STATE MODEL BILL

PURPOSE: To assure that the individualized education program of each blind or visually impaired child includes provisions for instruction in Braille and the use of Braille appropriate to the child's current and future literacy needs; to establish standards of proficiency and instruction; to provide materials in a computer-accessible format capable of Braille reproduction; and to require the certification and re-certification of teachers in accordance with Braille literacy standards.

SHORT TITLE

SECTION 1. This Act may be cited as the "Blind Persons" Literacy Rights and Education Act.

INDIVIDUALIZED EDUCATION PROGRAM

SECTION 2. In developing the individualized education program in the case of a child who is blind or visually impaired, provision shall be made for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that such instruction or use is not appropriate for the child. Nothing in this section requires the exclusive use of Braille if other special education services are appropriate to the child's educational needs. The provision of other appropriate services shall not preclude Braille use or instruction.

STANDARDS OF COMPETENCY AND INSTRUCTION

SECTION 3. Instruction in Braille reading and writing shall be sufficient to enable each blind or visually impaired child to communicate effectively and efficiently with the same level of proficiency expected of the child's peers of comparable ability and grade level. The child's individualized education program shall specify:

(a) the results obtained from the evaluations required under section 2;

(b) how Braille will be implemented as the primary mode for learning through integration with other classroom activities;

(c) the date on which Braille instruction will commence;

(d) the length of the period of instruction and the frequency and duration of each instructional session;

(e) the level of competency in Braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used; and

(f) if a decision has been made under section 2 that Braille instruction or use is not required for the child.

(1) a statement that the decision was reached after a review of pertinent literature describing the educational benefits of Braille instruction and use; and

(2) a specification of the evidence used to determine that the child's ability to read and write effectively without special education services is not impaired.

INSTRUCTIONAL MATERIALS

SECTION 4. All publishers of textbooks (including texts in electronic media) sold to the state or any local education agency (including postsecondary institutions) must furnish an electronic version in which the content (i) is encoded in text suitable for conversion into Braille or synthesized speech; and (ii) has been prepared using a markup language which maintains the structural integrity of the information and can be processed by Braille translation software.

SECTION 5. As part of the certification and renewal process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing Braille. The state agency responsible for certifying such teachers may not issue or renew a license to teach the visually impaired unless the applicant demonstrates, based upon standards adopted by the National Blindness Professional Certification Board, that he or she is proficient in reading and writing Braille.

DEFINITIONS

SECTION 6. As used in this Act,

(a) "Blind or visually impaired child" means an individual who is eligible for special education services and who:

(1) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees; or

(2) has a medically indicated expectation of visual deterioration.

(b) "Braille" means the system of reading and writing through touch and includes both Unified English Braille and the Nemeth Code for Mathematics and Science Notation.

(c) "Individualized education program," and "IEP team" have the meanings provided in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. Section 1414(d)

(d) "Textbooks and other instructional materials" means any literary or nonliterary works obtained for use in a course of study.