

SENATE BILL 268

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71r1746
CF HB 1056

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

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 16, 2007

CHAPTER _____

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~~ guidelines to facilitate the delivery of
9 certain materials to certain students in certain formats; establishing the duties
10 of the Committee; providing for the content of certain guidelines; ~~authorizing~~
11 ~~the Library to determine certain eligibility of certain students to make certain~~
12 ~~requests~~; requiring the Library to make certain requests to certain publishers
13 regarding the provision of certain instructional materials; providing certain
14 publishers a certain period of time to respond to certain requests; requiring
15 certain publishers to indicate certain information to the Library; exempting
16 certain publishers from certain requirements of this Act; requiring a certain
17 electronic format to have certain characteristics; requiring a publisher to submit

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.



1 a certain electronic format containing certain characteristics under certain
 2 circumstances; providing for the content of a certain request to a certain
 3 publisher; requiring certain publishers to provide the Library with certain
 4 material at no cost and in a timely manner; authorizing certain publishers to
 5 request a copy of a certain agreement containing certain information;
 6 establishing certain technological security requirements for certain material by
 7 certain persons; requiring certain persons to make a request of certain
 8 publishers using a certain procedure; authorizing an institution to assist certain
 9 students in transcribing certain materials into a braille copy; providing that
 10 certain institutions have a right to share a certain braille copy with certain
 11 students at the institution; requiring the Governor to include in the annual
 12 budget submission a certain appropriation beginning in a certain fiscal year and
 13 each fiscal year thereafter; providing for the application of this Act; providing
 14 that certain publishers may not be required to perform certain acts that may
 15 constitute infringement of a copyright or provide certain electronic formats
 16 under certain circumstances; defining certain terms; requiring the Library to
 17 consult and coordinate with the State Department of Education to facilitate the
 18 utilization of certain equipment and staff for certain purposes; and generally
 19 relating to instructional materials for blind or print disabled students.

20 BY adding to

21 Article – Education

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

24 Annotated Code of Maryland
 25 (2006 Replacement Volume)

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

28 **Article – Education**

29 **SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PRINT DISABLED**
 30 **STUDENTS.**

31 **11-901.**

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 33 INDICATED.

34 (B) “COMMITTEE” MEANS THE INSTRUCTIONAL MATERIALS ACCESS
 35 ~~STANDARDS~~ GUIDELINES COMMITTEE.

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

6 **(2) “INSTRUCTIONAL MATERIAL” DOES NOT INCLUDE MATERIALS**
7 **FOR WHICH SOFTWARE IS NOT COMMERCIALY AVAILABLE AT A REASONABLE**
8 **PRICE TO PERMIT THE CONVERSION OF EXISTING ELECTRONIC FILES OF THE**
9 **MATERIALS INTO A FORMAT THAT IS COMPATIBLE WITH BRAILLE TRANSLATION**
10 **SOFTWARE OR ALTERNATIVE MEDIA FOR STUDENTS WITH DISABILITIES,**
11 **INCLUDING MATHEMATICS AND SCIENCE MATERIALS.**

12 **(D) “LIBRARY” MEANS THE MARYLAND LIBRARY FOR THE BLIND**
13 **AND PHYSICALLY HANDICAPPED.**

14 **(E) “PRINTED INSTRUCTIONAL MATERIAL” MEANS INSTRUCTIONAL**
15 **MATERIAL IN BOOK OR OTHER PRINTED FORM.**

16 **(F) (1) “STRUCTURAL INTEGRITY” MEANS MATERIAL COMPOSED OF**
17 **ALL OF THE TEXTUAL PRINTED INSTRUCTIONAL MATERIAL.**

18 **(2) “STRUCTURAL INTEGRITY” INCLUDES THE TEXT OF THE**
19 **MATERIAL, SIDEBARS, THE TABLE OF CONTENTS, CHAPTER HEADINGS AND**
20 **SUBHEADINGS, FOOTNOTES, INDEXES, GLOSSARIES, AND BIBLIOGRAPHIES.**

21 **(3) “STRUCTURAL INTEGRITY” DOES NOT INCLUDE MATERIAL**
22 **COMPOSED OF NONTEXTUAL ELEMENTS SUCH AS PICTURES, ILLUSTRATIONS,**
23 **GRAPHS, OR CHARTS.**

24 **11-902.**

25 **(A) ON OR BEFORE ~~DECEMBER~~ SEPTEMBER 1, 2007, IN ORDER TO**
26 **COORDINATE THE DISTRIBUTION OF INSTRUCTIONAL MATERIALS TO BLIND AND**
27 **OTHER PRINT DISABLED STUDENTS, THE MARYLAND LIBRARY FOR THE BLIND**
28 **AND PHYSICALLY HANDICAPPED SHALL CONVENE AN INSTRUCTIONAL**
29 **MATERIALS ACCESS ~~STANDARDS~~ GUIDELINES COMMITTEE.**

30 **(B) THE COMMITTEE CONSISTS OF THE FOLLOWING ~~11~~ 19 MEMBERS:**

1 (1) ONE MEMBER APPOINTED BY THE LIBRARY;

2 (2) ~~TWO~~ FIVE MEMBERS ~~APPOINTED BY~~ REPRESENTING
3 PUBLISHERS OF TEXTBOOKS USED IN HIGHER EDUCATION WHO MAY INCLUDE
4 REPRESENTATIVES OF THE ASSOCIATION OF AMERICAN PUBLISHERS; AND

5 (3) FIVE MEMBERS, ONE REPRESENTING EACH OF THE
6 FOLLOWING INSTITUTIONS OF HIGHER EDUCATION OR ORGANIZATIONS,
7 APPOINTED BY THE MARYLAND HIGHER EDUCATION COMMISSION:

8 (I) THE UNIVERSITY SYSTEM OF MARYLAND;

9 (II) A COMMUNITY COLLEGE;

10 (III) THE MARYLAND INDEPENDENT COLLEGE AND
11 UNIVERSITY ASSOCIATION;

12 (IV) MORGAN STATE UNIVERSITY; AND

13 (V) ST. MARY'S COLLEGE OF MARYLAND; AND

14 ~~(3)~~ (4) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE
15 GOVERNOR:

16 (I) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF
17 MARYLAND;

18 (II) ONE REPRESENTATIVE FROM A COMMUNITY COLLEGE
19 IN THE STATE;

20 (III) ONE REPRESENTATIVE FROM AN INSTITUTION OF
21 HIGHER EDUCATION WHO IS FROM NEITHER THE UNIVERSITY SYSTEM OF
22 MARYLAND NOR A COMMUNITY COLLEGE IN THE STATE;

23 (IV) TWO REPRESENTATIVES WHO HAVE KNOWLEDGE
24 REGARDING ACCESSIBLE FORMATS FOR BLIND AND OTHER PRINT DISABLED
25 INDIVIDUALS;

1 (V) ONE REPRESENTATIVE OF THE STUDENT POPULATION
2 AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE WHO IS BLIND OR
3 PRINT DISABLED; AND

4 (VI) ~~TWO MEMBERS APPOINTED AT THE DISCRETION OF THE~~
5 ~~GOVERNOR FROM MARYLAND ORGANIZATIONS REPRESENTING BLIND OR~~
6 ~~OTHER PERSONS WITH PRINT DISABILITIES.~~

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

9 (D) (1) ~~THE COMMITTEE SHALL ESTABLISH PROCEDURES:~~

10 (I) ASSIST THE LIBRARY IN ESTABLISHING GUIDELINES TO
11 FACILITATE THE DELIVERY OF INSTRUCTIONAL MATERIALS TO BLIND AND
12 PRINT DISABLED STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION IN THE
13 STATE IN A FORMAT THAT IS USABLE TO THEM;

14 (II) REVIEW THE GUIDELINES ESTABLISHED UNDER ITEM
15 (1) OF THIS PARAGRAPH EACH YEAR; AND

16 (III) ASSIST THE LIBRARY IN REVISING THE GUIDELINES AS
17 NECESSARY BASED ON CHANGES IN TECHNOLOGY OR ANY OTHER PERTINENT
18 FACTORS.

19 (2) THE GUIDELINES SHALL INCLUDE:

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

25 (II) A DETERMINATION OF THE AVAILABILITY OF
26 TECHNOLOGY FOR THE CONVERSION OF MATHEMATICS AND SCIENCE
27 MATERIALS;

28 (III) THE PROCEDURES AND STANDARDS RELATING TO
29 DISTRIBUTION OF FILES AND MATERIALS;

1 (IV) AVAILABLE ELECTRONIC FORMATS;

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

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

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

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

17 **11-903.**

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

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

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

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

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

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

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

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

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

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

21 (2) COPYRIGHTED BEFORE JULY 1, 2007 2004.

22 11-904.

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

26 (1) MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED
 27 INSTRUCTIONAL MATERIAL;

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

1 **(3) INCLUDE CORRECTIONS AND REVISIONS AS NECESSARY.**

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

9 **(C) THE LIBRARY OR INSTITUTION SHALL SUBMIT TO A PUBLISHER A**
10 **WRITTEN REQUEST FOR AN ELECTRONIC FORMAT OF INSTRUCTIONAL**
11 **MATERIAL THAT INCLUDES:**

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

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

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

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

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

1 **(E) A PUBLISHER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION**
2 **(C) OF THIS SECTION MAY REQUIRE THE LIBRARY TO PROVIDE THE PUBLISHER**
3 **WITH A COPY OF AN AGREEMENT THAT:**

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

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

11 **(3) IS SIGNED BY THE STUDENT REQUESTING AND USING THE**
12 **ELECTRONIC COPY.**

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

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

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

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

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

29 **(II) OTHER TECHNICAL SECURITY MEASURES ARE**
30 **INSTALLED TO PREVENT A STUDENT FROM DOWNLOADING THE ELECTRONIC**

1 FORMAT OF THE INSTRUCTIONAL MATERIAL UNLESS THE STUDENT HAS SIGNED
2 THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.

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

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

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

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

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

28 ~~11-904.~~ 11-905.

29 BEGINNING IN FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER,
30 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION
31 \$200,000 FOR THE LIBRARY TO CARRY OUT ITS OBLIGATIONS UNDER THIS
32 SUBTITLE.

1 ~~11-905.~~ 11-906.

2 (A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE
3 THE COMMITTEE OR, THE LIBRARY, OR A PUBLISHER OF INSTRUCTIONAL
4 MATERIALS TO CONVERT;

5 (1) CONVERT INSTRUCTIONAL MATERIALS INTO ACCESSIBLE
6 FORMATS FOR BLIND AND PRINT DISABLED STUDENTS; OR

7 (2) REQUIRE A PUBLISHER TO PROVIDE ANY FORMAT OTHER
8 THAN AN ELECTRONIC FORMAT PROVIDED UNDER § 11-903 OF THIS SUBTITLE.

9 (B) A PUBLISHER OF INSTRUCTIONAL MATERIAL MAY NOT BE
10 REQUIRED TO:

11 (1) PERFORM ANY ACT THAT WOULD CONSTITUTE AN
12 INFRINGEMENT OF A COPYRIGHT UNDER THE COPYRIGHT REVISION ACT OF
13 1976;

14 (2) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL
15 MATERIAL IF THE PUBLISHER:

16 (I) PUBLISHES OR MANUFACTURES A VERSION OF THE
17 INSTRUCTIONAL MATERIAL THAT IS ACCESSIBLE TO STUDENTS WITH
18 DISABILITIES;

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

21 (III) HAS NOT PREVIOUSLY PRODUCED A DIGITAL VERSION
22 OF THE FULLY EDITED AND TYPESET INSTRUCTIONAL MATERIAL, INCLUDING
23 INSTRUCTIONAL MATERIAL PRODUCED BY A METHOD THAT DOES NOT REQUIRE
24 THE CREATION OF A DIGITAL FILE; OR

25 (3) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL
26 MATERIAL THAT IS NO LONGER IN PRINT OR AVAILABLE AND OFFERED FOR
27 SALE BY THE PUBLISHER.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Library for
29 the Blind and Physically Handicapped shall consult and coordinate with the State

1 Department of Education to facilitate the utilization of equipment and staff being used
2 to provide instructional materials to students who are blind or print disabled in
3 primary and secondary education in order to minimize the costs associated with this
4 Act.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.