

CHAPTER 161

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 94-1148

BY REPRESENTATIVES Rupert, Armstrong, Benavidez, DeGette, Eisenach, Friednash, Gordon, Greenwood, Hernandez, Kerns, Knox, Linkhart, Lyle, Mattingly, Nichol, Pierson, Reeser, Romero, Strom, Williams, and Wright;
also SENATORS Hopper, Casey, Gallagher, Mendez, and Thiebaut.

AN ACT

CONCERNING ACHIEVEMENT OF LITERACY BY BLIND CHILDREN THROUGH CERTAIN LITERACY MODES INCLUDING BRAILLE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-20-103, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-20-103. Definitions. As used in this article, unless the context otherwise requires:

(5.7) "LITERACY MODE" MEANS ONE OF THE FOLLOWING FOUR SYSTEMS OR METHODS OF ACHIEVING LITERACY APPLICABLE TO BLIND CHILDREN:

(a) "AUDITORY MODE" MEANS ANY METHOD OR SYSTEM OF ACHIEVING LITERACY WHICH DEPENDS UPON THE AUDITORY SENSES, INCLUDING THE USE OF READERS, TAPED MATERIALS, ELECTRONIC SPEECH, SPEECH SYNTHESIS, OR ANY COMBINATION OF THE ABOVE.

(b) "BRAILLE" MEANS THE SYSTEM OF READING AND WRITING BY MEANS OF RAISED POINTS, COMMONLY KNOWN AS STANDARD ENGLISH BRAILLE.

(c) "PRINT ENLARGEMENT" MEANS ANY METHOD OR SYSTEM OF ACHIEVING LITERACY WHICH INCLUDES OPTICAL AIDS TO ENHANCE APPREHENSION OF PRINTED MATERIAL, ELECTRONIC ENLARGEMENT OF PRINTED MATERIAL, BOOKS AND TEXTUAL MATERIALS PRINTED IN LARGE PRINT, AND ANY COMBINATION OF THE ABOVE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) "REGULAR PRINT MODE" MEANS ANY METHOD OR SYSTEM OF ACHIEVING LITERACY WHICH DEPENDS UPON THE APPREHENSION OF REGULAR-SIZED PRINTED MATERIAL.

SECTION 2. 22-20-108 (1), (2), (3) (a), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 22-20-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-20-108. Determination of disability - enrollment. (1) The determination that a child has a disability and the recommendation for placement of that child in a ~~special~~ AN INDIVIDUAL educational program shall be made by a committee of professionally qualified personnel designated by the board of education of the school district or by the governing board of the board of cooperative services if the administrative unit encompasses more than a single school district. The composition of the committee shall be prescribed by the state board and may be composed of but not limited to the following: The director of special education for the administrative unit, a psychologist, a social worker, a physician, a school administrator, and a teacher of children with disabilities. In the event that placement in a community center for the retarded and for persons with serious disabilities is considered appropriate for the needs of a child with a disability, a joint placement committee composed of professional personnel, as described in this section, representing the administrative unit and the community center for the retarded and for persons with serious disabilities, may recommend placement in such center. The committee shall give parents of a child with an alleged disability an opportunity to consult with the committee or representative thereof prior to determination that their child has a disability.

(2) Before any child is given an individually administered battery of psychological tests for placement in a ~~special~~ AN INDIVIDUAL educational program, the child's parent or guardian must give consent in writing.

(3) (a) In the event of an appeal of the determination of the disability or of the placement of a child in an INDIVIDUAL educational program pursuant to subsection (1) of this section, or an appeal of the program to be offered, the local school district shall first appoint an administrative law judge to make findings of fact and a recommendation concerning the matter at issue. The findings of fact and recommendation shall be delivered to the local board of education.

(4) Each child determined to have a disability by the committee pursuant to subsection (1) of this section shall be provided with an individual educational program which shall be developed in accordance with requirements established by the state board of education and shall be reviewed annually. Such individual ~~education~~ EDUCATIONAL program shall specify whether such student shall achieve the content standards adopted by the district in which such student is enrolled or whether such student shall achieve individualized standards which would indicate the student has met the requirements of such student's individual ~~education~~ EDUCATIONAL program. When a child with a disability is to be placed outside of the district of residence, the receiving agency, institution, or school district providing the services shall cooperate in the development of the individual ~~education~~ EDUCATIONAL program. The individual ~~education~~ EDUCATIONAL program shall be coordinated with all individual plans required by other federal or state programs in order to provide for

maximum coordination of service to the child with a disability, which may include the provision of appropriate services for the child with a disability, by agreement or contract with public agencies or nonprofit organizations or residential child care facilities. For children placed without the prior written approval of the school district of residence, the individual ~~education~~ EDUCATIONAL program shall be the responsibility of the facility providing the INDIVIDUAL educational program.

(4.5) (a) IN DEVELOPING THE INDIVIDUAL EDUCATIONAL PROGRAM PURSUANT TO SUBSECTION (4) OF THIS SECTION FOR A BLIND CHILD, IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED BY THE STATE BOARD OF EDUCATION, THE COMMITTEE SHALL ASSESS AND DETERMINE WHICH LITERACY MODE OR MODES WOULD BE MOST APPROPRIATE FOR THE CHILD'S INSTRUCTION. A BLIND CHILD'S PROGRAM SHALL SPECIFY THE FOLLOWING:

(I) HOW THE SELECTED LITERACY MODE OR MODES WILL BE IMPLEMENTED AS THE CHILD'S PRIMARY OR SECONDARY MODE FOR ACHIEVING LITERACY AND WHY SUCH MODE OR MODES HAVE BEEN SELECTED;

(II) HOW THE CHILD'S INSTRUCTION IN THE SELECTED LITERACY MODE OR MODES WILL BE INTEGRATED INTO EDUCATIONAL ACTIVITIES;

(III) THE DATE ON WHICH THE CHILD'S INSTRUCTION IN THE SELECTED MODE OR MODES SHALL COMMENCE, THE AMOUNT OF INSTRUCTIONAL TIME TO BE DEDICATED TO EACH LITERACY MODE, AND THE SERVICE PROVIDER RESPONSIBLE FOR EACH AREA OF INSTRUCTION; AND

(IV) THE LEVEL OF COMPETENCY IN THE SELECTED LITERACY MODE OR MODES WHICH THE CHILD SHOULD ACHIEVE BY THE END OF THE PERIOD COVERED BY THE INDIVIDUAL EDUCATIONAL PROGRAM.

(b) NO BLIND CHILD SHALL BE DENIED THE OPPORTUNITY FOR INSTRUCTION IN BRAILLE SOLELY BECAUSE THE CHILD HAS SOME REMAINING VISION. ANY CHILD FOR WHOM INSTRUCTION IN BRAILLE IS DETERMINED TO BE BENEFICIAL SHALL RECEIVE SUCH INSTRUCTION AS PART OF SUCH CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM.

(c) IF THE COMMITTEE DETERMINES THAT A CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM SHALL INCLUDE INSTRUCTION IN BRAILLE, SUCH INSTRUCTION SHALL BE SUFFICIENT TO ENABLE THE CHILD TO READ AND WRITE EFFECTIVELY AND EFFICIENTLY AT A LEVEL COMMENSURATE WITH THE CHILD'S SIGHTED PEERS OF COMPARABLE PHYSICAL AND COGNITIVE ABILITIES AND GRADE LEVEL.

(d) IF THE COMMITTEE DETERMINES THAT A CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM SHALL INCLUDE INSTRUCTION IN BRAILLE, THE CHILD SHALL RECEIVE SUCH INSTRUCTION FROM A TEACHER WHO CAN DEMONSTRATE COMPETENCE IN READING AND WRITING BRAILLE ACCORDING TO STANDARDS TO BE ESTABLISHED BY THE STATE BOARD OF EDUCATION.

(e) NOTHING IN THIS SUBSECTION (4.5) SHALL REQUIRE A SCHOOL DISTRICT TO EXPEND ADDITIONAL RESOURCES OR HIRE ADDITIONAL PERSONNEL TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(f) ON OR BEFORE JUNE 1, 1995, THE DEPARTMENT OF EDUCATION SHALL DEVELOP GUIDELINES FOR CASELOAD MANAGEMENT FOR INSTRUCTORS OF BLIND CHILDREN IN THE SCHOOL DISTRICTS OF THE STATE. SUCH GUIDELINES WILL EVALUATE HOW MUCH INSTRUCTIONAL TIME SHOULD BE ALLOTTED FOR BLIND CHILDREN, WILL REFLECT THE VARYING LEVELS OF SEVERITY OF SUCH CHILDREN'S NEEDS, AND WILL BE RENEWED AND UPDATED ON A PERIODIC BASIS TO INCORPORATE CURRENT RESEARCH AND PRACTICE.

SECTION 3. Effective date. This act shall take effect July 1, 1994.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 1994