
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1313 Session of
2001

INTRODUCED BY KIRKLAND, ARMSTRONG, LAUGHLIN, MELIO, THOMAS,
CRUZ, LEDERER, BELFANTI, COLAFELLA, DALEY, HENNESSEY, HORSEY,
SOLOBAY, J. TAYLOR, C. WILLIAMS, JAMES, STEELMAN, TRELLO AND
J. WILLIAMS, APRIL 9, 2001

REFERRED TO COMMITTEE ON EDUCATION, APRIL 9, 2001

AN ACT

1 Relating to teaching visually impaired students.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Purpose of act.

5 The purpose of this act is:

6 (1) To require the standards for teaching certificates
7 to teach students who are visually impaired to include
8 demonstrated competency in the use of braille.

9 (2) To require an annual assessment of reading and
10 writing skills in each medium determined to be appropriate
11 for each visually impaired student.

12 (3) To define "students with visual impairments" to
13 include those medically predicted to become visually impaired
14 in the future.

15 (4) To require individualized education programs for
16 students who are visually impaired to specifically contain a

1 requirement for instruction in braille reading and writing
2 when that medium is appropriate for the student.

3 (5) To require integration of the use of braille reading
4 and writing into a student's entire curriculum when braille
5 is specified as an appropriate medium for the student.

6 (6) To require publishers wishing to offer schoolbooks
7 for sale to Commonwealth schools to also offer for sale
8 computer diskettes for translating the text into braille at a
9 price no greater than the schoolbook price.

10 (7) To ensure that no student with a visual disability
11 shall be denied instruction in braille reading and writing
12 because of additional disabilities without a thorough review
13 and documentation thereof in the student's individualized
14 education program, as to the nature and limitations of such
15 disabilities which might preclude instruction in braille
16 reading and writing.

17 Section 2. Short title.

18 This act shall be known and may be cited as the Instruction
19 to Visually Impaired Students Act.

20 Section 3. Definitions.

21 The following words and phrases when used in this act shall
22 have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 "Board of school directors." The governing body of the
25 corresponding school district, as defined by section 102 of the
26 act of March 10, 1949 (P.L.30, No.14), known as the Public
27 School Code of 1949.

28 "Functionally blind." An individual having one or more of
29 the following:

30 (1) Visual acuity of 20/200 or less in the better eye

1 with correcting lenses or a limited field of vision in the
2 better eye such that the widest diameter subtends an angular
3 distance of no greater than 20 degrees.

4 (2) A medically indicated expectation of meeting the
5 requirements of paragraph (1) over a period of time.

6 (3) A medically diagnosed and medically uncorrectable
7 limitation in visual functioning that adversely affects the
8 individual's ability to read and write standard print at
9 levels expected of the individual's peers of comparable
10 ability and grade level.

11 "Individualized education program." A specific curriculum
12 tailored to braille reading and writing abilities of visually
13 impaired students including instruction materials, frequency and
14 duration of instruction sessions, a determination of the level
15 of competency in braille reading and writing to be achieved
16 annually and the objective assessment measures to be used.

17 "Progressively blind." Any student who is visually impaired
18 who is not classified as functionally blind may be classified as
19 a student whose learning medium will change due to a progressive
20 eye condition. Students whose learning medium will change may
21 begin their education using one learning medium satisfactorily,
22 but their learning medium will change due to a progressive eye
23 condition.

24 "Visually impaired." One who is considered to be
25 functionally blind, or to have a progressive eye condition.

26 Section 4. Certification of teachers of the visually impaired.

27 The Department of Education shall require that any teacher
28 certified to teach students with visual impairments also certify
29 their competency in reading and writing braille. The standards
30 for certifying competency shall be consistent with those adopted

1 for teachers by the National Library Service for the Blind and
2 Physically Handicapped of the Library of Congress.

3 Section 5. Students who are functionally blind.

4 (a) Presumption.--In the development of the individualized
5 education program for students who are functionally blind, there
6 is a presumption that proficiency in braille reading and writing
7 is essential for the student's satisfactory educational
8 progress. Each student who is functionally blind is entitled to
9 braille reading and writing instruction that is sufficient to
10 enable the student to communicate with the same level of
11 proficiency as other students of comparable ability who are at
12 the same grade level. Braille skills taught shall include a
13 portable method of writing, including the use of the braille
14 slate and stylus. Braille instruction may be used in combination
15 with other special education services appropriate to the
16 student's educational needs.

17 (b) Assessment.--The assessment of each student who is
18 functionally blind for the purpose of developing the student's
19 individualized education program must include documentation of
20 the student's strengths and weaknesses in braille skills. Each
21 person assisting in the development of an individualized
22 education program for a student who is functionally blind shall
23 receive information describing the benefits of braille
24 instruction. Each individualized education program shall:

25 (1) Contain a statement that instruction in braille
26 reading and writing was carefully considered for the student
27 and that pertinent literature describing the educational
28 benefits of instruction in braille reading and writing was
29 reviewed by the persons developing the student's
30 individualized education program.

1 (2) Contain a statement specifying the one or more
2 reading and writing media in which instruction is appropriate
3 for the student's educational needs.

4 (3) Require a statement of the instruction in braille
5 reading and writing that is to be provided to the student.
6 This statement shall specify the date on which the
7 instruction is to commence, the frequency and duration of
8 instruction sessions, the level of competency in braille
9 reading and writing expected to be achieved annually and the
10 objective assessment measures to be used. Whenever
11 appropriate, the expected level of braille competency for the
12 student shall be a level that enables the student to
13 communicate effectively and efficiently with the same level
14 of proficiency expected of the student's peers of comparable
15 ability and grade level, and the instruction in braille
16 reading and writing that is to be provided shall be designed
17 accordingly.

18 (4) Require that any instruction in braille reading and
19 writing provided to any student with a visual impairment
20 shall be provided by a teacher certified to teach students
21 with visual impairments.

22 (5) Require that each annual review shall include a
23 written statement specifying the reasons why instruction in
24 braille reading and writing is not appropriate for the
25 student, if the individualized education program for any
26 student with a visual impairment does not specify instruction
27 in braille reading and writing as appropriate for the
28 student.

29 (6) No student with a visual impairment shall be denied
30 instruction in braille reading and writing pursuant to this

1 section solely because the student has some remaining vision
2 or because the student is to receive reading and writing
3 instruction in another medium.

4 (c) Construction.--Nothing in this section shall be
5 construed to require the exclusive use of instruction through
6 the medium of braille reading and writing if other reading and
7 writing media are appropriate to a student's educational needs
8 and enable that student to read and write at levels expected of
9 the individual's peers of comparable ability and grade level.
10 Section 6. Students who will change medium.

11 (a) Classification.--Any student who is visually impaired
12 who is not classified as functionally blind may be classified as
13 a student whose learning medium will change due to a progressive
14 eye condition. Students whose learning medium will change may
15 begin their education using one learning medium satisfactorily,
16 but their learning medium will change due to a progressive eye
17 condition. Instruction in the new learning medium shall begin
18 before it is the only medium the student can effectively use so
19 that educational progress will not be interrupted.

20 (b) Purpose.--To identify and plan educational programs for
21 a transition of learning medium in advance of actual need, a
22 student whose medium will change can be reclassified at any time
23 as a functionally blind student.

24 (c) Reevaluation.--Students whose medium will change shall
25 be reevaluated annually. The result of the reevaluation shall be
26 attached each year to the individualized education program. Each
27 person assisting in the development of the individualized
28 education program of a student whose medium will change shall
29 receive information describing the benefits of braille
30 instruction as well as a copy of the guidelines. The annual

1 reevaluation of each student whose medium will change must
2 include documentation of the student's strengths and weaknesses
3 in literacy skills, using methods described in the guidelines.

4 Section 7. Local boards of school directors.

5 The board of directors of each school district shall annually
6 assess the reading and writing skills of each student with a
7 visual impairment enrolled in the district in each medium in
8 which instruction is specified as appropriate for the student.
9 The results of each assessment shall be provided in a written
10 statement that specifies the student's strengths and weaknesses
11 in each medium assessed.

12 Section 8. Special education programs.

13 If any special education program serves a student with a
14 visual impairment for whom instruction in braille reading and
15 writing is specified as appropriate, the entity providing the
16 program shall integrate the use of braille reading and writing
17 into the student's entire curriculum and other classroom
18 activities in such a manner that braille reading and writing
19 becomes an effective learning tool for the student.

20 Section 9. Publishers of schoolbooks.

21 Any publisher of schoolbooks in the United States desiring to
22 offer schoolbooks for use by pupils in the public schools of
23 this Commonwealth, before such books may be adopted and
24 purchased by any school board, must on or before the first day
25 of January of each year file in the office of the Secretary of
26 Education the published list wholesale price thereof. When any
27 such publisher desires to offer for use a schoolbook after the
28 first day of January, a supplement to the January list must be
29 filed in the office of the Secretary of Education, showing the
30 published list wholesale price thereof. No revised edition of

1 any such book shall be used in public schools until the
2 published list wholesale price thereof has been filed in the
3 office of the Secretary of Education. No publisher shall file
4 the wholesale price of any schoolbook unless the publisher
5 complies with all of the following:

6 (1) At the same time as filing the wholesale price of
7 the schoolbook, the publisher also files the wholesale price
8 of a computer diskette that contains the text of the
9 schoolbook in the American Standard Code for Information
10 Interchange or in another computer language approved by the
11 Secretary of Education for translating the text of the
12 schoolbook into braille.

13 (2) The wholesale price filed for any specified number
14 of computer diskettes for the schoolbook does not exceed the
15 wholesale price filed for the same number of the printed
16 version of that schoolbook.

17 (3) When a decision has been made to purchase new
18 schoolbooks and corresponding electronic texts, the Secretary
19 of Education or his designee shall mandate that the braille
20 texts needed by functionally blind students become available
21 at the same time as the print texts to those who use print.
22 In the event that the publisher does not provide an
23 electronic text of the schoolbook, the district is prohibited
24 from purchasing and using that book.

25 Section 20. Effective date.

26 This act shall take effect in 60 days.