

13105645D

SENATE BILL NO. 1097

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 23, 2013)

(Patron Prior to Substitute—Senator Hanger)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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