

HOUSE BILL NO. 1047

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Delegate Tran)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-217.3, relating to students who need or use augmentative and alternative communication; instruction; eligibility; staff training.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-217.3 as follows:

§ 22.1-217.3. Students who need or use augmentative and alternative communication; instruction; eligibility; staff training.

A. As used in this section, "augmentative and alternative communication" or "AAC" means any device, tool, support, or service, or any combination thereof, that facilitates any form of communication, other than oral speech, that can be used to express thoughts, needs, wants, and ideas.

B. In accordance with the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.:

1. No student who needs or uses AAC to communicate shall be denied the opportunity for inclusion in regular classrooms or the provision of age-appropriate instruction solely on the basis that the student may require support with AAC;

2. No individualized education program team, member of such team, or school division employee shall utilize the results of any test designed to provide a single general intelligence quotient or any other measure of intelligence or cognitive ability in assessing whether a student with a disability is eligible to be provided with and use AAC at school; and

3. Each school division shall document, on the individualized education program of a student with a disability who needs or uses AAC, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school

27 division employee or contractor who provides instruction or direct support to such student, to support the
28 student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to
29 accommodate the student's unique communication access needs. Each school division shall ensure that its
30 employees and contractors complete such training before the start of the regular school year or extended
31 school year period. Employees or contractors hired after the start of the school year or extended school
32 year period shall complete such training as soon as possible, provided that another trained employee or
33 contractor supports the student's use of AAC in the interim.

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