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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:

- 6           (1) Assure that the individualized education program of  
7               each blind or visually impaired child includes  
8               provisions for instruction in braille and the use of  
9               braille appropriate to the child's current and future  
10              literacy needs;
- 11           (2) Establish standards of proficiency and instruction;
- 12           (3) Require that publishers who sell educational textbooks  
13               to the State provide electronic versions in braille;  
14              and
- 15           (4) Require teachers certified in the education of blind  
16              and visually impaired children to be competent in



1 reading and writing braille, as part of the teachers'  
2 certification and renewal process.

3 **§302A-B Definitions.** As used in this part, "blind or  
4 visually impaired child" means an individual who is eligible for  
5 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 **§302A-C Individualized education program.** In developing  
13 the individualized education program in the case of a child who  
14 is blind or visually impaired, provision shall be made for  
15 instruction in braille and the use of braille unless the  
16 individualized education program team determines, after an  
17 evaluation of the child's reading and writing skills, needs, and  
18 appropriate reading and writing media, including an evaluation  
19 of the child's future needs for instruction in braille or the  
20 use of braille, that the instruction or use is not appropriate  
21 for the child. Nothing in this section requires the exclusive  
22 use of braille if other special education services are



1 appropriate to the child's educational needs. The provision of  
2 other appropriate services shall not preclude braille use or  
3 instruction.

4 **§302A-D Standards of competency and instruction.**

5 Instruction in braille reading and writing shall be sufficient  
6 to enable each blind or visually impaired child to communicate  
7 effectively and efficiently at the same level of proficiency  
8 expected of the child's peers of comparable ability and grade  
9 level. The child's individualized education program shall  
10 specify:

- 11 (1) How braille instruction will be implemented as the  
12 primary mode for learning through integration with  
13 other classroom activities;
- 14 (2) The date on which braille instruction will commence;
- 15 (3) The length of the period of instruction and the  
16 frequency and duration of a typical instructional  
17 session;
- 18 (4) The level of competency in braille reading and writing  
19 to be achieved by the end of the period and the  
20 objective assessment measures to be used;
- 21 (5) The child's level of competency in braille; and



1 (6) Whether a decision has been made under section 302A-C  
2 that braille instruction or use is not required for  
3 the child.

4 **§302A-E Instructional materials.** All publishers of  
5 textbooks, including texts in electronic media sold to the State  
6 or any local education agency, including postsecondary  
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 **§302A-F Certification.** As part of the certification and  
15 renewal process, teachers certified in the education of blind  
16 and visually impaired children shall be required to demonstrate  
17 competence in reading and writing braille. The Hawaii teacher  
18 standards board may not issue or renew a license to teach the  
19 visually impaired unless the applicant demonstrates, based upon  
20 standards adopted by the National Library Science for the Blind  
21 and Physically Handicapped, Library of Congress, that the  
22 applicant is proficient in reading and writing braille."



1           SECTION 2. In codifying the new part added to chapter  
2 302A, Hawaii Revised Statutes, by section 1 of this Act, the  
3 revisor of statutes shall substitute appropriate section numbers  
4 for the letters used in designating the new sections in this  
5 Act.

6           SECTION 3. This Act shall take effect on July 1, 2007.



**Report Title:**

Education; Braille Standards

**Description:**

Assures that the individualized education program of each blind or visually impaired child includes provisions for instruction in braille and the use of braille appropriate to the child's current and future literacy needs. Establishes standards of proficiency and instruction. Requires that publishers who sell educational textbooks to the State provide electronic versions in braille. Requires teachers certified in the education of blind and visually impaired children to be competent in reading and writing braille, as part of the teachers' certification and renewal process. (HB1504 HD1)

