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HOUSE BILL NO. 382

Offered January 11, 2012

Prefiled January 10, 2012

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

Patrons—Pogge, Orrock, Toscano and Villanueva; Senator: Puller

Referred to Committee on Education

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.

"Child with a disability" means a child (i) who is age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who is mentally retarded, physically disabled, seriously emotionally disturbed, speech impaired, hearing impaired, visually impaired, multi-disabled, or otherwise health impaired, including impairment related to autism, or who has a specific learning disability or who is otherwise disabled as defined by the Board of Education; and (iii) who because of such impairment is in need of special education.

"Transfer" means the process by which a school division that has purchased an assistive technology device may sell, lease, 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 or aging out of the division's special education program; 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.

C. The Board shall promulgate regulations governing the transfer of assistive technology devices. Such regulations shall include (i) a uniform transfer agreement to convey title to an assistive technology device and applicable warranty information; (ii) a method for computing the fair market value of an assistive technology device, including a reasonable allowance for use; and (iii) a process to obtain written consent by the parents of a child with a disability or the child with a disability, as appropriate, to the transfer.

INTRODUCED

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