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SENATE BILL NO. 1477

Offered January 17, 2017

A *BILL to amend and reenact § 22.1-217 of the Code of Virginia, relating to students with blindness or visual impairments.*

Patron—McClellan

Referred to Committee on Education and Health

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. Students with blindness or visual impairments.

A. As used in this section:

"Braille" means the system of reading and writing through touch.

"Learning media" includes Braille, large print, print with or without optical or electronic devices, dual media, and auditory materials.

"Learning media assessment" or "LMA" means an evaluation of a student with blindness or visual impairments conducted by a teacher of students with blindness or visual impairments that follows and is informed by the findings of a Functional Vision Assessment; uses objective, evidence-based techniques; and results in an individualized determination of the learning media that is most appropriate in enabling the student to achieve literacy.

"Program" means a program that provides specialized or adapted materials or services and may include the employment of teachers of students with blindness or visual impairments.

"Visual impairments" shall be defined by the Board and the Virginia Department for the Blind and Vision Impaired.

B. Special education for ~~visually impaired children~~ students with blindness or visual impairments provided by a school division shall be established, maintained, and operated jointly by (i) the school board and (ii) the Department of Education with support from the Virginia Department for the Blind and Vision Impaired, subject to the regulations of the Board of Education. ~~Braille instruction shall be included in the student's Individualized Education Plan (IEP), whenever appropriate.~~

C. When developing the ~~IEP Individualized Education Program (IEP)~~ for students a student with blindness or visual ~~impairment~~ impairments, the presumption shall be that proficiency in literacy is essential for such student to achieve ~~satisfactory~~ meaningful educational progress. ~~However,~~

D. An LMA shall be administered as part of the initial evaluation and each reevaluation of each student with blindness or visual impairments or more frequently if such student's IEP team so determines. Instruction in Braille reading and writing and accommodations for materials in Braille shall be included in the IEP of a student with blindness or visual impairments commensurate with his IEP team's determination of his needs based upon the results of such LMA.

E. The use of Braille shall not be required for a student with blindness or visual impairments if other special education services are determined by the student's IEP team to be more appropriate to the student's educational needs; ~~and the~~. The provision of other appropriate services such as instruction in print with or without optical or electronic devices or instruction in dual media shall not preclude Braille instruction.

~~B. F.~~ The Virginia Department for the Blind and Vision Impaired shall prepare and deliver a program of special education services in ~~addition to support of~~ the special education provided in the public school system ~~schools in the Commonwealth that is designed to meet the educational needs of visually impaired children~~ individuals with blindness or visual impairments between the ages of birth and ~~twenty-one~~ 21 and may prepare and deliver such ~~programs for such program to~~ 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.

G. The Virginia Department for the Blind and Vision Impaired shall assist the Board of Education and ~~the each local school boards of the several school divisions board with in-service training in Braille for currently employed teachers of students who are blind and visually impaired ongoing professional development for teachers of students with blindness or visual impairments, including knowledge of and instruction in Braille and the administration and evaluation of LMAs. In the development and implementation of such programs, the Virginia Department for the Blind and Vision Impaired and the Department of Education shall cooperate with the Board, each local school board, and other stakeholders, including members of professional, parent, and consumer organizations relating to individuals with blindness or vision impairment and faculty of preparation programs at institutions of~~

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59 *higher education for educators of students with blindness or visual impairments.*

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.

67 **2. No later than October 1, 2017, the Board of Education and the Board for the Blind and Vision**
68 **Impaired shall adopt such regulations as may be necessary to coordinate the delivery of services as**
69 **described in the provisions of this act.**