

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO BRAILLE LITERACY.

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

1           SECTION 1. The legislature finds that literacy skills are  
2 fundamental to success in education, employment, and life for  
3 all members of society, including individuals who are blind.  
4 The legislature further finds that braille literacy skills are  
5 essential for individuals who are blind to learn, seek and  
6 maintain remunerative employment, and access the opportunities  
7 in life open to all regardless of disability.

8           The legislature also finds that it is the interest of the  
9 State to make learning opportunities available to all residents.  
10 Therefore, it is necessary for the State to promote braille  
11 instruction and the timely access to braille instructional  
12 materials for blind students, parents, teachers, and other  
13 school personnel.

14           Accordingly, the purpose of this Act is to:

15           (1) Require the individualized education programs of blind  
16           students to include the instruction of braille and



1 provision of braille instructional materials under  
2 certain circumstances;

3 (2) Require the department of education to establish a  
4 braille literacy resource center; and

5 (3) Make an appropriation.

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

9 "PART . BRAILLE INSTRUCTION

10 §302A-A Purpose. It is the policy of the State to promote  
11 braille literacy and support opportunities for blind students to  
12 obtain reading and writing skills to the maximum extent  
13 achievable for each blind individual.

14 §302A-B Definitions. As used in this part, unless the  
15 context otherwise requires:

16 "Braille" has the same meaning as in section 302A-442.5.

17 "Braille instructional materials" means print instructional  
18 materials, as defined in section 302A-442.5, that are printed in  
19 braille.



1 "Eligible blind student" means an eligible student, as that  
2 term is defined in section 302A-442.5, who is blind, as that  
3 term is defined in section 347.2.

4 "Individualized education program" and "individualized  
5 education program team" have the same meanings as in section  
6 614(d) of the Individuals with Disabilities Education Act (20  
7 U.S.C. section 1414(d)), as amended.

8 **§302A-C Individualized education program; eligible blind**  
9 **students; braille instructional materials.** (a) The  
10 individualized education program for an eligible blind student  
11 shall include instruction in braille and provision of braille  
12 instructional materials unless the individualized education  
13 program team determines that the instruction or materials are  
14 not necessary for the student after current and future needs  
15 reading and writing performance assessments have been made.

16 (b) When included in an eligible blind student's  
17 individualized education program, braille literacy instruction  
18 shall be sufficient to enable the student to achieve at least  
19 grade level reading and writing proficiency expected of the  
20 student's peers of comparable ability to learn and progress from



1 grade to grade in school. The eligible blind student's  
2 individualized education program shall:

3 (1) Document:

4 (A) The results of current braille reading and  
5 writing assessments of the student, if any;

6 (B) The date on which braille literacy instruction  
7 will commence;

8 (C) The length of the period of instruction and the  
9 frequency and duration of each instructional  
10 session; and

11 (D) Performance goals for the end of the period and  
12 the objective assessment measures to be used; and

13 (2) Summarize how use of acquired braille skills and  
14 braille instructional materials will be incorporated  
15 into the student's general education program and daily  
16 activities.

17 (c) If the individualized education program team decides  
18 that braille literacy instruction is not necessary for an  
19 eligible blind student in accordance with subsection (b), the  
20 student's individualized education program shall:

21 (1) Document the student's:



- 1           (A) Visual condition, including cause, visual acuity,  
2           field of vision, visual functioning over time,  
3           stability of the condition, and prognosis; and
- 4           (B) Ability to achieve at least grade level reading  
5           and writing proficiency without regard to the use  
6           of braille, as expected of the student's peers of  
7           comparable ability to learn and progress from  
8           grade to grade in school;
- 9           (2) Identify the literacy assessment tools and methods  
10          used;
- 11          (3) Provide the date of the student's next literacy  
12          assessment, not to exceed twelve months from the  
13          previous assessment; and
- 14          (4) Include the parents or, as appropriate, the student's  
15          signed concurrence to exclude braille literacy  
16          instruction and braille instructional materials from  
17          the individualized education program until the next  
18          assessment of the student's literacy needs."

19           SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
20 amended by adding a new section to part II, subpart C to be  
21 appropriately designated and to read as follows:



1           "§302A- Braille literacy resource center; establishment;  
2 duties; rules. (a) The department shall establish and maintain  
3 a braille literacy resource center that shall:

4           (1) Advocate for braille literacy;  
5           (2) Obtain instructional materials in braille as needed;  
6           (3) Acquire, maintain, and make available studies,  
7                   reports, and other authoritative information about the  
8                   efficacy of instruction in braille and braille  
9                   instructional materials;

10           (4) Award and administer grants or contracts with one or  
11                   more entities that the department finds qualified to  
12                   provide in-state braille transcription services, or  
13                   provide financial support in whole or in part for the  
14                   establishment of braille transcription services by a  
15                   qualified entity;

16           (5) Ensure that each eligible blind student is registered  
17                   with the department of human services pursuant to  
18                   section 347-6;

19           (6) For each student registered pursuant to paragraph (5),  
20                   provide the parents and, as appropriate the student,  
21                   with comprehensive information about braille literacy



1           instruction, braille instructional materials,  
2           assistive technology devices, and assistive technology  
3           services, including tools and options available to  
4           assess the student's braille literacy needs; and  
5       (7) When requested by a member of an individualized  
6           education program team or, as appropriate, an eligible  
7           blind student, participate in the development of the  
8           student's individualized education program.

9       (b) The department shall designate an individual from the  
10 braille literacy resource center to serve as the ex officio  
11 member of the board of trustees of the American Printing House  
12 for the Blind pursuant to the federal Act to Promote the  
13 Education of the Blind (20 U.S.C. 101 et seq.), as amended.

14       (c) The department may adopt rules pursuant to chapter 91  
15 to carry out the purposes of this section.

16       (d) For purposes of this section:  
17       "Assistive technology device", "assistive technology  
18 service", and "braille" have the same meaning as defined in  
19 section 302A-442.5; and

20       "Braille instructional materials", "eligible blind  
21 student", "individualized education program", and



1 "individualized education program team" have the same meaning as  
2 in section 302A-B."

3 SECTION 4. In accordance with section 9 of article VII of  
4 the Hawaii State Constitution and sections 37-91 and 37-93,  
5 Hawaii Revised Statutes, the legislature has determined that the  
6 appropriations contained in Act 164, Regular Session of 2023,  
7 and this Act will cause the state general fund expenditure  
8 ceiling for fiscal year 2024-2025 to be exceeded by  
9 \$ or per cent. This current declaration takes  
10 into account general fund appropriations authorized for fiscal  
11 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
12 only. The reasons for exceeding the general fund expenditure  
13 ceiling are that:

- 14 (1) The appropriation made in this Act is necessary to  
15 serve the public interest; and
- 16 (2) The appropriation made in this Act meets the needs  
17 addressed by this Act.

18 SECTION 5. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ or so  
20 much thereof as may be necessary for fiscal year 2024-2025 to  
21 make grants or enter into contracts with one or more entities





1 the department of education finds qualified to provide in-state  
2 braille transcription services, or to provide financial support  
3 in whole or in part for establishment of braille transcription  
4 services by a qualified entity.

5 The sum appropriated shall be expended by the department of  
6 education for the purposes of this Act.

7 SECTION 6. Beginning fiscal year 2025-2026 and each fiscal  
8 year thereafter, the department of education shall include in  
9 its annual budget request any sums necessary for the provision  
10 of braille transcription services pursuant to section 3 of this  
11 Act.

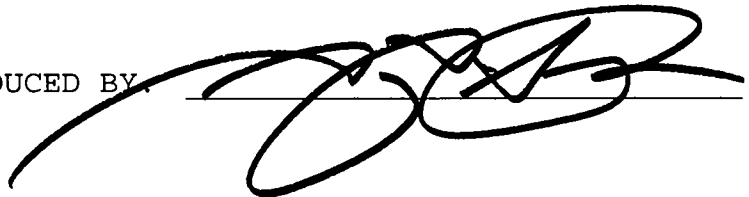
12 SECTION 7. In codifying the new sections added by section  
13 3 of this Act, the revisor of statutes shall substitute  
14 appropriate section numbers for the letters used in designating  
15 the new sections in this Act.

16 SECTION 8. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on July 1, 2024.

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INTRODUCED BY \_\_\_\_\_

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# S.B. NO. 2750

**Report Title:**

Deaf and Blind Task Force; DOE; Braille Literacy Instruction; Braille Literacy Materials; Braille Literacy Resource Center; Expenditure Ceiling; Appropriation

**Description:**

Establishes state policy to promote braille literacy for blind students. Requires the individualized education programs of blind students to include the instruction of Braille and provision of Braille instructional materials under certain circumstances. Requires the Department of Education to establish a Braille Literacy Resource Center. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

