SPECIAL EDUCATION. Amends the Blind Persons' Literacy Rights and Education Act. (gov sig)

AN ACT
To amend and reenact R.S. 17:1982(1) and (3) and 1983, relative to the Blind Persons' Literacy Rights and Education Act; to provide for definitions; to provide relative to individualized assessment, planning, and supports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1982(1) and (3) and 1983 are hereby amended and reenacted to read as follows:

§1982. Definitions

As used in this Part, the following words, terms, and phrases shall have the meanings ascribed to them in this Section as follows:

(1) "Blind student" means an individual who is eligible for special education services and who identified by a functional vision assessment as having vision loss which interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment to access the same academic content as the student's sighted peers or who has one of the following:

(a) Has a visual acuity of 20/200 or less, near acuity in the better
eye with correcting lenses, or both, or has a limited field of vision such that the
widest diameter subdends an angular distance of no greater than twenty degrees.

(b) Has a medically indicated expectation of visual deterioration, a progressive loss of vision which may in the future affect the student’s ability to learn.

(c) Other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both. This may coexist with ocular and ocular motor disorders and may be the result of perinatal brain dysfunction or trauma.

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(3) "Functional vision assessment" is an organized plan for observing how a student uses vision to perform routine tasks within the educational environment and assesses whether a visual impairment is interfering with the student’s ability to access educational content.

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§1983. Individualized planning and assessment assessments, planning, and supports

A. Each blind student has the right to individualized assessments, planning, and supports to assist the student in accessing his educational environment to his fullest ability. Such assessments, plans, and supports shall be provided through highly trained and qualified professionals and teachers who have the appropriate education, certifications, and competencies for working with the blind.

B. The assessment required for each blind student shall include a be assessed using each of the following:

(1)(a) A braille skills inventory, including a statement of strengths and deficits along with commensurate with grade level literacy and math standards pursuant to R.S. 17:24.4(A)(4). The inventory shall:

(i) Include a functional vision assessment for students with vision

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
in order to determine if braille instruction is needed for the student to achieve satisfactory educational progress.

(ii) Provide a statement of the student’s strengths and deficits.

(iii) Assess the student’s future need for braille based on the student’s eye conditions, grade level competencies, and placement expectations.

(b) Braille instruction and use are not required by this Part if, in the course of developing the student's individualized education program, the team concurs that the student's visual impairment does not affect independent or future independent reading and writing performance commensurate with ability.

(e) Nothing in this Part shall require the exclusive use of braille if other special education services are appropriate to the student's educational needs.

(d) The provisions provision of other appropriate services shall not preclude braille use or instruction.

(2) A research-based learning media assessment to determine the most appropriate reading medium for the student’s current and future needs.

(3) If deemed necessary through the assessments provided in Paragraphs (1) and (2) of this Subsection, a low vision assessment centered on how the student uses his vision on a daily basis to determine if the student will benefit from optical devices such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

C. Based on the assessment findings an individualized education plan shall be developed and shall include specialized supports for education and daily living activities appropriate to the needs of the student.

D. Appropriate specialized supports may include:

(1) Assistive technology skills that enable the student to use computers and other electronic equipment to function independently and effectively at school, home, work, and community.

(2) Career education skills that enable the student to explore career options and learn about the world of work.
(3) Compensatory skills that enable the student to access educational curriculum such as concept development, organizational skills, and communication skills including speaking and listening, using sign language and tactile symbols, reading and writing braille and print, and accessing recorded materials.

(4) Independent living skills that enable the student to provide self-care, including independent personal hygiene, food preparation, household cleaning, clothes cleaning, and money management.

(5) Orientation and mobility skills that enable the student to know where he is in space and move safely, independently, and efficiently at school, home, work, and community.

(6) Recreation and leisure skills that enable the student to explore and enjoy leisure activities.

(7) Self-determination skills that enable the student to become an effective self-advocate based on his own needs and goals.

(8) Sensory efficiency skills that enable the student to use all of his senses, including functional vision, hearing, touch, taste, and smell.

(9) Social interaction skills that enable the student to participate actively and appropriately in social situations.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
braille instruction and use are not required if other special education services are appropriate to the student's educational needs. Further provides that the provisions of other appropriate services shall not preclude braille use or instruction.

Proposed law amends present law definition of a blind student to mean a student who is identified by a functional vision assessment as having vision loss which significantly interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment to access the same academic content as the student's sighted peers or who has one of the following:

1. A visual acuity of 20/70 or less, near acuity in the better eye with correcting lenses, or both, or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees.

2. A progressive loss of vision which may in the future affect the student's ability to learn.

3. Other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both. This may coexist with ocular and ocular motor disorders and may be the result of perinatal brain dysfunction or trauma.

Proposed law amends present law to provide that each blind student has the right to individualized assessments, planning, and supports. Further provides that such assessments, plans, and supports shall be provided through professionals and teachers with the appropriate credentials and certifications required for working with the blind.

Proposed law adds the following additional required assessments:

1. A research-based learning media assessment to determine the most appropriate reading medium for the student's current and future needs.

2. If deemed appropriate from the results of other assessments, a low-vision assessment centered on how the student uses his vision on a daily basis to determine if the student will benefit from optical devices such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

Proposed law requires that, based on the assessment findings, an individualized education plan be developed and include specialized supports for education and daily living activities which are appropriate based on the needs of the student.

Proposed law provides that the appropriate specialized supports may include the following:

1. Assistive technology skills.

2. Career education skills.

3. Compensatory skills.

4. Independent living skills.

5. Orientation and mobility skills.

6. Recreation and leisure skills.

7. Self-determination skills.

8. Sensory efficiency skills.
(9) Social interaction skills.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:1982(1) and (3) and 1983)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Clarifies the low vision assessment is required only if other assessments show the need for the low vision assessment.