

SENATE BILL 268

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71r1746
CF 71r2448

By: **Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Greenip, Haines, Hogan, Hooper, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: January 30, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Maryland Library for the Blind and Physically
5 Handicapped to convene a certain committee on or before a certain date;
6 providing for the membership of the committee; requiring a certain number of
7 the members of the committee to be blind or print disabled; requiring the
8 committee to establish certain procedures to facilitate the delivery of certain
9 materials to certain students in certain formats; authorizing the Library to
10 determine certain eligibility of certain students to make certain requests;
11 requiring the Library to make certain requests to certain publishers regarding
12 the provision of certain instructional materials; providing certain publishers a
13 certain period of time to respond to certain requests; requiring certain
14 publishers to indicate certain information to the Library; exempting certain
15 publishers from certain requirements of this Act; requiring the Governor to
16 include in the annual budget submission a certain appropriation beginning in a
17 certain fiscal year and each fiscal year thereafter; providing for the application
18 of this Act; defining certain terms; requiring the Library to consult and
19 coordinate with the State Department of Education to facilitate the utilization
20 of certain equipment and staff for certain purposes; and generally relating to
21 instructional materials for blind or print disabled students.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 11–901 through 11–905 to be under the new subtitle “Subtitle 9.
4 Instructional Materials for Blind and Print Disabled Students”
5 Annotated Code of Maryland
6 (2006 Replacement Volume)

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

9 **Article – Education**

10 **SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PRINT DISABLED**
11 **STUDENTS.**

12 **11–901.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “COMMITTEE” MEANS THE INSTRUCTIONAL MATERIALS ACCESS
16 STANDARDS COMMITTEE.

17 (C) “LIBRARY” MEANS THE MARYLAND LIBRARY FOR THE BLIND AND
18 PHYSICALLY HANDICAPPED.

19 **11–902.**

20 (A) ON OR BEFORE DECEMBER 1, 2007, IN ORDER TO COORDINATE THE
21 DISTRIBUTION OF INSTRUCTIONAL MATERIALS TO BLIND AND OTHER PRINT
22 DISABLED STUDENTS, THE MARYLAND LIBRARY FOR THE BLIND AND
23 PHYSICALLY HANDICAPPED SHALL CONVENE AN INSTRUCTIONAL MATERIALS
24 ACCESS STANDARDS COMMITTEE.

25 (B) THE COMMITTEE CONSISTS OF THE FOLLOWING 11 MEMBERS:

26 (1) ONE MEMBER APPOINTED BY THE LIBRARY;

27 (2) TWO MEMBERS APPOINTED BY THE ASSOCIATION OF
28 AMERICAN PUBLISHERS; AND

1 **(3) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE**
2 **GOVERNOR:**

3 **(I) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF**
4 **MARYLAND;**

5 **(II) ONE REPRESENTATIVE FROM A COMMUNITY COLLEGE**
6 **IN THE STATE;**

7 **(III) ONE REPRESENTATIVE FROM AN INSTITUTION OF**
8 **HIGHER EDUCATION WHO IS FROM NEITHER THE UNIVERSITY SYSTEM OF**
9 **MARYLAND NOR A COMMUNITY COLLEGE IN THE STATE;**

10 **(IV) TWO REPRESENTATIVES WHO HAVE KNOWLEDGE**
11 **REGARDING ACCESSIBLE FORMATS FOR BLIND AND OTHER PRINT DISABLED**
12 **INDIVIDUALS;**

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

16 **(VI) TWO MEMBERS APPOINTED AT THE DISCRETION OF THE**
17 **GOVERNOR.**

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

20 **(D) THE COMMITTEE SHALL ESTABLISH PROCEDURES TO FACILITATE**
21 **THE DELIVERY OF INSTRUCTIONAL MATERIALS TO BLIND AND PRINT DISABLED**
22 **STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE IN A**
23 **FORMAT THAT IS USABLE TO THEM.**

24 **11-903.**

25 **(A) THE LIBRARY MAY DETERMINE THE ELIGIBILITY OF A BLIND OR**
26 **PRINT DISABLED STUDENT WHO MAKES A REQUEST UNDER SUBSECTION (B) OF**
27 **THIS SECTION.**

1 **(B) ON THE REQUEST OF AN ELIGIBLE BLIND OR PRINT DISABLED**
2 **STUDENT, THE LIBRARY SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR**
3 **SALE ELECTRONIC OR PRINT INSTRUCTIONAL MATERIALS USED BY STUDENTS**
4 **ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION AND INSTITUTIONS OF**
5 **POSTSECONDARY EDUCATION IN THE STATE PROVIDE THE INSTRUCTIONAL**
6 **MATERIALS TO THE LIBRARY ELECTRONICALLY IN A FORMAT DESIGNATED BY**
7 **THE COMMITTEE.**

8 **(C) ON THE RECEIPT OF A REQUEST UNDER SUBSECTION (B) OF THIS**
9 **SECTION, A PUBLISHER SHALL HAVE 10 BUSINESS DAYS FROM THE DATE OF THE**
10 **REQUEST TO:**

11 **(1) PROVIDE THE REQUESTED INSTRUCTIONAL MATERIALS IN**
12 **THE ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE; OR**

13 **(2) PROVIDE THE REASON THAT THE ELECTRONIC FORMAT**
14 **DESIGNATED BY THE COMMITTEE CANNOT BE PROVIDED WITHIN 10 BUSINESS**
15 **DAYS.**

16 **(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, IF A**
17 **PUBLISHER RESPONDS UNDER SUBSECTION (C)(2) OF THIS SECTION THAT THE**
18 **ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE CANNOT BE PROVIDED**
19 **WITHIN 10 BUSINESS DAYS, THE PUBLISHER SHALL INDICATE TO THE LIBRARY**
20 **WHEN THE INSTRUCTIONAL MATERIALS WILL BE PROVIDED IN THE ELECTRONIC**
21 **FORMAT DESIGNATED BY THE COMMITTEE.**

22 **(E) A PUBLISHER IS NOT REQUIRED TO PROVIDE INSTRUCTIONAL**
23 **MATERIALS IN THE ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE IF**
24 **THE INSTRUCTIONAL MATERIALS WERE:**

25 **(1) GENERATED FOR FACULTY PURPOSES; OR**

26 **(2) COPYRIGHTED BEFORE JULY 1, 2007.**

27 **11-904.**

28 **BEGINNING IN FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER,**
29 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION**

1 **\$200,000 FOR THE LIBRARY TO CARRY OUT ITS OBLIGATIONS UNDER THIS**
2 **SUBTITLE.**

3 **11-905.**

4 **NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE THE**
5 **COMMITTEE OR THE LIBRARY TO CONVERT INSTRUCTIONAL MATERIALS INTO**
6 **ACCESSIBLE FORMATS FOR BLIND AND PRINT DISABLED STUDENTS.**

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

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