

SECOND REGULAR SESSION

HOUSE BILL NO. 2150

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

4667H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.225, RSMo, and to enact in lieu thereof one new section relating to blind and visually impaired students.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 167.225, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.225, to read as follows:

167.225. 1. As used in **subsections 1 to 4 of** this section, the following terms mean:

(1) "Braille", the system of reading and writing through touch;

(2) "Student", any student who has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.

2. All students shall receive instruction in braille reading and writing as part of their individualized education plan unless the individual education program team determines, after an evaluation of a 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. No student shall be denied instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with the student's sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (1) How braille will be implemented as the primary mode for learning through
18 integration with normal classroom activities. If braille will not be provided to a child who is
19 blind, the reason for not incorporating it in the individualized education plan shall be
20 documented therein;

21 (2) The date on which braille instruction will commence;

22 (3) The level of competency in braille reading and writing to be achieved by the end
23 of the period covered by the individualized education plan; and

24 (4) The duration of each session.

25 4. As part of the certification process, teachers certified in the education of blind and
26 visually impaired children shall be required to demonstrate competence in reading and
27 writing braille. The department of elementary and secondary education shall adopt
28 assessment procedures to assess such competencies which are consistent with standards
29 adopted by the National Library Service for the Blind and Physically Handicapped, Library of
30 Congress, Washington, D. C.

31 **5. (1) Subsections 5 to 9 of this section shall be known and may be cited as the**
32 **"Blind Students' Rights to Independence, Training, and Education Act" or the "BRITE**
33 **Act".**

34 (2) As used in subsections 5 to 9 of this section, the following terms mean:

35 (a) "Accessible assistive technology device", an assistive technology device, as
36 defined in 20 U.S.C. Section 1401, as amended, that provides blind or visually impaired
37 students the benefits of an educational program in an equally effective and integrated
38 manner as that provided to nondisabled students;

39 (b) "Adequate instruction", the quality teaching of blind or visually impaired
40 students, as it pertains to general education and necessary blindness skills, in alignment
41 with the U.S. Department of Education's definition of free appropriate public education,
42 as defined in 20 U.S.C. Section 1401, as amended;

43 (c) "Blind or visually impaired student":

44 a. A child who:

45 (i) Has an individualized education program (IEP) or an individualized family
46 service plan (IFSP), as such terms are defined in 20 U.S.C. Section 1401, as amended, or
47 a 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.
48 Section 794, as amended; and

49 (ii) Is identified as having the disability of "visual impairment (including
50 blindness)" within the definition of "child with a disability" in 20 U.S.C. Section 1401,
51 as amended; or

52 b. An individual who is deaf-blind under the federal Individuals with Disabilities
53 Education Act (IDEA), as amended, or other federal law;

- 54 (d) "Braille", the system of reading and writing through touch;
- 55 (e) "Expanded core curriculum", a disability-specific curriculum that
56 compensates for vision loss, is foundational to all other learning, and that covers the
57 nine essential areas of compensatory access, sensory efficiency, assistive technology,
58 orientation and mobility, social interaction, recreation and leisure, independent living,
59 self-determination, and career education;
- 60 (f) "Grade level instruction", instruction that aligns with state-designated
61 content standards and curricula for students of the same age or level of maturity, based
62 on the development of intellectual, emotional, physical, and behavioral capacity that is
63 typical for the student's age or age group;
- 64 (g) "Local educational agency" or "LEA", the same definition as in 20 U.S.C.
65 Section 1401, as amended;
- 66 (h) "Nonvisual access", the ability of a blind or visually impaired student to use
67 all functions of a device, without using the student's vision, in an equally effective,
68 equally integrated manner and with equivalent ease of use as the student's sighted
69 peers;
- 70 (i) "Nonvisual skills", skills that are taught in such a way that the student does
71 not need to use any vision;
- 72 (j) "State educational agency", the same definition as in 20 U.S.C. Section 1401,
73 as amended;
- 74 (k) "Technology-mediated learning environments and methods", the settings in
75 which electronic and information technology including, but not limited to, the following
76 is used:
- 77 a. Computer-based applications and simulations;
- 78 b. Personal and mobile computing devices such as smartphones or tablets;
- 79 c. Web-based platforms;
- 80 d. Online or distance-learning programs;
- 81 e. Video games; and
- 82 f. Exhibits or installations that feature digital media, wearable technology, or
83 other tools that support participants' engagement with new knowledge, skills, or
84 practices;
- 85 (l) "U.S. Access Board", the independent federal agency created in 1973 that
86 promotes equality for people with disabilities through leadership in accessible design
87 and the development of accessibility guidelines and standards.
- 88 6. (1) Each blind or visually impaired student shall receive instruction in Braille
89 reading and writing as part of such student's individualized education program (IEP) or
90 individualized family support plan (IFSP) unless the IEP or IFSP team determines, after

91 an evaluation of the student's reading and writing skills, needs, and appropriate reading
92 and writing media including, but not limited to, an evaluation of the student's needs for
93 instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille
94 is not appropriate. No blind or visually impaired student shall be denied instruction in
95 Braille reading and writing solely because the student has some vision. During the
96 evaluation and IEP process, consideration shall be given regarding appropriate Braille
97 instruction based on a potential vision loss due to a degenerative medical diagnosis.

98 (2) In conjunction with the U.S. Department of Education's Braille presumption
99 requirement in the federal Individuals with Disabilities Education Act (IDEA), as
100 amended, instruction in Braille reading and writing shall be sufficient to enable each
101 blind or visually impaired student to communicate effectively and efficiently at a level
102 commensurate with the student's same age and with the student's nondisabled peers of
103 comparable intellectual ability. The blind or visually impaired student's individualized
104 education program (IEP) or individualized family support plan (IFSP) shall specify:

105 (a) The results obtained from an evaluation of the blind or visually impaired
106 student's reading and writing skills, needs, and appropriate reading and writing media
107 including, but not limited to, an evaluation of the blind or visually impaired student's
108 needs for instruction in Braille or the use of Braille including, but not limited to,
109 consideration regarding appropriate Braille instruction based on a potential vision loss
110 due to a degenerative medical diagnosis;

111 (b) How Braille will be implemented, if needed as determined by the IEP team,
112 as a primary mode for learning through integration with other classroom activities;

113 (c) The length of the period of instruction and the frequency and duration of
114 each instructional session as determined by the IEP team, which shall, as closely as
115 appropriate based on individual needs, be identical to the level of instruction provided
116 to nondisabled peers; and

117 (d) The level of competency in Braille reading and writing to be achieved by the
118 end of the period.

119 (3) Use, and provision, of Braille materials for reading and writing shall be
120 addressed in 504 plans for blind or visually impaired students created under Section 504
121 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

122 7. In conjunction with academic achievement and functional performance
123 requirements of 34 CFR 300.320(a)(2)(i), as amended, instruction in expanded core
124 curriculum shall be provided to blind or visually impaired students to support progress
125 in the general education curriculum.

126 8. (1) Each blind or visually impaired student shall receive instruction in
127 assistive technology as part of the student's individualized education program (IEP) or

128 individualized family support plan (IFSP) unless the IEP or IFSP team determines, after
129 an evaluation of a student's needs, that instruction in assistive technology is not
130 appropriate. No student shall be denied instruction in assistive technology solely
131 because the student has some vision.

132 (2) In conjunction with accessible assistive technology requirements of the
133 federal Individuals with Disabilities Education Act (IDEA) in 20 U.S.C. 1412(a)(12)(B)
134 (i), as amended, the blind or visually impaired student shall receive grade-level
135 instruction that will equip the blind or visually impaired student with the appropriate
136 technology-mediated learning environments and methods to perform on the same level
137 of proficiency expected of peers of comparable intellectual ability and grade level. The
138 blind or visually impaired student's IEP or IFSP shall specify:

139 (a) The results obtained from an assessment of the blind or visually impaired
140 student's skills, needs, and appropriate accessible assistive technology including, but not
141 limited to, an evaluation of the future needs for accessible assistive technology training
142 or the use of accessible assistive technology;

143 (b) How accessible assistive technology will be implemented as a primary mode
144 for learning through integration with other classroom activities;

145 (c) The frequency and duration of each instructional session;

146 (d) The level of mastery of the accessible assistive technology specified by the
147 blind or visually impaired student's assessment to be achieved by the end of the period;
148 and

149 (e) Acknowledgment that either:

150 a. The blind or visually impaired student may transport the accessible assistive
151 technology to and from school without the need for payment, family assumption of
152 liability for loss or damage, or any other cost to the blind or visually impaired student or
153 the family; or

154 b. If the accessible assistive technology remains at school, the LEA will provide
155 duplicate accessible assistive technology in the blind or visually impaired student's home
156 without requiring payment, family assumption of liability for loss or damage, or any
157 other cost to the blind or visually impaired student or the family.

158 (3) Use, and provision, of accessible assistive technology shall be addressed in
159 504 plans for blind or visually impaired students created under Section 504 of the
160 federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

161 9. (1) Each blind or visually impaired student shall receive instruction in
162 orientation and mobility as part of the student's individualized education program
163 (IEP) or individualized family support plan (IFSP) unless the IEP or IFSP team
164 determines, after an evaluation of a student's needs, that instruction in orientation and

165 mobility is not appropriate. No student shall be denied instruction in orientation and
166 mobility solely because the student has some vision.

167 (2) In conjunction with orientation and mobility services requirements of 34
168 CFR 300.34(c)(7), as amended, blind or visually impaired students shall receive
169 orientation and mobility instruction to equip each blind or visually impaired student
170 with the age-appropriate tools, techniques, and nonvisual skills to navigate in and
171 around the student's home, schools, communities, and other environments as applicable,
172 and as expected of peers of comparable intellectual ability and grade level. The blind or
173 visually impaired student's IEP or IFSP shall specify:

174 (a) The results obtained from an evaluation of the blind or visually impaired
175 student's orientation and mobility needs including, but not limited to, an evaluation of
176 the blind or visually impaired student's future needs for instruction in orientation and
177 mobility;

178 (b) How orientation and mobility will be integrated into the home, school, or
179 community;

180 (c) The date on which orientation and mobility instruction will commence;

181 (d) The frequency and duration of each instructional session; and

182 (e) The level of mastery of orientation and mobility skills to be achieved by the
183 end of the period.

184 (3) Orientation and mobility equipment, accommodations, and modifications
185 shall be addressed in 504 plans for blind or visually impaired students created under
186 Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

187 (4) An orientation and mobility evaluation shall be conducted by a person who is
188 appropriately certified by the National Blindness Professional Certification Board
189 (NBPCB) with a National Orientation and Mobility Certification (NOMC), or through
190 the Academy for Certification of Vision Rehabilitation and Education Professionals
191 (ACVREP) as a Certified Orientation and Mobility Specialist (COMS), or who holds a
192 nationally recognized certification related to orientation and mobility.

193 (5) The orientation and mobility evaluations described in subdivision (4) of this
194 subsection shall occur in familiar and unfamiliar environments, during the daytime or
195 nighttime, and around the home, school, and community as determined age appropriate
196 by the blind or visually impaired student's IEP or IFSP.

197 10. (1) As part of the state educational agency's certification and renewal
198 process, educators hired to teach Braille shall be certified teachers of students with
199 visual impairments, hold a current and valid National Certification in Unified English
200 Braille (NCUEB) working under the supervision of a reading specialist, or hold a
201 nationally recognized certification related to Braille instruction.

202 **(2) As part of the state educational agency's certification and renewal process,**
203 **educators hired to teach accessible assistive technology shall be certified teachers of**
204 **students with visual impairments, hold a valid and current Certified Assistive**
205 **Technology Instructional Specialist for People with Visual Impairments (CATIS), or**
206 **hold a valid and current National Certification in Access Technology for the Blind**
207 **(NCATB) or other nationally recognized certification related to assistive technology.**

208 **(3) As part of the state educational agency's certification and renewal process,**
209 **specialists hired to teach orientation and mobility shall hold a valid and current**
210 **National Orientation and Mobility Certification (NOMC) or hold a current and valid**
211 **Certified Orientation and Mobility Specialist (COMS) certification or other nationally**
212 **recognized certification related to orientation and mobility instruction.**

213 **11. (1) LEAs shall deliver services to blind or visually impaired students in a**
214 **manner that at all times abides by requirements of the federal Individuals with**
215 **Disabilities Education Act (IDEA), Title II of the Americans with Disabilities Act, and**
216 **the Rehabilitation Act of 1973, as amended, including during declared local, state, or**
217 **national emergencies.**

218 **(2) LEAs shall seek and obtain proof of currently available certified**
219 **professionals from any company, agency, or individual the LEA intends to contract**
220 **with for services outlined in subsections 5 to 9 of this section.**

221 **(3) LEAs shall not impose any preclusions or limitations on a student to receive**
222 **instruction in orientation and mobility services in and around the home, school, or**
223 **community setting including during daytime or nighttime hours.**

224 **(4) LEAs may require annual written parental consent to conduct effective**
225 **instruction when such services are provided before or after regular school hours or**
226 **when such services are provided away from the educational institution or the blind or**
227 **visually impaired student's residence.**

228 **(5) If an LEA prohibits an orientation and mobility instructor from using the**
229 **instructor's preferred mode of transportation to transport blind or visually impaired**
230 **students to and from outside environments, the LEA shall provide an equally effective**
231 **transportation alternative for that purpose without cost to the orientation and mobility**
232 **instructor. If the blind or visually impaired student's family provides transportation for**
233 **the student, the LEA shall reimburse the expense.**

234 **12. (1) If an LEA requires an eye report, the LEA shall bear all costs associated**
235 **with obtaining such report. LEAs shall not delay an evaluation for eligibility based on**
236 **the absence or delay of such report.**

237 **(2) All electronic and information technology developed, procured, maintained,**
238 **or used by LEAs shall be compliant with the U.S. Access Board's Section 508 standards,**
239 **as amended.**

240 **(3) LEAs shall anticipate the need for nonvisual accessibility and adopt policies**
241 **and procedures to reduce or eliminate common barriers experienced by blind or**
242 **visually impaired students, parents, educators, administrators, and other staff.**

243 **13. Subsections 1 to 4 of this section shall apply in all school years ending before**
244 **July 1, 2022. Subsections 5 to 12 of this section shall apply in school year 2022-23 and all**
245 **subsequent school years.**

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