



# Responsibility for the Provision of Special Education Services to Students Enrolled in Virtual Programs

September 14, 2016

# Special Education Generally

## CHILD FIND

- Identification and evaluation of students suspected to have a disability

## PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION

- Development of an IEP, including:
  - Present levels of performance
  - Annual goals
  - Accommodations and modifications
  - Least restrictive environment

# RESPONSIBILITY

- **Child Enrolled in a Part-Time Virtual Program through School Division of Residence**
  - Local school division is responsible for child find
  - For child with an IEP, local IEP team should decide if participation in virtual class is consistent with FAPE and whether there are any necessary modifications or accommodations required
  
- **Child Enrolled in a Full-Time Virtual Program through School Division of Residence**
  - Local school division is responsible for child find
  - For child with an IEP, local IEP team should decide if participation in full-time virtual program is consistent with FAPE and whether there are any necessary modifications or accommodations required
  - Local IEP team should determine how any related services will be delivered

# RESPONSIBILITY

- **Child Enrolled in a Part-Time Virtual Program through School Division that is Not the Child's Residence**
  - Local school division is responsible for child find
  - For child with an IEP where the course is provided free of charge by the school division of residence, local IEP team should decide if participation in virtual class is consistent with FAPE and whether there are any necessary modifications or accommodations required
  - For child with an IEP where the parents pay tuition to the non-resident school division, responsibility is currently unsettled. Generally, if a school division in Virginia chooses to accept a student on a tuition basis, they become responsible for FAPE, but may charge additional tuition based on the cost of special education

# RESPONSIBILITY

- **Child Enrolled in a Full-Time Virtual Program through School Division that is Not the Child's Residence**
  - Each school division shall provide free and appropriate education, including special education, for (i) the children with disabilities residing within its jurisdiction and (ii) the children with disabilities who do not reside within its jurisdiction but reside in the Commonwealth and are enrolled in a full-time virtual school program provided by the school division, in accordance with regulations of the Board of Education. A school division that is required to provide a free and appropriate education, including special education, for a nonresident student who is enrolled in its full-time virtual school program pursuant to this section shall be entitled to any federal and state funds applicable to the education of such student. In the case of a student who is a resident of the Commonwealth but does not reside in the school division in which he is enrolled in a full-time virtual school program, the school division in which the student resides shall be released from the obligation to provide a free and appropriate education, including special education, for such student.

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