

# HOUSE . . . . . No. 5675

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 19, 1992.

The committee on Education, Arts and Humanities, to whom were referred so much of the recommendations of the Commission for the Blind (House, No. 27) as relates to furthering braille literacy for blind persons (accompanied by bill, House, No. 28), and on the petition (accompanied by bill, Senate, No. 258) of Charles E. Shannon and Jamal Mazrui for legislation relative to the implementation of a program for the instruction of Braille by the Department of Education, the petition (accompanied by bill, House, No. 4833) of Patricia D. Jehlen, Michael J. Barrett, Warren E. Tolman and others relative to the teaching of Braille to blind persons, and the petition (accompanied by bill, House, No. 4834) of Edward M. Lambert, Jr., other members of the General Court and another for legislation to require the instruction of certain students in Braille reading and writing, reports recommending that the accompanying bill (House, No. 5675) ought to pass.

For the committee,

EDWARD M. LAMBERT, JR.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

**AN ACT RELATIVE TO BRAILLE LITERACY.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. It is hereby found and declared that proficiency  
2 in writing braille is essential for persons lacking sufficient vision  
3 to read and write print as effectively as other persons of similar  
4 intellectual ability, motivation, and educational attainment.  
5 Braille literacy, like print literacy, contributes to employment,  
6 civic involvement, and the general welfare of the entire  
7 commonwealth. Accordingly, the furtherance of braille literacy  
8 is implied in the existing patchwork of federal and state mandates.

1 SECTION 2. Chapter 6 of the General Laws is hereby  
2 amended by inserting after section 133F the following section: —  
3 Section 133G. The commission shall offer braille instruction to  
4 its registrants, provided that at a minimum such instruction shall  
5 be available at sufficient frequency and duration to afford such  
6 persons an opportunity to learn braille at the grade two braille  
7 level. Vocational rehabilitation and independent living programs  
8 provided by the commission shall include within standard client  
9 evaluations a written assessment of the appropriateness of braille  
10 instruction. Such assessment shall include: (i) the person's  
11 efficiency in reading and writing print as compared with person  
12 of similar intellectual ability; (ii) the person's stamina in using  
13 print before fatigue occurs; and (iii) the person's prognosis for  
14 further sight loss. For purposes of this section "grade two braille"  
15 shall mean a system of braille, used by the Library of Congress  
16 for the production of braille materials, in which short forms and  
17 contractions of words or groups of words are used regularly.

1 SECTION 3. Section 3 of Chapter 71B of the General Laws  
2 is hereby amended by inserting, after the last sentence of para-  
3 graph 5, the following language: —

4 Whenever an evaluation indicates that a child is blind, as  
5 defined in Section One Hundred and Thirty-Six of Chapter Six,  
6 said evaluation shall also include an assessment of the  
7 appropriateness of braille instruction for the child. Such  
8 assessment shall include (i) the child's efficiency in reading and  
9 writing print as compared with children who do not have special  
10 needs; (ii) the child's stamina in using print before fatigue occurs;  
11 (iii) the child's prognosis for further sight loss; and (iv) the child's  
12 present competence in braille and a detailed explanation as to  
13 whether instruction is appropriate. There shall be a presumption  
14 that braille instruction is essential to meet such child's special  
15 needs. Any such instruction shall be available at a frequency and  
16 duration sufficient to meet fully the special needs of such child.  
17 Braille instruction may be used in combination with other special  
18 education services appropriate to the child's educational needs.

1 SECTION 4. Section 1M of Chapter 15 of the General Laws  
2 is hereby amended by deleting, at the end thereof, the words  
3 "One G." and inserting, in place thereof, the following: — One g.:

1 SECTION 5. Section 1M of Chapter 15 of the General Laws  
2 is hereby further amended by inserting, at the end thereof, the  
3 following: —

4 (22) to provide information to schools concerning the titles and  
5 sources of braille text books and technical assistance to schools  
6 to develop braille translations of titles not presently available, and  
7 ensure that school within its jurisdiction purchase or otherwise  
8 provide written material to meet the individual educational needs  
9 of blind persons, either directly or through adaptation.

1 SECTION 6. Section 38G of Chapter 71 of the General Laws  
2 is hereby amended by inserting, after the first sentence, the  
3 following: —

4 Certification in braille competence shall be a requirement for  
5 continued certification as a teacher of the visually handicapped.

6 The department shall administer a test at least one time per year  
7 for such certification in braille competence. Said certification in  
8 braille competence shall be valid for a period of five years and  
9 may be renewed at the expiration of said five years.

1 SECTION 7. Notwithstanding the provisions of Section 38G  
2 of chapter seventy-one of the General Laws, a person who is  
3 certified as a teacher of the visually handicapped on the effective  
4 date of this act shall continue to be so certified without  
5 certification in braille competence for a period of three years  
6 following the effective date of this act.

1 SECTION 8. The initial test for braille competence as required  
2 by Section 38G of chapter seventy-one of the General Laws shall  
3 be developed in consultation with the Commission for the Blind,  
4 and with the Advisory Council on Braille Literacy established by  
5 Section 9 of this act, and shall be administered no later than one  
6 year after the effective date of this act.

1 SECTION 9. There is hereby established an advisory council  
2 on braille literacy consisting of nine members to be appointed by  
3 the governor, one of whom shall have experience and expertise  
4 in using computer technology for the production of braille, two  
5 of whom shall be educators of the visually handicapped, two of  
6 whom shall be a parent of a blind child, two of whom shall be  
7 blind persons who are regular and effective users of braille, and  
8 two of whom shall be representatives of advocacy organizations  
9 of blind persons. The council shall be appointed no later than one  
10 hundred and twenty days after the effective date of this act and  
11 shall expire on December thirty-first, nineteen hundred and  
12 ninety-four. The council shall file a report with the clerk of the  
13 House of Representatives who shall forward the same to the joint  
14 committee on education on the first Wednesday in December,  
15 nineteen hundred and ninety-four. Said report shall include but  
16 not be limited to the following: the number of teachers certified  
17 pursuant to Section 38G of Chapter Seventy-One, the number of  
18 blind students in public elementary and secondary schools, the  
19 number of students in public elementary and secondary schools,  
20 the number of students accepting such instruction; the percentage

21 and types of text books and other educational materials available  
22 in braille, and such recommendations as it may make to improve  
23 the amount and variety of such materials; and findings and  
24 recommendations concerning the employment conditions of  
25 teachers of the visually handicapped. The members of said council  
26 shall serve without compensation, but shall be reimbursed for  
27 expenses necessarily incurred in the performance of their duties.





