

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Pre-K - 12 Committee

BILL: SB 1720

INTRODUCER: Senator Crist

SUBJECT: Literacy Education for Blind Persons

DATE: April 10, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	_____	_____	<u>EA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires that instruction in the use of Braille must be included as a student’s Individual Education Plan (IEP) is developed for a student who is blind or visually impaired, unless by unanimous agreement, the student’s IEP team determines that instruction or use of Braille is not appropriate for the student. The instruction in Braille must be sufficient to provide the student with skill proficiencies commensurate with those of students at comparable grade level and ability.

The bill requires the IEP to include the results of the student’s visual assessment and evaluation, how Braille instruction and use of Braille will be implemented, the date the instruction is to begin, the length and duration of instruction, and the level of student competency to be obtained.

This bill amends section 1003.55 of the Florida Statutes.

II. Present Situation:

The federal Individuals with Disabilities Education Act (IDEA) is designed to ensure that services are provided to children with disabilities throughout the nation.¹ IDEA governs how states and public agencies provide early intervention, special education and related services to eligible children with disabilities. The IDEA act was reauthorized in 2004 and includes language designed to ensure that children with disabilities are taught by highly qualified teachers and

¹ <http://idea.ed.gov>

receive research-based instruction. The act also includes new requirements for personnel training, IEPs, and scientifically-based instruction.²

IDEA defines the IEP team as a group of people who are responsible for developing, reviewing, and revising the IEP for a student with a disability. The role of the IEP team is to provide for decision-making based on the individual needs of the student as determined by appropriate assessments and prioritized by the IEP team. The requirements for the contents of the IEP are currently specified in the regulations of the IDEA act,³ and in Rules 6A-6.03028 and 6A-6.03014, F.A.C.⁴

To provide additional specificity and guidance, Rule 6A-6.03014, F.A.C., stipulates that an evaluation for a visually impaired student must consist of a physician's eye examination, functional vision evaluation which includes evaluation for mode of reading (learning media assessment), and other evaluations as necessary. In accordance with Rule 6A-6.03028(a)-(c) and (g), F.A.C., the IEP team is to determine the supports, services, and accommodations needed by individual students, based upon the student's present levels of performance, including current visual functioning, academic/developmental functioning, and prognosis. This includes the decision as to whether or not a student receives Braille instruction and if the student will use Braille as a primary or secondary reading medium. As documented on the student's learning media assessment and functional vision assessment, a visually impaired student may very well be able to utilize standard print, large print books, or assistive technology devices at a reading speed commensurate with his or her peers.⁵

Presently, most students who are visually impaired are served by itinerant teachers of the visually impaired, to allow for education in the least restrictive environment (LRE).⁶ The average caseload of a teacher of the visually impaired is approximately 10–12 students.⁷

The Legislature appropriates funding⁸ annually to the Florida Instructional Materials Center for the Visually Impaired (FIMCV) to assist Florida schools in obtaining specialized materials for students who are visually impaired.⁹ As new instructional materials programs are adopted, the FIMCV works with publishers and other entities to provide content in more appropriate delivery methods for visually impaired students, such as Braille and large print.

III. Effect of Proposed Changes:

The bill requires that instruction in the use of Braille must be included as a student's Individual Education Plan (IEP) is developed for a student who is blind or visually impaired, unless by unanimous agreement, the student's IEP team determines that instruction in Braille or the use of Braille is not appropriate. The instruction in Braille must be sufficient to provide the student with skill proficiencies commensurate to those of students at comparable grade level and ability.

² <http://www.wrightslaw.com/law/idea/>

³ Sections 300.320 and 300.323, Code of Federal Regulations (CFR).

⁴ <https://www.flrules.org/gateway/readFile.asp?sid=0&tid=1062846&type=1&file=6A-6.03026.doc>

⁵ Bill Analysis, 2/27/07 - Florida Department of Education, Office of Governmental Relations

⁶ Defined as the educational setting where a child with disabilities can receive an appropriate education designed to meet individual student needs while being educated with peers without disabilities in the regular educational environment to the maximum extent appropriate.

⁷ Bill Analysis, 2/27/07 - Florida Department of Education, Office of Governmental Relations

⁸ Chapter 2006-25, L.O.F., Item 100 - \$300,000

⁹ <http://www.fimcvi.org>

The bill requires the IEP to include the results of the student evaluation, how Braille instruction and use of Braille will be implemented, the date the instruction is to begin, the length and duration of instruction, and the level of student competency to be obtained.

Although the bill does not prohibit the use of other instructional media, it creates a presumption of instruction in the Braille or the use of Braille that may be difficult to rebut. Rather than asking whether a student would benefit more from other instructional media, the bill essentially asks whether the student would benefit from Braille instruction. If so, Braille is required. Moreover, unanimous consent is not required for other IEP instruction methods and goals. Therefore, the bill would have the effect of more likely requiring Braille. Accordingly, other instruction media that may be more appropriate for a student, may not receive the emphasis as dictated by the IEP under current law.

The bill appears to equate a student's need for Braille instruction with a student's need for special education, thus inferring that the student has no other disabilities. Students who are visually impaired and who are print or large print readers also require instruction in a more expanded core curriculum, even if that instruction does not include Braille.¹⁰ For example, students may be using assistive technology such as screen magnification programs, require orientation and mobility instruction, or need instruction in other unique skills in order to access the curriculum.

According to the Atlantic Provinces Special Education Authority Guidelines for Determining Caseload Size for Teachers of the Visually Impaired (APESA),¹¹ an elementary student who is blind requires at least 10 hours of instruction per week. This includes Braille instruction, instruction in the use of adaptive materials and technology or unique skills, and time to adapt materials and plan. Generally, students with low vision usually require between 3–5 hours per week of direct service. The APSEA guidelines also indicate that an itinerant teacher of the visually impaired should have no more than 2 academic Braille students on his or her caseload.¹² The average caseload of a teacher of the visually impaired is approximately 10–12 students, not including students receiving consult services.¹³ In order to effectively provide Braille instruction to those students who have not been given such instruction, school districts may need to substantially increase the number of personnel qualified to teach students who are blind and visually impaired.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰ <http://www.tsbvi.edu/Education/corecurric.htm>

¹¹ <http://www.tsbvi.edu/programs/aspea.htm>

¹² Ibid.

¹³ Bill Analysis, 2/27/07 - Florida Department of Education, Office of Governmental Relations

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Publishers would be required to produce instructional content currently available in print, large print, or other modes for the visually impaired into Braille.

C. Government Sector Impact:

Costs to offer instruction in Braille to all blind or visually impaired students, to produce and distribute instructional content in Braille, and to hire additional exceptional student education (ESE) teachers is indeterminate.

VI. Technical Deficiencies:

Section 1003.55, F.S., refers to instructional programs for blind or visually impaired students and deaf or hard-of-hearing students. In particular, subsection (4) refers to the IEP plan for blind students. However, the bill uses the term “child” to describe the affected student. Unless the intent of the sponsor was to limit application of the bill’s provision to a student of minority age, it may be more appropriate to use the term “student.”

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
