

2022 Regular Session

SENATE BILL NO. 176

BY SENATOR FIELDS

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

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

8 §1982. Definitions

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

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

17 (a) ~~Has a~~ **A** visual acuity of ~~20/200~~ **20/70** or less, **near acuity** in the better

1 eye with correcting lenses, **or both**, or has a limited field of vision such that the
2 widest diameter subtends an angular distance of no greater than twenty degrees.

3 (b) ~~Has a medically indicated expectation of visual deterioration~~ **A**
4 **progressive loss of vision which may in the future affect the student's ability to**
5 **learn.**

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

10 * * *

11 (3) "Functional vision assessment" is an organized plan for observing how
12 a student uses vision to perform routine tasks **within the educational environment**
13 and assesses whether a visual impairment is interfering with the ~~learning process~~
14 **student's ability to access educational content.**

15 * * *

16 §1983. Individualized ~~planning and assessment~~ **assessments, planning, and**
17 **supports**

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

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

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

29 **(i) Include** a functional vision assessment for ~~students~~ **a student** with vision

1 in order to determine if braille instruction is needed **for the student** to achieve
2 satisfactory educational progress.

3 **(ii) Provide a statement of the student's strengths and deficits.**

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

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

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

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

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

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

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

24 **D. Appropriate specialized supports may include:**

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

28 **(2) Career education skills that enable the student to explore career**
29 **options and learn about the world of work.**

1 **(3) Compensatory skills that enable the student to access educational**
 2 **curriculum such as concept development, organizational skills, and**
 3 **communication skills including speaking and listening, using sign language and**
 4 **tactile symbols, reading and writing braille and print, and accessing recorded**
 5 **materials.**

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

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

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

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

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

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

20 Section 2. This Act shall become effective upon signature by the governor or, if not
 21 signed by the governor, upon expiration of the time for bills to become law without signature
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 24 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Cheryl Serrett.

Present law provides for the Blind Persons' Literacy Rights and Education Act, includes definitions, requires written individualized education plans, specifies that the required assessment for each blind student shall include a braille skills inventory, and provides that

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.