
By: **Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Giannetti, Gladden, Green, Greenip, Grosfeld, Hafer, Hollinger, Hughes, Jimeno, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Mooney, Munson, Pinsky, Pipkin, Schrader, Stone, and Teitelbaum**

Introduced and read first time: February 2, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education Institutions - Blind Individuals - Access to Technology**

3 FOR the purpose of requiring the governing boards of public institutions of higher
4 education to ensure that certain contracts to purchase certain technology
5 include a certain clause relating to nonvisual access; requiring the boards to
6 ensure that certain blind individuals have access to certain technology and
7 materials; requiring the Maryland Higher Education Commission, in
8 consultation with the Department of Disabilities, to assist the public
9 institutions of higher education with the application of a nonvisual access clause
10 by developing certain guidelines on or before a certain date; defining certain
11 terms; and generally relating to nonvisual access standards for the procurement
12 and use of technology for blind individuals by public institutions of higher
13 education.

14 BY repealing and reenacting, without amendments,
15 Article - Education
16 Section 11-105(a)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Education
21 Section 11-105(b), 12-101, and 12-112
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2004 Supplement)

24 BY adding to
25 Article - Education
26 Section 12-301 to be under the new subtitle "Subtitle 3. Blind Individuals -
27 Access to Technology"; 14-110, 14-409, and 16-318

1 Annotated Code of Maryland
2 (2004 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - State Finance and Procurement
5 Section 3-412
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Education**

11 11-105.

12 (a) In addition to any other powers granted and duties imposed by this title
13 and subject to any restrictions imposed by law, the Commission has the powers and
14 duties set forth in this section.

15 (b) (1) The Commission shall coordinate the overall growth and
16 development of postsecondary education in the State.

17 (2) (i) In consultation with the governing boards and agencies
18 concerned with postsecondary education in the State, the Commission shall develop
19 and periodically update an overall plan consistent with the Charter, known as the
20 State Plan for Higher Education, that shall identify:

21 1. The present and future needs for postsecondary education
22 and research throughout the State;

23 2. The present and future capabilities of the different
24 institutions and segments of postsecondary education in the State; and

25 3. The long-range and short-range objectives and priorities
26 for postsecondary education and methods and guidelines for achieving and
27 maintaining them.

28 (ii) The Commission shall ensure that the State Plan for Higher
29 Education complies with the State's equal educational opportunity obligations under
30 State and federal law, including Title VI of the Civil Rights Act.

31 (iii) In developing the State Plan for Higher Education, the
32 Commission shall incorporate the goals and priorities for higher education identified
33 in this Division III and, for the University System of Maryland, including those
34 identified in §§ 10-209 and 12-106 of this article.

1 (3) (i) The Commission shall submit to the Governor and, subject to §
2 2-1246 of the State Government Article, to the General Assembly a biennial review of
3 the plan by July 1, 1995 and by July 1 of each alternate year thereafter.

4 (ii) The biennial review shall include a report on the status and
5 needs of postsecondary education in the State.

6 (4) In accordance with Subtitle 3 of this title, the Commission shall
7 review, negotiate as necessary, and approve the appropriate role, function, and
8 mission of each public institution of postsecondary education in the State.

9 (5) (i) With respect to the College Park campus of the University of
10 Maryland, the Commission shall direct the Board of Regents of the University of
11 Maryland to develop and implement a plan for the enhancement of that campus as
12 the State's flagship campus with programs and faculty nationally and internationally
13 recognized for excellence in research and the advancement of knowledge.

14 (ii) With respect to the constituent institutions of the University
15 System of Maryland in the Baltimore region, the Commission shall direct the Board of
16 Regents of the University of Maryland to maintain and enhance a coordinated Higher
17 Education Center for Research and Graduate and Professional Study in the Baltimore
18 area.

19 (iii) With respect to Morgan State University, the Commission shall
20 direct the Board of Regents of Morgan State University to develop and implement a
21 plan for the enhancement of that institution as the State's public urban university
22 with the appropriate programs, faculty, and facilities.

23 (6) The Commission has statewide coordinating responsibility for the
24 community colleges and shall establish general policies for their operation.

25 (7) The Commission has statewide coordinating responsibility for
26 regional higher education centers.

27 (8) The Commission may distribute strategic incentive funds to an
28 institution of higher education or a regional higher education center to encourage
29 attainment of the goals and priorities set forth in the State Plan for Higher
30 Education.

31 (9) IN CONSULTATION WITH THE DEPARTMENT OF DISABILITIES, ON OR
32 BEFORE JANUARY 1, 2006, THE COMMISSION SHALL DEVELOP GUIDELINES FOR THE
33 IMPLEMENTATION OF THE NONVISUAL ACCESS CLAUSE IN INFORMATION
34 TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES BIDS, REQUESTS FOR
35 PROPOSALS OR GRANTS, CONTRACTS, AND MODIFICATION TO CONTRACTS, AS
36 REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AS
37 APPLICABLE TO:

38 (I) THE UNIVERSITY SYSTEM OF MARYLAND UNDER TITLE 12 OF
39 THIS ARTICLE;

- 1 (II) MORGAN STATE UNIVERSITY UNDER § 14-110 OF THIS ARTICLE;
2 (III) ST. MARY'S COLLEGE OF MARYLAND UNDER § 14-409 OF THIS
3 ARTICLE; AND
4 (IV) COMMUNITY COLLEGES UNDER § 16-318 OF THIS ARTICLE.
5 12-101.

6 (a) In order to foster the development of a consolidated system of public higher
7 education, to improve the quality of education, to extend its benefits and to encourage
8 the economical use of the State's resources, the University System of Maryland is
9 established in accordance with the provisions of this title.

10 (b) In this title the following words have the meanings indicated.

11 (1) "Board" or "Board of Regents" means the Board of Regents of the
12 University System of Maryland.

13 (2) "Chancellor" means the Chief Executive Officer of the University
14 System of Maryland and the Chief of Staff for the Board of Regents.

15 (3) "President" means the Chief Executive Officer of a constituent
16 institution of the University System of Maryland.

17 (4) "Constituent institutions", "institutions", or "campuses" means the
18 following public senior higher education institutions under the jurisdiction of the
19 Board of Regents:

- 20 (i) University of Maryland, Baltimore;
21 (ii) University of Maryland Baltimore County;
22 (iii) University of Maryland, College Park;
23 (iv) University of Maryland Eastern Shore;
24 (v) University of Maryland University College;
25 (vi) Bowie State University;
26 (vii) Coppin State University;
27 (viii) Frostburg State University;
28 (ix) Salisbury University;
29 (x) Towson University; and
30 (xi) University of Baltimore.

1 (5) "Centers" or "Institutes" means the following components of the
2 System under the jurisdiction of the Board of Regents:

- 3 (i) University of Maryland Center for Environmental Science;
4 (ii) Cooperative Extension Service and the Agricultural Experiment
5 Station;
6 (iii) Statewide Medical Education and Training System;
7 (iv) Fire and Rescue Institute; and
8 (v) Any other center, component, or institute established and
9 operated by the System in accordance with its mission.

10 (6) "University" or "University of Maryland" or "University of Maryland
11 System" means the University System of Maryland.

12 (7) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" MEANS
13 COMPUTER HARDWARE OR SOFTWARE USED BY FACULTY AND STUDENTS IN THE
14 DELIVERY OF THE INSTRUCTIONAL PROGRAM.

15 (8) "TECHNOLOGY" MEANS THE LATEST STATE-OF-THE-ART
16 TECHNOLOGY PRODUCTS AND SERVICES, INCLUDING:

- 17 (I) COPPER AND FIBER OPTIC TRANSMISSION;
18 (II) COMPUTER;
19 (III) VIDEO AND AUDIO LASER AND CD-ROM DISCS;
20 (IV) VIDEO AND AUDIO TAPES OR OTHER TECHNOLOGIES; AND
21 (V) TECHNOLOGY USED FOR ON-LINE LEARNING.

22 12-112.

23 (a) (1) Except as provided in § 11-203(e) of the State Finance and
24 Procurement Article, the University is exempt from Division II of the State Finance
25 and Procurement Article.

26 (2) (i) Subject to review and approval by the Board of Public Works
27 and the Administrative, Executive, and Legislative Review Committee of the General
28 Assembly, the Board of Regents shall develop policies and procedures governing
29 procurements by the University.

30 (ii) The policies and procedures developed under subparagraph (i)
31 of this paragraph shall promote the purposes of the State procurement law as set
32 forth in § 11-201 of the State Finance and Procurement Article.

1 (b) (1) The Board of Regents shall develop an information technology plan
2 for the University System of Maryland that includes information technology policies
3 and standards, including policies and standards for information management and
4 telecommunication systems, that are functionally compatible with the State
5 Information Technology Plan established under Title 3, Subtitle 4 of the State
6 Finance and Procurement Article.

7 (2) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND
8 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR
9 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED
10 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS SHALL INCLUDE THE
11 CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412 OF THE STATE
12 FINANCE AND PROCUREMENT ARTICLE.

13 SUBTITLE 3. BLIND INDIVIDUALS - ACCESS TO TECHNOLOGY.

14 12-301.

15 THE BOARD OF REGENTS SHALL DIRECT THAT EACH CONSTITUENT
16 INSTITUTION ENSURE THAT:

17 (1) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE AVAILABLE FOR
18 STUDENT USE WITHIN THE INSTITUTION, AT LEAST ONE WORK STATION IS
19 EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND
20 NONVISUAL MEANS;

21 (2) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND
22 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR
23 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

24 (3) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL
25 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND
26 NONVISUAL MEANS.

27 14-110.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
31 MEANING STATED IN § 12-101 OF THIS ARTICLE.

32 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
33 ARTICLE.

34 (B) THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY SHALL ENSURE
35 THAT:

36 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND
37 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR

1 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED
2 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT MORGAN STATE
3 UNIVERSITY SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS
4 REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;
5 AND

6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

7 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE
8 AVAILABLE FOR STUDENT USE AT MORGAN STATE UNIVERSITY, AT LEAST ONE WORK
9 STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL
10 AND NONVISUAL MEANS;

11 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND
12 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR
13 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

14 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL
15 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND
16 NONVISUAL MEANS.

17 14-409.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
21 MEANING STATED IN § 12-101 OF THIS ARTICLE.

22 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
23 ARTICLE.

24 (B) THE BOARD OF TRUSTEES OF ST. MARY'S COLLEGE SHALL ENSURE THAT:

25 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND
26 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR
27 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED
28 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT ST. MARY'S
29 COLLEGE OF MARYLAND SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL
30 ACCESS REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT
31 ARTICLE; AND

32 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

33 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE
34 AVAILABLE FOR STUDENT USE AT ST. MARY'S COLLEGE OF MARYLAND, AT LEAST
35 ONE WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY
36 BOTH VISUAL AND NONVISUAL MEANS;

1 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND
2 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR
3 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

4 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL
5 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND
6 NONVISUAL MEANS.

7 16-318.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
11 MEANING STATED IN § 12-101 OF THIS ARTICLE.

12 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
13 ARTICLE.

14 (B) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL ENSURE THAT:

15 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND
16 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR
17 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED
18 BY THE COMMUNITY COLLEGE FOR USE BY FACULTY AND STUDENTS SHALL
19 INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412
20 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

21 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

22 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE
23 AVAILABLE FOR STUDENT USE WITHIN THE COMMUNITY COLLEGE, AT LEAST ONE
24 WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH
25 VISUAL AND NONVISUAL MEANS;

26 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND
27 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR
28 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

29 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL
30 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND
31 NONVISUAL MEANS.

32 **Article - State Finance and Procurement**

33 3-412.

34 (a) The Chief and the Board, in consultation with other units of State
35 government, and after public comment, shall develop a nonvisual access clause for

1 use in the procurement of information technology and information technology services
2 which specifies that the technology and services:

3 (1) must provide equivalent access for effective use by both visual and
4 nonvisual means;

5 (2) will present information, including prompts used for interactive
6 communications, in formats intended for both visual and nonvisual use;

7 (3) can be integrated into networks for obtaining, retrieving, and
8 disseminating information used by individuals who are not blind or visually impaired;
9 and

10 (4) shall be obtained, whenever possible, without modification for
11 compatibility with software and hardware for nonvisual access.

12 (b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual
13 access clause required under subsection (a) of this section shall be included in each
14 invitation for bids or request for proposals and in each procurement contract or
15 modification of a contract issued under Title 13 of this article, without regard to the
16 method chosen under Title 13, Subtitle 1 of this article for the purchase of new or
17 upgraded information technology and information technology services.

18 (2) Except as provided in subsection (a)(4) of this section, the nonvisual
19 access clause required under paragraph (1) of this subsection is not required if:

20 (i) the information technology is not available with nonvisual
21 access because the essential elements of the information technology are visual and
22 nonvisual equivalence cannot be developed; or

23 (ii) the cost of modifying the information technology for
24 compatibility with software and hardware for nonvisual access would increase the
25 price of the procurement by more than 5 percent.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2005.