

14104150D

**HOUSE BILL NO. 228****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education  
on January 27, 2014)

(Patron Prior to Substitute—Delegate Cole)

*A BILL to amend and reenact § 22.1-217 of the Code of Virginia, relating to visually impaired students; Braille.*

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

**1. That § 22.1-217 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-217. Visually impaired students.**

*A. As used in this section:*

*"Braille" means the system of reading and writing through touch and is commonly known as the Braille tactile communication system.*

*"Program" means a modified program that provides special materials or services and may include the employment of itinerant teachers or resource room teachers for the visually impaired.*

*"Visually impaired" shall be defined by the Board of Education and the Virginia Department for the Blind and Vision Impaired.*

*B. Special education for visually impaired ~~children~~ students provided by a school division shall be established, maintained, and operated jointly by the school board and the Virginia Department for the Blind and Vision Impaired subject to the regulations of the Board of Education.*

*C. Braille instruction shall be included in the student's Individualized Education Plan Program (IEP), whenever appropriate. When developing ~~the an~~ IEP or a plan pursuant to § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504 Plan) for students with visual impairment, the presumption shall be that proficiency in literacy is essential for such student to achieve satisfactory educational progress. However, use of Braille shall not be required if other special education services are more appropriate to the student's educational needs, and the provision of other appropriate services shall not preclude Braille instruction. Each school division shall provide instruction in Braille and the use of Braille for visually impaired students unless the team responsible for developing a visually impaired student's IEP (IEP team) or the team responsible for developing a student's Section 504 Plan (504 team) determines, after an evaluation of the student, that instruction in Braille or the use of Braille is not appropriate to the student's educational needs. The evaluation shall be conducted by a certified Teacher of the Visually Impaired (TVI) and shall include (i) a literacy assessment that is research based, data driven, and validated and that results in objective recommendations; (ii) a functional vision assessment; (iii) an assessment of the student's academic and functional strengths and deficits; (iv) an assessment of the student's current and future needs; (v) a statement of the appropriate reading and writing media for the student; and (vi) in the case of a student with some residual vision, a comparison of the student's current reading and writing skill levels to levels expected of peers who are not visually impaired, as determined by the IEP team or 504 team. The evaluation may include a comprehensive assistive technology assessment if the IEP team or 504 team determines that it is necessary. The literacy assessment shall be administered to the student at least annually after the evaluation by the certified TVI and when there is a significant change in the student's vision.*

*D. Nothing in this section shall require the exclusive use of Braille when the IEP team or 504 team determines that other specialized educational services and assistive technology devices are more appropriate for the visually impaired student's educational needs. The provision of other specialized educational services and assistive technology devices shall not preclude instruction in Braille and the use of Braille.*

*E. Each IEP team and 504 team may determine that a blind student is eligible to receive instruction in the use of the appropriate Braille mathematics code in addition to Braille and the use of Braille.*

*F. No visually impaired student shall be denied the opportunity for instruction in Braille and the use of Braille solely on the basis that the student has some residual vision.*

*B. G. The Virginia Department for the Blind and Vision Impaired shall prepare and deliver a program of special education services in addition to the special education provided in the public school system designed to meet the educational needs of visually impaired ~~children~~ students between the ages of birth and ~~twenty-one~~ 21 and may prepare and deliver such programs for such individuals of other ages. In the development of such a program, the Virginia Department for the Blind and Vision Impaired shall cooperate with the Board of Education and the school boards of the several school divisions. The Virginia Department for the Blind and Vision Impaired shall assist the Board of Education and the school boards of the several school divisions with in-service training in Braille for currently employed teachers of students who are blind and visually impaired.*

60 C. As used in this section:

61 "Braille" means the system of reading and writing through touch and is commonly known as  
62 standard English Braille Grade 2.

63 "Program" means a modified program which provides special materials or services and may include  
64 the employment of itinerant teachers or resource room teachers for the visually impaired.

65 "Visually impaired" shall be defined by the Board of Education and the Virginia Department for the  
66 Blind and Vision Impaired.