
A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it is crucial to
2 ensure that each blind or visually impaired child has the right
3 to learn to read. This right includes provisions for
4 instruction in braille and the use of braille appropriate to the
5 child's current and future literacy needs.

6 At least thirty-three states have already adopted braille
7 literacy standards. Although these standards were adopted in
8 various forms, most were based on a model prepared by the
9 National Federation of the Blind. Two states passed their own
10 versions of braille literacy standards, but later amended them
11 to conform to the National Federation of the Blind model. This
12 Act is based on the same model.

13 The purpose of this Act is to assist blind and visually
14 impaired children by establishing standards of braille
15 proficiency and instruction.

16 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:



1 **"PART . BRAILLE INSTRUCTION**

2 **§302A- Definitions.** As used in this part, unless the
3 context otherwise requires:

4 "Blind or visually impaired child" means an individual who
5 is eligible for special education services and who:

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

- 10 (2) Has a medically indicated expectation of visual
- 11 deterioration.

12 "Braille" means the system of reading and writing through
13 touch commonly known as standard English braille.

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

17 "Textbooks and other instructional materials" means any
18 literary or nonliterary works obtained for use in a course of
19 study.

20 **§302A- Braille instruction.** In developing the
21 individualized education program for a child who is blind or
22 visually impaired, provisions shall be made for instruction in



1 braille and the use of braille unless the IEP team determines
2 after an evaluation of the child's reading and writing skills,
3 needs, and a determination of an appropriate reading and writing
4 medium for the child, including an evaluation of the child's
5 future needs for instruction in braille or the use of braille,
6 that such instruction or use is not appropriate for the child.
7 Nothing in this section shall be construed to require the
8 exclusive use of braille if other special education services are
9 appropriate to the child's education needs. The provision of
10 other appropriate services shall not preclude braille use or
11 instruction. If a decision has been made during evaluations
12 conducted pursuant to this section that braille instruction is
13 not required for the child, the following shall be provided:

- 14 (1) A statement that the decision was reached after a
15 review of pertinent assessments; and
16 (2) A specification of the evidence used to determine that
17 the child's ability to read and write effectively
18 without special education braille instruction is not
19 impaired.

20 **§302A- Standards of competency and instruction.**

21 Instruction in braille reading and writing shall be sufficient
22 to enable each blind or visually impaired child to communicate



1 effectively and efficiently with the same level of proficiency
2 as is expected of the child's peers of comparable ability and
3 grade level. The child's individualized education program shall
4 include or incorporate:

5 (1) The results obtained from evaluations required under
6 this part;

7 (2) The manner in which braille will be implemented as the
8 primary mode for learning through integration with
9 other classroom activities;

10 (3) The date on which braille instruction will commence;

11 (4) A record of the braille instruction services provided
12 to the child; and

13 (5) The level of competency in braille reading and writing
14 to be achieved and the objective assessment measures
15 to be used."

16 SECTION 3. Section 302A-442.5, Hawaii Revised Statutes, is
17 repealed.

18 [~~§302A-442.5 Instructional materials; exceptional~~

19 ~~children.~~ (a) ~~Whenever used in this section, unless a~~
20 ~~different meaning clearly appears from the context:~~

21 ~~"Braille" means the system of reading and writing through~~
22 ~~touch commonly known as standard English braille.~~



1 ~~(b) All publishers of textbooks and instructional~~
2 ~~materials sold to the State or any public school shall furnish~~
3 ~~computer diskettes for literary subjects in the American~~
4 ~~Standard Code for Information Interchange from which braille~~
5 ~~versions can be produced. Publishers shall also furnish~~
6 ~~computer diskettes in American Standard Code for Information~~
7 ~~Interchange for nonliterary subjects including natural sciences,~~
8 ~~computer science, mathematics, and music when braille specialty~~
9 ~~code translation software is available.~~

10 ~~(c) This section shall not apply to publishers of~~
11 ~~textbooks and instructional materials written in the Hawaiian~~
12 ~~language."]~~

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken.

15 SECTION 5. This Act shall take effect upon its approval.



HB 1839
HD 1

Report Title:

Blind Persons' Literacy Rights and Education Act

Description:

Ensures that every blind or visually-impaired child is instructed in Braille, if deemed appropriate to the child's current and future needs. (HB1839 HD1)

