral, evaluation, reevaluation, and eligibility forms and worksheets and the  
 123 legal obligations of local school boards to conduct initial evaluations and make eligibility determinations for  
 124 special education and related services; and (c) develop high-quality professional development to support the  
 125 implementation of such referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets.

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

132 8. Develop policies and procedures for considering and addressing credible allegations of local education  
 133 agency (LEA) noncompliance with the requirements of the Individuals with Disabilities Education Act (P.L.  
 134 101-476) that do not meet the current regulatory standard for state complaints. Such policies and procedures  
 135 shall include expectations and mechanisms for collaboration between the Office of *Special Education* Dispute  
 136 Resolution and *Administrative Services* and the Office of Special Education Program Improvement in the  
 137 *Division Department* of Special Education and *Student Services Specialized Populations* at the Department to  
 138 investigate and resolve such credible allegations of noncompliance that do not qualify for state complaint  
 139 investigations.

140 9. Elevate the position of State Parent Ombudsman for Special Education. The State Parent Ombudsman  
 141 for Special Education shall (i) report to the Superintendent; (ii) systematically track and report to the  
 142 Department questions and concerns raised by parents to the State Parent Ombudsman for Special Education  
 143 and special education family support centers established pursuant to § 22.1-214.5; (iii) coordinate with the  
 144 Parent Training and Information Center on the activities of the special education family support centers  
 145 established pursuant to § 22.1-214.5; and (iv) develop a one-page comprehensive summary of the roles and  
 146 responsibilities of the State Parent Ombudsman for Special Education and such special education family  
 147 support centers, the specific supports the State Parent Ombudsman for Special Education and such special  
 148 education family support centers can provide to parents, and how to contact the State Parent Ombudsman for  
 149 Special Education and such special education family support centers. The Department shall make the  
 150 summary available in multiple languages on its website and as part of the Virginia IEP established pursuant  
 151 to subdivision 11; (v) *develop and implement a brief, anonymous evaluation survey to be provided after an*  
*152 individual has contacted the State Parent Ombudsman for Special Education that shall be satisfaction-based*  
*153 and include an opportunity for individuals to provide anonymous comments; (vi) collaborate with the Office*  
*154 of the Children's Ombudsman, established pursuant to § 2.2-439, including through providing regular*  
*155 updates on relevant activities, data-sharing, conducting or participating in third-party investigations, and*  
*156 providing other support as needed; (vii) provide for training, by a neutral, qualified expert, of staff of the*  
*157 State Parent Ombudsman for Special Education on, at a minimum, federal and state laws and regulations*  
*158 relating to special education and related services, including Section 504 of the Rehabilitation Act of 1973 (29*  
*159 U.S.C. § 794 et seq.) and the Individuals with Disabilities Education Act, with a focus on special education*  
*160 dispute resolution options for mediation, state complaints, and impartial due process hearings; and (viii)*  
*161 with such funds as may be appropriated for such purpose, provide staff support, resources, and technical*  
*162 assistance to the public relating to navigating the special education dispute resolution system, including by*  
*163 providing, in partnership with the Parent Training and Information Center and the special education family*  
*164 support centers established by the Parent Training and Information Center pursuant to § 22.1-214.5,*  
*165 additional resources designed for parents and school personnel on the development and utilization of early*  
*166 conflict resolution skills.*

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

172 11. (Effective July 1, 2027) Develop, establish, review and update as necessary at least once every five  
 173 years, and make available to each local school board an IEP writing, facilitation, tracking, and transfer system  
 174 to be referred to as the Virginia IEP that includes, at a minimum, an IEP template component and a data  
 175 system component. The Department shall ensure that such data system component allows for secure transfer  
 176 of data from division student information systems to the Department. The Department shall also develop and  
 177 make available to each local school board guidance on the utilization of the Virginia IEP and high-quality  
 178 professional development to support (i) the effective utilization of the Virginia IEP and (ii) the  
 179 implementation of instructional practices to support the provision of specially designed instruction in  
 180 inclusive settings.

181 12. Develop and publish a data dashboard for the annual public reporting, on a date to be determined by

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

189 *13. Monitor, oversee, and analyze data on trends in the utilization and implementation of the special  
190 education dispute resolution system to ensure compliance with applicable federal and state law and  
191 regulation, including by (i) monitoring and analyzing data on Department oversight of school division  
192 implementation of corrective action plans, due process remedies mandated by hearing officers, and state  
193 complaint decisions and (ii) conducting oversight of and analyzing data on the administration and utilization  
194 of the special education dispute resolution system by school divisions to ensure consistent implementation of  
195 required timelines, roles, forms, and procedures, incorporation of dispute resolution prompts into the  
196 Virginia IEP established pursuant to subdivision 11 to document alternative resolution efforts, and public  
197 reporting of dispute resolution outcomes and corrective actions, in accordance with applicable law.*

198 *14. Engage with an independent, neutral organization for the provision of neutral, qualified facilitators  
199 trained in IEP facilitation techniques, the positive resolution of special education complaints, and the  
200 provision of supports to families in IEP development.*

201 *15. Engage with trained, neutral special education mediators to serve as independent, third-party neutrals  
202 in providing confidential, voluntary mediation services to school divisions and parents involved in special  
203 education dispute resolution.*

204 *16. Provide training on the tiered dispute resolution system to school divisions for school personnel that  
205 includes training on early conflict resolution and the establishment of a uniform tracking system in each  
206 school division designed to support the addressing of concerns raised by families relating to special  
207 education and related services before such concerns become formal disputes.*

208 *17. Collaborate with the Parent Training and Information Center and the special education family  
209 support centers established by the Parent Training and Information Center pursuant to § 22.1-214.5 to (i)  
210 develop and provide to families training on the tiered dispute resolution system focused on plain-language  
211 descriptions of dispute options, real-world scenarios, and interactive guidance based on the nature of the  
212 individual concern and (ii) develop and implement, in coordination with parent teacher associations and  
213 other parent organizations working to ensure the use of effective strategies for engaging parents and  
214 families, an initial promotional information campaign on the special education family support centers, to be  
215 implemented at the school level for the purpose of informing parents, families, and other relevant individuals  
216 of the special education family support centers.*

217 *18. Collaborate with a neutral independent professional with expertise on the Individuals with  
218 Disabilities Education Act and its implementing regulations to provide (i) training to all Department staff in  
219 the Office of Special Education Dispute Resolution and (ii) mandatory regular and specialized training to all  
220 special education mediators and hearing officers used by the Department and school boards in special  
221 education dispute resolution on (a) federal and state special education laws and regulations; (b) strategies  
222 and preparation for supporting fair, student-centered decision-making; (c) ensuring that the due process  
223 hearing process is understandable and accessible to all families; (d) conducting due process hearings that  
224 are respectful, balanced, and accessible to parents and school personnel; and (e) maintaining impartiality,  
225 clear communication, and family engagement throughout the dispute resolution process. Such training shall  
226 utilize Department-approved materials aligned with applicable federal and state laws and regulations.*

#### **227 § 22.1-214.5. Special education family support centers.**

228 The Parent Training and Information Center in the Commonwealth designated pursuant to 20 U.S.C. §  
229 1471(e) shall establish special education family support centers in eight distinct regions of the  
230 Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by such  
231 center;; (ii) coordinate with special education parent/family liaisons required to be designated pursuant to  
232 subsection R of § 22.1-253.13:2;; (iii) develop and implement outreach and support to parents of children  
233 with disabilities in its region; and; (iv) track and report to the State Parent Ombudsman for Special Education  
234 data on questions and concerns raised by parents; (v) collaborate with the Department to provide training on  
235 the tiered dispute resolution system in accordance with subdivision 17 of § 22.1-214.4; and (vi) in  
236 coordination with the Department, develop and implement an initial promotional campaign in accordance  
237 with subdivision 17 of § 22.1-214.4.

#### **238 § 22.1-214.6. Regional special education ombudsman centers; established; duties.**

239 A. With such funds as may be appropriated for this purpose pursuant to the general appropriation act, the  
240 Department shall establish four regional special education ombudsman centers to be aligned with and  
241 established in locations near the Training and Technical Assistance Centers of (i) George Mason University,  
242 (ii) Old Dominion University, (iii) James Madison University, and (iv) Radford University.

243 B. Each regional special education ombudsman center established pursuant to subsection A shall serve as

**244** *a resource on matters relating to the special education dispute resolution system and process, including by (i)*  
**245** *providing one-on-one assistance for families and schools; (ii) monitoring systemic concerns; (iii) publicly*  
**246** *reporting trends and recommendations relating to the dispute resolution system; (iv) developing*  
**247** *informational resources and interactive guidance on the dispute resolution process in language*  
**248** *understandable to the general public, including descriptions and videos with descriptions of relevant*  
**249** *processes and real world scenarios; (v) visiting different regions of the Commonwealth to engage with*  
**250** *parents and educators and promote the resources of the regional special education ombudsman center and to*  
**251** *hear comments and recommendations on improving the effectiveness and visibility of the regional special*  
**252** *education ombudsman center; (vi) developing and providing training for families on tiered dispute resolution*  
**253** *options; and (vii) analyzing and acting upon satisfaction-based evaluation surveys submitted pursuant to*  
**254** *subdivision 9 of § 22.1-214.4.*