

FIRST REGULAR SESSION

# HOUSE BILL NO. 1381

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SHIELDS.

2696H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 167.225, RSMo, and to enact in lieu thereof one new section relating to blind students.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.225, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.225, to read as follows:

167.225. 1. As used in **subsections 1 to 4** of this section, the following terms mean:

(1) "Braille", the system of reading and writing through touch;

(2) "Student", any student who has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.

2. All students shall receive instruction in braille reading and writing as part of their individualized education plan unless the individual education program team determines, after an evaluation of a student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate. No student shall be denied instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with the student's sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (1) How braille will be implemented as the primary mode for learning through  
18 integration with normal classroom activities. If braille will not be provided to a child who is  
19 blind, the reason for not incorporating it in the individualized education plan shall be  
20 documented therein;

21 (2) The date on which braille instruction will commence;

22 (3) The level of competency in braille reading and writing to be achieved by the end of  
23 the period covered by the individualized education plan; and

24 (4) The duration of each session.

25 4. As part of the certification process, teachers certified in the education of blind and  
26 visually impaired children shall be required to demonstrate competence in reading and writing  
27 braille. The department of elementary and secondary education shall adopt assessment  
28 procedures to assess such competencies which are consistent with standards adopted by the  
29 National Library Service for the Blind and Physically Handicapped, Library of Congress,  
30 Washington, D. C.

31 **5. (1) Subsections 5 to 10 of this section shall be known and may be cited as the**  
32 **"Blind Students' Rights to Independence, Training, and Education Act" or the "BRITE**  
33 **Act".**

34 **(2) As used in subsections 5 to 10 of this section, the following terms mean:**

35 **(a) "Accessible assistive technology device", an assistive technology device, as**  
36 **defined in 20 U.S.C. Section 1401(1)(A), as amended, that provides blind students the**  
37 **benefits of an educational program in an equally effective and integrated manner as that**  
38 **provided to nondisabled students;**

39 **(b) "Adequate instruction", the quality teaching of blind students, as it pertains to**  
40 **general education and necessary blindness skills, in alignment with the U.S. Department**  
41 **of Education's definition of free appropriate public education as defined in 20 U.S.C.**  
42 **Section 1401, as amended;**

43 **(c) "Blind student", any child with an individualized education plan (IEP) and**  
44 **identified as having the disability of "visual impairment (including blindness)" within the**  
45 **definition of "child with a disability" in 20 U.S.C. Section 1401, as amended, or an**  
46 **individual who is deaf-blind under the federal Individuals with Disabilities Education Act**  
47 **(IDEA), as amended, or other federal law;**

48 **(d) "Braille", the system of reading and writing through touch;**

49 **(e) "Grade level instruction", instruction that aligns with state-designated content**  
50 **standards and curricula for students of the same age or level of maturity, based on the**  
51 **development of intellectual, emotional, physical, and behavioral capacity that is typical for**  
52 **the student's age or age group;**

53 (f) "Local educational agency" or "LEA", the same meaning as such term is  
54 defined in 20 U.S.C. Section 1401, as amended;

55 (g) "Nonvisual access", the ability of a blind student to use all functions of a device,  
56 without using the student's vision, in an equally effective, equally integrated manner and  
57 with equivalent ease of use as the student's sighted peers;

58 (h) "Nonvisual skills", skills that are taught in such a way that the student does not  
59 need to use any vision;

60 (i) "State educational agency", the same meaning as such term is defined in 20  
61 U.S.C. Section 1401, as amended;

62 (j) "Technology-mediated learning environments and methods", the settings in  
63 which electronic and information technology including, but not limited to, the following  
64 is used:

65 a. Computer-based applications and simulations;

66 b. Personal and mobile computing devices such as smartphones or tablets;

67 c. Web-based platforms;

68 d. Online or distance-learning programs;

69 e. Video games; and

70 f. Exhibits or installations that feature digital media, wearable technology, or other  
71 tools that support participants' engagement with new knowledge, skills, or practices;

72 (k) "U.S. Access Board", the independent federal agency created in 1973 that  
73 promotes equality for people with disabilities through leadership in accessible design and  
74 the development of accessibility guidelines and standards.

75 6. (1) In conjunction with the U.S. Department of Education's Braille presumption  
76 requirement in 20 U.S.C. Section 1414(d)(3)(B)(iii), as amended, instruction in Braille  
77 reading and writing shall be sufficient to enable each blind student to communicate  
78 effectively and efficiently at a level commensurate with the student's same age and with the  
79 student's nondisabled peers of comparable intellectual ability. The blind student's  
80 individualized education program shall specify:

81 (a) The results obtained from an evaluation of the blind student's reading and  
82 writing skills, needs, and appropriate reading and writing media including, but not limited  
83 to, an evaluation of the blind student's future needs for instruction in Braille or the use of  
84 Braille;

85 (b) How Braille will be implemented as the primary mode for learning through  
86 integration with other classroom activities;

87 (c) The date on which Braille instruction will commence;

88 (d) The length of the period of instruction and the frequency and duration of each  
89 instructional session, which shall include at least as much instruction in literary and  
90 mathematical Braille as is provided to nondisabled print learners; and

91 (e) The level of competency in Braille reading and writing to be achieved by the end  
92 of the period, which shall be comparable to that of nondisabled print reading peers.

93 (2) In conjunction with accessible assistive technology requirements of the federal  
94 Individuals with Disabilities Education Act in 20 U.S.C. 1412(a)(12)(B)(i), as amended, the  
95 blind student shall receive grade-level instruction that will equip the blind student with the  
96 appropriate technology-mediated learning environments and methods to perform on the  
97 same level of proficiency expected of peers of comparable intellectual ability and grade  
98 level. The blind student's individualized education program shall specify:

99 (a) The results obtained from an assessment of the blind student's skills, needs, and  
100 appropriate accessible assistive technology including, but not limited to, an evaluation of  
101 the future needs for nonvisual accessible assistive technology training or the use of  
102 nonvisual accessible assistive technology;

103 (b) How nonvisual accessible assistive technology will be implemented as the  
104 primary mode for learning through integration with other classroom activities;

105 (c) The date on which accessible assistive technology instruction will commence;

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

108 (e) The level of mastery of the accessible assistive technology specified by the blind  
109 student's assessment to be achieved by the end of the period;

110 (f) Acknowledgment that either:

111 a. The blind student may transport the accessible assistive technology to and from  
112 school without the need for payment, family assumption of liability for loss or damage, or  
113 any other cost to the blind student or the family; or

114 b. If the accessible assistive technology remains at school, the LEA will provide  
115 duplicate accessible assistive technology in the blind student's home without requiring  
116 payment, family assumption of liability for loss or damage, or any other cost to the blind  
117 student or the family.

118 (3) (a) In conjunction with related services requirements of the federal Individuals  
119 with Disabilities Education Act, orientation and mobility instruction shall be sufficient and  
120 shall equip each blind student with the age-appropriate tools, techniques, and nonvisual  
121 skills to navigate in and around the student's home, schools, communities, and other  
122 environments as applicable, and as expected of peers of comparable intellectual ability and  
123 grade level.

124           **(b) An orientation and mobility evaluation shall be conducted by a person who is**  
125 **appropriately certified by the National Blindness Professional Certification Board**  
126 **(NBPCB) with a National Orientation and Mobility Certification (NOMC), or through the**  
127 **Academy for Certification of Vision Rehabilitation and Education Professionals**  
128 **(ACVREP) as a Certified Orientation and Mobility Specialist (COMS).**

129           **(c) The orientation and mobility evaluations described in paragraph (b) of this**  
130 **subdivision shall occur in familiar and unfamiliar environments and around the home,**  
131 **school, and community as determined age appropriate by the blind students IEP.**

132           **7. (1) As part of the state educational agency's certification and renewal process,**  
133 **educators hired to teach Braille shall hold a current and valid National Certification in**  
134 **Unified English Braille (NCUEB) or a comparable examination of the teacher's proficiency**  
135 **in Braille.**

136           **(2) As part of the state educational agency's certification and renewal process,**  
137 **educators hired to teach accessible assistive technology shall hold a valid and current**  
138 **National Certification in Access Technology for the Blind (NCATB), or take a comparable**  
139 **examination of the teacher's proficiency in and ability to teach accessible assistive**  
140 **technology.**

141           **(3) As part of the state educational agency's certification and renewal process,**  
142 **educators hired to teach orientation and mobility may be required to hold a valid and**  
143 **current National Orientation and Mobility Certification (NOMC), Certified Orientation**  
144 **and Mobility Specialist (COMS) certification, or another comparable nationally recognized**  
145 **certification.**

146           **8. (1) LEAs shall deliver services to Blind Students in a manner that at all times**  
147 **abides by requirements of the federal Individuals with Disabilities Education Act, Title II**  
148 **of the Americans with Disabilities Act, and the Rehabilitation Act of 1973, as amended,**  
149 **including during declared local, state, or national emergencies.**

150           **(2) LEAs shall not impose any preclusions or limitations of a student to receive**  
151 **instruction in orientation and mobility services in and around the home, school, or**  
152 **community setting.**

153           **(3) LEAs may require annual written parental consent to conduct effective**  
154 **instruction when such services are provided before or after regular school hours or when**  
155 **such services are provided away from the educational institution or the blind student's**  
156 **residence.**

157           **(4) If an LEA prohibits an orientation and mobility instructor from using the**  
158 **instructor's preferred mode of transportation to transport blind students to and from**

159 **outside environments, the LEA shall provide an equally effective transportation alternative**  
160 **for that purpose without cost to the orientation and mobility instructor.**

161 **9. (1) If an LEA requires an eye report, the LEA shall bear all costs associated with**  
162 **obtaining such report. LEAs shall not delay an evaluation for eligibility based on the**  
163 **absence or delay of such report.**

164 **(2) All electronic and information technology developed, procured, maintained, or**  
165 **used by LEAs shall be compliant with the U.S. Access Board's Section 508 standards**  
166 **promulgated on January 18, 2017, and all subsequent revisions.**

167 **(3) LEAs shall anticipate the need for nonvisual accessibility and adopt policies and**  
168 **procedures to reduce or eliminate common barriers experienced by blind students, parents,**  
169 **educators, administrators, and other staff.**

170 **10. For all school years beginning on or after July 1, 2021, if any provision of**  
171 **subsections 1 to 4 of this section conflicts with any provision of subsections 5 to 10 of this**  
172 **section, the provision in subsections 5 to 10 of this section shall apply.**

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