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# A BILL FOR AN ACT

RELATING TO BRAILLE LITERACY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that literacy skills are  
2 fundamental to success in education, employment, and life for  
3 all members of society, including individuals who are blind.  
4 The legislature further finds that braille literacy skills are  
5 essential for individuals who are blind to learn, seek and  
6 maintain remunerative employment, and access the opportunities  
7 in life open to all regardless of disability.

8           The legislature also finds that it is in the interest of  
9 the State to make learning opportunities available to all  
10 residents. Therefore, it is necessary for the State to promote  
11 braille instruction and the timely access to braille  
12 instructional materials for blind students, parents, teachers,  
13 and other school personnel.

14           Accordingly, the purpose of this Act is to:

15           (1) Require the individualized education programs of blind  
16           students to include the instruction of braille and



1 provision of braille instructional materials under  
2 certain circumstances;

3 (2) Require the department of education to establish a  
4 braille literacy resource center; and

5 (3) Make an appropriation.

6 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
7 amended by adding a new part to be appropriately designated and  
8 to read as follows:

9 **"PART . BRAILLE INSTRUCTION**

10 **§302A-A Purpose.** It is the policy of the State to promote  
11 braille literacy and support opportunities for blind students to  
12 obtain reading and writing skills to the maximum extent  
13 achievable for each blind individual.

14 **§302A-B Definitions.** As used in this part, unless the  
15 context otherwise requires:

16 "Braille" has the same meaning as in section 302A-442.5.

17 "Braille instructional materials" means print instructional  
18 materials, as defined in section 302A-442.5, that are printed in  
19 braille.

20 "Eligible blind student" means an elementary or secondary  
21 school student who:



1 (1) Is eligible for services under the Individuals with  
2 Disabilities Education Act, as amended;

3 (2) Is approved as an eligible person, as defined in  
4 section 121(d)(3) of the Copyright Act of 1976 (17  
5 U.S.C. 121(d)(3)), as amended; and

6 (3) Attends a department school, a private school under  
7 chapter 302C, a public charter school under chapter  
8 302D, or an approved alternative education program  
9 under section 302A-1132(a)(5),

10 and is blind or visually handicapped.

11 "Individualized education program" and "individualized  
12 education program team" have the same meanings as in section  
13 614(d) of the Individuals with Disabilities Education Act (20  
14 U.S.C. section 1414(d)), as amended.

15 **§302A-C Individualized education program; eligible blind**  
16 **students; braille instructional materials.** (a) The  
17 individualized education program for an eligible blind student  
18 shall include instruction in braille and provision of braille  
19 instructional materials unless the individualized education  
20 program team determines that the instruction or materials are  
21 not necessary for the student.



1 (b) If braille literacy instruction is included in the  
2 eligible blind student's individualized education program, the  
3 individualized education program shall:

4 (1) Document:

5 (A) The results of current braille reading and  
6 writing assessments of the student, if any;

7 (B) The date on which braille literacy instruction  
8 will commence;

9 (C) The length of the period of instruction and the  
10 frequency and duration of each instructional  
11 session; and

12 (D) Performance goals for the end of the period and  
13 the objective assessment measures to be used; and

14 (2) Summarize how use of acquired braille skills and  
15 braille instructional materials will be incorporated  
16 into the student's general education program and daily  
17 activities.

18 (c) If the individualized education program team decides  
19 that braille literacy instruction is not necessary for an  
20 eligible blind student in accordance with subsection (b), the  
21 student's individualized education program shall:



- 1 (1) Document the student's:
- 2 (A) Visual condition, including cause, visual acuity,
- 3 field of vision, visual functioning over time,
- 4 stability of the condition, and prognosis; and
- 5 (B) Ability to achieve at least grade level reading
- 6 and writing proficiency without regard to the use
- 7 of braille, as expected of the student's peers of
- 8 comparable ability to learn and progress from
- 9 grade to grade in school;
- 10 (2) Identify the literacy assessment tools and methods
- 11 used; and
- 12 (3) Provide the date of the student's next literacy
- 13 assessment, if one is to be conducted, not to exceed
- 14 twelve months from the previous assessment."

15 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
 16 amended by adding a new section to part II, subpart C to be  
 17 appropriately designated and to read as follows:

18 **"§302A-D Braille literacy resource center; establishment;**  
 19 **duties; rules.** (a) The department shall establish and maintain  
 20 a braille literacy resource center that shall:

- 21 (1) Advocate for braille literacy;



- 1        (2) Obtain instructional materials in braille as needed;
- 2        (3) Acquire, maintain, and make available studies,
- 3                reports, and other authoritative information about the
- 4                efficacy of instruction in braille and braille
- 5                instructional materials;
- 6        (4) Award and administer grants or contracts with one or
- 7                more entities that the department finds qualified to
- 8                provide in-state braille transcription services, or
- 9                provide financial support in whole or in part for the
- 10               establishment of braille transcription services by a
- 11               qualified entity;
- 12        (5) Ensure that each eligible blind student is registered
- 13               with the department of human services pursuant to
- 14               section 347-6;
- 15        (6) For each student registered pursuant to paragraph (5),
- 16               provide the parent or legal guardian and, as
- 17               appropriate, the student with comprehensive
- 18               information about braille literacy instruction,
- 19               braille instructional materials, assistive technology
- 20               devices, and assistive technology services, including



1 tools and options available to assess the student's  
2 braille literacy needs; and

3 (7) When requested by a member of an individualized  
4 education program team or, as appropriate, an eligible  
5 blind student, participate in the development of the  
6 student's individualized education program.

7 (b) The department shall designate an individual from the  
8 braille literacy resource center to serve as the ex officio  
9 member of the board of trustees of the American Printing House  
10 for the Blind pursuant to the federal Act to Promote the  
11 Education of the Blind title 20 United States Code 101 et seq.,  
12 as amended.

13 (c) The department may adopt rules pursuant to chapter 91  
14 to carry out the purposes of this section.

15 (d) For purposes of this section:

16 "Assistive technology device", "assistive technology  
17 service", and "braille" have the same meaning as defined in  
18 section 302A-442.5.

19 "Braille instructional materials" has the same meaning as  
20 in section 302A-B.



1       "Eligible blind student" has the same meaning as in section  
2       302A-B.

3       "Individualized education program" has the same meaning as  
4       in section 302A-B.

5       "Individualized education program team" has the same  
6       meaning as in section 302A-B."

7       SECTION 4. In accordance with section 9 of article VII of  
8       the Hawaii State Constitution and sections 37-91 and 37-93,  
9       Hawaii Revised Statutes, the legislature has determined that the  
10      appropriations contained in Act 164, Regular Session of 2023,  
11      and this Act will cause the state general fund expenditure  
12      ceiling for fiscal year 2024-2025 to be exceeded by  
13      \$            or            per cent. This current declaration takes  
14      into account general fund appropriations authorized for fiscal  
15      year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
16      only. The reasons for exceeding the general fund expenditure  
17      ceiling are that:

- 18           (1) The appropriation made in this Act is necessary to  
19           serve the public interest; and
- 20           (2) The appropriation made in this Act meets the needs  
21           addressed by this Act.



1 SECTION 5. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ or so  
 3 much thereof as may be necessary for fiscal year 2024-2025 to  
 4 the department of education to make grants or enter into  
 5 contracts with one or more qualified entities to provide in-  
 6 state braille transcription services or provide financial  
 7 support to a qualified entity, in whole or in part, for the  
 8 establishment of braille transcription services.

9 The sum appropriated shall be expended by the department of  
 10 education for the purposes of this Act.

11 SECTION 6. Beginning fiscal year 2025-2026 and each fiscal  
 12 year thereafter, the department of education shall include in  
 13 its annual budget request any sums necessary for the provision  
 14 of braille transcription services pursuant to section 3 of this  
 15 Act.

16 SECTION 7. In codifying the new sections added by sections  
 17 2 and 3 of this Act, the revisor of statutes shall substitute  
 18 appropriate section numbers for the letters used in designating  
 19 the new sections in this Act.

20 SECTION 8. New statutory material is underscored.



**1** SECTION 9. This Act shall take effect on July 1, 3000.



**Report Title:**

Deaf and Blind Task Force; DOE; Braille Literacy Instruction;  
Braille Literacy Materials; Braille Literacy Resource Center;  
Expenditure Ceiling; Appropriation

**Description:**

Establishes state policy to promote braille literacy for blind students. Requires the individualized education programs of eligible blind students to include the instruction of Braille and provision of Braille instructional materials under certain circumstances. Requires the Department of Education to establish a Braille literacy resource center. Makes an appropriation. Effective 7/1/3000. (HD1)

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