
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 braille materials in a timely
12 fashion. Finally, this Act seeks to require the certification
13 and re-certification of teachers in accordance with braille
14 literacy standards.

15 **§302A-B Individualized education program.** In developing
16 the individualized education program in the case of a child who
17 is blind or visually impaired, provision shall be made for



1 instruction in braille and the use of braille unless the
2 individualized education program team determines, after an
3 evaluation of the child's reading and writing skills, needs, and
4 appropriate reading and writing media, including an evaluation
5 of the child's future needs for instruction in braille or the
6 use of braille, that such instruction or use is not appropriate
7 for the child. Nothing in this section requires the exclusive
8 use of braille if other special education services are
9 appropriate to the child's educational needs. The provision of
10 other appropriate services shall not preclude braille use or
11 instruction.

12 **§302A-C Standards of competency and instruction.** (a)
13 Instruction in braille reading and writing shall be sufficient
14 to enable each blind or visually impaired child to communicate
15 effectively and efficiently with the same level of proficiency
16 expected of the child's peers of comparable ability and grade
17 level. The child's individualized education program shall
18 specify:

- 19 (1) The results obtained from the evaluations required
20 under section 302A-C;

- 1 (2) How braille will be implemented as the primary mode
2 for learning through integration with other classroom
3 activities;
- 4 (3) The date on which braille instruction will commence;
- 5 (4) The frequency of services, which may include braille
6 instruction;
- 7 (5) The level of competency in braille reading and writing
8 to be achieved by the end of the period and the
9 objective assessment measures to be used; and
- 10 (6) Whether a decision has been made under section 302A-B
11 that braille instruction or use is not required for
12 the child.

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



1 **§302A-E Certification.** As part of the certification and
2 renewal process, teachers certified in the education of blind
3 and visually impaired children shall be required to demonstrate
4 competence in reading and writing braille. The department may
5 not issue or renew a license to teach the visually impaired
6 unless the applicant demonstrates, based upon standards adopted
7 by the university program that issued the special education
8 degree, that the applicant is proficient in reading and writing
9 braille.

10 **§302A-F Definitions.** As used in this part, "blind or
11 visually impaired child" means an individual who is eligible for
12 special education services and who:

- 13 (1) Has a visual acuity of 20/200 or less in the better
14 eye with correcting lenses or has a limited field of
15 vision such that the widest diameter subtends an
16 angular distance of no greater than twenty degrees; or
17 (2) Has a medically indicated expectation of visual
18 deterioration."

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

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. (SD1)

