UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 19 2013

Dear Colleague,

For decades, Braille has been a key tool for literacy for many blind and visually impaired individuals. The Individuals with Disabilities Education Act (IDEA or Act),[1] in section 614(d)(3)(B)(iii), specifically addresses a public agency's responsibility to make provisions for Braille instruction in educating blind and visually impaired students. This requirement states that, "in the case of a child who is blind or visually impaired, [the Individualized Education Program (IEP) Team must] provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child." In the 1997 reauthorization of the IDEA, Congress added this requirement to ensure that blind and visually impaired students are provided the Braille instruction that is necessary for them to receive a free appropriate public education (FAPE). It was retained without change when the IDEA was reauthorized in 2004.[2] This requirement applies equally to children who need Braille instruction when they enroll in kindergarten, as well as to children who will benefit from Braille instruction because they face the prospect of future vision loss later on in their educational careers.

Despite this requirement, one of the most serious concerns voiced by parents and advocates of blind and visually impaired children is that the number of students receiving instruction in Braille has decreased significantly over the past several decades. As a result, these individuals believe that Braille instruction is not being provided to some students for whom it may be appropriate. The purpose of this letter is to provide guidance to States and public agencies to reaffirm the importance of Braille instruction as a literacy tool for blind and visually impaired students, to clarify the circumstances in which Braille instruction should be provided, and to reiterate the scope of an evaluation required to guide decisions of IEP Teams in this area.[3] This letter also identifies resources that are designed to help strengthen the capacity of State and local personnel to meet the needs of students who are blind or visually impaired.

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[1] Part B of the Individuals with Disabilities Education Act, 20 U.S.C. §§1401, 1411-1419 (2004).
[2] The IDEA Part B regulation in 34 CFR §300.324(a)(2)(iii) incorporates this statutory requirement verbatim.
[3] Blind and visually impaired students are also protected by two other Federal laws: Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination by entities, such as public schools, that receive Federal financial assistance (29 U.S.C. § 794, 34 CFR part 104); and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities, including public schools, regardless of whether they receive Federal financial assistance (42 U.S.C. §§ 12131-12134, 28 CFR part 35). The Office for Civil Rights (OCR) in the U.S. Department of Education enforces Section 504 in public schools and, along with the U.S. Department of Justice, enforces Title II in public schools. Information about OCR enforcement is available on OCR's website at www.ed.gov/ocr.

Background

In the fall of 2010, nearly 30,000 of the students served under Part B of the IDEA were reported as having "visual impairment including blindness" as their *primary* disability, (approximately 0.07% of the total school population[4]). The population of children who receive services under Part B of the IDEA due to blindness or visual impairment is extremely diverse. These children display a wide range of vision difficulties and varying adaptations to vision loss. With regard to the degree of vision loss, the student population includes persons who are totally blind and persons with minimal light perception, as well as persons with varying degrees of low vision. With regard to adaptations to vision loss, persons with similar degrees of vision loss may function very differently. A significant visual deficit that could pose formidable obstacles for some children may pose far less formidable obstacles for others. This is because adaptations to vision loss are shaped by individual factors, such as availability and type of family support and the level of the child's intellectual, emotional, physical, and motor functioning.

The challenge for educators of blind and visually impaired children is how to teach skills that sighted children typically acquire through vision. Blind and visually impaired students use a variety of methods to learn to read, write, and acquire other skills. For reading purposes, some students use Braille exclusively; others use large print or regular print with or without low vision aids. Still others use a combination of methods, including Braille, large print, low vision aids, and devices with computer generated speech, while others have sufficient functional vision to use regular print.

Despite the wide range of vision difficulties and varying adaptations to vision loss in the population of blind and visually impaired students, Braille has been a very effective reading and writing medium for many of them. Research has shown that knowledge of Braille provides numerous tangible and intangible benefits, including increased likelihood of obtaining productive employment and heightened self-esteem.[5] Given these benefits, it is important that States and their public agencies ensure the appropriate implementation of the IDEA requirement regarding Braille instruction.

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[4] Source: www.ideadata.org; see also 34 CFR §300.8(c)(13).

[5] Bell, E. C. & Mino, N. "Blind and Visually Impaired Adult Rehabilitation and Employment Survey: Final Results." *Journal of Blindness, Innovation & Research*, Vol.1, No.1 (2013): Accessed April 8, 2013. *See* www.pdrib.com/pages/researchreports.php.

Other IDEA Requirements

In implementing the IDEA requirement regarding Braille instruction, the following additional IDEA requirements are applicable. Under IDEA, each State and its public agencies must make FAPE available to children with specified disabilities residing in the State in mandatory age ranges through a properly developed IEP. Each child's IEP must include the special education and related services and supplementary aids and services that are necessary to ensure each child's meaningful involvement and progress in the general education curriculum offered to nondisabled students. 34 CFR §§300.101, 300.201, and 300.320-300.324.

Under 34 CFR §300.304(c)(4) and (6), an evaluation must assess the child in all areas related to the suspected disability and must be sufficiently comprehensive to identify all of the child's special education and related services needs. Also, under 34 CFR §300.304(c)(1)(iv), any assessments and other evaluation materials used to assess a child must be conducted by trained and knowledgeable personnel.

Instruction in Braille and the Use of Braille

IEP Teams must ensure that children who are blind or who are visually impaired are provided with the Braille instruction they need in order to receive FAPE and to ensure their meaningful access to the general education curriculum offered to nondisabled students. To this end, IEP Teams for blind and visually impaired students should consider each child's need for appropriate Braille instruction on an individual, case-by-case basis, and without undue delay. Systematic and regular instruction from knowledgeable and appropriately trained personnel is essential for a child to become proficient in Braille. IEP Teams must ensure that the instructional time allotted for Braille instruction is sufficient to provide the level of instruction determined appropriate for the child. For example, if a particular student has little or no skill in Braille reading and writing, the IEP Team may conclude that frequent and intensive instruction in Braille likely would be necessary to enable the student to have meaningful access to the general curriculum.

Scope of Evaluation Related to Braille Instruction

The IDEA requires that Braille instruction must be provided to a child who is blind or visually impaired, unless the IEP Team determines, based on an evaluation of the child's current and future reading and writing needs, that Braille instruction is not appropriate for a particular child. Generally, determinations regarding the components of evaluations for particular children are matters within the purview of State and local officials. The evaluation of vision status and the need (or future need) for Braille instruction should be thorough and rigorous, include a data-based media assessment, be based on a range of learning modalities, including auditory, tactile, and visual, and include a functional visual assessment. An assessment of a child's vision status generally would include the nature and extent of the child's visual impairment, and its effect, for example, on the child's ability to learn to read, write, do mathematical calculations, and use computers and other

assistive technology, as well as the child's ability to be involved in and make progress in the general curriculum offered to nondisabled students. Such an evaluation generally would be closely linked to the assessment of the child's present and future reading and writing objectives, needs, and appropriate reading and writing media. The information obtained through the evaluation generally should be used by the IEP Team in determining whether it would be appropriate to provide a blind or visually impaired child with instruction in Braille or the use of Braille as required by the IDEA. Factors, such as shortages of trained personnel to provide Braille instruction; the availability of alternative reading media (including large print materials, recorded materials, or computers with speech output); or the amount of time needed to provide a child with sufficient and regular instruction to attain proficiency in Braille, may not be used to deny Braille instruction to a child. Rather, it would be appropriate to deny Braille instruction to a child only when the child's IEP Team, based on the results of a thorough and rigorous evaluation, determines that instruction in Braille would be inappropriate for that child. In addition, because the evaluation also must assess a child's future needs, a child's current vision status should not necessarily determine whether it would be inappropriate for that child to receive Braille instruction while in school. This is particularly true for a child with a degenerative vision condition who may have a high degree of functional vision when the evaluation is conducted. The evaluation of such a child would need to assess whether, despite the child's current vision status, the child still could benefit from Braille instruction while in school to increase the likelihood that the child will obtain productive employment and be able to participate more fully in family and community life.

Office of Special Education Programs' Investments and Supports

A. Personnel Preparation

To help ensure that children with blindness and visual impairments receive appropriate services, evidence-based interventions, and appropriate materials and media, including Braille and Braille instruction, the U.S. Department of Education's Office of Special Education Programs (OSEP) awards competitive grants to support university programs that prepare teachers of students who are blind or visually impaired. During Fiscal Year (FY) 2012, OSEP invested approximately $18.6 million of discretionary grant funds specifically to improve services and results for children who are blind or visually impaired. These funds supported a variety of personnel preparation and technology projects to increase the numbers of certified and licensed professionals with the unique and specialized skills necessary to support the education of students with blindness and visual impairments. OSEP funds personnel preparation programs for teachers of blind or visually impaired students, Braille teachers, and orientation and mobility instructors. OSEP requires these personnel development programs to include curricula and coursework in Braille and Braille instruction.

B. Accessible Instructional Materials

OSEP also funds technology investments that promote the development, demonstration, and use of technologies that provide students with print disabilities equal access to the general education curriculum through collaboration with various industry, educational, and consumer collaborators. These funding opportunities are designed to help strengthen State and local capacity to meet the educational needs of children who are likely to experience vision loss later in childhood or early adolescence.

Additionally, OSEP supports several initiatives to promote timely access to accessible instructional materials for blind and visually impaired students. The National Instructional Materials Access Center (NIMAC) is a national repository that makes National Instructional Materials Accessibility Standard (NIMAS)[6] files available for the production of print instructional materials in specialized formats. The NIMAC receives files in NIMAS format from textbook publishers, State educational agencies (SEAs) and local educational agencies (LEAs), and makes these files available for download in a variety of specialized formats, such as Braille, audio, or digital text, on behalf of elementary or secondary school students who are blind, are visually impaired, or have other print disabilities. Consistent with the IDEA requirements for SEAs and LEAs to make accessible instructional materials available to persons who are blind, are visually impaired, or have other print disabilities, all States must adopt NIMAS; however, SEAs and LEAs may choose, but are not required to, coordinate with the NIMAC in carrying out this responsibility.[7]

SEAs and LEAs are encouraged to access Bookshare, an online, accessible, digital library that allows students to access a large and diverse collection of titles for school or pleasure reading including textbooks, literature, leisure reading, reference materials, newspapers, and magazines. Students can read multimodally (e.g., see and hear words as they are being read and highlighted) and download reading materials to be used with other technologies such as personal computers and cell phone devices.[8] In 2007, Bookshare received a $32 million five-year grant from OSEP to provide free access for students with a qualified print disability.

The Office of Special Education and Rehabilitative Services (OSERS) provides a direct appropriation to the American Printing House for the Blind (APH) to produce and distribute books and other educational materials for students who are blind.[9] SEA representatives may order Braille textbooks from APH at no cost. In 2012, APH offered 955 unique products designed to assist with the education of students who are blind or visually impaired.

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[6] NIMAS describes the minimum standard that SEAs and LEAs must meet in order to comply with their responsibility under the IDEA to provide instructional materials to blind persons or other persons with print disabilities. *See* sections 612(a)(23)(A), 613(a)(6), and 674(e)(4) of IDEA.

[7] For more information regarding NIMAS and NIMAC, go to www.aim.cast.org.

8 For further information about Bookshare, go to www.Bookshare.org.

[9] *See* 20 U.S.C. §§101-106a (2009); *See* also www.aph.org for further information.

Conclusion

Braille is a very effective reading and writing medium for many blind and visually impaired persons, and research has shown that knowledge of Braille provides numerous tangible and intangible benefits.[10] Therefore, it is imperative that IEP Teams for blind and visually impaired students provide for instruction in Braille and the use of Braille for those students, unless, based on a thorough and rigorous evaluation, the IEP Team determines that instruction in Braille or the use of Braille is not appropriate for a particular student.

We hope this information is helpful in clarifying the application of the IDEA requirements regarding Braille instruction for children who are blind or visually impaired. Thank you for your continued interest in improving results for children with disabilities.

Sincerely,

Melody Musgrove, Ed.D.
Director,
Office of Special Education Programs

Michael K. Yudin
Delegated the Authority
to perform the functions
and the duties of Assistant
Secretary for Special
Education and
Rehabilitative Services

[10] Bell & Mino, op.cit.