

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 658 (as enrolled)  
Sponsor: Senator Ken Sikkema  
Committee: Education

Date Completed: 2-9-00

### **RATIONALE**

The Revised School Code requires that the board of a local school district provide special education programs and services designed to develop the maximum potential of each handicapped student in its district for whom an appropriate educational or training program can be provided. A school district may offer these services by operating a special education program and/or contracting with an intermediate school board, or certain other agencies, for the delivery of these programs or services (MCL 380.1751). According to the State Board of Education's administrative rules on special education programs and services, each student suspected of being handicapped must be evaluated by a multidisciplinary evaluation team (R 340.1721a). Students identified as being handicapped must receive special education programs and services pursuant to an individualized educational planning committee. The committee annually must develop, review, or revise each handicapped student's individualized education program (IEP), and recommend the placement of the disabled student in programs and services (R 340.1721d). The rules establish specific requirements for programs and services for the visually impaired, including a requirement that the curriculum provide assistance in early development of comprehensive communication skills (R 340.1743). In addition, the Federal Individuals with Disabilities Education Act of 1997 requires an IEP team in the case of a child who is blind or visually impaired, to provide for instruction in braille or the use of braille, unless the team determines after an evaluation that such instruction is not appropriate. Despite these requirements, the availability of braille instruction to visually impaired students reportedly varies among school districts across the State. Furthermore, in districts where braille is taught, some teachers and students evidently have had difficulty in obtaining textbooks that have been converted to a braille format. Some people believe that students who are blind or whose vision is deteriorating should be given the opportunity to learn braille and be able to obtain textbooks in braille.

### **CONTENT**

The bill would create the "Blind Pupil's Braille Literacy Law" within the Revised School Code to do the following:

- Require the Department of Education to adopt braille reading and writing standards for teachers of blind and visually impaired pupils.
- Require a local school district or an intermediate school district (ISD) to provide information on the benefits of instruction in braille reading and writing to each person on a blind pupil's individualized educational planning committee when it received this information from the Department.
- Require the Department to obtain braille versions of textbooks and/or electronic file format versions of textbooks that could be converted to braille versions.
- Prohibit a pupil from being denied instruction in braille reading and writing solely because the pupil had some remaining vision.

("Blind pupil" would mean a pupil who was determined to manifest one or more of the following: a visual acuity of 20/200 or less in the better eye after routine refractive correction; a field of vision that was limited so that the widest diameter of the visual field subtended an angle not greater than 20 degrees; or, a medically indicated expectation of visual deterioration that was expected to result in one or both of those conditions.)

The Department would have to disseminate the braille reading and writing standards to all school districts, ISDs, and teacher preparation programs. The standards would have to be included in the rules governing special education programs and services. In establishing the standards, the Department would

have to consider the standards adopted by the National Library Service for the Blind and Physically Handicapped of the U.S. Library of Congress.

When a local district or ISD received information from the Department of Education, or information that was approved by the Department from a consumer organization that advocated for the blind, describing the benefits of instruction in braille reading and writing, the local district or ISD would have to provide this information to each person on a blind pupil's individualized educational planning committee. ("Individualized educational planning committee" would mean that term as defined in the Administrative Code (R 340.1701a) or an individualized education program team as defined in Title VI of the Individuals with Disabilities Education Act (IDEA). Under R 340.1701a, "individualized educational planning committee" means persons appointed and invited by the superintendent to determine a person's eligibility for special education programs and services and, if eligible, to develop an individualized education program. "Individualized education program" also would be defined as it is in that rule or in Title VI. The rule defines "individualized education program" as a program developed by an individualized educational planning committee that must be reviewed annually. The components of the program are identified in a separate rule.)

The Department would have to accept and respond to requests from local districts and ISDs and would have to work with textbook publishers to obtain electronic file format versions of textbooks and/or braille versions of textbooks. Also, on behalf of local and intermediate school districts, the Department could request and arrange for converting an electronic file format version of a textbook to a braille version. The Department would have to process and make these requests in a timely manner.

Upon request, a publisher of a textbook that was adopted for instructional use by a school district would have to furnish the Department with an electronic version of the textbook if the textbook were for a literary subject or, for a textbook for a nonliterary subject, if the technology were available to convert the textbook directly to a format compatible with braille translation software. A publisher could not charge a price for this electronic version that exceeded the price it charged for the print or electronic media version of the textbook.

A local district or ISD or an individualized educational planning committee could not deny a pupil the opportunity for instruction in braille reading and writing solely because the pupil had some remaining vision. Instruction for blind pupils would have to be consistent with the goals and standards established

by the State for all pupils.

Proposed MCL 380.1704

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Braille is considered an essential skill for the education of students who are blind or visually impaired. Braille instruction, however, is not always recommended by an individualized educational planning committee or available in schools, especially for students who have limited but deteriorating sight. As schools work to improve the literacy of sighted students, similar effort should be placed on improving the braille literacy of students who are visually impaired. By requiring a local district or ISD to provide information on the benefits of braille instruction to a pupil's IEP committee, the bill would increase awareness about the importance of braille instruction and would help ensure that all students who are blind, or who may become blind, would be given the opportunity to learn braille.

### **Supporting Argument**

The Department of Education administers Michigan's Assistive Technology Resource (MATR) center to produce braille and large-print textbooks and locate textbooks from national repository sites. Funded by the Federal government under the IDEA, the project has spent approximately \$200,000 to purchase equipment for printing braille books and produce large-print documents. The MATR produces approximately 1 million pages of braille and large-print documents per year. Despite this project, school districts still have difficulty in obtaining textbooks that have been converted to braille or are in a format that easily can be printed in braille. Too often textbook publishers do not provide braille versions of books and schools must rely on volunteers to convert printed textbooks into braille versions. Consequently, students who are learning braille or are proficient in it have difficulty obtaining in a timely manner braille versions of textbooks being used in the classrooms. Under the bill, the Department would have to work with local districts and ISDs in obtaining from textbook publishers either electronic file format versions of textbooks that could be converted and/or braille versions of textbooks. If Federal IDEA funds were reduced or not available, the Department still would be responsible under the bill for assisting local school districts in obtaining braille versions of textbooks.

**Response:** There still could be some difficulty in obtaining certain electronic versions of textbooks for conversion to braille, since graphs, charts, and artwork are not easily produced electronically.

### **Supporting Argument**

Currently, a person who wishes to teach handicapped students must hold a State teaching certificate and meet certain skill requirements, as outlined in Michigan's special education rules (R 340.1781), to obtain approval of the State Board of Education. In addition to meeting these requirements, teachers of visually impaired students must complete 12 semester hours of special skills and techniques for working with the visually impaired (R 340.1799b). Under the bill, the Department would have to disseminate braille reading and writing standards to school districts, ISDs, and teacher preparations programs. In addition, the standards would have to be included in rules governing special education programs and services. In establishing the standards, the Department would have to consider standards adopted by the National Library Service for the Blind and Physically Handicapped of the U.S. Library of Congress. Thus, teachers of the visually impaired would have to meet certain nationally recognized standards on competency to read and write braille, if the Department adopted the standards.

**Response:** According to the Department, the National Library Service has not established

standards at this time. Furthermore, the special education rule for teachers of the visually impaired (R 340.1799b) would have to be revised if the Department adopted these standards.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

There would be minimal, if any, additional cost to the State under Senate Bill 658 (S-2). The Department of Education already administers an instructional resource center, which currently performs many textbook conversion functions. Any possible additional costs would occur as districts and ISDs submitted their electronic or Braille version requests to the Department, rather than dealing with publishers directly or independently obtaining braille materials. The Department possibly would need to fund additional employees to process these requests.

There is the possibility of reduced costs to districts and ISDs under the bill because of the cost restriction outlined in Subsection (5). Specifically, this language would prohibit textbook publishers from charging higher prices for the electronic versions than what is charged for the print or electronic media versions.

Fiscal Analyst: K. Summers-Coty

### **A9900\658a**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.