



# HOUSE BILL No. 6064

September 12, 1996, Introduced by Reps. Cropsey, Freeman, Martinez, Walberg, Voorhees, McBryde, Wetters, Geiger, Pitoniak and Whyman and referred to the Committee on Education.

A bill to amend Act No. 451 of the Public Acts of 1976, entitled as amended

"The revised school code,"

as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, by adding section 1704.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as  
2 amended, being sections 380.1 to 380.1852 of the Michigan  
3 Compiled Laws, is amended by adding section 1704 to read as  
4 follows:

5 SEC. 1704. (1) FOR VISUALLY IMPAIRED PUPILS, STATE BOARD  
6 RULES PROMULGATED UNDER THIS ARTICLE SHALL PROVIDE FOR AT LEAST  
7 ALL OF THE FOLLOWING:

8 (A) A REBUTTABLE PRESUMPTION THAT PROFICIENCY IN BRAILLE  
9 READING AND WRITING IS ESSENTIAL FOR SATISFACTORY EDUCATIONAL

1 PROGRESS FOR A VISUALLY IMPAIRED PUPIL WHO IS NOT ABLE TO  
2 COMMUNICATE IN PRINT WITH THE SAME LEVEL OF PROFICIENCY AS A  
3 PUPIL OF OTHERWISE COMPARABLE ABILITY AT THE SAME GRADE LEVEL. A  
4 PUPIL FOR WHOM BRAILLE SERVICES ARE APPROPRIATE, AS DEFINED IN  
5 THIS SUBSECTION, SHALL BE ENTITLED TO INSTRUCTION IN BRAILLE  
6 READING AND WRITING THAT IS SUFFICIENT TO ENABLE THE PUPIL TO  
7 COMMUNICATE WITH THE SAME LEVEL OF PROFICIENCY AS A PUPIL OF OTH-  
8 ERWISE COMPARABLE ABILITY AT THE SAME GRADE LEVEL.

9 (B) INSTRUCTION IN BRAILLE READING AND WRITING MAY BE USED  
10 IN COMBINATION WITH OTHER SPECIAL EDUCATION SERVICES APPROPRIATE  
11 TO THE PUPIL'S EDUCATIONAL NEEDS.

12 (C) THE ANNUAL REVIEW OF THE PUPIL'S INDIVIDUALIZED EDUCA-  
13 TION PROGRAM SHALL INCLUDE DISCUSSION OF INSTRUCTION IN BRAILLE  
14 READING AND WRITING AND A WRITTEN EXPLANATION OF THE REASONS WHY  
15 THE PUPIL IS USING A GIVEN READING AND WRITING MEDIUM OR MEDIA.  
16 IF THE REASONS HAVE NOT CHANGED SINCE THE PREVIOUS YEAR, THE  
17 WRITTEN EXPLANATION FOR THE CURRENT YEAR MAY REFER TO THE FULLER  
18 EXPLANATION FROM THE PREVIOUS YEAR.

19 (D) IF THE PUPIL'S PRIMARY LEARNING MEDIUM IS EXPECTED TO  
20 CHANGE, THE PUPIL SHALL BEGIN INSTRUCTION IN THE NEW MEDIUM  
21 BEFORE IT IS THE ONLY MEDIUM THE PUPIL CAN EFFECTIVELY USE.

22 (E) A PUPIL WHO RECEIVES INSTRUCTION IN BRAILLE READING AND  
23 WRITING UNDER THIS SECTION SHALL BE TAUGHT BY A TEACHER WHO HAS  
24 DEMONSTRATED COMPETENCY IN READING AND WRITING BRAILLE ACCORDING  
25 TO STANDARDS ESTABLISHED BY THE STATE BOARD AND CONSISTENT WITH  
26 THE STANDARDS ADOPTED BY THE NATIONAL LIBRARY SERVICE FOR THE

1 BLIND AND PHYSICALLY HANDICAPPED OF THE UNITED STATES LIBRARY OF  
2 CONGRESS.

3 (2) THE DEPARTMENT OF EDUCATION SHALL PREPARE AND DISTRIBUTE  
4 TO LOCAL AND INTERMEDIATE SCHOOL DISTRICTS INFORMATION DESCRIBING  
5 THE BENEFITS OF INSTRUCTION IN BRAILLE READING AND WRITING. A  
6 LOCAL OR INTERMEDIATE SCHOOL DISTRICT SHALL PROVIDE THIS INFORMA-  
7 TION TO A PERSON ASSISTING IN THE DEVELOPMENT OF AN INDIVIDUAL-  
8 IZED EDUCATION PROGRAM OF A VISUALLY IMPAIRED PUPIL.

9 (3) A LOCAL OR INTERMEDIATE SCHOOL DISTRICT SHALL USE FOR  
10 PUPIL INSTRUCTION TEXTBOOKS THAT ARE AVAILABLE IN BRAILLE OR IN A  
11 MACHINE-READABLE VERSION IN THE BEST AVAILABLE FORMAT FOR ELEC-  
12 TRONIC BRAILLE TRANSLATION.

13 (4) AS USED IN THIS SECTION, "VISUALLY IMPAIRED PUPIL" MEANS  
14 A PUPIL WHO IS DETERMINED TO BE VISUALLY IMPAIRED UNDER STATE  
15 BOARD RULES, AND INCLUDES A PUPIL WHO RETAINS SOME SIGHT BUT WHO  
16 HAS A MEDICALLY DIAGNOSED EXPECTATION THAT VISUAL DETERIORATION  
17 WILL OCCUR IN PREADOLESCENCE, ADOLESCENCE, OR ADULTHOOD TO THE  
18 EXTENT THAT THE PUPIL WILL BECOME VISUALLY IMPAIRED AS DETERMINED  
19 UNDER STATE BOARD RULES.

20 (5) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE  
21 "BLIND CHILDREN'S LITERACY RIGHTS ACT".