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## 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 bills. Although legislation has been passed in various  
8 forms, most were based on a model prepared by the National  
9 Federation of the Blind. Two states passed their own versions  
10 of braille literacy legislation, but later amended them to  
11 conform to the National Federation of the Blind model. The bill  
12 that follows is based on this same model.

13           The purpose of this Act is to:

- 14           (1) Establish standards of braille proficiency and  
15           instruction;
- 16           (2) Require materials to be provided in a computer-  
17           accessible format capable of braille reproduction; and



1           (3) Require the certification and recertification of  
2           teachers in accordance with braille literacy  
3           standards.

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

7                           **"PART . BRAILLE INSTRUCTION**

8           **§302A- Definitions.** As used in this part, unless the  
9 context otherwise requires:

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

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

16           (2) Has a medically indicated expectation of visual  
17           deterioration.

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

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



1 "Textbooks and other instructional materials" means any  
2 literary or nonliterary works obtained for use in a course of  
3 study.

4 **§302A- Braille instruction.** In developing the  
5 individualized education program for a child who is blind or  
6 visually impaired, provisions shall be made for instruction in  
7 braille and the use of braille unless the IEP team determines  
8 after an evaluation of the child's reading and writing skills,  
9 needs, and a determination of an appropriate reading and writing  
10 medium for the child, including an evaluation of the child's  
11 future needs for instruction in braille or the use of braille,  
12 that such instruction or use is not appropriate for the child.  
13 Nothing in this section shall be construed to require the  
14 exclusive use of braille if other special education services are  
15 appropriate to the child's education needs. The provision of  
16 other appropriate services shall not preclude braille use or  
17 instruction. If a decision has been made during evaluations  
18 conducted pursuant to this section that braille instruction is  
19 not required for the child, the following shall be provided:  
20 (1) A statement that the decision was reached after a  
21 review of pertinent literature describing the



1 educational benefits of braille instruction and use;  
2 and

3 (2) A specification of the evidence used to determine that  
4 the child's ability to read and write effectively  
5 without special education braille instruction is not  
6 impaired.

7 **§302A- Standards of competency and instruction.**

8 Instruction in braille reading and writing shall be sufficient  
9 to enable each blind or visually impaired child to communicate  
10 effectively and efficiently with the same level of proficiency  
11 as is expected of the child's peers of comparable ability and  
12 grade level. The child's individualized education program shall  
13 include or incorporate:

14 (1) The results obtained from evaluations required under  
15 this part;

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

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

20 (4) The length of the period of instruction and the  
21 frequency and duration of each instruction session;

22 and



1           (5) The level of competency in braille reading and writing  
2           to be achieved by the end of the period and the  
3           objective assessment measures to be used.

4           **§302A- Instructional materials.** (a) All publishers of  
5 textbooks or other instructional materials sold to the State or  
6 any local education agency, including post-secondary education  
7 institutions, shall furnish an electronic version in which the  
8 content:

- 9           (1) Is encoded in text suitable for conversion into  
10           braille or synthesized speech; and  
11           (2) Has been prepared using a markup language that  
12           maintains the structural integrity of the information  
13           and can be processed by braille translation software.

14           (b) This section shall not apply to publishers of  
15 textbooks and instructional materials written in the Hawaiian  
16 language.

17           **§302A- Teacher certification.** As part of the  
18 certification and renewal process, teachers certified in the  
19 instruction of blind and visually impaired children shall be  
20 required to demonstrate competence in reading and writing  
21 braille. The state agency responsible for such teachers may not  
22 issue or renew a license to teach the visually impaired unless



1 the applicant demonstrates, based on standards adopted by the  
2 National Library Service of the Blind and Physically Handicapped  
3 of the Library of Congress, that the applicant is proficient in  
4 reading and writing braille."

5 SECTION 3. Section 302A-442.5, Hawaii Revised Statutes, is  
6 repealed.

7 [~~"§302A-442.5 Instructional materials; exceptional~~  
8 ~~children.~~ (a) ~~Whenever used in this section, unless a~~  
9 ~~different meaning clearly appears from the context:~~

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

12 ~~(b) All publishers of textbooks and instructional~~  
13 ~~materials sold to the State or any public school shall furnish~~  
14 ~~computer diskettes for literary subjects in the American~~  
15 ~~Standard Code for Information Interchange from which braille~~  
16 ~~versions can be produced. Publishers shall also furnish~~  
17 ~~computer diskettes in American Standard Code for Information~~  
18 ~~Interchange for nonliterary subjects including natural sciences,~~  
19 ~~computer science, mathematics, and music when braille specialty~~  
20 ~~code translation software is available.~~



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

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

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

7

INTRODUCED BY:           *T. Takumi*          

JAN 17 2006



**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.

