

JAN 25 2006

S.B. NO. 2132

A BILL FOR AN ACT

RELATING TO THE BLIND PERSONS' AND LITERACY RIGHTS AND EDUCATION
ACT.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . THE BLIND PERSONS' LITERARY RIGHTS AND EDUCATION ACT**

5 **§302A-A Purpose.** The purpose of this Act is to assure
6 that the individualized education program of each blind or
7 visually impaired child includes provisions for instruction in
8 braille and the use of braille appropriate to the child's
9 current and future literacy needs. In addition, the purpose of
10 this Act is to establish standards of proficiency and
11 instruction and to provide materials in a computer-accessible
12 format capable of braille reproduction. Finally, this Act seeks
13 to require the certification and re-certification of teachers in
14 accordance with braille literacy standards.

15 **§302A-B Short Title.** This Act may be cited as the "blind
16 persons' literacy rights and education act."



1 **§302A-C Individualized Education Program.** In developing
2 the individualized education program in the case of a child who
3 is blind or visually impaired, provision shall be made for
4 instruction in braille and the use of braille unless the IEP
5 Team determines, after an evaluation of the child's reading and
6 writing skills, needs, and appropriate reading and writing media
7 (including an evaluation of the child's future needs for
8 instruction in braille or the use of braille), that such
9 instruction or use is not appropriate for the child. Nothing in
10 this section requires the exclusive use of braille if other
11 special education services are appropriate to the child's
12 educational needs. The provision of other appropriate services
13 shall not preclude braille use or instruction.

14 **§302A-D Standards of Competency and Instruction.**

15 (a) Instruction in braille reading and writing shall be
16 sufficient to enable each blind or visually impaired child to
17 communicate effectively and efficiently with the same level of
18 proficiency expected of the child's peers of comparable ability
19 and grade level. The child's individualized education program
20 shall specify:

- 21 (1) The results obtained from the evaluations required
- 22 under section 302A-C;
- 23 (2) How braille will be implemented as the primary mode for
- 24 learning through integration with other classroom
- 25 activities;



- 1 (3) The date on which braille instruction will commence;
2 (4) The length of the period of instruction and the
3 frequency and duration of each instructional session;
4 (5) The level of competency in braille reading and writing
5 to be achieved by the end of the period and the
6 objective assessment measures to be used; and
7 (6) If a decision has been made under section 302A-C that
8 braille instruction or use is not required for the
9 child.

10 **§302A-E Instructional Materials.** All publishers of
11 textbooks (including texts in electronic media) sold to the
12 state or any local education agency (including postsecondary
13 institutions) must furnish an electronic version in which the
14 content is encoded in text suitable for conversion into braille
15 or synthesized speech; and has been prepared using a markup
16 language which maintains the structural integrity of the
17 information and can be processed by braille translation
18 software.

19 **§302A-F Certification.** As part of the certification and
20 renewal process, teachers certified in the education of blind
21 and visually impaired children shall be required to demonstrate
22 competence in reading and writing braille. The department may
23 not issue or renew a license to teach the visually impaired
24 unless the applicant demonstrates, based upon standards adopted
25 by the National Library Service for the Blind and Physically
26 Handicapped, Library of Congress, Washington, D.C., that
27 applicant or she is proficient in reading and writing braille.

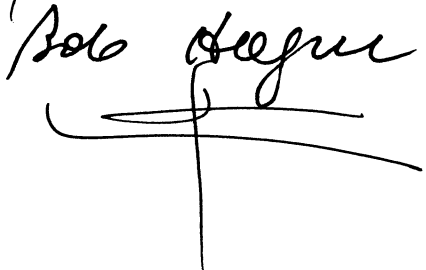


1 **§302A-G Definitions.** As used in this part, "blind or
2 visually impaired child" means an individual who is eligible for
3 special education services and who:

- 4 (1) has a visual acuity of 20/200 or less in the better
5 eye with correcting lenses or has a limited field of
6 vision such that the widest diameter subtends an
7 angular distance of no greater than twenty degrees; or
8 (2) has a medically indicated expectation of visual
9 deterioration."

10 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY: Theranne Chun Oakland
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SB. NO. 2732

Report Title:

Education; Braille Standards

Description:

Assures individualized education programs for blind or visually impaired children including provisions for instruction in Braille. Establishes standards of proficiency and instruction. Provides materials in a computer-accessible format capable of Braille reproduction. Requires certification and re-certification of teachers in accordance with Braille literacy standards.

SB SMO 06-051

