

Senate Bill 4

By: Senators Davenport of the 44th, Sims of the 12th, Tate of the 38th, Butler of the 55th, Harbison of the 15th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
 2 Annotated, relating to educational programs in elementary and secondary education, so as
 3 to enact the "Blind Persons' Braille Literacy Rights and Education Act"; to provide
 4 definitions; to require an evaluation of a blind or visually impaired student to determine such
 5 student's need for Braille instruction; to require Braille instruction in the individualized
 6 education program of a blind or visually impaired student as appropriate; to provide
 7 additional requirements for the individualized education program of a blind or visually
 8 impaired student; to provide for textbook publishers relating to electronic materials; to
 9 provide license requirements relating to Braille for certain teachers; to provide for related
 10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 14 relating to educational programs in elementary and secondary education, is amended by
 15 adding a new Code section to read as follows:

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16 "20-2-152.3.

17 (a) This Code section shall be known and may be cited as the 'Blind Persons' Braille
18 Literacy Rights and Education Act.'

19 (b) For purposes of this Code section, the term:

20 (1) 'Blind or visually impaired student' means a child or youth who:

21 (A) Is eligible for special education services pursuant to Code Section 20-2-152 and
22 the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400, et seq.;
23 and

24 (B)(i) Has a visual acuity of 20/200 or less in the stronger eye with correcting lenses
25 or has a limited field of vision such that the widest diameter subtends an angular
26 distance of no greater than 20 degrees; or

27 (ii) Has a medically indicated expectation of visual deterioration.

28 (2) 'Braille' means the system of reading and writing through touch and includes what
29 is commonly known as standard English Braille or Unified English Braille Code and the
30 Nemeth Code for Mathematics and Science Notation.

31 (3) 'Individualized education program' or 'IEP' shall have the same meaning as provided
32 in Section 614(d) of the federal Individuals with Disabilities Education Act, 20 U.S.C.
33 Section 1414(d).

34 (4) 'Textbooks and other instructional materials' means any literary or nonliterary works
35 obtained for use in a course of study, including texts in electronic media.

36 (c) Public schools in this state shall be authorized to provide Braille instruction for blind
37 or visually impaired students.

38 (d) In developing the individualized education program for a blind or visually impaired
39 student, provisions shall be made for instruction in Braille and the use of Braille except
40 when the student's IEP team expressly determines that such instruction is not appropriate
41 for the student based on the outcome of an evaluation of the student's current reading and
42 writing skills and specific needs using appropriate reading and writing media and of the

43 student's need for instruction in Braille or the use of Braille, as provided in paragraph (6)
44 of subsection (e) of this Code section. Such evaluation shall be conducted by a teacher
45 certified by the Professional Standards Commission as a special education visual
46 impairments program teacher. Nothing in this Code section shall be construed to require
47 instruction in Braille or the use of Braille if other special education services are appropriate
48 to the blind or visually impaired student's educational needs. The provision of other
49 appropriate services shall not preclude instruction in Braille or the use of Braille.

50 (e) The instruction in Braille reading and writing included in a blind or visually impaired
51 student's individualized education program shall be sufficient to enable such student to
52 communicate effectively and efficiently with the same level of proficiency expected of the
53 student's peers of comparable ability and grade level. Each such individualized education
54 program shall include:

55 (1) The outcomes obtained from the evaluation required under subsection (d) of this
56 Code section;

57 (2) How Braille will be implemented as the primary mode for learning through
58 integration with other classroom activities unless other special education services are
59 appropriate to the student's educational needs;

60 (3) The date on which Braille instruction will commence unless other special education
61 services are appropriate to the student's educational needs;

62 (4) The length of the period of instruction and the frequency and duration of each
63 instructional session;

64 (5) The level of competency in Braille reading and writing to be achieved by the student
65 by the end of a designated period of time and the objective assessment measures to be
66 used to determine the level of competency; and

67 (6) For each blind or visually impaired student for whom Braille instruction is not
68 indicated following the evaluation required in subsection (d) of this Code section:

69 (A) A statement that the decision by such student's IEP team to not include Braille
70 instruction in his or her individualized education program was reached after a review
71 of currently relevant literature addressing the use Braille instruction with blind and
72 visually impaired students;

73 (B) A statement that the absence of Braille instruction will not impair such student's
74 ability to read and write effectively; and

75 (C) A statement of the evidence relied upon by the IEP team to determine that such
76 student's ability to read and write effectively without Braille instruction will not be
77 impaired.

78 (f) All publishers of textbooks and other instructional materials sold to the state or to any
79 local board of education in this state shall furnish an electronic version in which the content
80 is encoded in text suitable for conversion into Braille or synthesized speech and has been
81 prepared using a markup language which maintains the formatting of the information and
82 can be processed by Braille translation software.

83 (g) On and after July 1, 2023, the Professional Standards Commission shall not issue or
84 renew a license to teach academic instruction to blind or visually impaired students unless
85 the educator has, as part of his or her standard renewal requirements:

86 (1) Completed a course in Braille instruction approved by the commission;

87 (2) Demonstrated competence in reading and writing Braille by holding a nationally
88 recognized certificate in Braille approved by the commission; or

89 (3) Passed a test in Braille approved by the commission."

90 **SECTION 2.**

91 All laws and parts of laws in conflict with this Act are repealed.