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HOUSE BILL NO. 497

Offered January 14, 2026

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A BILL to amend and reenact §§ 22.1-214.4 and 22.1-214.5 of the Code of Virginia, relating to certain students with disabilities; certain communication, reporting, and data posting.

Patron—Guzman

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That §§ 22.1-214.4 and 22.1-214.5 of the Code of Virginia are amended and reenacted as follows:****§ 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 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 Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

6. In order to (i) address variation in rates of determinations of student eligibility for special education and

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related services both across local school divisions in the Commonwealth and based on specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure equal access to special education and related services across local school divisions, (a) review and update all forms and worksheets relating to referral, evaluation, reevaluation, and eligibility, including clarifying any ambiguity or vagueness in the standard for providing an initial evaluation or in eligibility criteria; (b) review and update guidance on the implementation of such referral, evaluation, reevaluation, and eligibility forms and worksheets and the legal obligations of local school boards to conduct initial evaluations and make eligibility determinations for special education and related services; and (c) develop high-quality professional development to support the implementation of such referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets.

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

8. Develop policies and procedures for considering and addressing credible allegations of local 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 State Parent Ombudsman for Special Education. The State Parent Ombudsman for Special Education shall (i) report to the Superintendent; (ii) systematically track and report to the Department questions and concerns raised by parents to the State Parent Ombudsman for Special Education and special education family support centers established pursuant to § 22.1-214.5; (iii) coordinate with the Parent Training and Information Center on the activities of the special education family support centers established pursuant to § 22.1-214.5; and (iv) develop a one-page comprehensive summary of the roles and responsibilities of the State Parent Ombudsman for Special Education and such special education family support centers, the specific supports the State Parent Ombudsman for Special Education and such special education family support centers can provide to parents, and how to contact the State Parent Ombudsman for 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. *In any case in which it is determined that a student does not qualify for special education and related services pursuant to an IEP or that a school board has not complied with the requirement to provide special education and related services as set forth in a student's IEP, the appropriate school board employee shall report such fact to the State Parent Ombudsman for Special Education who shall compile all such reports for inclusion in the Department's annual special education public data reports. The data contained in such reports shall be included, in a de-identified manner, on a publicly accessible, interactive data dashboard on the Department's website. Such data dashboard shall also include de-identified data on the number of students with a Section 504 Plan in each school division. In any case in which it is determined that a student does not qualify for special education and related services pursuant to an IEP, the school board shall ensure that such determinations are reported through a division-level designee, such as the director of special education or compliance officer, using existing data systems to the greatest extent practicable, and shall not require additional documentation to be submitted with such report.*

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. (Effective July 1, 2027) 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, and Standards of Learning assessments and (ii) college and career readiness and learning climate measures.

§ 22.1-214.5. Special education family support centers.

A. The Parent Training and Information Center in the Commonwealth (*the Center*) 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/family liaisons required to be designated 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.

B. *Each school board shall notify the parents of any student offered a Section 504 Plan of the supports and services offered by the Center. Such notification may be made by the school division's Section 504 coordinator or another non-instructional designee, by including standardized language in the written Section 504 Plan notice or procedural safeguards materials, or by other means deemed appropriate by the school board. The Center shall include in the report required pursuant to clause (iv) of subsection A data, in the aggregate, on questions and concerns raised by parents about Section 504 Plans. Nothing in this subsection shall be construed to require school-based instructional staff to generate additional reports or respond to inquiries unless otherwise required by federal law.*