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Blindness Advocacy: Power Tools in the Toolbox

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1. Introduction / Background

This session will discuss the most effective methods of advocating for blind students. The presenters will discuss the importance of the recently released National Reading Media Assessment (a new research-based assessment tool to determine literacy needs of blind students), IDEIA's Braille Presumption and effective advocacy related to

today's technological environment. This topic is being presented so that advocates are aware of the issues most important to ensuring that blind students receive the skills necessary to be successful in school and as they enter the workforce.

2. Abstract / Business Case

Many educational experts in the field of blindness recognize the significant benefit of teaching Braille for a student whose vision is not sufficient to read print comfortably and to do so at a competitive rate for a sustained period of time.[1] These experts credit Braille for increasing the likelihood that the blind student will become more competitive in gaining employment than a blind student who lacks Braille literacy skills.[2] It is critical that educators and parents understand the importance of Braille literacy and demand that Districts provide effective Braille instruction as early as possible in a child's education. Moreover, it is critical that advocates understand the other blindness skills that must be part of a child's IEP, including effective orientation and mobility as well as technology training. Advocates must be ready to disarm faulty assumptions by those who may not fully appreciate the needs of blind students by knowing the law, research, effective tools to assess literacy medium and the advances in accessible technology. Advocates must also be aware of the technological barriers that blind students face and the legal tools to confront such barriers.

3. Problem Statement / Introduction

Braille literacy, coupled with an ability to utilize today's technology and effective cane travel, are each critical factors to a blind student's success in school, in the workplace and in the community. It is essential that a blind student's IEP include a roadmap for ensuring that the student will gain the necessary blindness skills to compete on an equal playing field with his sighted peers.

A central piece of the IEP involves the student's literacy skills. For the blind/visually impaired student, the best criterion against which to measure literacy and success is the performance of sighted peers of similar intellectual ability. *Id.* Unfortunately, this does not seem to be the benchmark often used by team members.

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[1]Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

[2] Bell, E.C. & Minor, N. "Blind and Visually Impaired Adult Rehabilitation Survey: Final Results." *Journal of Blindness, Innovation & Research,* Vol. 1, No. 1 (2013), citing Ruby Ryles, Ph.D. *The Impact of Braille Reading Skills on Employment, Income, Education and Reading Habits* (1996); *See www.pdrib.com/pages/researchreports.php.*

The United States Department of Education issued an important Dear Colleague letter on June 13, 2013 which reiterates Congress' mandate regarding the literacy needs of the blind/visually impaired student. As the Department indicates:

> 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.[3]

Despite the law's mandate, in many, many cases school districts have ignored this directive.

An example of this travesty is a young man to whom we shall refer as student A. Student A, like most blind students, has some vision. His IEP team determined that it would be best for him to use his vision as much as possible, utilizing large print books, magnifiers and a CCTV but not to learn Braille. He was told "he was lucky to have some vision" and thus he should use it. Although his parents tried to convince the school to provide Braille instruction, the school refused. The student struggled to read, holding his materials two-to-three inches from his face and contorting his body to see the text. He found reading out loud "mortifying" since he read so slowly. By fifth grade, he was reading on a second grade level notwithstanding his above-average intellect. It inevitably took him two-to-three times longer than his sighted peers to complete his assignments.

When teachers wrote on the board or used an overhead projector, he could not see the information even with his magnifying devices. His teachers always praised him for doing well although he was often excused from assignments.

When he reached middle school, he was given audio books which provided him no basis for learning grammar, spelling, punctuation or sentence structure. He could not write a thoughtful paragraph. By eighth grade, his IEP team decided that it had made a mistake and recommended Braille instruction.

Student A was upset, frustrated and angry. He was afraid that if he started to learn Braille at 14, he would never graduate on time. He resisted and tried to rely on audio books and human readers. Both proved totally ineffective.

[3] The IDEIA Part B regulations in 34 CFR Section 300.324(a)(2)(iii) incorporates this statutory requirement verbatim.

It was not until he graduated from high school that he understood that he needed effective blindness skills, including Braille, in order to be competitive, successful and independent. Although he began to study Braille, it was too late to catch up.

He enrolled in a community college where it took him four years to earn a two-year associate's degree because he needed so much remedial course work. He went on to college but again found that he was at a distinct disadvantage. He was still not proficient enough in Braille to read his college level texts nor could he see to read the text. He learned to use screen reading software but this proved difficult because the text had not been sufficiently remediated to allow him to navigate through the text in the way sighted students read text. He was never taught to self- advocate and thus he did not know that he could have demanded that his university provide the necessary remediation. He continued to gain blindness skills and finally, after six grueling years, he obtained his college degree.

In stark contrast is student B who also had some vision. Although he could see large print text, his IEP team determined that he should be provided with Braille instruction and other critical blindness skills, including cane travel. His school district started teaching him these necessary skills when he was in preschool. He became a fluent Braille reader and utilized his Braille skills extensively but also his print reading ability as he found it helpful to do so. Student B enjoyed school and found that he was as successful as his sighted peers. After he graduated high school he obtained a Bachelor and Masters' degree in the same time or more quickly than others he knew.

Why the stark difference between these two students? Both boys were blind and had no other disability and both boys had some limited vision. Although there could certainly be other factors involved, at least one significant reason for the difference had to be the way educators approached these students. One group of educators embraced their student's blindness by providing a full complement of blindness skills as far back as preschool. Another set of educators focused on the student's limited vision and did not provide the alternative skills that surely would have changed this student's educational experience.

Advocates need to know what educational tools work best for blind students. Advocates must demand that Districts provide these tools to their students.

4. Proposed Solution(s)

4.1. Introduction of Solution

An advocate for a blind or visually impaired student should presume that the child will receive Braille instruction. If an IEP team suggests that Braille would not be in the child's interest, the advocate must demand that, before such a decision is made, the team comply with the requirements of 20 USC § 1441 (d)(3)(B)(iii); 34 CFR 300.324 (a)(2)(iii). A full assessment must be completed and only if there is an objective showing that Braille "is not appropriate for the child" may a District deny the request. As the Department of Education has made clear:

> [t]he 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 IDEIA. 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….[4]

[4] United States Department of Education, Office of Special Education and Rehabilitative Services, Dear Colleague Letter (June 19, 2013).

The advocate should be particularly concerned with any reluctance by the District to provide Braille instruction for reasons that are unrelated to the objective data. Moreover, it is critical that the assessment tool that is used to determine the appropriate literacy medium be free from bias and designed to accurately predict the most effective and efficient literacy medium. We believe that there is a research-based tool that meets these criteria known as The National Reading Media Assessment ("NRMA").[5]

Using the NRMA, educators can assess a blind student (with residual vision) under standardized conditions to determine which reading medium is most appropriate. Based on the assessment, the student's reading medium may be determined to be Braille, large print, or dual Braille and print. In addition to the data collected from the child's performance on literacy tasks under standardized conditions, the NRMA also gathers information from interviews of the parent/guardian, the teacher, and the student. The interviews are a series of questions on a five point Likert-type scale. Both the interviews and the assessment are "standardized to have a score range between 20 and100".[6] The final score for the entire assessment is calculated by averaging the scores from each of the four components (i.e., the three interviews and the performance assessment). The final score, ranging from twenty to one hundred, determines which medium is to be recommended for that child. A score of 20-49 indicates that the child should be a Braille reader. A score of 50-70 indicates the child should be a dual Braille and print reader. Finally, a score of 71-100 indicates that a child should be a print reader.[7]

The data collected through the NRMA provides a clear objective picture of how the student is currently functioning, and based on that data provides a recommendation of what literacy medium will allow the student to perform at a level commensurate with his typically-developing peers of the same ability. After conducting the NRMA, educators can begin (or continue) instruction in the appropriate medium(s).

Of course, Braille instruction is only one piece of the service needs of the blind student. An appropriate technology assessment must also be conducted. There are a plethora of access technologies (e.g., screen access software, refreshable Braille displays, and stand-alone notetaking devices) that, when coupled with mainstream technologies, afford blind users access. Determining which devices will best meet the needs of a given student requires careful examination of the student's skills, the demands of the

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[5] *See* Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

[6] Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

[7] Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

curriculum, and the student's reading medium. For example, a student who is a Braille reader will likely need access to Braille input and output when using technology. A blind student who has the appropriate technology tools and the associated skill sets, should be able to complete a technology-based task in the same amount of time as his peers of similar abilities. This assumes, of course, that the mainstream technology the student is being asked to use is non-visually accessible.

Consequently, the advocate must also be alert to the accessibility (or not) of any technology that is used by the student's school. The advocate must press hard to ensure that a school district uses only accessible technology. For technology that is not accessible to the blind user, the advocate must demand assurances that the blind or visually impaired student is afforded the same opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as sighted students. Although this might not result in identical ease of use for the blind student, the school must ensure equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology."[8] To do otherwise would violate Section 504 and Title II of the ADA.[9]

4.2 Application of Solution

A. National Reading Media Assessment

- Raising Expectations and Overcoming Misconceptions to Ensure Blind Students Reach their Fullest Potential.
- Braille is a medium that leads to higher employment, more opportunities, and future independence.
- Discussion of the research, testing, and implementation of the National Reading Media Assessment (NRMA).

[8] United States Department of Education, Office for Civil Rights, "Frequently Asked Questions About the June 29, 2010 Dear Colleague Letter, p.2 (May 26, 2011)

[9] Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794, 34 CFR part 104) prohibits discrimination by entities, such as public schools, that receive Federal financial assistance; Title II of the Americans with Disabilities Act of 1990 prohibits disability discrimination by public entitles, including public schools, regardless of whether they receive Federal financial assistance (42 U.S.C. Section 12131-12134; 28 CFR part 35).

B. Effective Braille Instruction

- Instructional time: how much Braille instruction should blind children receive?
- Maintaining high expectations with respect to reading speed and fluency.
- Tactile graphic literacy is an aspect of Braille instruction.
- Braille instruction for dual media (print and Braille) learners.
- Braille instruction involves both literary Braille instruction, Nemeth Code (math) instruction and can involve other Braille codes, e.g., music, foreign language, etc.

C. The World of Technology and Its Impact on Blind Children

- The integration of Braille Literacy and Technology Literacy
- A Blind Child's Toolbox
    - There is so much technology available, how does one determine which tools a blind child needs?
- Accessibility and Universal Design: The Next Frontier
    - Wouldn't it be wonderful if school districts no longer bought inaccessible software? If they continue to do so, and do not find a way to ensure that the blind student is afforded the same opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as that technology provides to his sighted peer, the school district remains vulnerable to a legal challenge.

4.2 Application of Solution

Case Study: HM: How the Braille Presumption and the NRMA Provide Access to Power Tools

HM's school district in consultation with the New Jersey Commission for the Blind and Visually Impaired ("NJCBVI") determined, without a comprehensive assessment, that HM, a nine-year-old boy with significant visual impairments, did

not need Braille instruction. His parents challenged that decision using experts who conducted the type of assessment envisioned by IDEIA. The assessment supported the parent's position that HM should learn to be a dual reader, that is, he should become fluent in Braille and utilize his sight when he finds such effective. The experts recommended that the school district provide HM with Braille instruction for the same amount of time and frequency that his sighted peers spend on language and literacy instruction. This recommendation was consistent with the instruction recently provided by the United States Department of Education:

> 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 case with HM] the IEP Team may conclude that frequent and intensive instruction in Braille would be necessary to enable the student to have meaningful access to the general curriculum.[10]

With the District digging in its heels against Braille instruction, the case went to trial. Based on expert testimony, the Administrative Law Judge concluded that (1) the District had ignored the Braille presumption; (2) HM needed intensive Braille instruction for 90 minutes a day; (3) HM needed instruction in assistive technology; and, (4) HM needed effective goals and objectives to meet his needs. The Judge awarded significant compensatory damages in an effort to bring HM's blindness skills up to grade level.

5 and 6. Future Direction / Long-Term Focus/Conclusion

It is imperative that advocates come to the IEP table advocating for Braille instruction, technology instruction and effective orientation and mobility skills training. These critical skills are necessary to provide FAPE. The presenters cannot stress enough the importance of educating parents and teachers on the role that Braille can play in a student's life and how Braille and technology can work together to empower a student to do anything that a sighted student can do. The advocate must help empower children and their parents to dream big and never to let barriers get in their way to success.

[10] United States Department of Education, Office of Special Education and Rehabilitative Services, Dear Colleague Letter, p. 3 (June 19, 2013).

7. Appendices

1. Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

2. Bell, E.C. & Minor, N.M. "Blind and Visually Impaired Adult Rehabilitation Survey: Final Results." *Journal of Blindness, Innovation & Research*, Vol. 1, No. 1 (2013), citing Ruby Ryles, Ph.D. *The Impact of Braille Reading Skills on Employment, Income, Education and Reading Habits* (1996); *See www.pdrib.com/pages/researchreports.php*.

3. IDEIA Part B regulations, 34 CFR Section 300.324(a)(2)(iii)

4. United States Department of Education, Office of Special Education and Rehabilitative Services, Dear Colleague Letter (June 19, 2013).

5. Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

6. Bell, E.C., Ewell, J.V., & Minor, N.M. (2013). National Reading Media Assessment: Complete Report. The Journal of Blindness Innovation and Research, 3(2), Retrieved from: http://www.nfb-jbir.org/index.php/JBIR/issue/current.

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