

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4  
5 Approved

[H 382]

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

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

8 **§ 22.1-129.1. Transfer of assistive technology devices.**

9 **A. For the purposes of this section:**

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

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

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

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

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

REENROLLED

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