

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 285

*An Act to amend and reenact §§ 22.1-217.01, 22.1-281, 22.1-346, and 22.1-348 of the Code of Virginia, relating to the Virginia Schools for the Deaf and the Blind.*

[S 675]

Approved April 3, 2000

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-217.01, 22.1-281, 22.1-346, and 22.1-348 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-217.01. Information on educational and other services for students identified as hearing or visually impaired.

The Department of Education shall annually prepare and distribute to local school boards packets of information describing the educational and other services available through the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton, the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton*, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Visually Handicapped to students who are identified as hearing impaired or visually impaired. Local school boards shall annually distribute this information to the parents of those students who are identified as hearing impaired or visually impaired.

§ 22.1-281. Triennial census of school population.

Every three years, at a time to be designated by the Superintendent of Public Instruction, a census of all persons residing within each school division who, on or before December 31 immediately following the census, will have reached their fifth birthday but not their twentieth birthday shall be taken on forms furnished by the Superintendent of Public Instruction. Such persons who are domiciled in orphanages or eleemosynary institutions or who are dependents living on any federal military or naval reservation or other federal property shall be included in the census for the school division within which the institution or federal military or naval reservation or other federal property is located. Such persons who are confined in state hospitals, state training schools or state training centers for the mentally retarded, each as defined in § 37.1-1, or mental institutions, state or federal correctional institutions, or the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton, or the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton* shall be included in the census for the school division within which the parents or guardians of such person or persons legally reside. If the legal residence of the parents or guardians of such person is not ascertainable, such parents or guardians shall be deemed to be legal residents of the school division from which such person was admitted or committed.

### CHAPTER 19.

#### THE VIRGINIA SCHOOLS SCHOOL FOR THE DEAF AND THE BLIND AT STAUNTON AND THE VIRGINIA SCHOOL FOR THE DEAF, BLIND AND MULTI-DISABLED AT HAMPTON.

§ 22.1-346. Transfer of property; rights and duties of the Board of Education; supervision of schools; appointment and removal of officers and faculty; certain funding initiatives.

A. All of the real estate and personal property now existing and standing in the name of the board of visitors of the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton* shall be transferred to and be under the control of the Board of Education. The Department of General Services shall cooperate with the Board in supervising the maintenance and repair of the real and personal property of the schools.

B. Any gift, grant, devise or bequest made prior to July 1, 1984, to the Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton or the Virginia School for the Deaf and the Blind at Staunton shall be held by the Board of Education for the school to which made. The Board of Education shall have the power to take, hold, receive and enjoy any gift, grant, devise or bequest made hereafter to the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton*. Such gift, grant, devise or bequest shall be held for the school to which made for uses and purposes designated by the donor or if not designated for one of the schools or for a specific purpose, for the general purposes of any programs in either of the schools. The Board of Education shall also accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

C. The Board shall be charged with the operational control of the Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton and the Virginia School for the Deaf and the Blind at Staunton. In exercising this operational control, the Board shall include, in any budget recommendations to the Governor for state funding for the several school divisions which may be related to educational technology or other programs appropriate for implementation within the two schools, state funding for such programs to be provided to the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton and*

*the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.* However, the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton* shall not be defined as school divisions for constitutional purposes. Supervision of the contracts and agreements of the board of visitors of the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton* are hereby transferred to the Superintendent of Public Instruction.

The Board shall provide rules and regulations for the governance of the schools. The Superintendent of Public Instruction shall administer, supervise and direct the activities and programs of the schools pursuant to the rules and regulations of the Board. The Superintendent of Public Instruction shall appoint the officers and employees of each school subject to the provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1.

§ 22.1-348. Persons eligible; fees; educational programs to be provided; admissions procedures.

A. Persons of ages two through twenty-one shall be eligible for educational services provided by the schools. Until July 1, 1993, there shall be no charge for the education of students, but fees for student activities may be charged at the Board's discretion. Beginning July 1, 1993, the Department of Education shall be entitled to deduct annually from the locality's share for the education of pupils with disabilities a sum equal to the actual local expenditure per pupil in support of those students placed by the relevant local school division in either of the Virginia ~~Schools~~ *School for the Deaf and the Blind at Staunton or the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.* The amount of the actual transfers shall be based on data accumulated during the prior school year.

B. From such funds as may be appropriated, the Virginia School for the Deaf and the Blind at Staunton shall provide an educational program for children in preschool through grade twelve who are deaf, an educational program for children in preschool through grade twelve who are blind, and an educational program for children in preschool through grade twelve who have visual and sensory disabilities and who are identified as emotionally disturbed pursuant to Board of Education regulations. The Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton shall provide an educational program for children in preschool through grade twelve who are deaf, an educational program for children in preschool through grade twelve who are blind, and an educational program for children in preschool through grade twelve with sensory-impaired multiple disabilities.

The preschool programs may be residential or nonresidential or both at the discretion of the Board. The Board, from time to time, may approve additional programs as may be appropriate.

"Sensory-impaired multiple disabilities" means, for the purposes of this section and the identification of the program at the Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton, concomitant impairments, including at least one significant sensory impairment, the combination of which requires services that cannot be provided in special education programs designed solely for one impairment. The term does not include deaf-blindness.

C. Students with sensory-impaired multiple disabilities shall attend the Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton.

The Board shall prescribe procedures and criteria for determining admission to and the appropriate placement in the Virginia School for the Deaf, ~~and the Blind and Multi-Disabled~~ at Hampton and the Virginia School for the Deaf and the Blind at Staunton. The appropriateness of the placement of each student attending either school shall be reviewed at least annually.