

EDUCATION ACCOUNTABILITY AND REFORM

SENATE AMENDMENTS TO S.B. 1145

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 15-214, Arizona Revised Statutes, is amended to read:

15-214. Braille literacy: definitions

A. The state board of education shall adopt rules to promote braille literacy that:

1. ~~Assure~~ ENSURE that each blind pupil receives an individualized braille literacy assessment and appropriate educational services resulting from the assessment, establish standards of proficiency and instruction, provide materials in a computer accessible format capable of braille reproduction and require that certified teachers of visually impaired pupils meet braille competencies as specified in this section.

2. ~~Assure~~ ENSURE that, in developing the individualized written education program for each blind pupil, the presumption shall be that proficiency in braille is essential for that pupil to achieve satisfactory educational progress. Braille instruction and use are not required by this section if, in the course of developing the pupil's individualized education program, all members of the team concur that the pupil's visual impairment does not affect reading and writing performance commensurate with ability. Nothing in this section requires the exclusive use of braille if other special education services are appropriate to the pupil's educational needs. The provision of other appropriate services does not preclude braille use or instruction.

3. ~~Assure~~ ENSURE that instruction in braille is sufficient to enable each blind pupil to communicate effectively and efficiently in all subject areas with the same level of proficiency expected of the pupil's peers of

1 comparable ability and grade level. The pupil's individualized education
2 program shall specify:

3 (a) The results of a braille assessment.

4 (b) The methods by which braille will be implemented.

5 (c) The date on which braille instruction will begin.

6 (d) The length of the period of instruction and the frequency and
7 duration of each instructional session.

8 (e) The level of competency in braille to be achieved by the end of
9 the period of instruction and a description of the objective measures to be
10 used to evaluate the pupil's level of competency.

11 (f) A list of the appropriate braille materials and equipment needed
12 to allow the pupil to achieve the level of competency specified in the
13 individualized education program.

14 (g) The rationale for not providing braille if braille is not
15 determined to be an appropriate medium.

16 ~~4. Assure that the department of education shall require all~~
17 ~~publishers of textbooks to furnish the department with computer diskettes for~~
18 ~~literary and nonliterary subjects when diskettes become available for~~
19 ~~nonliterary subjects, in a standard format approved by the department of~~
20 ~~education from which braille versions of the textbook can be produced.~~

21 ~~5. Assure that teachers certified in the education of blind and~~
22 ~~visually impaired pupils in this state on or after July 1, 1997 shall be~~
23 ~~required to demonstrate competence in braille. Competence shall be measured~~
24 ~~by either:~~

25 ~~(a) Successful completion of a nationally validated test, when such a~~
26 ~~test is available.~~

27 ~~(b) Successful completion of a braille test developed in the program~~
28 ~~in visual impairment at the university of Arizona.~~

29 B. A PUBLISHER THAT PRINTS INSTRUCTIONAL MATERIALS FOR PUPILS
30 ATTENDING PUBLIC SCHOOLS SHALL PROVIDE, ON REQUEST OF THE DEPARTMENT OF
31 EDUCATION, ANY PRINTED INSTRUCTIONAL MATERIALS IN AN ALTERNATE ACCESSIBLE
32 ELECTRONIC FORMAT MUTUALLY AGREED ON BY THE PUBLISHER AND THE DEPARTMENT OF

1 EDUCATION. THE FORMAT USED SHALL INCLUDE ANY NATIONALLY RECOGNIZED OR
2 GENERALLY ACCEPTED STANDARD FOR CONVERSION OF PUBLISHER FILES TO BRAILLE,
3 INCLUDING ANY TECHNICAL STANDARDS USED BY PUBLISHERS TO PRODUCE SOURCE FILES
4 THAT MAY BE USED TO DEVELOP MULTIPLE SPECIALIZED FORMATS FOR PUPILS WITH
5 PRINT DISABILITIES. IF A NATIONALLY RECOGNIZED OR GENERALLY ACCEPTED
6 STANDARD IS NOT APPROPRIATE, PUBLISHERS SHALL PROVIDE THE FILE IN ANOTHER
7 MUTUALLY AGREED ON ELECTRONIC FORMAT.

8 C. A PUBLIC SCHOOL MAY USE THE ELECTRONIC VERSION OF PRINTED
9 INSTRUCTIONAL MATERIALS THAT IS PROVIDED PURSUANT TO THIS SECTION TO
10 TRANSCRIBE OR ARRANGE FOR THE TRANSCRIPTION OF THE PRINTED INSTRUCTIONAL
11 MATERIALS INTO AN ALTERNATE ACCESSIBLE FORMAT. THE SCHOOL MAY PROVIDE THE
12 ALTERNATE ACCESSIBLE FORMAT COPY OF THE PRINTED INSTRUCTIONAL MATERIALS TO
13 PUPILS AS PERMITTED BY FEDERAL COPYRIGHT LAW. THE ELECTRONIC VERSION OF THE
14 PRINTED INSTRUCTIONAL MATERIALS SHALL:

15 1. COMPLY WITH ANY APPLICABLE FEDERAL STANDARD.

16 2. MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL
17 MATERIALS. NOTWITHSTANDING SUBSECTION K, PARAGRAPH 6, PUBLISHERS ARE
18 ENCOURAGED TO INCLUDE A BRIEF TEXTUAL DESCRIPTION OF ANY NONTEXTUAL ELEMENT
19 WHEN IT IS ESSENTIAL FOR THE PUPIL'S UNDERSTANDING AND TO MENTION THE
20 NONTEXTUAL ELEMENT WHEN A DESCRIPTION IS NOT PRACTICAL.

21 3. CONTAIN CORRECTIONS AND FINAL REVISIONS, IF APPLICABLE.

22 D. THE PUBLISHER SHALL PROVIDE THE ELECTRONIC VERSIONS OF THE PRINTED
23 INSTRUCTIONAL MATERIALS TO THE SCHOOL AT NO ADDITIONAL COST AND WITHIN TEN
24 BUSINESS DAYS AFTER RECEIPT OF A WRITTEN REQUEST FROM THE SCHOOL.

25 E. A PUBLISHER MAY REQUIRE THAT THE WRITTEN REQUEST PRESCRIBED IN
26 SUBSECTION D INCLUDE A STATEMENT SIGNED BY THE PUBLIC SCHOOL'S REPRESENTATIVE
27 AGREEING THAT:

28 1. THE ELECTRONIC VERSION OF THE PRINTED INSTRUCTIONAL MATERIALS WILL
29 BE USED SOLELY FOR THE PUPIL'S EDUCATIONAL PURPOSES.

30 2. THE PUPIL WILL NOT COPY, PUBLISH OR IN ANY OTHER WAY DISTRIBUTE THE
31 ELECTRONIC VERSION FOR USE BY ANYONE OTHER THAN THE ORIGINAL STUDENT, EXCEPT
32 THAT THE SCHOOL MAY PROVIDE THE ELECTRONIC VERSION TO ANOTHER QUALIFYING

1 PUPIL WHO HAS SIGNED A STATEMENT AGREEING TO THE TERMS CONTAINED IN THIS
2 SECTION, UNLESS OTHERWISE PERMITTED BY FEDERAL LAW.

3 F. A PUBLISHER WHO MANUFACTURES INSTRUCTIONAL MATERIALS USING ANY TYPE
4 OF VIDEO OR AUDIO FORMAT, CD-ROM OR OTHER DIGITAL FORMATS FOR PUPILS
5 ATTENDING PUBLIC SCHOOLS, ON REQUEST AND TO THE MAXIMUM EXTENT PRACTICABLE,
6 SHALL PROVIDE AN ELECTRONIC VERSION OF THE INSTRUCTIONAL MATERIALS OR, IF AN
7 ELECTRONIC VERSION IS NOT AVAILABLE, PROVIDE OTHER ACCESSIBLE VERSIONS OF THE
8 INSTRUCTIONAL MATERIALS, SUBJECT TO THE SAME CONDITIONS AND LIMITATIONS
9 PRESCRIBED BY LAW FOR PRINTED INSTRUCTIONAL MATERIALS.

10 G. THIS SECTION DOES NOT AUTHORIZE ANY USE OF ELECTRONIC VERSIONS OF
11 INSTRUCTIONAL MATERIALS THAT WOULD CONSTITUTE AN INFRINGEMENT OF COPYRIGHT
12 PURSUANT TO APPLICABLE FEDERAL COPYRIGHT LAW.

13 H. THE DEPARTMENT OF EDUCATION SHALL ADOPT GUIDELINES CONSISTENT WITH
14 THIS SECTION FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION. THE
15 GUIDELINES SHALL INCLUDE ALL OF THE FOLLOWING:

16 1. THE DESIGNATION OF INSTRUCTIONAL MATERIALS DEEMED REQUIRED OR
17 ESSENTIAL TO PUPIL SUCCESS.

18 2. DEFINITIONS THAT CLARIFY WHAT CONSTITUTES NONTEXTUAL MATHEMATICS OR
19 SCIENCE INSTRUCTIONAL MATERIALS THAT USE MATHEMATICAL NOTATIONS AND THAT
20 CLARIFY A PUBLISHER'S OBLIGATIONS WITH RESPECT TO THESE INSTRUCTIONAL
21 MATERIALS.

22 3. DEFINITIONS THAT CLARIFY WHAT IS REQUIRED TO MAINTAIN STRUCTURAL
23 INTEGRITY AND REQUIREMENTS FOR TEXTUAL DESCRIPTIONS OF PICTURES,
24 ILLUSTRATIONS, GRAPHS AND CHARTS.

25 4. REQUIREMENTS FOR APPROVAL AND PROCUREMENT OF TEXTBOOKS THAT ARE
26 AVAILABLE IN AN ELECTRONIC FORMAT AND PROCEDURES FOR SUSPENSION OF A
27 PUBLISHER FROM THE PROCUREMENT PROCESS IF THE PUBLISHER FAILS TO COMPLY WITH
28 THIS SECTION.

29 5. AN ADMINISTRATIVE COMPLAINT PROCESS FOR COMPLAINTS AGAINST A
30 PUBLISHER.

31 6. DEFINITIONS THAT CLARIFY WHAT CONSTITUTES EDUCATIONAL PURPOSES.

1 7. ANY OTHER MATTERS THE DEPARTMENT DEEMS NECESSARY OR APPROPRIATE TO
2 CARRY OUT THE PURPOSES OF THIS SECTION.

3 I. BEGINNING JULY 1, 2014, THE DEPARTMENT OF EDUCATION SHALL ENSURE
4 THAT TEACHERS WHO ARE CERTIFIED IN THE EDUCATION OF BLIND AND VISUALLY
5 IMPAIRED PUPILS IN THIS STATE BE REQUIRED TO DEMONSTRATE COMPETENCE IN
6 BRAILLE BY PASSING A TEST BEFORE CERTIFICATION AND EVERY FIVE YEARS
7 THEREAFTER. COMPETENCE IN BRAILLE SHALL BE MEASURED BY SUCCESSFUL COMPLETION
8 OF THE NATIONAL LITERARY BRAILLE COMPETENCY TEST.

9 ~~B.~~ J. ~~As used in~~ FOR THE PURPOSES OF this section: ~~—~~

10 1. "ALTERNATE ACCESSIBLE FORMAT" MEANS AN ALTERNATIVE TO TRADITIONAL
11 PRINT, INCLUDING BRAILLE AND ELECTRONIC FILES.

12 2. "Blind pupil" means a pupil WHO IS ACCEPTED AT, ENROLLED IN OR
13 ATTENDING A PUBLIC SCHOOL AND who meets one or more of the following
14 conditions:

15 ~~1.~~ (a) Cannot successfully use vision as a primary and efficient
16 channel for learning.

17 ~~2.~~ (b) Exhibits such a low degree or amount of visual acuity or
18 visual field that vision is not considered as a primary mode of learning.

19 ~~3.~~ (c) Has a medically indicated prognosis of visual deterioration
20 RESULTING IN A CONDITION THAT PREVENTS THE PUPIL FROM SUCCESSFULLY USING
21 VISION AS A PRIMARY AND EFFICIENT CHANNEL FOR LEARNING.

22 3. "BRAILLE" MEANS THE TACTILE SYSTEM OF READING AND WRITING USED BY
23 PERSONS WHO ARE BLIND AND VISUALLY IMPAIRED, INCLUDING COMPUTER CODE, NEMETH
24 NUMERIC AND SCIENTIFIC CODE, MUSIC CODE AND USE OF THE ABACUS.

25 4. "INSTRUCTIONAL MATERIALS" MEANS TEXTBOOKS AND OTHER MATERIALS THAT
26 ARE REQUIRED FOR OR ESSENTIAL TO SUCCESS IN A COURSE OF STUDY, INCLUDING
27 TEACHER'S EDITIONS.

28 5. "STRUCTURAL INTEGRITY" MEANS THE INCLUSION OF ALL OF THE PRINTED
29 INSTRUCTIONAL MATERIALS, INCLUDING THE TEXT OF THE MATERIAL, SIDEBARS, TABLE
30 OF CONTENTS, CHAPTER HEADINGS AND SUBHEADINGS, FOOTNOTES, INDEXES, GLOSSARIES
31 AND BIBLIOGRAPHIES. STRUCTURAL INTEGRITY DOES NOT INCLUDE NONTEXTUAL
32 ELEMENTS SUCH AS PICTURES, ILLUSTRATIONS, GRAPHS OR CHARTS.

1 6. "TEXTBOOK" MEANS A BOOK, A SYSTEM OF INSTRUCTIONAL MATERIALS OR A
2 COMBINATION OF A BOOK AND SUPPLEMENTARY INSTRUCTIONAL MATERIALS THAT CONVEYS
3 INFORMATION TO THE PUPIL OR THAT OTHERWISE CONTRIBUTES TO THE LEARNING
4 PROCESS, INCLUDING ELECTRONIC TEXTBOOKS.

5 Sec. 2. Short title

6 Section 15-214, Arizona Revised Statutes, as amended by this act, may
7 be cited as the "Braille Literacy and Access Act".

8 Amend title to conform

02/15/2010
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C: tdb