

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 750

An Act to amend and reenact §§ 22.1-217 and 22.1-241 of the Code of Virginia, relating to Braille instruction.

[H 2100]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-217 and 22.1-241 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-217. Visually impaired children.

A. Special education for visually impaired children provided by a school division shall be established, maintained and operated jointly by the school board and the Virginia Board for the Visually Handicapped subject to the regulations of the Board of Education. ~~Consideration shall be given to including~~ Braille instruction *shall be included* in the student's Individualized Education Plan (IEP), whenever appropriate. *When developing the IEP 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.*

B. The Virginia Board for the Visually Handicapped shall prepare and ~~place in operation~~ 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 ~~place in operation~~ deliver such programs for such individuals of other ages. In the development of such a program, the Virginia Board for the Visually Handicapped shall cooperate with the Board of Education and the school boards of the several school divisions.

C. As used in this section:

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

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

1. "Visually impaired" shall be defined by the Board of Education and the Virginia Board for the Visually Handicapped.

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

§ 22.1-241. Contracts with publishers.

A. The Board of Education shall enter into written contracts with publishers of textbooks approved by it for use in the public schools.

B. The contract price shall not exceed the lowest wholesale price free on board publisher at which the book or books involved in the contract are currently bid under contract anywhere in the United States. The Board shall stipulate the price at which school boards may sell the book or books, which price shall in no case exceed fifteen ~~per centum~~ percent added to the wholesale price.

C. If, subsequent to the date of any contract entered into by the Board, the prices of books named in the contract are reduced or the terms of the contract are made more favorable to purchase anywhere in the United States or a special or other edition of any book named in the contract is sold outside of Virginia at a lower price than bid in this Commonwealth, the publisher shall, in the discretion of the Board of Education, grant the same reduction or terms to the Board and give the Board the option of using such special or other edition adapted for use in Virginia and at the lowest price at which such special edition is sold elsewhere and the contract shall so state.

D. The publisher shall furnish sample copies of all books mentioned in the contract with the Board of Education and shall guarantee that the books bid in the contract are equal in all respects to such sample copies.

E. When such technology is available or by January 1, 1998, whichever is earlier, contracts with publishers of textbooks adopted by the Board shall require the publisher to furnish electronic text from which Braille versions of the particular textbook may be produced.