

SB 409

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SENATE OF WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

Committee Substitute For
SENATE BILL NO. 409

(By Senators HUNTER, HELWICK & ROSS)



PASSED MARCH 13, 1998
In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 409

(SENATORS HUNTER, HELMICK AND ROSS, *original sponsors*)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-j, relating to requiring that the individualized education program of each blind or visually impaired child include provisions for instruction in braille and the use of braille appropriate to the child's current and future literacy needs; establishing standards of proficiency and instruction; providing materials in a computer-accessible format capable of braille reproduction; and requiring the certification of teachers in accordance with braille literacy standards.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-j, to read as follows:

ARTICLE 10J. BLIND PERSONS' LITERACY RIGHTS AND EDUCATION ACT.

§18-10J-1. Short title.

1 This article may be cited as the "Blind Persons' Literacy
2 Rights and Education Act".

§18-10J-2. Definitions.

1 The following words used in this article shall be con-
2 strued as follows:

3 (a) "Blind or visually impaired child" means an individ-
4 ual who is eligible for special education services and who:

5 (1) Has a visual acuity of 20/200 or less in the better eye
6 with correcting lenses or has a limited field of vision such
7 that the widest diameter subtends an angular distance of
8 no greater than twenty degrees; or

9 (2) Has a medically indicated expectation of visual
10 deterioration.

11 (b) "Braille" means the system of reading and writing
12 through touch commonly known as standard English
13 braille.

14 (c) "Individualized education program" and "IEP team"
15 have the meanings provided in Section 614(d) of the
16 Individuals with Disabilities Education Act (20 U.S.C.
17 Section 1414(d)).

18 (d) "Textbooks and other instructional materials" means
19 any literary or nonliterary works obtained for use in a
20 course of study.

§8-10J-3. Individualized education program.

1 In developing the individualized education program for

2 a child who is blind or visually impaired, the individual-
3 ized education program team shall provide for the child to
4 receive instruction in braille and the use of braille unless
5 the individualized education program team determines,
6 after an evaluation of the child's reading and writing
7 skills, needs, and appropriate reading and writing media
8 (including an evaluation of the child's future needs for
9 instruction in braille or the use of braille), that the in-
10 struction or use is not appropriate for the child. Nothing
11 in this section requires the exclusive use of braille if other
12 special education services are appropriate to the child's
13 educational needs. The provision of other appropriate
14 services shall not preclude braille use or instruction.

§18-10J-4. Standards of competency and instruction.

1 Instruction in braille reading and writing shall be
2 provided with the goal of enabling each blind or visually
3 impaired child to communicate effectively and efficiently
4 with the same level of proficiency expected of the child's
5 peers of comparable ability and grade level. The child's
6 individualized education program shall specify:

7 (a) The results obtained from the evaluations required
8 under section three of this article;

9 (b) How braille will be implemented as the primary
10 mode for learning through integration with other class-
11 room activities;

12 (c) The date on which braille instruction will commence;

13 (d) The length of the period of instruction and the
14 frequency and duration of each instructional session;

15 (e) The level of competency in braille reading and
16 writing to be achieved by the end of the period and the
17 objective assessment measures to be used; and

18 (f) If a decision has been made under section two of this
19 article, that braille instruction or use is not required for
20 the child:

21 (1) Documentation that the decision was reached after
22 a review of pertinent literature describing the educational
23 benefits of braille instruction and use; and

24 (2) A specification of the evidence used to determine that
25 the child's ability to read and write effectively without
26 braille instruction is not impaired.

§18-10J-5. Instructional materials.

1 All publishers of textbooks or other instructional
2 materials sold to the state or any local education agency
3 (including post-secondary institutions) shall furnish
4 computer diskettes for literary subjects in the American
5 standard code for information interchange from which
6 braille versions can be produced. Further, the publishers
7 shall furnish computer diskettes in American standard
8 code for information interchange for nonliterary subjects,
9 including natural sciences, computer science, mathematics
10 and music, when braille specialty code translation soft-
11 ware is available.

§18-10J-6. Teacher certification and training.

1 As part of the professional certification process, teachers
2 seeking to become certified in the education of blind and
3 visually impaired children shall demonstrate competence
4 in reading and writing braille. Before issuing a profes-
5 sional certificate to teach the blind and visually impaired,
6 the West Virginia department of education shall require
7 that the applicant demonstrate, based upon standards
8 adopted by the national library service for the blind and
9 physically handicapped, library of congress, Washington,
10 D.C., that he or she is proficient in reading and writing
11 braille. This requirement becomes effective the first day
12 of July, two thousand. Teachers already certified in the
13 education of blind and visually impaired children are not
14 required to demonstrate that proficiency in order to retain
15 their certification. Further, the West Virginia department
16 of education shall, on a schedule of at least once every

17 three years, make available to all teachers of blind and
18 visually impaired children a continuing education class in
19 reading or writing braille or a college credit course in
20 reading and writing braille, or both. In order to achieve
21 successful completion of a course, a teacher shall demon-
22 strate proficiency in reading and writing braille at a level
23 commensurate with the standards adopted by the national
24 library service for the blind and physically handicapped,
25 library of congress.

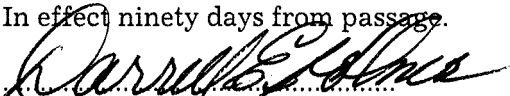
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee.

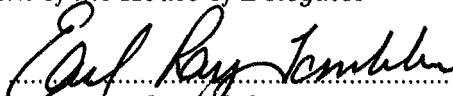

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Chairman House Committee

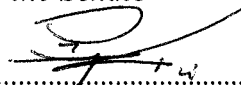
Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within approved this the 7th
day of April, 1998


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Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 3:01 pm