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13 A BILL  
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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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23 To ensure that the individualized education program of each blind or visually impaired child  
24 includes provisions for instruction in Braille and the use of Braille appropriate to the  
25 child's current and future literacy needs, to establish standards of Braille proficiency and  
26 Braille instruction, to provide materials in a computer-accessible format capable of  
27 Braille reproduction, and to require the certification and re-certification of teachers in  
28 accordance with Braille literacy standards.  
29

30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
31 act may be cited as the "Blind Students Literacy and Education Rights Act of 2019".

32 Sec. 2. Definitions.

33 (1) "Blind or visually impaired child" shall have the same meaning as that of  
34 "blind person" as provided in section 8(1) of An Act to enable the blind and the otherwise  
35 physically disabled to participate fully in the social and economic life of the District of  
36 Columbia, approved October 21, 1972 (86 Stat. 970; D.C. Official Code § 7-1009(1)).

37 (2) "Braille" means the system of reading and writing through touch known as  
38 standard English Braille.

39 (3) "IEP team" has the same meaning as provided in section 614(d)(1)(B) of the  
40 Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2702; 20  
41 U.S.C. § 1414(d)(1)(B)).

42 (4) "Individualized education program," has the same meaning as provided in  
43 section 614(d)(1)(A)(i) of the Individuals with Disabilities Education Act, approved December 3,  
44 2004 (118 Stat. 2702; 20 U.S.C. § 1414(d)(1)(A)(i)).

45 (5) "Textbooks and other instructional materials" means any literary or  
46 nonliterary works obtained for use in a course of study.

47 Sec. 3. Individualized education program.

48 (a) In developing the individualized education program in the case of a child who is blind  
49 or visually impaired, provision shall be made for instruction in Braille and the use of Braille  
50 unless an IEP Team determines, after an evaluation of the child's reading and writing skills,  
51 needs, and appropriate reading and writing media (including an evaluation of the child's future  
52 needs for instruction in Braille or the use of Braille), that such instruction or use is not  
53 appropriate for the child; provided, that nothing in this section shall require the exclusive use of  
54 Braille if other special education services are appropriate to the child's educational needs, nor  
55 shall the provision of other appropriate services preclude Braille use or instruction.

56 (b) Instruction in Braille reading and writing shall be sufficient to enable each blind or  
57 visually impaired child to communicate with the same level of proficiency expected of the child's  
58 peers of comparable ability and grade level. A blind or visually impaired child's individualized  
59 education program shall specify:

60 (1) The results obtained from the evaluations required under subsection (a) of this  
61 section;

62 (2) How Braille will be implemented as the primary mode for learning through  
63 integration with other classroom activities;

64 (3) The date on which Braille instruction will commence;

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

67 (5) The level of competency in Braille reading and writing to be achieved by the  
68 end of the period and the objective assessment measures to be used; and

69 (6) If a determination has been made, pursuant to subsection (a) of this section,  
70 that Braille instruction or use is not required for the child:

71 (A) A statement that the decision was reached after a review of pertinent  
72 literature describing the educational benefits of Braille instruction and use; and

73 (B) A specification of the evidence used to determine that the child's  
74 ability to read and write effectively without special education services is not impaired.

75 (c) All publishers of textbooks, including texts in electronic media, sold to the District of  
76 Columbia Public Schools or any public charter schools shall furnish an electronic version in  
77 which the content:

78 (1) Is encoded in text suitable for conversion into Braille or synthesized speech;  
79 and

80 (2) Has been prepared using a markup language which maintains the structural  
81 integrity of the information and can be processed by Braille translation software.

82 (d) As part of the certification and renewal process, teachers certified in the education of  
83 blind and visually impaired children, as required by the Office of the State Superintendent of  
84 Education ("OSSE") pursuant to 5A DCMR § 1602.1, shall be required to demonstrate  
85 competence in reading and writing Braille. OSSE shall not issue or renew a license to teach the

86 visually impaired unless the applicant demonstrates, based upon standards adopted by the  
87 Library of Congress's National Library Service for the Blind and Physically Handicapped, that  
88 he or she is proficient in reading and writing Braille.

89           Sec. 4. Fiscal impact statement.

90           The Council adopts the fiscal impact statement in the committee report as the fiscal  
91 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
92 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

93           Sec. 5. Effective date.

94           This act shall take effect following approval by the Mayor (or in the event of veto by the  
95 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as  
96 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
97 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
98 Columbia Register.