

Senate Bill 409

By: Senators Jackson of the 2nd and Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to educational programs in elementary and secondary education, so as
3 to enact the "Blind Persons' Braille Literacy Rights and Education Act"; to provide
4 definitions; to require an evaluation of a blind or visually impaired child to determine such
5 child's need for Braille instruction; to require Braille instruction in the individualized
6 education program of a blind or visually impaired student; to provide requirements for
7 textbook publishers relating to electronic materials; to provide license requirements relating
8 to Braille for certain teachers; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
13 relating to educational programs in elementary and secondary education, is amended by
14 adding a new Code section to read as follows:

15 "20-2-152.2.

16 (a) This Code section may be cited as the 'Blind Persons' Braille Literacy Rights and
17 Education Act.'

18 (b) For purposes of this Code section, the term:

19 (1) 'Blind or visually impaired child' means an individual who:

20 (A) Is eligible for special education services pursuant to Code Section 20-2-152 and
21 the federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400, et
22 seq.; and

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

- 26 (ii) Has a medically indicated expectation of visual deterioration as documented in
27 a current eye report from an optometrist or ophthalmologist; or
28 (iii) Has current special education eligibility in the area of visual impairments
29 pursuant to state guidelines.
- 30 (2) 'Braille' means the system of reading and writing through touch commonly known
31 as standard English Braille or the Unified English Braille Code.
- 32 (3) 'Individualized education program' has the same meaning contained in Section 614(d)
33 of the federal Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1414(d).
- 34 (4) 'Textbooks and other instructional materials' means any literary or nonliterary works
35 obtained for use in a course of study, including texts in electronic media.
- 36 (c) In developing the individualized education program for a student who is a blind or
37 visually impaired child, provision shall be made for instruction in Braille and the use of
38 Braille based on the outcome of an evaluation by a teacher certified by the Professional
39 Standards Commission as a special education visual impairments program teacher. Such
40 evaluation shall include the child's reading and writing skills, his or her specific needs, and
41 appropriate reading and writing media and an evaluation of the child's future need for
42 instruction in Braille or the use of Braille. Nothing in this Code section shall be construed
43 to require the use of Braille if other special education services are appropriate to the child's
44 educational needs. The provision of other appropriate services shall not preclude Braille
45 use or instruction.
- 46 (d) The instruction in Braille reading and writing included in the individualized education
47 program shall be sufficient to enable each blind or visually impaired child to communicate
48 effectively and efficiently with the same level of proficiency expected of the child's peers
49 of comparable ability and grade level who communicate with print and in writing. The
50 child's individualized education program shall specify:
- 51 (1) The outcomes obtained from the evaluation required under subsection (c) of this
52 Code section;
- 53 (2) How Braille will be implemented as the primary mode for learning through
54 integration with other classroom activities unless other special education services are
55 appropriate to the child's educational needs;
- 56 (3) The date on which Braille instruction will commence unless other special education
57 services are appropriate to the child's educational needs;
- 58 (4) The length of the period of instruction and the frequency and duration of each
59 instructional session; and
- 60 (5) For those children for whom Braille instruction is not indicated, the individualized
61 education program shall include a statement that the absence of Braille instruction will
62 not impair the child's ability to read and write effectively.

63 (e) All publishers of textbooks and other instructional materials sold to any local board of
64 education in this state shall be required to furnish an electronic version in National
65 Instructional Materials Accessibility Standard format to the National Instructional
66 Materials Access Center.

67 (f) On and after July 1, 2015, the Professional Standards Commission shall not issue or
68 renew a license to teach academic instruction to blind or visually impaired children unless
69 the educator has, as part of his or her standard renewal requirements:

70 (1) Completed a course in the teaching of Braille approved by the commission; or

71 (2) Demonstrated competence in reading and writing Braille by holding a nationally
72 recognized certificate in Braille approved by the commission.

73 (g) Teachers of blind or visually impaired children shall receive one professional learning
74 unit or ten contact hours of credit for renewing his or her Braille certification or for
75 teaching academic instruction to blind or visually impaired children as approved by the
76 commission."

77 **SECTION 2.**

78 All laws and parts of laws in conflict with this Act are repealed.