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**HOUSE BILL NO. 336****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee Education  
on February 5, 2018)

(Patron Prior to Substitute—Delegate Cole)

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

**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 impairment.**

A. *As used in this section:*

"Assessment of reading media" means an assessment of an individual's reading and writing skills and needs; the appropriate reading media and writing media for such individual; and the individual's future needs for instruction in Braille or the use of Braille. Reading media, for the purposes of such an assessment, includes Braille, large print, and print with or without optical or electronic devices, but does not include auditory materials.

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

"Critical assessment" means an assessment of a student with blindness or visual impairment conducted by a TVI that includes (i) a functional vision assessment conducted in an educational setting; (ii) an assessment of learning media that includes an assessment of reading media that is designed for the purposes and population for which it is intended, is administered in the student's native language and in accordance with any instructions, and contains appropriate objective components such as font size, sustained reading speed, and fluency; (iii) consideration of the student's current reading comprehension and writing skills; (iv) consideration of the student's current and future needs; and (v) consideration of technology needs and support.

"IEP" means Individualized Education Program.

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

"TVI" means a licensed Teacher of the Visually Impaired.

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

**Special B.** Each local school board shall establish, maintain, and deliver, in accordance with Board regulations and with support from the Board and the Virginia Department for the Blind and Vision Impaired, special education programs for visually impaired children 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 students with blindness or visual impairment from birth to age 21 that meet the unique and highly specialized needs of each such student. Each such program shall provide specialized or adapted materials or services and may include the employment of TVIs. The Virginia Department for the Blind and Vision Impaired may establish, maintain, and deliver such programs to individuals of other ages.

C. Braille instruction shall be included in the student's Individualized Education Plan (IEP) IEP of a student with blindness or visual impairment, whenever appropriate. When developing the IEP for students a student with blindness or visual impairment, the presumption shall be that proficiency in literacy reading and writing is essential for such student to achieve satisfactory maximize 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.

B. 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 between the ages of birth and twenty-one 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.

C. *As used in this section:*

"Braille" means the system of reading and writing through touch and is commonly known as

60 standard English Braille Grade 2.

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

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

65 D. Each local school board shall provide instruction in Braille and the use of Braille for students  
66 with blindness or visual impairment unless the student's IEP team determines, after a critical assessment  
67 of the student and an assessment of the student's academic and functional strengths and needs, that  
68 instruction in Braille or the use of Braille is not appropriate to the student's educational needs.

69 E. A critical assessment shall be administered to each student with blindness or visual impairment  
70 triannually and when there is a significant change in the student's vision. Each such student's IEP team  
71 shall annually review current data relating to the student, including the student's present level of  
72 performance, to determine whether to administer an additional critical assessment.

73 F. Nothing in this section shall be construed to (i) require exclusive instruction in Braille and the  
74 use of Braille when the IEP team determines that additional specialized educational services and  
75 assistive technology devices are appropriate to meet the needs of students with blindness or visual  
76 impairment or (ii) preclude instruction in Braille and the use of Braille when the student with blindness  
77 or visual impairment is provided additional specialized educational services and assistive technology  
78 devices.

79 G. The IEP team of each student with blindness or visual impairment may determine that such  
80 student is eligible to receive instruction in the use of the appropriate Braille mathematics code in  
81 addition to instruction in Braille and the use of Braille.

82 H. No student with visual impairment shall be denied the opportunity for instruction in Braille and  
83 the use of Braille solely on the basis that the student has some residual vision.

84 I. The Virginia Department for the Blind and Vision Impaired and the Department of Education, in  
85 consultation with the Board; each local school board; members of professional, parent, and consumer  
86 organizations relating to individuals with blindness or visual impairment; and faculty members of  
87 preparation programs at institutions of higher education for educators of students with blindness or  
88 visual impairments, shall develop and implement in-service training and ongoing professional  
89 development for teachers of students with blindness or visual impairment, including knowledge of and  
90 instruction in Braille and the use of Braille.

91 J. The Board of Education and the Board for the Blind and Vision Impaired shall adopt such  
92 regulations as may be necessary to effectuate the provisions of this section.