

HOUSE BILL 1056

F2

(71r2448)

ENROLLED BILL

— *Ways and Means / Education, Health, and Environmental Affairs* —

Introduced by **Delegates Heller, Ali, Anderson, Aumann, Barkley, Bates, Bobo, Boteler, Braveboy, Bromwell, Bronrott, G. Clagett, V. Clagett, Conaway, Conway, DeBoy, Dumais, Elliott, Elmore, Feldman, Frank, Gilchrist, Glenn, Guzzone, Haddaway, Harrison, Haynes, Healey, Hixson, Hubbard, Hucker, Impallaria, Jennings, Jones, Kach, Kaiser, Kelly, N. King, Kipke, Kirk, Kramer, Krysiak, Kullen, Lawton, Lee, Love, Malone, Manno, McDonough, McKee, Minnick, Mizeur, Montgomery, Morhaim, Myers, Nathan-Pulliam, Oaks, Pendergrass, Proctor, Ramirez, Rice, Riley, Rosenberg, Schuler, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stukes, Stull, Taylor, F. Turner, Vaughn, Waldstreicher, Weir, Weldon, ~~and Wood~~ Wood, and Krebs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 **Higher Education – Blind and Print Disabled Students – Instructional**
 2 **Materials**

3 FOR the purpose of requiring the Maryland Library for the Blind and Physically
 4 Handicapped to convene a certain committee on or before a certain date;
 5 providing for the membership of the committee; requiring a certain number of
 6 the members of the committee to be blind or print disabled; requiring the
 7 committee to establish certain ~~procedures~~ guidelines to facilitate the delivery of
 8 certain materials to certain students in certain formats; establishing the duties
 9 of the Committee; providing for the termination of the Committee; providing for
 10 the content of certain guidelines; authorizing the Library to determine certain
 11 eligibility of certain students to make certain requests; requiring the Library to
 12 make certain requests to certain publishers regarding the provision of certain
 13 instructional materials; providing certain publishers a certain period of time to
 14 respond to certain requests; requiring certain publishers to indicate certain
 15 information to the Library; exempting certain publishers from certain
 16 requirements of this Act; requiring a certain electronic format to have certain
 17 characteristics; requiring a publisher to submit a certain electronic format
 18 containing certain characteristics under certain circumstances; providing for the
 19 content of a certain request to a certain publisher; requiring certain publishers
 20 to provide the Library with certain material at no cost and in a timely manner;
 21 authorizing certain publishers to request a copy of a certain agreement
 22 containing certain information; establishing certain technological security
 23 requirements for certain material by certain persons; requiring certain persons
 24 to make a request of certain publishers using a certain procedure; exempting
 25 certain persons from certain request procedures; authorizing an institution to
 26 assist certain students in transcribing certain materials into a braille copy;
 27 providing that certain institutions have a right to share a certain braille copy
 28 with certain students at the institution; requiring the Governor to include in the
 29 annual budget submission a certain appropriation beginning in a certain fiscal
 30 year and each fiscal year thereafter; providing for the application of this Act;
 31 providing that certain publishers may not be required to perform certain acts
 32 that may constitute infringement of a copyright or provide certain electronic
 33 formats under certain circumstances; defining certain terms; requiring the
 34 Library to consult and coordinate with the State Department of Education to
 35 facilitate the utilization of certain equipment and staff for certain purposes; and
 36 generally relating to instructional materials for blind or print disabled students.

37 BY adding to

38 Article – Education

39 Section 11–901 through ~~11–905~~ 11–906 to be under the new subtitle “Subtitle 9.
 40 Instructional Materials for Blind and Print Disabled Students”

41 Annotated Code of Maryland

1 (2006 Replacement Volume)

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

4 **Article – Education**

5 **SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PRINT DISABLED**
6 **STUDENTS.**

7 **11-901.**

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

10 (B) “COMMITTEE” MEANS THE INSTRUCTIONAL MATERIALS ACCESS
11 ~~STANDARDS~~ GUIDELINES COMMITTEE.

12 (C) (1) “INSTRUCTIONAL MATERIAL” MEANS TEXTBOOKS AND OTHER
13 MATERIALS WRITTEN AND PUBLISHED PRIMARILY FOR USE BY STUDENTS IN
14 POSTSECONDARY INSTRUCTION THAT ARE REQUIRED OR ESSENTIAL TO A
15 STUDENT’S SUCCESS IN A COURSE OF STUDY IN WHICH A STUDENT WITH A
16 DISABILITY IS ENROLLED.

17 (2) “INSTRUCTIONAL MATERIAL” DOES NOT INCLUDE MATERIALS
18 FOR WHICH SOFTWARE IS NOT COMMERCIALY AVAILABLE AT A REASONABLE
19 PRICE TO PERMIT THE CONVERSION OF EXISTING ELECTRONIC FILES OF THE
20 MATERIALS INTO A FORMAT THAT IS COMPATIBLE WITH BRAILLE TRANSLATION
21 SOFTWARE OR ALTERNATIVE MEDIA FOR STUDENTS WITH DISABILITIES,
22 INCLUDING MATHEMATICS AND SCIENCE MATERIALS.

23 ~~(C)~~ (D) “LIBRARY” MEANS THE MARYLAND LIBRARY FOR THE BLIND
24 AND PHYSICALLY HANDICAPPED.

25 (E) “PRINTED INSTRUCTIONAL MATERIAL” MEANS INSTRUCTIONAL
26 MATERIAL IN BOOK OR OTHER PRINTED FORM.

27 (F) (1) “STRUCTURAL INTEGRITY” MEANS MATERIAL COMPOSED OF
28 ALL OF THE TEXTUAL PRINTED INSTRUCTIONAL MATERIAL.

1 **(2) "STRUCTURAL INTEGRITY" INCLUDES THE TEXT OF THE**
 2 **MATERIAL, SIDEBARS, THE TABLE OF CONTENTS, CHAPTER HEADINGS AND**
 3 **SUBHEADINGS, FOOTNOTES, INDEXES, GLOSSARIES, AND BIBLIOGRAPHIES.**

4 **(3) "STRUCTURAL INTEGRITY" DOES NOT INCLUDE MATERIAL**
 5 **COMPOSED OF NONTEXTUAL ELEMENTS SUCH AS PICTURES, ILLUSTRATIONS,**
 6 **GRAPHS, OR CHARTS.**

7 **11-902.**

8 **(A) ON OR BEFORE DECEMBER 1, 2007, IN ORDER TO COORDINATE THE**
 9 **DISTRIBUTION OF INSTRUCTIONAL MATERIALS TO BLIND AND OTHER PRINT**
 10 **DISABLED STUDENTS, THE MARYLAND LIBRARY FOR THE BLIND AND**
 11 **PHYSICALLY HANDICAPPED SHALL CONVENE AN INSTRUCTIONAL MATERIALS**
 12 **ACCESS ~~STANDARDS~~ GUIDELINES COMMITTEE.**

13 **(B) THE COMMITTEE CONSISTS OF ~~THE~~:**

14 **(1) THE SECRETARY OF HIGHER EDUCATION, OR THE**
 15 **SECRETARY'S DESIGNEE;**

16 **(2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S**
 17 **DESIGNEE;**

18 **(3) THE STATE SUPERINTENDENT, OR THE STATE**
 19 **SUPERINTENDENT'S DESIGNEE; AND**

20 **(4) THE FOLLOWING ~~11~~ 14 MEMBERS APPOINTED BY THE**
 21 **GOVERNOR:**

22 **~~(1)~~ (I) ONE MEMBER ~~APPOINTED BY~~ REPRESENTING THE**
 23 **LIBRARY;**

24 **~~(2)~~ (II) ~~TWO~~ FIVE MEMBERS ~~APPOINTED BY~~ REPRESENTING**
 25 **PUBLISHERS OF TEXTBOOKS USED IN HIGHER EDUCATION WHO MAY INCLUDE**
 26 **REPRESENTATIVES OF THE ASSOCIATION OF AMERICAN PUBLISHERS; ~~AND~~**

27 **(III) THREE MEMBERS, ONE REPRESENTING EACH OF THE**
 28 **FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:**

- 1 **1. THE UNIVERSITY SYSTEM OF MARYLAND;**
2 **2. A COMMUNITY COLLEGE; AND**
3 **3. A PRIVATE, 4-YEAR INSTITUTION OF HIGHER**
4 **EDUCATION;**

5 ~~(3) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE~~
6 **GOVERNOR;**

7 ~~(I) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF~~
8 **MARYLAND;**

9 ~~(II) ONE REPRESENTATIVE FROM A COMMUNITY COLLEGE~~
10 **IN THE STATE;**

11 ~~(III) ONE REPRESENTATIVE FROM AN INSTITUTION OF~~
12 **HIGHER EDUCATION WHO IS FROM NEITHER THE UNIVERSITY SYSTEM OF**
13 **MARYLAND NOR A COMMUNITY COLLEGE IN THE STATE;**

14 **(IV) TWO REPRESENTATIVES WHO HAVE KNOWLEDGE**
15 **REGARDING ACCESSIBLE FORMATS FOR BLIND AND OTHER PRINT DISABLED**
16 **INDIVIDUALS;**

17 **(V) ONE REPRESENTATIVE OF THE STUDENT POPULATION**
18 **AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE WHO IS BLIND OR**
19 **PRINT DISABLED; AND**

20 ~~(VI) TWO MEMBERS APPOINTED AT THE DISCRETION OF THE~~
21 **GOVERNOR FROM MARYLAND ORGANIZATIONS REPRESENTING BLIND OR**
22 **OTHER PERSONS WITH PRINT DISABILITIES.**

23 **(C) AT LEAST TWO OF THE MEMBERS OF THE COMMITTEE, IN ADDITION**
24 **TO THE STUDENT MEMBER, SHALL BE BLIND OR PRINT DISABLED.**

25 **(D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE**
26 **COMMITTEE.**

27 **(E) (1) A MEMBER OF THE COMMITTEE SHALL SERVE FOR A PERIOD**
28 **OF 3 YEARS.**

1 **(2) THE COMMITTEE SHALL EXPIRE ON DECEMBER 1, 2010.**

2 **(F) THE DEPARTMENT, THE DEPARTMENT OF DISABILITIES, AND THE**
3 **MARYLAND HIGHER EDUCATION COMMISSION SHALL PROVIDE STAFF FOR THE**
4 **COMMITTEE.**

5 ~~(D)~~ **(G) (1) THE COMMITTEE SHALL ESTABLISH PROCEDURES:**

6 **(I) ASSIST THE LIBRARY IN ESTABLISHING GUIDELINES TO**
7 **FACILITATE THE DELIVERY OF INSTRUCTIONAL MATERIALS TO BLIND AND**
8 **PRINT DISABLED STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION IN THE**
9 **STATE IN A FORMAT THAT IS USABLE TO THEM;**

10 **(II) REVIEW THE GUIDELINES ESTABLISHED UNDER ITEM**
11 **(I) OF THIS PARAGRAPH EACH YEAR; AND**

12 **(III) ASSIST THE LIBRARY IN REVISING THE GUIDELINES AS**
13 **NECESSARY BASED ON CHANGES IN TECHNOLOGY OR ANY OTHER PERTINENT**
14 **FACTORS.**

15 **(2) THE GUIDELINES SHALL INCLUDE:**

16 **(I) A METHOD BY WHICH A COURSE INSTRUCTOR, IN**
17 **CONSULTATION WITH THE INDIVIDUAL AT THE LIBRARY OR INSTITUTION**
18 **DESIGNATED TO MAKE THE REQUEST FOR MATERIALS UNDER THIS SUBTITLE,**
19 **DESIGNATES WHICH COURSE MATERIALS ARE CONSIDERED REQUIRED OR**
20 **ESSENTIAL TO STUDENT SUCCESS;**

21 **(II) A DETERMINATION OF THE AVAILABILITY OF**
22 **TECHNOLOGY FOR THE CONVERSION OF MATHEMATICS AND SCIENCE**
23 **MATERIALS;**

24 **(III) THE PROCEDURES AND STANDARDS RELATING TO**
25 **DISTRIBUTION OF FILES AND MATERIALS;**

26 **(IV) AVAILABLE ELECTRONIC FORMATS;**

1 (V) A LIST OF JUSTIFICATIONS FOR WHICH A PUBLISHER
2 MAY REASONABLY BE EXEMPTED FROM COMPLYING WITH THE PROVISIONS OF
3 THIS SUBTITLE;

4 (VI) PROCEDURES FOR GRANTING A PUBLISHER AN
5 EXEMPTION WHEN IT IS DETERMINED THAT A PUBLISHER IS UNABLE TO
6 COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE FOR A JUSTIFIABLE
7 REASON INCLUDED IN THE LIST REQUIRED UNDER ITEM (V) OF THIS
8 PARAGRAPH;

9 (VII) A REQUIREMENT THAT THE REVIEW OF THE FUTURE
10 RECOMMENDATIONS OF THE ALTERNATIVE FORMATS SOLUTIONS INITIATIVE
11 OF THE ASSOCIATION OF AMERICAN PUBLISHERS DETERMINE WHETHER TO
12 RECOMMEND THE INCORPORATION OF THESE RECOMMENDATIONS INTO THE
13 GUIDELINES; AND

14 (VIII) ANY OTHER INFORMATION THE COMMITTEE
15 DETERMINES TO BE RELEVANT.

16 **11-903.**

17 ~~(A) THE LIBRARY MAY DETERMINE THE ELIGIBILITY OF A BLIND OR~~
18 ~~PRINT DISABLED STUDENT WHO MAKES A REQUEST UNDER SUBSECTION (B) OF~~
19 ~~THIS SECTION.~~

20 ~~(B)~~ (A) ON THE REQUEST OF AN ELIGIBLE BLIND OR PRINT DISABLED
21 STUDENT, THE LIBRARY SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR
22 SALE ELECTRONIC OR PRINT INSTRUCTIONAL MATERIALS USED BY STUDENTS
23 ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION ~~AND INSTITUTIONS OF~~
24 ~~POSTSECONDARY EDUCATION~~ IN THE STATE PROVIDE THE INSTRUCTIONAL
25 MATERIALS TO THE LIBRARY ~~ELECTRONICALLY IN A FORMAT DESIGNATED BY~~
26 ~~THE COMMITTEE~~ IN AN ELECTRONIC FORMAT.

27 ~~(C)~~ (B) ~~ON EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON~~
28 OR AFTER JANUARY 1, 2008, ON THE RECEIPT OF A REQUEST UNDER
29 SUBSECTION ~~(B)~~ (A) OF THIS SECTION, A PUBLISHER SHALL HAVE ~~10~~ 15
30 BUSINESS DAYS FROM THE DATE OF THE REQUEST TO:

31 (1) PROVIDE THE REQUESTED INSTRUCTIONAL MATERIALS IN
32 THE AN ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE;~~ OR

1 (2) PROVIDE THE REASON THAT ~~THE AN~~ ELECTRONIC FORMAT
2 ~~DESIGNATED BY THE COMMITTEE~~ CANNOT BE PROVIDED WITHIN ~~10~~ 15
3 BUSINESS DAYS.

4 ~~(D)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (D) OF THIS
5 SECTION, IF A PUBLISHER RESPONDS UNDER SUBSECTION ~~(C)(2)~~ (B)(2) OF THIS
6 SECTION THAT ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~
7 CANNOT BE PROVIDED WITHIN ~~10~~ 15 BUSINESS DAYS, THE PUBLISHER SHALL
8 INDICATE TO THE LIBRARY ~~WHEN:~~

9 (1) WHEN THE INSTRUCTIONAL MATERIALS WILL BE PROVIDED
10 IN ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~; OR

11 (2) THE SPECIFIC REASON, CONSISTENT WITH THE GUIDELINES
12 ESTABLISHED UNDER § 11-902(D) OF THIS SUBTITLE, WHY THE INSTRUCTIONAL
13 MATERIALS MAY NOT BE PROVIDED TO THE LIBRARY WITHIN THE REQUIRED
14 TIME FRAME.

15 ~~(E)~~ (D) A PUBLISHER IS NOT REQUIRED TO PROVIDE INSTRUCTIONAL
16 MATERIALS IN ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~
17 IF THE INSTRUCTIONAL MATERIALS WERE:

18 (1) GENERATED ~~FOR~~ BY FACULTY ~~PURPOSES~~; OR

19 (2) COPYRIGHTED BEFORE JULY 1, ~~2007~~ 2004.

20 11-904.

21 (A) THE ELECTRONIC FORMAT OF PRINTED INSTRUCTIONAL MATERIAL
22 PROVIDED BY A PUBLISHER TO THE LIBRARY FOR USE BY A STUDENT WITH A
23 DISABILITY UNDER THIS SUBTITLE SHALL:

24 (1) MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED
25 INSTRUCTIONAL MATERIAL;

26 (2) BE COMPATIBLE WITH COMMONLY USED BRAILLE
27 TRANSLATION OR SPEECH SYNTHESIS SOFTWARE, IF NECESSARY; AND

28 (3) INCLUDE CORRECTIONS AND REVISIONS AS NECESSARY.

1 **(B) IF THE LIBRARY AND A PUBLISHER CANNOT IN GOOD FAITH AGREE**
2 **ON AN ELECTRONIC FORMAT THAT MAINTAINS THE STRUCTURAL INTEGRITY OF**
3 **THE PRINTED INSTRUCTIONAL MATERIAL AS REQUIRED UNDER SUBSECTION (A)**
4 **OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE INSTRUCTIONAL**
5 **MATERIAL IN AN ELECTRONIC FORMAT THAT MAINTAINS AS MUCH OF THE**
6 **STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS**
7 **POSSIBLE.**

8 **(C) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE**
9 **LIBRARY OR INSTITUTION SHALL SUBMIT TO A PUBLISHER A WRITTEN REQUEST**
10 **FOR AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT INCLUDES:**

11 **(1) CERTIFICATION THAT THE INSTITUTION HAS PURCHASED THE**
12 **PRINTED INSTRUCTIONAL MATERIAL FOR USE BY A STUDENT WITH A**
13 **DISABILITY OR THAT A STUDENT WITH A DISABILITY ATTENDING OR**
14 **REGISTERED TO ATTEND THE INSTITUTION HAS PURCHASED THE**
15 **INSTRUCTIONAL MATERIAL;**

16 **(2) CERTIFICATION THAT THE STUDENT HAS A DISABILITY THAT**
17 **PREVENTS THE STUDENT FROM USING STANDARD INSTRUCTIONAL MATERIALS;**

18 **(3) CERTIFICATION THAT THE ELECTRONIC FORMAT OF THE**
19 **PRINTED INSTRUCTIONAL MATERIAL WILL BE USED BY A STUDENT IN**
20 **CONNECTION WITH A COURSE IN WHICH THE STUDENT IS REGISTERED OR**
21 **ENROLLED AT THE INSTITUTION; AND**

22 **(4) THE SIGNATURE OF THE INDIVIDUAL DESIGNATED BY THE**
23 **LIBRARY OR INSTITUTION TO REQUEST THE ELECTRONIC FORMAT OF THE**
24 **INSTRUCTIONAL MATERIAL UNDER THIS SUBTITLE.**

25 **(D) ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (C) OF**
26 **THIS SECTION, THE PUBLISHER SHALL PROVIDE THE LIBRARY WITH THE**
27 **ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL AT NO**
28 **ADDITIONAL COST AND IN A TIMELY MANNER.**

29 **(E) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A**
30 **PUBLISHER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS**
31 **SECTION MAY REQUIRE THE LIBRARY TO PROVIDE THE PUBLISHER WITH A**
32 **COPY OF AN AGREEMENT THAT:**

1 **(1) STATES THAT THE STUDENT REQUESTING AND USING THE**
2 **ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL PROVIDED BY THE**
3 **PUBLISHER WILL USE THE MATERIAL SOLELY FOR THE STUDENT'S PERSONAL**
4 **EDUCATIONAL USE;**

5 **(2) STATES THAT THE STUDENT HAS AGREED NOT TO COPY,**
6 **DUPLICATE, OR DISTRIBUTE THE ELECTRONIC COPY OF THE INSTRUCTIONAL**
7 **MATERIAL FOR USE BY OTHER INDIVIDUALS; AND**

8 **(3) IS SIGNED BY THE STUDENT REQUESTING AND USING THE**
9 **ELECTRONIC COPY.**

10 **(F) (1) IF THE LIBRARY OR AN INSTITUTION PERMITS A STUDENT TO**
11 **DIRECTLY USE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL,**
12 **THE LIBRARY OR INSTITUTION SHALL TAKE THE FOLLOWING STEPS TO**
13 **PROTECT THE ELECTRONIC COPY FROM DUPLICATION AND DISTRIBUTION IN**
14 **VIOLATION OF THE COPYRIGHT REVISIONS ACT OF 1976:**

15 **(I) THE DISK OR FILE SHALL BE COPY-PROTECTED OR**
16 **CONTAIN OTHER REASONABLE SECURITY MEASURES; AND**

17 **(II) THE LIBRARY OR INSTITUTION SHALL REQUIRE A**
18 **STUDENT USING THE ELECTRONIC COPY TO SIGN THE AGREEMENT UNDER**
19 **SUBSECTION (E) OF THIS SECTION.**

20 **(2) AN INSTITUTION MAY NOT MAKE THE ELECTRONIC FORMAT**
21 **OF THE INSTRUCTIONAL MATERIAL AVAILABLE ON A SERVER UNLESS THE**
22 **FOLLOWING SECURITY MEASURES ARE FOLLOWED:**

23 **(I) A SECURITY PROCESS, INCLUDING AN IDENTIFICATION**
24 **AND PASSWORD SYSTEM, IS INSTALLED TO PERMIT ONLY AUTHORIZED**
25 **STUDENTS WITH DISABILITIES ACCESS TO THE PROTECTED MATERIALS; AND**

26 **(II) OTHER TECHNICAL SECURITY MEASURES ARE**
27 **INSTALLED TO PREVENT A STUDENT FROM DOWNLOADING THE ELECTRONIC**
28 **FORMAT OF THE INSTRUCTIONAL MATERIAL UNLESS THE STUDENT HAS SIGNED**
29 **THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.**

1 **(3) A PUBLISHER MAY INSTALL TECHNICAL SECURITY MEASURES**
2 **TO PREVENT THE UNAUTHORIZED COPYING, MODIFICATION, DISTRIBUTION, OR**
3 **USE OF THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL IF THE**
4 **SECURITY MEASURES DO NOT INTERFERE WITH THE STUDENT'S USE OF**
5 **ELECTRONIC COPY.**

6 **(G) (1) THE LIBRARY, AN INSTITUTION, OR ANY COMPONENT OF AN**
7 **INSTITUTION SHALL NOTIFY THE PUBLISHER EACH TIME THE LIBRARY,**
8 **INSTITUTION, OR A COMPONENT OF THE INSTITUTION INTENDS TO DUPLICATE**
9 **AN ELECTRONIC FORMAT OR A SPECIALIZED FORMAT PRODUCED FROM THE**
10 **ELECTRONIC FORMAT FOR USE OF THE PROTECTED MATERIAL BY OTHER**
11 **STUDENTS WITH DISABILITIES.**

12 **(2) FOR EACH ADDITIONAL STUDENT FOR WHOM THE LIBRARY,**
13 **AN INSTITUTION, OR A COMPONENT OF AN INSTITUTION INTENDS TO DUPLICATE**
14 **AN ELECTRONIC FORMAT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
15 **LIBRARY, INSTITUTION, OR COMPONENT OF AN INSTITUTION SHALL FOLLOW**
16 **THE REQUEST PROCEDURES UNDER ~~§ 11-903 OF THIS SUBTITLE~~ IN THIS**
17 **SECTION.**

18 **(H) (1) AN INSTITUTION MAY ASSIST A STUDENT WITH A DISABILITY**
19 **TO TRANSCRIBE OR ARRANGE FOR THE TRANSCRIPTION OF PRINTED**
20 **INSTRUCTIONAL MATERIAL INTO BRAILLE USING THE ELECTRONIC FORMAT OF**
21 **THE INSTRUCTIONAL MATERIAL.**

22 **(2) IF A BRAILLE COPY IS TRANSCRIBED UNDER PARAGRAPH (1)**
23 **OF THIS SUBSECTION, THE INSTITUTION SHALL HAVE THE RIGHT TO SHARE THE**
24 **BRAILLE COPY OF THE PRINTED INSTRUCTIONAL MATERIAL WITH OTHER**
25 **STUDENTS WITH DISABILITIES AT THE INSTITUTION.**

26 **(I) (1) A MEMBER OF THE FACULTY OF AN INSTITUTION OF HIGHER**
27 **EDUCATION:**

28 **~~(I) MAY~~ MAY REQUEST FROM THE LIBRARY**
29 **INSTRUCTIONAL MATERIALS IN AN ELECTRONIC FORMAT; ~~AND~~**

30 **~~(H) IS NOT REQUIRED TO SIGN AN AGREEMENT SPECIFIED~~**
31 **UNDER SUBSECTION (E) OF THIS SECTION.**

1 **(2) FOR A REQUEST ON BEHALF OF A FACULTY MEMBER, THE**
2 **LIBRARY IS NOT REQUIRED TO PROVIDE TO A PUBLISHER THE CERTIFICATIONS**
3 **SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION.**

4 ~~11-904.~~ **11-905.**

5 **BEGINNING IN FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER,**
6 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION**
7 **\$200,000 FOR THE LIBRARY TO CARRY OUT ITS OBLIGATIONS UNDER THIS**
8 **SUBTITLE.**

9 ~~11-905.~~ **11-906.**

10 **(A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE**
11 **THE COMMITTEE OR, THE LIBRARY, OR A PUBLISHER OF INSTRUCTIONAL**
12 **MATERIALS TO CONVERT;**

13 **(1) CONVERT INSTRUCTIONAL MATERIALS INTO ACCESSIBLE**
14 **FORMATS FOR BLIND AND PRINT DISABLED STUDENTS; OR**

15 **(2) REQUIRE A PUBLISHER TO PROVIDE ANY FORMAT OTHER**
16 **THAN AN ELECTRONIC FORMAT PROVIDED UNDER ~~§ 11-903~~ § 11-904 OF THIS**
17 **SUBTITLE.**

18 **(B) A PUBLISHER OF INSTRUCTIONAL MATERIAL MAY NOT BE**
19 **REQUIRED TO:**

20 **(1) PERFORM ANY ACT THAT WOULD CONSTITUTE AN**
21 **INFRINGEMENT OF A COPYRIGHT UNDER THE COPYRIGHT REVISION ACT OF**
22 **1976;**

23 **(2) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL**
24 **MATERIAL IF THE PUBLISHER:**

25 **(I) PUBLISHES OR MANUFACTURES A VERSION OF THE**
26 **INSTRUCTIONAL MATERIAL THAT IS ACCESSIBLE TO STUDENTS WITH**
27 **DISABILITIES;**

28 **(II) CHOOSES TO PROVIDE AN ELECTRONIC FORMAT OF**
29 **INSTRUCTIONAL MATERIAL DIRECTLY TO A STUDENT IN A TIMELY MANNER; OR**

1 **(III) HAS NOT PREVIOUSLY PRODUCED A DIGITAL VERSION**
 2 **OF THE FULLY EDITED AND TYPESET INSTRUCTIONAL MATERIAL, INCLUDING**
 3 **INSTRUCTIONAL MATERIAL PRODUCED BY A METHOD THAT DOES NOT REQUIRE**
 4 **THE CREATION OF A DIGITAL FILE; OR**

5 **(3) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL**
 6 **MATERIAL THAT IS NO LONGER IN PRINT OR AVAILABLE AND OFFERED FOR**
 7 **SALE BY THE PUBLISHER.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Library for
 9 the Blind and Physically Handicapped shall consult and coordinate with the State
 10 Department of Education to facilitate the utilization of equipment and staff being used
 11 to provide instructional materials to students who are blind or print disabled in
 12 primary and secondary education in order to minimize the costs associated with this
 13 Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 ~~June~~ October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.