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# 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 part 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 part is to establish standards of proficiency and  
11 instruction and to provide braille materials in a timely  
12 fashion. Finally, this part 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 the 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 length of the period of instruction and the  
6           frequency and duration of a typical instructional  
7           session;
- 8           (5) The level of competency in braille reading and writing  
9           to be achieved by the end of the period and the  
10          objective assessment measures to be used; and
- 11          (6) Whether a decision has been made under section 302A-B  
12          that braille instruction or use is not required for  
13          the child.

14          **§302A-D Instructional materials.** All publishers of  
15 textbooks, including texts in electronic media sold to the State  
16 or any local education agency, including postsecondary  
17 institutions, shall furnish an electronic version in which the  
18 content:

- 19          (1) Is encoded in text suitable for conversion into  
20          braille or synthesized speech; and



1           (2) Has been prepared using a markup language that  
2                   maintains the structural integrity of the information  
3                   and can be processed by braille translation software.

4           **§302A-E Certification.** As part of the certification and  
5 renewal process, teachers certified in the education of blind  
6 and visually impaired children shall be required to demonstrate  
7 competence in reading and writing braille. The department may  
8 not issue or renew a license to teach the visually impaired  
9 unless the applicant demonstrates, based upon standards adopted  
10 by the National Library Science for the Blind and Physically  
11 Handicapped, Library of Congress, that the applicant is  
12 proficient in reading and writing braille.

13           **§302A-F Definitions.** As used in this part, "blind or  
14 visually impaired child" means an individual who is eligible for  
15 special education services and who:

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

22           SECTION 2. This Act shall take effect on July 1, 2007.



**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. (SD2)

