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1 **HOUSE BILL NO. 497**

2 Offered January 14, 2026

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

6 Patron—Guzman

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 22.1-214.4 and 22.1-214.5 of the Code of Virginia are amended and reenacted as follows:**10 **§ 22.1-214.4. Certain duties of Department.**

11 The Department shall:

12 1. Provide training and guidance documents to local school divisions on the development of  
13 individualized education programs (IEPs) for children with disabilities that incorporate specific examples of  
14 high-quality present level of performance descriptions, annual goals, and postsecondary transition sections.15 2. Develop a required training module for each individual who participates in an IEP meeting that  
16 comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP  
17 meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module shall  
18 be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and  
19 at regular intervals thereafter.20 3. Annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of local  
21 school divisions to verify that the IEPs are in compliance with state and federal laws and regulations  
22 governing IEP content, and provide a summary report of the findings of such reviews and recommendations  
23 regarding any necessary corrective actions to the reviewed divisions' superintendents, special education  
24 directors, school board chairs and vice-chairs, and local special education advisory committees. In reviewing  
25 local school divisions' IEPs, the Department shall determine whether the special education and related  
26 services, supplementary aids and services, and program modifications that will be provided to enable students  
27 with disabilities to participate in nonacademic and extracurricular activities are sufficient, and include its  
28 findings and corrective actions in the summary reports it provides to the reviewed local school divisions'  
29 superintendents, special education directors, and school board members. Nothing in this section shall be  
30 construed to (i) direct the Department to make determinations regarding whether a particular IEP provides a  
31 free appropriate public education to any individual student or (ii) authorize the Department to override a  
32 parent's consent to proposed revisions to an individual student's IEP. In determining corrective actions, the  
33 Department shall make recommendations to the relevant school division regarding, among other things, those  
34 individual IEPs for which the IEP team should convene to consider revisions necessary to incorporate content  
35 required by special education regulations. For those individual IEPs for which the Department recommends  
36 that the IEP team should convene to consider such revisions, the relevant school division shall notify the  
37 relevant parents or caregivers of the recommendations issued in the summary report of the structured review  
38 conducted pursuant to this subdivision.39 4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices related  
40 to transition planning and services for children with disabilities and (ii) technical assistance and guidance  
41 provided for postsecondary transition planning and services for children with disabilities. At a minimum,  
42 such plan shall articulate how the Department will reliably and comprehensively assess the compliance and  
43 quality of transition plans for children with disabilities on an ongoing basis and communicate findings to  
44 local school division staff and local school boards. The Department shall, no later than December 1 of each  
45 year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on  
46 Education on its progress in implementing such plan.47 5. Develop and maintain a statewide strategic plan for recruiting and retaining special education teachers.  
48 At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of each local  
49 school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing  
50 recruitment and retention challenges, including tuition assistance, differentiated pay for special education  
51 teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of  
52 implementing each such strategy, including the extent to which federal funds could be used to support  
53 implementation. The Department shall, no later than November 1 of each year, update the Chairmen of the  
54 Senate Committee on Education and Health and the House Committee on Education on its progress in  
55 implementing such plan.

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

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

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

74 8. Develop policies and procedures for considering and addressing credible allegations of local education  
75 agency (LEA) noncompliance with the requirements of the Individuals with Disabilities Education Act (P.L.  
76 101-476) that do not meet the current regulatory standard for state complaints. Such policies and procedures  
77 shall include expectations and mechanisms for collaboration between the Office of Dispute Resolution and  
78 Administrative Services and the Office of Special Education Program Improvement in the Division of Special  
79 Education and Student Services at the Department to investigate and resolve such credible allegations of  
80 noncompliance that do not qualify for state complaint investigations.

81 9. Elevate the position of State Parent Ombudsman for Special Education. The State Parent Ombudsman  
82 for Special Education shall (i) report to the Superintendent; (ii) systematically track and report to the  
83 Department questions and concerns raised by parents to the State Parent Ombudsman for Special Education  
84 and special education family support centers established pursuant to § 22.1-214.5; (iii) coordinate with the  
85 Parent Training and Information Center on the activities of the special education family support centers  
86 established pursuant to § 22.1-214.5; and (iv) develop a one-page comprehensive summary of the roles and  
87 responsibilities of the State Parent Ombudsman for Special Education and such special education family  
88 support centers, the specific supports the State Parent Ombudsman for Special Education and such special  
89 education family support centers can provide to parents, and how to contact the State Parent Ombudsman for  
90 Special Education and such special education family support centers. The Department shall make the  
91 summary available in multiple languages on its website and as part of the Virginia IEP established pursuant  
92 to subdivision 11. *In any case in which it is determined that a student does not qualify for special education  
93 and related services pursuant to an IEP or that a school board has not complied with the requirement to  
94 provide special education and related services as set forth in a student's IEP, the appropriate school board  
95 employee shall report such fact to the State Parent Ombudsman for Special Education who shall compile all  
96 such reports for inclusion in the Department's annual special education public data reports. The data  
97 contained in such reports shall be included, in a de-identified manner, on a publicly accessible, interactive  
98 data dashboard on the Department's website. Such data dashboard shall also include de-identified data on  
99 the number of students with a Section 504 Plan in each school division. In any case in which it is determined  
100 that a student does not qualify for special education and related services pursuant to an IEP, the school  
101 board shall ensure that such determinations are reported through a division-level designee, such as the  
102 director of special education or compliance officer, using existing data systems to the greatest extent  
103 practicable, and shall not require additional documentation to be submitted with such report.*

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

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

118 12. Develop and publish a data dashboard for the annual public reporting, on a date to be determined by  
119 the Superintendent, of state-level, division-level, and school-level special education data, disaggregated by  
120 disability type and by subgroups of students with disabilities, including by race, ethnicity, economic

121 disadvantage, English learner status, foster care status, and unhoused status, except when such disaggregation  
122 would result in the disclosure of any student's personally identifiable information in violation of relevant  
123 federal and state law. Such data dashboard shall include disaggregated (i) results on the early literacy screener  
124 provided by the Department, the Virginia Kindergarten Readiness Program, and Standards of Learning  
125 assessments and (ii) college and career readiness and learning climate measures.

126 **§ 22.1-214.5. Special education family support centers.**

127 A. The Parent Training and Information Center in the Commonwealth (*the Center*) designated pursuant to  
128 20 U.S.C. § 1471(e) shall establish special education family support centers in eight distinct regions of the  
129 Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by such  
130 center, (ii) coordinate with special education parent/family liaisons required to be designated pursuant to  
131 subsection R of § 22.1-253.13:2, (iii) develop and implement outreach and support to parents of children with  
132 disabilities in its region, and (iv) track and report to the State Parent Ombudsman for Special Education data  
133 on questions and concerns raised by parents.

134 B. *Each school board shall notify the parents of any student offered a Section 504 Plan of the supports  
135 and services offered by the Center. Such notification may be made by the school division's Section 504  
136 coordinator or another non-instructional designee, by including standardized language in the written Section  
137 504 Plan notice or procedural safeguards materials, or by other means deemed appropriate by the school  
138 board. The Center shall include in the report required pursuant to clause (iv) of subsection A data, in the  
139 aggregate, on questions and concerns raised by parents about Section 504 Plans. Nothing in this subsection  
140 shall be construed to require school-based instructional staff to generate additional reports or respond to  
141 inquiries unless otherwise required by federal law.*