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HOUSE BILL NO. 1047

Offered January 12, 2022

Prefiled January 12, 2022

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.

Patron—Tran

Committee Referral Pending

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. 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 on the basis that the student may require support with AAC.

C. No individualized education program team, member of such team, or school division employee shall utilize the results of any intelligence quotient test or any other test to measure intelligence or cognitive ability to determine a student with a disability's eligibility to be provided with and use AAC at school.

D. In accordance with the definition of "assistive technology service" in 8VAC20-81-10, subsection F of 8VAC20-81-100, and subsection F of 8VAC20-81-110 of the Virginia Administrative Code, a school division shall document on the individualized education program of a student with a disability who needs or uses AAC, beginning prior to the provision of instruction or support to the student, including any extended school year period, the student's AAC and communication access and support needs, including, as appropriate, individualized training as an assistive technology service for each school division employee or contractor who provides instruction or direct support to such student, to support the student's use of AAC and to ensure that curricula and instruction are designed or adapted as necessary to accommodate the student's unique communication access needs.

INTRODUCED

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