

# VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

## CHAPTER 214

*An Act to amend the Code of Virginia by adding a section numbered 22.1-129.1, relating to transfer of assistive technology devices.*

[H 382]

Approved March 10, 2012

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

**1. That the Code of Virginia is amended by adding a section numbered 22.1-129.1 as follows:**

*§ 22.1-129.1. Transfer of assistive technology devices.*

*A. For the purposes of this section:*

*"Assistive technology device" means any device, including equipment or a product system, which is used to increase, maintain, or improve functional capabilities of a child with a disability. Assistive technology device shall not include surgically implanted medical devices, such as cochlear implants.*

*"Child with a disability" means the same as that term is defined in § 22.1-213.*

*"Transfer" means the process by which a school division that has purchased an assistive technology device may sell, lease, donate, or loan the device pursuant to subsection B.*

*B. An assistive technology device may be transferred to (i) the school division to which a child with a disability transfers from the school division that purchased the device; (ii) a state agency, including the Department of Rehabilitative Services, that provides services to a child with a disability following the child's graduation with a standard or advanced studies diploma or when a school division ceases to provide special education services for the student; or (iii) the parents of a child with a disability, or the child with a disability if the child with a disability is age 18 or older and has capacity to enter into a contract.*

**2. That the Department of Education shall issue guidelines for the transfer of assistive technology devices no later than July 1, 2013. The guidelines shall address (i) a uniform transfer agreement to convey title to an assistive technology device and applicable warranty information and (ii) a method for computing the fair market value of an assistive technology device, including a reasonable allowance for use.**