

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB1089

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Coyner

3. **Committee:** Education and Health

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

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 (i) requiring, after a child with a disability graduates from, ages out of, or otherwise leaves any public elementary or secondary school in the Commonwealth, such school to retain the special education records of such child for at least seven years; (ii) requiring each local school board to (a) provide high-quality professional development in instructional practices to support specially designed instruction in inclusive settings, as that term is defined in the bill, for certain teachers and administrators employed in the local school division and (b) employ at least one full-time equivalent special education parent engagement specialist to serve as a resource to parents to understand and engage in the referral, evaluation, and eligibility process if they suspect that their child has a disability and to understand and engage in the individualized education program (IEP) process; (iii) requiring the Department of Education, among other things, to; (a) elevate the position of State Parent Ombudsman for Special Education to perform certain functions, including systematically tracking and reporting questions and concerns raised by parents to the Superintendent of Public Instruction and coordinating with the Parent Training and Information Center on the activities of the special education family support centers; and (b) 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; and (iv) requiring each education preparation program offered by a public institution of higher education 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 to include a program of coursework and require all such students to demonstrate mastery in instructional practices to support specially designed instruction in inclusive settings. The provisions of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary, see item 8.

- 8. Fiscal Implications:** This bill contains a reenactment clause that the provisions of the bill shall not become effective unless reenacted by the 2025 Session of the General Assembly. Therefore, no budget amendment is required unless the bill is reenacted. Estimates of the cost to implement the requirements of the bill in future years, if reenacted, are provided below.

### **Direct Aid to Public Education**

This bill establishes a new staffing standard under Standard 2 of the Standards of Quality, requiring each local school division to employ a special education parent engagement specialist. The Department of Education (DOE) estimates, that if the bill is reenacted, an additional \$7.3 million general fund would be required in FY26 to support the state share of the staffing standard. Any additional state cost in outgoing years to support this staffing standard is indeterminate and would be based on the Direct Aid to Public Education budget as rebenchmarked for future biennia.

### **Department of Education**

The bill requires DOE to implement the new Virginia individualized education program (IEP) form and a data system component. DOE does not have the staff available to support the initial and ongoing work required by this and will require one additional position for a Virginia IEP Data Specialist at a cost of \$178,180 general fund per year including salary, benefits, and support costs. DOE would also require \$289,000 general fund annually to implement and support the minimum requirements of the new data system component. There could be additional costs if additional modules for the IEP applications that some school divisions already purchase are funded at the state level.

The bill requires DOE to develop and provide to local school divisions high quality professional development and resources for certain teachers and other school division employees related to special education so that school divisions can provide this professional development to those individuals free of charge.

The bill requires that most general education teachers, principals, teacher's aides, and paraprofessionals receive professional development in instructional practices to support specially designed instruction in inclusive settings. DOE estimates an additional cost of approximately \$27.2 million general fund one time in the first year of implementation to support the development and initial implementation of professional development for these positions. This assumes a cost of \$300 per person for the initial development and materials for 73,306 teachers, 2,040 principals, and 15,444 teachers' aides and paraprofessionals. DOE also estimates an additional cost of \$2,233,984 general fund per year ongoing to support sixteen positions to provide this training. This estimate assumes one additional coach for teachers and one additional coach for principals at each of the eight regional training and technical assistance centers.

The bill also requires that most special education teachers receive professional development in the new Virginia IEP and related processes. DOE estimates an additional cost of approximately \$670,000 general fund one time in the year of implementation to develop and

implement the professional development for special education teachers and \$1,116,992 general fund ongoing to support eight positions for coaches at each of the eight regional training and technical assistance centers. The bill also requires DOE to develop professional development related to the determinations of student eligibility for special education. DOE will require an additional position for a Special Education Teacher Prep Specialist to support the ongoing work related to this at a cost of \$139,624 general fund per year for salary, benefits, and support costs.

The bill requires the Parent Training and Information Center in the Commonwealth to establish eight regional special education family support centers to be staffed by a regional special education family liaison. This entity is a nonprofit organization, therefore there would be no anticipated state costs.

The bill requires local school boards to award standard diplomas to students who complete credit accommodations specified in their IEPs and for DOE to develop guidance informing parents of this path. DOE can absorb any impact from developing this guidance.

The bill requires DOE to establish an advisory committee on the implementation of this act with two legislative members and 24 non-legislative members. DOE may experience costs associated with meetings of this committee if members are reimbursed for travel, food, and lodging, with a cost of up to \$8,300 per meeting. It is anticipated that DOE would absorb any costs associated with the committee.

### **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 contains a reenactment clause that the provisions of this bill shall not become effective unless reenacted by the 2025 Session of the General Assembly. If reenacted the bill would become effective on July 1, 2025, unless otherwise specified. This is in conflict with certain requirements in the bill that require action on dates before the bill would be effective. Specifically, the 5<sup>th</sup> enactment requires DOE to develop high-quality professional development during the fiscal year beginning on July 1, 2024, and the 8<sup>th</sup> enactment requires DOE to make an annual public report by January 1, 2025. Additional requirements in the 6<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> enactments are not in conflict but may be difficult to meet by the dates required if the bill is not effective until July 1, 2025.

This bill is similar to SB220.