

JAN 19 2007

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 Definitions.** As used in this part, "blind or
16 visually impaired child" means an individual who is eligible for
17 special education services and who:



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

7 **§302A-C Individualized education program.** In developing
8 the individualized education program in the case of a child who
9 is blind or visually impaired, provision shall be made for
10 instruction in braille and the use of braille unless the
11 individualized education program team determines, after an
12 evaluation of the child's reading and writing skills, needs, and
13 appropriate reading and writing media, including an evaluation
14 of the child's future needs for instruction in braille or the
15 use of braille, that the instruction or use is not appropriate
16 for the child. Nothing in this section requires the exclusive
17 use of braille if other special education services are
18 appropriate to the child's educational needs. The provision of
19 other appropriate services shall not preclude braille use or
20 instruction.

21 **§302A-D Standards of competency and instruction.**

22 Instruction in braille reading and writing shall be sufficient



1 to enable each blind or visually impaired child to communicate
2 effectively and efficiently with the same level of proficiency
3 expected of the child's peers of comparable ability and grade
4 level. The child's individualized education program shall
5 specify:

- 6 (1) The results obtained from the evaluations required
7 under this section;
- 8 (2) How braille will be implemented as the primary mode
9 for learning through integration with other classroom
10 activities;
- 11 (3) The date on which braille instruction will commence;
- 12 (4) The length of the period of instruction and the
13 frequency and duration of a typical instructional
14 session;
- 15 (5) The level of competency in braille reading and writing
16 to be achieved by the end of the period and the
17 objective assessment measures to be used; and
- 18 (6) Whether a decision has been made under section 302A-C
19 that braille instruction or use is not required for
20 the child.

21 **§302A-E Instructional materials.** All publishers of
22 textbooks, including texts in electronic media sold to the State



1 or any local education agency, including postsecondary
2 institutions, shall furnish an electronic version in which the
3 content:

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

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

18 SECTION 2. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



S.B. NO. 606

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

2

INTRODUCED BY:

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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.

