

HOUSE BILL No. 5354

December 12, 1989, Introduced by Reps. Stupak, Maynard, Hertel, Palamara, DeBeaussaert, Gire, Pitoniak, Gagliardi, Sofio, DeMars and Jonker and referred to the Committee on Education.

A bill to provide for certain literacy rights for blind students; to establish a task force on literacy for the blind; to prescribe the powers and duties of the task force and certain state officials and departments; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 literacy for the blind act".

3 Sec. 2. As used in this act:

4 (a) "Blind person" means an individual who has a visual
5 acuity of 20/200 or less in the better eye with correction, or
6 has a limitation of his or her field of vision such that the
7 widest diameter of the visual field subtends an angular distance
8 not greater than 20 degrees, as determined by the Michigan
9 commission for the blind.

1 (b) "Blind student" means a student who is a blind person,
2 or a student eligible for special education services for the
3 visually impaired whose ophthalmic prognosis shows a significant
4 expectation that he or she will become blind.

5 (c) "Braille" means the system of reading and writing
6 through touch commonly known as grade two braille.

7 (d) "Department" means the department of education.

8 (e) "Individualized education program" means a written
9 statement developed for a blind student as defined in
10 section 602(a)(19) of part A of the education of the handicapped
11 act, title VI of Public Law 91-230, 20 U.S.C. 1401.

12 (f) "State board" means the state board of education.

13 (g) "Student" means a person less than 26 years of age who
14 has not graduated from high school or passed the general educa-
15 tional development (GED) test.

16 (h) "Task force" means the task force on literacy for the
17 blind created in section 7.

18 Sec. 3. A blind student shall receive instruction in the
19 reading and writing of braille as part of his or her individual-
20 ized education program.

21 Sec. 4. A blind student shall receive a diagnostic evalu-
22 ation and services of the Michigan commission for the blind pur-
23 suant to Act No. 260 of the Public Acts of 1978, being
24 sections 393.351 to 393.368 of the Michigan Compiled Laws.

25 Sec. 5. (1) Except as otherwise provided in this section,
26 braille shall be a blind student's primary mode of instruction.

1 (2) The state board may designate braille as a secondary
2 mode of instruction for a blind student if both of the following
3 apply:

4 (a) The persons responsible for developing the blind
5 student's individualized education program pursuant to the state
6 plan submitted to the secretary of education under section 613 of
7 part B of the education of the handicapped act, title VI of
8 Public Law 91-230, 20 U.S.C. 1413, recommend that braille be the
9 secondary mode of instruction for the blind student.

10 (b) The director of the Michigan commission for the blind
11 approves the recommendation made pursuant to subdivision (a).

12 (3) The state board may exempt a blind student from instruc-
13 tion in braille if all of the following conditions apply:

14 (a) The persons responsible for developing the blind
15 student's individualized education program find that a disabling
16 mental or physical characteristic other than blindness prevents
17 the student from learning braille.

18 (b) The student's disabling physical or mental characteris-
19 tic other than blindness is designated as the blind student's
20 primary disability.

21 (c) The director of the Michigan commission for the blind
22 concurs with the findings of subdivisions (a) and (b).

23 (4) The state board shall review the exemption described in
24 subsection (3) each time a blind student's eligibility for spe-
25 cial education is redetermined.

1 Sec. 6. Within 6 months after the effective date of this
2 act, the state board shall conduct and finalize a study to
3 determine the need for all of the following:

4 (a) Additional training for qualified teachers of blind
5 persons.

6 (b) Strengthening of instructional programs for educators of
7 blind persons.

8 (c) Improved production, collection, and distribution of
9 braille materials for use in the classroom.

10 Sec. 7. (1) Not later than 30 days after the completion of
11 the study required by section 6, the state board shall appoint
12 for a term of 2 years a task force on literacy for the blind.
13 The task force shall consist of 1 representative of each of the
14 following:

15 (a) The department of education.

16 (b) The Michigan commission for the blind.

17 (c) The library of Michigan, services for the blind and
18 physically handicapped.

19 (d) Academic programs that train educators of blind
20 students.

21 (e) Educators of blind students.

22 (f) The Michigan association of the blind.

23 (g) The national federation of the blind.

24 (h) Parents of the blind children division of the national
25 federation of the blind.

26 (i) The Michigan optometric association low vision
27 committee.

1 (2) A vacancy on the task force shall be filled in the same
2 manner as the original appointment.

3 (3) Within 10 days after all appointments have been made
4 under this section, the task force shall hold its first meeting.
5 At the meeting, the task force shall elect a chairperson and
6 other officers as it considers necessary from among its members.
7 Following this initial meeting, the task force shall hold meet-
8 ings as considered necessary by the chairperson.

9 (4) A majority of the members of the task force constitute a
10 quorum for the transaction of business at a meeting of the task
11 force. Action by the task force shall be by a majority of the
12 votes cast.

13 (5) A member of the task force shall be reimbursed for
14 actual and necessary expenses incurred in the performance of
15 official duties.

16 Sec. 8. Based upon the study required by section 6, the
17 task force shall develop and submit to the state board for
18 approval a statewide plan for implementation of this act by the
19 department.

20 Sec. 9. The task force may do 1 or more of the following:

21 (a) Hold public hearings.

22 (b) Accept assistance from state departments, agencies, col-
23 leges and universities, private foundations, associations, indi-
24 viduals, and any other legal entity.

25 (c) Form committees or working groups as appropriate for the
26 performance of its responsibilities.

1 Sec. 10. (1) A meeting of the task force shall be held
2 pursuant to the open meetings act, Act No. 267 of the Public Acts
3 of 1976, being sections 15.261 to 15.275 of the Michigan Compiled
4 Laws. Public notice of the time, date, and place of the meeting
5 shall be given in the manner required by Act No. 267 of the
6 Public Acts of 1976.

7 (2) A writing prepared, owned, used, in the possession of,
8 or retained by the task force in the performance of an official
9 function under this act shall be made available to the public in
10 compliance with the freedom of information act, Act No. 442 of
11 the Public Acts of 1976, being sections 15.231 to 15.246 of the
12 Michigan Compiled Laws.

13 Sec. 11. The department and any other department or agency
14 as requested by the task force shall assist the task force and
15 shall provide staff and services as required by the task force.

16 Sec. 12. One year after receiving the statewide plan for
17 implementation of this act and each year thereafter, the depart-
18 ment shall evaluate the success of this act and submit a report
19 to the senate and house of representatives committees that have
20 the responsibility for education. The report shall include, but
21 not be limited to, the number and percentage of blind students
22 who are receiving instruction in the reading and writing of
23 braille and recommendations, if any, for improving the quality of
24 education for blind students.

25 Sec. 13. The legislature shall annually appropriate to the
26 task force and the department, as appropriate, a sum sufficient
27 to implement this act.

1 Sec. 14. The state board shall promulgate, as necessary,
2 rules to implement this act.