

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 754

Introduced by Giese, 17; Ashford, 20; Haar, 21.

Read first time January 06, 2010

Committee: Education

A BILL

- 1 FOR AN ACT relating to special education; to adopt the Blind
- 2 Persons Literacy Rights and Education Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Blind Persons Literacy Rights and Education Act.

3 Sec. 2. For purposes of the Blind Persons Literacy Rights
4 and Education Act:

5 (1) Blind and visually impaired has the definition found
6 in section 79-1118.01;

7 (2) Braille means a system of reading and writing through
8 touch commonly known as Standard English Braille;

9 (3) Department means the State Department of Education;

10 (4) Individualized education program has the definition
11 found in 20 U.S.C. 1414(d) (1) (A); and

12 (5) Individualized education program team has the
13 definition found in 20 U.S.C. 1414(d) (1) (B).

14 Sec. 3. The individualized education program for a child
15 who is blind or visually impaired shall provide for instruction in
16 and use of Braille unless the members of the child's individualized
17 education program team determine, after an evaluation of the
18 child's reading and writing skills, needs including future needs,
19 and appropriate reading and writing media that instruction in or
20 use of Braille is not appropriate for the child's individualized
21 education program. If the child's parent or legal guardian
22 disagrees with the determination of the individualized education
23 program team that instruction in or use of Braille is not
24 appropriate for the child's individualized education program,
25 the parent may request review of the determination pursuant to

1 sections 79-1162 to 79-1167 and the school district shall provide
2 instruction in and use of Braille for such child until the review
3 process pursuant to such sections is complete.

4 This section does not require the exclusive use of
5 Braille if other special education services are appropriate to the
6 child's educational needs, and the provision of other appropriate
7 services does not preclude instruction in or use of Braille.

8 Sec. 4. (1) Instruction in Braille shall be sufficient
9 to enable a blind or visually impaired child to communicate
10 effectively and efficiently with the same level of proficiency
11 expected of the child's peers of comparable intelligence and
12 grade level. A blind or visually impaired child's individualized
13 education program shall specify:

14 (a) The results obtained from the evaluation required
15 pursuant to section 3 of this act;

16 (b) How Braille will be implemented as the primary mode
17 of learning through integration with other classroom activities;

18 (c) The date on which Braille instruction will commence;

19 (d) The length of the period of Braille instruction and
20 the frequency and duration of each instructional session; and

21 (e) The level of competence in Braille reading and
22 writing to be achieved by the child by the end of the period of
23 instruction and the objective assessment measures to be used to
24 determine such level of competence.

25 (2) If the individualized education program team has

1 determined under section 3 of this act that instruction in or
2 use of Braille is not appropriate for such child, the child's
3 individualized education program shall include (a) a statement
4 that such determination was reached after a review of pertinent
5 literature describing the educational benefits of instruction
6 in and use of Braille and (b) the specific evidence used to
7 determine the child's ability to read and write effectively without
8 instruction in and use of Braille.

9 Sec. 5. The department shall adopt the National
10 Instructional Materials Accessibility Standard established pursuant
11 to 20 U.S.C. 1412(a)(23)(A). The department and all local education
12 agencies shall cooperate with the National Instructional Materials
13 Access Center established pursuant to 20 U.S.C. 1474(e). Such
14 cooperation shall include the contractual requirement specified for
15 the state in 20 U.S.C. 1412(a)(23)(C) and for local educational
16 agencies in 20 U.S.C. 1413(a)(6)(A).

17 Sec. 6. A teacher employed by or under contract with a
18 school district, educational service unit, other education agency,
19 or the department who teaches blind or visually impaired children
20 shall demonstrate competence in reading and writing Braille. Such
21 competence may be demonstrated by:

22 (1) Possession by the teacher of an active National
23 Certification in Literary Braille from the National Blindness
24 Professional Certification Board; or

25 (2) Passing an examination developed and administered

1 by the department which includes, but need not be limited to,
2 Braille writing using a Braille writer, Braille writing using a
3 slate and stylus, proofreading, identifying Braille errors, correct
4 usage and rules, and other matters determined by the department
5 to demonstrate competence to provide instruction in Braille. Such
6 examination shall be no less stringent than the examination to
7 obtain a National Certification in Literary Braille described in
8 subdivision (1) of this section.

9 Sec. 7. The department may adopt and promulgate rules
10 and regulations to carry out the Blind Persons Literacy Rights and
11 Education Act.