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LEGISLATIVE AGENDA OF BLIND MISSOURIANS

PRESENTED TO

THE first SESSION of the ONE HUNDREH and first GENERAL ASSEMBLY

From: The National Federation of the Blind of Missouri

Date: February 15 through 19, 2021

The National Federation of the Blind knows that blindness is not the characteristic that defines us or our future. Every day we raise the expectations of blind people, because low expectations create obstacles between blind people and our dreams. Blindness is not what holds us back.

This is the message we bring to blind Missourians and the communities we live in. We pledge to be a resource to you and your constituents when they turn to you for help.

The National Federation of the Blind is a membership organization of and for the blind. As a volunteer, grassroots organization, we are blind people working on behalf of blind people. We come together on the local, state, and national level to address issues of importance to our fellow blind citizens. We promote programs that encourage self-determination, independence, and equality of opportunity.

**Why Braille Is A Necessary Part of The Independence and Success of the Blind**

It is said that learning to read is one of the greatest accomplishments of man, and if blind people are to succeed, literacy must be a part of our skill set. This is why we have Braille, the finger equivalent of what most see with their eyes. Only when literate are we able to meet the challenge of expanding our knowledge on a wide variety of subjects and gain an understanding of our world. By using Braille, we are able to read things for ourselves. While audio and electronic means of access are essential to living in our society in the age of advanced technology, there is no substitute for reading something yourself. The importance of having the ability to communicate in writing and knowing where to use punctuation and understanding how to spell is a fundamental skill. Especially is this so if you plan to do a white collar job.

In our schools, less than 10% of blind children are getting the benefit of learning Braille. At least part of the problem is determining early on who will be most efficient reading Braille, who will be so using print, and which children can benefit significantly from learning both. Print is too often decided upon because it is considered normal, but children who are functionally blind but have some sight pay the cost in eye strain, head aches, and the inability to read rapidly or for long periods. Our blind children soon associate reading with discomfort and real pain.

Studies clearly show that most blind people who are employed know and use Braille. This should speak volumes to the need for it, but while sighted students are learning to read, blind students are being evaluated using a number of inadequate tools. By the time students are expected to read in order to learn, our schools are just deciding to teach our blind children to read Braille. The forecast is gloomy; they are behind, and unless they and their teachers and outside tutors make a herculean effort, this is where they will stay—behind.

Getting and keeping a job relies on skills. Fundamental among these are reading and writing. Audio and video enhance the lives of our citizens, but they do not replace reading and writing, especially for blind folks. As the governor makes one of his priorities employment first, we have the responsibility to do what will make blind people employable and provide for them and the rest of our society the fruits that productivity brings to us all. To this end, we believe that a comprehensive approach to enhancing the educational experience for all students with blindness or low vision is not only the right thing to do but is absolutely necessary if the blind youth of today are to compete with their peers in the future global market.

Blind Students Rights to Independence Training and Education Act (Henceforth referred to as the BRITE Act)

In the spirit of addressing the building of literacy and capacity for success, we would like to offer proposed language for a piece of legislation that will enhance the education of blind children through a comprehensive approach. This Act would require an increase in the availability and utilization of Braille instruction for all children that would benefit from the learning of this skillset. The Act outlines an approach of addressing Braille instruction and combining this with a range of Assistive Technology that would be available to the student in the classroom and at home. Another important aspect to independence and success in competitive employment is the access to Orientation and Mobility which is necessary for the blind to learn to navigate independently using the available tools and learning to increase recognition of tactile and audible clues to assist in safe, independent navigation. Additionally, the BRITE Act encourages proactivity of those involved in the instruction of blind students through continuous education and self improvement for these professionals. The NFB is asking for your help to create an equal and fruitful learning environment for all children. You can make a difference by sponsoring the proposed legislation as described in the attached BRITE Act proposed language.

Blind Pension Legislation

HB 117, sponsored by Representative Walsh-Moore, has one simple but essential function, to remove the word certified from the law regarding correspondence with blind pension recipients. The well-intentioned insertion of the word certified has caused significant expense to the state as well as to blind recipients who are often forced to go to the post office to pick up mail that would otherwise be found in their box. Not only is this an unnecessary expense; it reduces the time blind pension recipients have to fill out the yearly recertification required and has caused a number of blind people to be terminated and subsequently reinstated, again at significant cost to the state of Missouri and its blind residents who receive the pension. Therefore, HB 117 seeks to remove the word certified from the laws governing Blind Pension. Many blind Missourians have experienced significant issues due to the certified mail requirement, and that is why the National Federation of the Blind of Missouri strongly supports this legislation as presented.

The Recording of IEP and 504 Meetings

HB 228 (Representative Basye) and SB 134 (Senator O’laughlin) seeks to allow parents and legal guardians to record IEP and 504 meetings. Often meetings are long, and having good notes is crucial. The IEP team consists of the parents and half a dozen or more school personnel. A lot of information is exchanged, and some of it is highly technical and difficult for parents to initially understand. If one is blind and the information is presented in a form he or she cannot read, the problem becomes even more difficult and added emphasis falls to understanding exactly what is said. even if the parents are able to follow along well enough to fully participate in the decision making, recalling the necessity and reasoning for certain decisions is difficult at best. For many people who are blind, an effective method for taking notes is to record the meeting. Unfortunately, many school districts have put policies into place to limit the access to this method for parents and guardians. This leads to misunderstanding and frustration for both parents and school personnel. Therefore, the National Federation of the Blind of Missouri supports this legislation, and on behalf of blind parents in Missouri, we ask you to support the passage of HB228 and SB 134.

**Accessible Voting In All Elections**

There are multiple bills that have been introduced in the House that address voting from a variety of points of view. The National Federation of the Blind believes that the ability to securely and independently cast a private ballot is a sacred promise allowed to every American through our constitution. We understand that discussions must be had related to voting. It is in the spirit of this understanding that we are not promoting or opposing any particular piece of legislation. We are, however, re-stating our position on the imperativeness of accessible voting for all of us. Below, we discuss the reasons behind our assertions and ask that, as you debate voting legislation throughout the session, you keep in mind how sacred your vote counting is to you. With this in mind, you will better empathize with our positions and the value we place on casting a ballot independently and privately.

The Help America Vote Act (HAVA) recognizes the right of the blind to vote privately and independently by requiring nonvisual access for the blind through the use of accessible voting systems in all federal elections. Electronic voting technologies, designed and properly configured with nonvisual access, provide blind voters with the ability to cast their votes privately and independently and to verify, without sighted assistance, that their ballots accurately reflect their voting choices. Electronic voting systems were certified and purchased, and Missouri received federal funds for each polling place to provide at least one accessible voting machine. All certified machines in Missouri provide a paper trail.

The Missouri Secretary of State’s Office is evaluating newer machines that mark directly onto the paper ballot. The options are there if legislation to make the paper ballot the official ballot of Missouri is passed. The work of the Secretary of State will also be invaluable when the existing machines need to be replaced.

Accessible machines are already required for the state to comply with HAVA. Some election boards may set these machines up more frequently than others. We ask that they be used consistently in all elections. The cost of setting them up should be minimal since “text to speech” options are available. Concerted efforts are made to get voters to the polls; Missouri should assure that when they arrive, they have the means to cast their ballots privately and independently.

Beyond the example and financial assistance HAVA has provided to emphasize accessible voting, there are two federal laws that require all elections to be accessible to bring Missouri into compliance. Voters with disabilities have the same right to vote privately and independently as do voters without disabilities. When accessible voting

machines are not present in state, county, and municipal elections, blind, visually impaired, and other print disabled voters are denied an equal opportunity to cast their ballot privately and independently. This is a violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. As a recipient of federal funds, Missouri and our Election Boards are required to comply with Section 504 of the Rehabilitation Act.

Additionally, the Americans with Disabilities Act guarantees equal access for individuals with disabilities to the benefits of the services, programs, or activities of a public entity. Public entities must provide individuals with disabilities an aid, benefit, or service that is as effective in affording equal opportunity to gain the same result or benefit as provided to others. Public entities shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of a public entity. To be effective, the auxiliary aids and services must be provided in such a way as to protect the privacy and independence of the individual with a disability.

Whether the financial responsibility falls on the State of Missouri or the County Election Boards is a technicality that must not continue to preclude the full participation of blind, visually impaired, or other Missourians with disabilities who could benefit from the use of accessible voting equipment. Please assert due diligence in regard to bridging the gap that has prevented this legislation from passing in the past, and grant people with disabilities the opportunity and the right afforded us to have the same privilege in every election that you value and take for granted as your right as a citizen of Missouri and of the United States of America.