

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 29 STANDARDS FOR EXCELLENCE PART 18 BRAILLE STANDARDS

6.29.18.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.29.18.1 NMAC - N, 6/25/2024]

6.29.18.2 SCOPE: This rule applies to all public schools, state educational institutions, and educational programs conducted in state institutions other than the New Mexico military institute with students who are blind or visually impaired. These standards shall be used with students who are blind or visually impaired unless a student's individualized education program (IEP) team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including 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.
[6.29.18.2 NMAC - N, 6/25/2024]

6.29.18.3 STATUTORY AUTHORITY: This rule is being promulgated pursuant to Sections 9-24-8, 22-2-1, 22-2-2, and 22-15-26 to 22-15-31 NMSA 1978.
[6.29.18.3 NMAC - N, 6/25/2024]

6.29.18.4 DURATION: Permanent.
[6.29.18.4 NMAC - N, 6/25/2024]

6.29.18.5 EFFECTIVE DATE: June 25, 2024, unless a later date is cited in the history at the end of a section.
[6.29.18.5 NMAC - N, 6/25/2024]

6.29.18.6 OBJECTIVE: In accordance with part B of the Individuals with Disabilities Education Act (IDEA), the New Mexico content standards with benchmarks and performance standards for braille literacy were developed to provide students in grades K-12 who are blind or visually impaired equal access to literacy instruction and materials. Braille standards outline the sequence of skills to be developed to a level of proficiency at each grade level, prerequisite to instruction in the next grade level. This rule also establishes requirements for teachers of students who are blind or visually impaired for whom braille instruction and the use of braille in learning are required. This includes both specialists teaching braille and other teachers in the primary education setting.
[6.29.18.6 NMAC - N, 6/25/2024]

6.29.18.7 DEFINITIONS:

A. "Accessible formats" means alternative methods of communication that provide the same information in another form to address the barriers text-based materials can present for some learners. Examples of accessible formats include audio, braille, large print, tactile graphics, and digital text conforming with accessibility standards.

B. "Accessible tools" means tools that have been adapted to modify visual content or that have auditory or tactile markers or that include manipulatives, tactile graphics, and concrete models.

C. "Braille" means the tactile system of reading and writing used by persons who are blind and visually impaired, as defined by the braille authority of North America.

D. "Content standards" means standards of learning in all subject areas pursuant to 6.29.2 through 6.29.17 NMAC, "standards of excellence", including "Spanish language arts common core standards" and "world readiness standards for learning languages".

E. "Hand-under-hand" means a method of instruction in which the teacher's hand is under a child's hand to guide it toward an object to center the locus of control with the child.

F. "Nemeth code" means a system for reading and writing mathematical symbols based on the six-cell braille cell and developed by Dr. Abraham Nemeth.

G. "Part-to-whole processing" means learning and understanding by first noticing specific details and then putting these details together to understand what they comprise.

H. "Tactile" means materials, experiences, or environments designed to communicate through the sense of touch.

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I. “**Tactile graphics**” means a way of conveying non-textual information using raised lines and surfaces and may include tactile representations of pictures, maps, graphs, diagrams, and other images.

J. “**Tactual**” means learning or a learner relying primarily on the sense of touch for mental representation in thought and learning, that is, acquiring, processing, and recalling information. Unlike visual processing, which affords either whole-to-part or part-to-whole approaches, tactual learners employ part-to-whole processing approaches.

K. “**Teacher of students with visual impairments**” or “**TSVI**” means an educator with the appropriate teaching license pursuant to 6.61.10 NMAC that authorizes the educator to teach students who are blind or visually impaired, birth through grade 12 as defined under the federal guidelines.
[6.29.18.7 NMAC - N, 6/25/2024]

6.29.18.8 STANDARDS OF EFFECTIVE BRAILLE INSTRUCTION:

A. Collaboration between instructors. Braille instructors shall be TSVIs and shall collaborate with the student’s educational team as well as with other teachers of the blind or visually impaired to provide effective, relevant instruction in both the primary educational setting and individually.

B. A TSVI shall:

- (1) provide general training and support to primary educational setting staff about learners who are blind or visually impaired using braille in the primary education setting;
- (2) ensure that assessments related to reading fluency and comprehension required in the primary education setting are in a format accessible to the student who is blind or visually impaired;
- (3) assess the student’s progress in developing braille proficiency;
- (4) provide braille instruction using appropriate instructional approaches for the individual student to develop proficiency in braille;
- (5) pre-teach the objectives and materials provided by the teacher in the primary education setting to the student who is blind or visually impaired;
- (6) teach methods of annotation and organization of textual materials and information that are appropriate for braille readers;
- (7) select assistive technology appropriate for the student who is blind or visually impaired;
- (8) provide training and support or consult with others to provide training and support to the staff of the primary education setting regarding the use appropriate assistive technology in the classroom; and
- (9) teach keyboarding skills and skills needed to use accessible format electronic technology.

C. A teacher of the student in the primary education setting shall, with training and support from the TSVI:

- (1) organize the classroom learning environment to accommodate the tactual learning of students who are blind or visually impaired;
- (2) understand differences between tactual and visual processing and accommodate part-to-whole processing approaches of a tactual learner;
- (3) provide aural descriptions of all visual learning materials for the students who are blind or visually impaired;
- (4) provide time and opportunity for a blind or visually impaired student to safely explore the tactile characteristics of materials and environments;
- (5) understand how to use hand-under-hand support techniques to guide tactual explorations by students who are blind or visually impaired;
- (6) provide pre-teaching materials to the TSVI for individualized instruction in the content area;
- (7) allow extra time needed for blind and visually impaired students to find their places in a braille text or scan paragraphs to locate the main idea;
- (8) examine their own attitudes about blindness;
- (9) demonstrate flexibility in thinking about education of students who are blind or visually impaired;
- (10) understand how a braillewriter works and reinforce braille skills learned outside of the primary education setting; and
- (11) request materials that need to be transcribed into braille in a timely manner to ensure that the blind or visually impaired student has access to the material.

D. So that blind and visually impaired students shall have the same instructional material content as sighted peers, a TSVI or a braille transcriptionist shall:

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- (1) order content-area instructional materials in braille;
- (2) transcribe content-area instructional materials, including teacher-created materials, in braille; or
- (3) provide tactile versions of visual instructional materials, including teacher-created materials.

[6.29.18.7 NMAC - N, 6/25/2024]

6.29.18.9 BRAILLE LEARNING STANDARDS: Standards for learning braille incorporate all New Mexico content standards with the following changes for students who are learning braille or who use braille for learning:

- A. Where “text” is included in the content standards, braille learning standards shall substitute “braille”.
- B. Where “digital tools” are included in the content standards, braille learning standards shall substitute “accessible format digital tools”.
- C. Where “sources” are included in the content standards, braille learning standards shall substitute “tactile materials and experiences” or “accessible format sources”.
- D. Where “graphic instructions” or “written instructions” are included in the content standards, braille learning standards shall substitute “tactile instructions” or “braille instructions”.
- E. Where “letter formation” is included in the content standards, braille learning standards shall substitute “braille letter or contraction formation”.
- F. Where “reading” is included in the content standards, braille learning standards shall substitute “reading in braille”.
- G. Where “represent and solve mathematical equations” is included in the content standards, braille learning standards shall add “using Nemeth code”.
- H. Where “tools” is included in the content standards, braille learning standards shall substitute “accessible tools”.
- I. Where “writing”, or “written” are included in the content standards, braille learning standards shall substitute “braille-writing” or “braille-written”.
- J. Where “maps”, “globes”, “mapping tools”, “diagrams”, “charts”, or “measurement tools” are included in the content standards, braille learning standards shall substitute “tactile graphics or accessible tools”.
- K. Where production of visual formats is required of students in the content standards, braille standards shall add “using accessible tools”.

[6.29.18.7 NMAC - N, 6/25/2024]

HISTORY OF 6.29.18 NMAC: [RESERVED]