DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at [LPITS@scstatehouse.net](mailto:LPITS@scstatehouse.gov) regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 34.

BLIND PERSONS’ LITERACY RIGHTS AND EDUCATION

**SECTION 59‑34‑10.** Short title.

This chapter may be cited as the Blind Persons’ Literacy Rights and Education Act.

**SECTION 59‑34‑20.** Definitions.

As used in this chapter:

(1) “Blind student” means an individual who is eligible for special education services and who:

(a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees; or

(b) has a medically indicated expectation of visual deterioration.

(2) “Braille” means the system of reading and writing through touch commonly known as standard English Braille.

(3) “Individualized education program” means a written statement developed for a student eligible for special education services pursuant to Section 602(a)(20) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1401(a).

**SECTION 59‑34‑30.** Entitlement to individualized education program; assessment; instruction in braille.

Each legally blind student must be identified and offered an individualized education program (IEP) in consultation with a parent or legal guardian. While braille is not required, it is presumed that the need for braille reading and writing are valuable skills to be considered in the student’s transition plan toward continuing in higher education and in broadening job and career opportunities.

No child who is legally blind may be denied the opportunity to receive instructions in braille reading and writing on the basis that the child has the ability to read and write print.

Each student must be given an assessment which must include an evaluation of the need for braille skills to be designed by the State Department of Education, and shall include strengths and deficits. The purpose of the assessment is to determine the most appropriate reading and writing media for the individual child and does not require the use of braille if other special education services are appropriate.

Nothing in this section requires the inclusion of braille in a legally blind student’s IEP.

**SECTION 59‑34‑40.** Sufficiency of instruction required; particulars of individualized education program.

Instruction in braille reading and writing must be sufficient to enable each blind student to communicate effectively and efficiently with the same level of proficiency expected of the student’s peers of comparable ability and grade level. The student’s individualized education program must specify:

(1) the results obtained from the assessment required pursuant to Section 59‑34‑30;

(2) how braille will be implemented as the primary mode for learning through integration with other classroom activities;

(3) the date on which braille instruction will commence;

(4) the length of the period of instruction and the frequency and duration of each instructional session;

(5) the level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used; and

(6) if a decision has been made pursuant to the assessment that braille instruction or use is not required for the student then a specification of the evidence used to determine that the absence of braille instruction or use will not impair the student’s ability to read and write effectively.