



COMMONWEALTH of VIRGINIA
Department of Education

August 28, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: New Regulations Governing the Operation of Private Schools for Students with Disabilities

The Board of Education has promulgated new *Regulations Governing the Operation of Private Schools for Students with Disabilities*. The new regulations repeal the *Regulations Governing the Operation of Private Day Schools for Students with Disabilities* and became final and in effect on August 26, 2015. The regulations present a procedure for the licensing and operation of private day and residential schools that provide educational services to students with disabilities in Virginia. An electronic copy of the regulations can be found at the following Web address: <http://register.dls.virginia.gov/details.aspx?id=5055>.

The regulations include several additions and changes, most notably:

- their application to schools operating within residential facilities;
- the expectation that schools are to provide a school wide environment that reinforces appropriate behaviors—an environment conducive for learning;
- the prohibition of the use of prone restraints;
- the prohibition of the use of strip and cavity searches;
- the requirement that all visits for the purpose of issuing a license to operate are “unannounced;”
- the strengthening of the qualifications for hiring paraprofessionals; and
- the restoration of the requirement that 15 hours of professional development be provided annually to all staff.

The Virginia Department of Education's Office of Dispute Resolution and Administrative Services (ODRAS) will conduct two statewide training sessions to provide technical assistance to local educational agency and private school staff, as well as representatives of the various private school accrediting agencies to assist them in the implementation of the regulations. These one-day institutes will be held on November 12 and November 19, 2015. ODRAS staff will manage online registration and other logistics. Additional information related to the two training sessions and the registration process will be made available through future Superintendent Memos.

Questions may be directed to Hank Millward, Associate Director of ODRAS, at (804) 371-0525 or Hank.Millward@doe.virginia.gov.

SRS/HM

