

1 HOUSE BILL NO. 181

2 INTRODUCED BY D. LEWIS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT EACH BLIND STUDENT RECEIVES AN
5 INDIVIDUALIZED BRAILLE LITERACY ASSESSMENT AND APPROPRIATE EDUCATIONAL SERVICES
6 BASED UPON THE ASSESSMENT; ESTABLISHING STANDARDS OF PROFICIENCY AND INSTRUCTION;
7 PROVIDING FOR COURSE MATERIALS TO BE IN A COMPUTER ACCESSIBLE FORMAT CAPABLE OF
8 BRAILLE REPRODUCTION; REQUIRING CERTIFICATION OF TEACHERS IN ACCORDANCE WITH BRAILLE
9 LITERACY STANDARDS; AND PROVIDING FOR A COMMISSION TO STUDY CONVERSION OF COURSE
10 MATERIALS TO A BRAILLE FORMAT; AND PROVIDING AN EFFECTIVE DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Blind Persons'
15 Literacy Rights and Education Act".

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17 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 6], unless the context
18 requires otherwise, the following definitions apply:

19 (1) "ASCII" means the American standard code for information interchange, which is a coding
20 scheme that allows computers and computer programs to exchange information.

21 (2) "Blind student" means an individual who is eligible for special education services and who:

22 (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited
23 field of vision such that the widest diameter subtends an angular distance of no greater than 20 degrees;
24 or

25 (b) has a medically indicated expectation of visual deterioration.

26 (3) "Braille" means the system of reading and writing through touch commonly known as standard
27 English Braille.

28 (4) "Individualized education program" means a written statement developed for a student eligible
29 for special education services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C.
30 1401(11).

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2 **NEW SECTION. Section 3. Individualized planning and assessment.** In developing an individualized
3 education program for each blind student, the presumption must be that proficiency in Braille reading and
4 writing is essential for the blind student to achieve satisfactory educational progress. The assessment
5 required for each blind student must include a Braille skills inventory, including a statement of strengths
6 and deficits. Braille instruction and use are not required by this section if, in the course of developing the
7 student's individualized education program, all members of the team concur that the blind student's visual
8 impairment does not affect reading and writing performance commensurate with ability. This section does
9 not require the exclusive use of Braille if other special education services are appropriate to the blind
10 student's educational needs. The provision of other appropriate services may not preclude Braille
11 instruction or use.

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13 **NEW SECTION. Section 4. Standards of competency and instruction.** Instruction in Braille reading
14 and writing must be sufficient to enable each blind student to communicate effectively and efficiently with
15 the same level of proficiency expected of the student's peers of comparable ability and grade level. The
16 blind student's individualized education program must specify:

- 17 (1) the results obtained from the inventory required under [section 3];
- 18 (2) how Braille will be implemented as the primary mode for learning through integration with other
19 classroom activities;
- 20 (3) the date on which Braille instruction will commence;
- 21 (4) the length of the period of instruction and the frequency and duration of each instructional
22 session;
- 23 (5) the level of competency in Braille reading and writing to be achieved by the end of the period
24 and the objective assessment measures to be used; and
- 25 (6) if a decision has been made under [section 3] that Braille instruction or use is not required for
26 the blind student:
- 27 (a) a statement that the decision was reached after a review of pertinent literature describing the
28 educational benefits of Braille instruction and use; and
- 29 (b) a specification of the evidence used to determine that the blind student's ability to read and
30 write effectively without special education services is not impaired.

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2 NEW SECTION. Section 5. Instructional materials. The office of public instruction shall require
3 a publisher of a textbook adopted by the board of public education to furnish the agency with computer
4 diskettes for literary subjects in ASCII format from which Braille versions of the textbook can be produced.
5 The publisher shall furnish the office of public instruction with computer diskettes in ASCII format for
6 nonliterary subjects, such as natural sciences, computer science, mathematics, and music, when Braille
7 specialty code translation software is available.

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9 NEW SECTION. Section 6. Teacher certification. As part of the certification process, teachers
10 certified in the education of blind and visually impaired students must be required to demonstrate
11 competence in reading and writing Braille. The board of public education shall adopt procedures to assess
12 competencies that are consistent with standards adopted by the national library service for the blind and
13 physically handicapped of the library of congress.

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15 NEW SECTION. Section 7. Study commission. (1) The board of public education shall appoint a
16 commission to expedite the implementation of [section 5]. The commission must be composed of no more
17 than 12 individuals nominated by the superintendent of public instruction from within or outside of the
18 state, including but not limited to:

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(a) computer software developers;

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(b) producers of Braille textbooks;

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(c) specialists in Braille education;

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(d) representatives of the office of public instruction;

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(e) publishers of elementary and high school textbooks; and

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(f) at least one consumer, or an advocate of consumers, of Braille materials.

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(2) The superintendent of public instruction shall appoint a presiding officer from among the
26 commission members. Public members of the commission shall serve at their own expense and are not
27 entitled to reimbursement by the state for their participation in the commission's activities.
28 Representatives of a state agency must be reimbursed from the funds of that agency.

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(3) The commission shall:

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(a) work with textbook publishers on the development of processes for converting formatted text

1 files to ASCII text files needed for the production of Braille textbooks with translation software;

2 (b) survey ongoing efforts in this state and elsewhere to develop computer software needed for
3 automated conversion of publisher text files to the ASCII format and recommend additional software
4 development projects, if needed. If additional development efforts are needed, the commission shall work
5 with publishers and software developers to prioritize typesetting system conversion efforts.

6 (c) study the feasibility of implementing a process by which textbook publishers can transmit
7 computerized ASCII text files through modem communication directly to the computers of organizations
8 producing Braille textbook masters; and

9 (d) study any other issues that the commission determines are relevant and necessary to the
10 implementation of this subsection (3).

11 (4) The superintendent of public instruction and the board of public education shall report the
12 commission's findings and a summary of its activities to the 58th legislature, as provided in 5-11-210.

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14 NEW SECTION. **Section 8. Codification instruction.** [Sections 1 through 6] are intended to be
15 codified as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to
16 [sections 1 through 6].

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18 NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2001.

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