

HOUSE BILL No. 4377

February 25, 1997, Introduced by Reps. Cropsey, McBryde, Kaza, Brewer, Jelinek, Tesanovich, Martinez, Brater, Emerson, Raczkowski, Wetters, Green, Geiger, Goschka, Gire, Walberg and Llewellyn and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1704.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1704. (1) FOR VISUALLY IMPAIRED PUPILS, STATE BOARD
2 RULES PROMULGATED UNDER THIS ARTICLE SHALL PROVIDE FOR AT LEAST
3 ALL OF THE FOLLOWING:
4 (A) A REBUTTABLE PRESUMPTION THAT PROFICIENCY IN BRAILLE
5 READING AND WRITING IS ESSENTIAL FOR SATISFACTORY EDUCATIONAL
6 PROGRESS FOR A VISUALLY IMPAIRED PUPIL WHO IS NOT ABLE TO COMMU-
7 NICATE IN PRINT WITH THE SAME LEVEL OF PROFICIENCY AS A PUPIL OF
8 OTHERWISE COMPARABLE ABILITY AT THE SAME GRADE LEVEL. A PUPIL
9 FOR WHOM BRAILLE SERVICES ARE APPROPRIATE, AS DEFINED IN THIS
10 SUBSECTION, SHALL BE ENTITLED TO INSTRUCTION IN BRAILLE READING
11 AND WRITING THAT IS SUFFICIENT TO ENABLE THE PUPIL TO COMMUNICATE

1 WITH THE SAME LEVEL OF PROFICIENCY AS A PUPIL OF OTHERWISE
2 COMPARABLE ABILITY AT THE SAME GRADE LEVEL.

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

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

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

16 (E) A PUPIL WHO RECEIVES INSTRUCTION IN BRAILLE READING AND
17 WRITING UNDER THIS SECTION SHALL BE TAUGHT BY A TEACHER WHO HAS
18 DEMONSTRATED COMPETENCY IN READING AND WRITING BRAILLE ACCORDING
19 TO STANDARDS ESTABLISHED BY THE STATE BOARD AND CONSISTENT WITH
20 THE STANDARDS ADOPTED BY THE NATIONAL LIBRARY SERVICE FOR THE
21 BLIND AND PHYSICALLY HANDICAPPED OF THE UNITED STATES LIBRARY OF
22 CONGRESS.

23 (2) THE DEPARTMENT OF EDUCATION SHALL PREPARE AND DISTRIBUTE
24 TO LOCAL AND INTERMEDIATE SCHOOL DISTRICTS INFORMATION DESCRIBING
25 THE BENEFITS OF INSTRUCTION IN BRAILLE READING AND WRITING. A
26 LOCAL OR INTERMEDIATE SCHOOL DISTRICT SHALL PROVIDE THIS

1 INFORMATION TO A PERSON ASSISTING IN THE DEVELOPMENT OF AN
2 INDIVIDUALIZED EDUCATION PROGRAM OF A VISUALLY IMPAIRED PUPIL.

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

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

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