
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 836 Session of
2001

INTRODUCED BY PICCOLA, ORIE, KUKOVICH, COSTA, BELL, O'PAKE,
HELFRICK, KITCHEN, MUSTO, TOMLINSON AND STACK, MAY 2, 2001

REFERRED TO EDUCATION, MAY 2, 2001

AN ACT

1 Relating to teaching students with certain visual impairments.

2 The purpose of this act is:

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

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

9 (3) To define "students with visual impairments" to
10 include those medically predicted to become visually impaired
11 in the future.

12 (4) To require individualized education programs for
13 students who are visually impaired to specifically contain a
14 requirement for instruction in braille reading and writing
15 when that medium is appropriate for the student.

16 (5) To require integration of the use of braille reading
17 and writing into a student's entire curriculum when braille

1 is specified as an appropriate medium for the student.

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

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

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

11 Section 2. Definitions.

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

15 "Department." The Department of Education of the
16 Commonwealth.

17 "Visual impairment." Any of the following for an individual:

18 (1) The individual has a visual acuity of 20/200 or less
19 in the better eye with correcting lenses or has a limited
20 field of vision in the better eye such that the widest
21 diameter subtends an angular distance of no greater than 20
22 degrees.

23 (2) The individual has a medically indicated expectation
24 of meeting the requirements of paragraph (1) over a period of
25 time.

26 (3) The individual has a medically diagnosed and
27 medically uncorrectable limitation in visual functioning that
28 adversely affects the individual's ability to read and write
29 standard print at levels expected of the individual's peers
30 of comparable ability and grade level. This term also refers

1 to an individual who is considered to be functionally blind.

2 Section 3. Certification of teachers of the visually impaired.

3 The Department of Education shall adopt standards for
4 attaining a certificate that require any teacher certified to
5 teach students with visual impairments to demonstrate competency
6 in reading and writing braille. The standards for demonstrating
7 competency shall be consistent with those adopted for teachers
8 by the National Library Service for the Blind and Physically
9 Handicapped of the Library of Congress.

10 Section 4. Students who are functionally blind.

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

24 (b) Assessment.--

25 (1) The assessment of each student who is functionally
26 blind for the purpose of developing the student's
27 individualized education program must include documentation
28 of the student's strengths and weaknesses in braille skills.
29 Each person assisting in the development of an individualized
30 education program for a student who is functionally blind

1 shall receive information describing the benefits of braille
2 instruction.

3 (2) Each individualized education program for a student
4 who is functionally blind shall:

5 (i) Contain a statement that instruction in braille
6 reading and writing was carefully considered for the
7 student and that pertinent literature describing the
8 educational benefits of instruction in braille reading
9 and writing was reviewed by the persons developing the
10 student's individualized education program.

11 (ii) Contain a statement specifying the one or more
12 reading and writing media in which instruction is
13 appropriate for the student's educational needs.

14 (iii) If instruction in braille reading and writing
15 is specified as appropriate for the student with a visual
16 impairment, require a statement of the instruction in
17 braille reading and writing that is to be provided to the
18 student. This statement shall specify the date on which
19 the instruction is to commence, the frequency and
20 duration of instruction sessions, the level of competency
21 in braille reading and writing expected to be achieved
22 annually and the objective assessment measures to be
23 used. Whenever appropriate, the expected level of braille
24 competency for the student shall be to enable the student
25 to communicate effectively and efficiently with the same
26 level of proficiency expected of the student's peers of
27 comparable ability and grade level, and the instruction
28 in braille reading and writing that is to be provided
29 shall be designed accordingly.

30 (iv) Require that any instruction in braille reading

1 and writing provided to any student with a visual
2 impairment shall be provided by a teacher certified to
3 teach students with visual impairments.

4 (v) If the individualized education program for any
5 student with a visual impairment does not specify
6 instruction in braille reading and writing as appropriate
7 for the student, require that each annual review of that
8 student's individualized education program shall include
9 a written statement specifying the reasons why
10 instruction in braille reading and writing is not
11 appropriate for the student.

12 (vi) No student with a visual impairment shall be
13 denied instruction in braille reading and writing under
14 this section solely because the student has some
15 remaining vision or because the student is to receive
16 reading and writing instruction in another medium.

17 (vii) No student with a visual disability shall be
18 denied instruction in braille reading and writing because
19 of additional disabilities without a thorough review and
20 documentation thereof in the student's individualized
21 education program, as to the nature and limitations of
22 such disabilities which might preclude instruction in
23 braille reading and writing.

24 (c) Construction.--Nothing in this section shall be
25 construed to require the exclusive use of instruction through
26 the medium of braille reading and writing if other reading and
27 writing media are appropriate to a student's educational needs
28 and enable that student to read and write at levels expected of
29 the student's peers of comparable ability and grade level.

30 Section 5. Students who will change medium.

1 (a) Classification.--

2 (1) Any student with a visual impairment, but who is not
3 classified as functionally blind, may be classified as a
4 student whose learning medium will change due to a
5 progressive eye condition.

6 (2) Instruction in the new learning medium for a student
7 whose learning medium will change shall begin before it is
8 the only medium the student can effectively use so that
9 educational progress will not be interrupted.

10 (3) To identify and plan educational programs for a
11 transition of learning medium in advance of actual need, a
12 student whose medium will change may be reclassified at any
13 time as a functionally blind student.

14 (b) Reevaluation.--

15 (1) A student whose medium will change shall be
16 reevaluated annually. The result of the reevaluation shall be
17 attached each year to the student's individualized education
18 program.

19 (2) Each person assisting in the development of the
20 individualized education program of a student whose medium
21 will change shall receive information describing the benefits
22 of braille instruction as well as a copy of the guidelines.

23 (3) The annual reevaluation of each student whose medium
24 will change shall include documentation of the student's
25 strengths and weaknesses in literacy skills, using methods
26 described in the guidelines.

27 Section 6. Local boards of school directors.

28 The board of directors of each school district shall annually
29 assess the reading and writing skills of each student with a
30 visual impairment enrolled in the district in each medium in

1 which instruction is specified as appropriate for the student.
2 The results of each assessment shall be provided in a written
3 statement that specifies the student's strengths and weaknesses
4 in each medium assessed.

5 Section 7. Special education programs.

6 If any special education program serves a student with a
7 visual impairment for whom instruction in braille reading and
8 writing is specified as appropriate, the entity providing the
9 program shall integrate the use of braille reading and writing
10 into the student's entire curriculum and other classroom
11 activities in such a manner that braille reading and writing
12 becomes an effective learning tool for the student.

13 Section 8. Publishers of schoolbooks.

14 (a) Wholesale prices to be filed.--

15 (1) Any publisher of schoolbooks in the United States
16 desiring to offer schoolbooks for use by pupils in the public
17 schools of this Commonwealth, before such books may be
18 adopted and purchased by any school board, shall on or before
19 the first day of January of each year file in the office of
20 the Secretary of Education the published list wholesale price
21 thereof.

22 (2) When any such publisher desires to offer for use a
23 schoolbook after the first day of January, a supplement to
24 the January list shall be filed in the office of the
25 Secretary of Education, showing the published list wholesale
26 price thereof.

27 (b) Revised editions.--No revised edition of any such book
28 shall be used in public schools until the published list
29 wholesale price thereof has been filed in the office of the
30 Secretary of Education.

1 (c) Computer diskette prices required.--No publisher shall
2 file the wholesale price of any schoolbook unless the publisher
3 complies with both of the following:

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

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

15 (d) Restriction on use.--

16 (1) When a decision has been made to purchase new
17 schoolbooks and corresponding electronic texts, the
18 superintendent of public education or his designee shall
19 mandate that the braille texts needed by students who are
20 functionally blind become available at the same time as the
21 print texts to those who use print.

22 (2) In the event that the publisher does not provide an
23 electronic copy of the schoolbook, the district shall be
24 prohibited from purchasing and using that schoolbook.

25 Section 9. Effective date.

26 This act shall take effect in 60 days.