

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 22.1-217.02, relating to special  
3 education; children identified as deaf or hard-of-hearing.

4 [H 1344]  
5 Approved

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

7 **1. That the Code of Virginia is amended by adding a section numbered 22.1-217.02 as follows:**

8 **§ 22.1-217.02. Individualized education plans; children identified as deaf or hard-of-hearing.**

9 A. In developing an individualized education program (IEP) for a child identified as deaf or  
10 hard-of-hearing, in addition to any other requirements established by the Board of Education, each local  
11 school division may ensure that IEP teams consider the child's specific communication needs and  
12 address those needs as appropriate in the child's IEP. In considering the child's needs, the IEP team  
13 may expressly consider the following:

- 14 1. The child's individual communication mode or language;
- 15 2. The availability to the child of a sufficient number of age, cognitive, academic, and language  
16 peers of similar abilities if the parents so desire;
- 17 3. The availability to the child of deaf or hard-of-hearing adult models of the child's communication  
18 mode or language;
- 19 4. The provision of direct and ongoing language access to teachers of the deaf and hard-of-hearing,  
20 interpreters, psychologists, educational audiologists, speech-language pathologists, administrators, and  
21 other special education personnel who are knowledgeable due to specific training and who are  
22 proficient in the child's primary communication mode or language;
- 23 5. The provision of communication-accessible academic instruction, school services, and direct access  
24 to all components of the educational process, including recess, lunch, extracurricular social and athletic  
25 activities, and the equal opportunity to participate in advanced coursework, technical vocational  
26 coursework, and academic classes as identified by the IEP team;
- 27 6. Equipping children identified as deaf or hard-of-hearing with appropriate assistive technology  
28 across a full spectrum; and
- 29 7. That the Virginia School for the Deaf and the Blind may be the least restrictive environment for  
30 the child.

31 B. No child identified as deaf or hard-of-hearing may be denied the opportunity for instruction in a  
32 particular communication mode or language solely because another communication mode or language  
33 was originally chosen for the child.

34 C. A child may receive instruction in more than one communication mode or language.

35 D. For the purposes of this section, "communication mode or language mode" means one or more of  
36 the following systems or methods of communication applicable to children identified as deaf or  
37 hard-of-hearing: (i) American Sign Language; (ii) English-based manual or sign systems; (iii) oral,  
38 aural, speech-based training; (iv) spoken and written English, including speech reading, lip reading, or  
39 cued speech; and (v) communication with assistive technology devices to facilitate language and  
40 learning.