

HOUSE BILL NO. 572
INTRODUCED BY LEWIS, BRANAE

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PROVISION OF SERVICES FOR STUDENTS WITH BLINDNESS; DETERMINING THE NEED FOR BRAILLE INSTRUCTION; REQUIRING ADDITIONAL TRAINING FOR SPECIAL EDUCATION TEACHERS OF STUDENTS WITH BLINDNESS; REQUIRING SCHOOL DISTRICTS TO ~~GIVE A PREFERENCE TO CERTAIN~~ CONSIDER THE AVAILABILITY OF ELECTRONIC VERSIONS OF TEXTBOOKS IN THE SELECTION OF TEXTBOOK PUBLISHERS; AMENDING SECTION 20-7-602, MCA; AND PROVIDING AN A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Blind Persons' Literacy Rights and Education Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], unless the context requires otherwise, the following definitions apply:

(1) "Braille" means the system of reading and writing through touch, commonly known as standard English Braille.

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

(3) "Student with blindness" means an individual who is eligible for special education services and who:

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

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

NEW SECTION. **Section 3. Individualized education program for students with blindness.** (1) The individualized education program for each student with blindness must provide for instruction in Braille and the use of Braille unless the ~~individualized education program~~ CHILD STUDY team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of

Braille is not appropriate for the student.

(2) If the ~~individualized education program~~ CHILD STUDY team determines that a student with blindness needs Braille in order for the student to receive a free appropriate public education, the team shall include a statement to the effect in the student's individualized education program file.

NEW SECTION. Section 4. Personnel training. ~~A~~ IF SCHOLARSHIPS ARE AVAILABLE, A SPECIAL EDUCATION teacher who provides education services to students with blindness shall obtain the specific skills that enable the teacher to work effectively with the students under the teacher's supervision. These skills may be obtained through formal training or in-service training or consultation.

NEW SECTION. Section 5. Textbook selection preference -- AVAILABILITY OF ELECTRONIC VERSION TO BE CONSIDERED -- LIMIT ON PRICE. When selecting textbooks for use in the school district, the trustees shall ~~give a preference to a publisher who can furnish the district with~~ CONSIDER THE AVAILABILITY OF an electronic version of a textbook from which Braille versions can be produced AS ONE OF THE CRITERIA THAT MUST BE USED IN THE SELECTION OF A TEXTBOOK. THE PRICE OF AN ELECTRONIC VERSION OF A TEXTBOOK MAY NOT EXCEED THE PRICE OF AN AVAILABLE NONELECTRONIC VERSION OF THE TEXTBOOK BY MORE THAN \$1,000.

Section 6. Section 20-7-602, MCA, is amended to read:

"20-7-602. Textbook selection and adoption. (1) Textbooks ~~shall~~ must be selected by the district superintendent or by the school principal if there is no district superintendent. ~~Such~~ The selections ~~shall be~~ are subject to the approval of the trustees. In districts not employing a district superintendent or principal, the trustees shall select and adopt the textbooks on the basis of recommendations of the county superintendent.

(2) In selecting textbooks, ~~preference must be given to publishers who can furnish the district with an electronic version of a textbook from which Braille versions can be produced~~ MUST BE SELECTED IF THE ELECTRONIC VERSION MEETS THE TEXTBOOK SELECTION CRITERIA ESTABLISHED BY THE DISTRICT."

NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 20, chapter 7, part 4, and the provisions of Title 20, chapter 7, part 4, apply to [sections 1 through 5].

NEW SECTION. Section 8. Effective date. [This act] is effective July 1, ~~2003~~ 2004.

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