

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 268

(Senator Conway, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Higher Education - Blind and Print Disabled Students - Instructional Materials

This bill establishes an Instructional Materials Access Guidelines Committee to assist the Maryland Library for the Blind and Physically Handicapped (LBPH) in developing guidelines to facilitate the distribution of instructional materials to blind and print disabled students. LBPH must convene the committee by December 1, 2007, and the committee expires December 1, 2010. On the request of an eligible blind or print disabled student, LBPH must request that a publisher that sells electronic or print instructional materials used by postsecondary education students in Maryland provide the instructional materials to LBPH in an electronic format. Beginning in fiscal 2009, the Governor must include \$200,000 for LBPH in the annual State budget to implement the bill's requirements.

Fiscal Summary

State Effect: General fund expenditures could increase by an estimated \$120,100 in FY 2008 to begin implementation of the bill. Mandated general fund expenditures to support LBPH would increase by \$200,000 annually beginning in FY 2009. Higher education administrative expenditures could decrease due to the centralization of efforts to acquire instructional materials in formats accessible to blind, visually impaired, and print disabled postsecondary students. Revenues would not be affected.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	120,100	200,000	200,000	200,000	200,000
Higher Ed Exp.	(-)	(-)	(-)	(-)	(-)
Net Effect	(\$120,100)	(\$200,000)	(\$200,000)	(\$200,000)	(\$200,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Community college administrative expenditures could decrease due to the centralization of efforts to acquire instructional materials in formats accessible to blind, visually impaired, and print disabled students.

Small Business Effect: Minimal.

Analysis

Bill Summary: By January 2008, a publisher that receives a request from LBPH must provide the requested materials within 15 business days or provide a reason that the requested materials cannot be provided. If the requested materials cannot be provided within 15 business days, the publisher must indicate when the materials will be provided. The electronic format of printed instructional material provided by a publisher must (1) maintain the structural integrity of the material; (2) be compatible with commonly used Braille translation or speech synthesis software, if necessary; and (3) include corrections and revisions as necessary.

A publisher is not required to provide instructional material in an electronic format if the instructional materials were generated by faculty or were copyrighted before July 1, 2004. In addition, a publisher may not be required to provide an electronic format of instructional material that is no longer in print or that was not produced in a digital version. A publisher that publishes a version of instructional materials accessible to students with disabilities or that chooses to provide material directly to a student is not required to provide an electronic format of instructional material.

LBPH and institutions of higher education must take actions to protect electronic copies of print material from duplication and distribution. A publisher may require LBPH to provide the publisher with a copy of an agreement signed by a student requesting the material that states that the student will use the material solely for the student's personal educational use and will not copy, duplicate, or distribute the electronic copy of the instructional material for use by other individuals.

In order to minimize the costs associated with the bill, LBPH must consult with the Maryland State Department of Education (MSDE) to facilitate the utilization of equipment and staff being used to provide instructional materials to blind and print disabled students in primary and secondary education.

Current Law: MSDE and local boards of education must include language in procurement contracts for textbooks and other printed instructional materials requiring publishers to provide materials that allow for conversion into formats that can be

accessed by blind, visually-impaired, and print disabled students. The Instructional Resources Center at the Maryland School for the Blind must make reasonable efforts to provide instructional materials in the proper format to blind and visually impaired primary and secondary education students by the first day of classes each year, or in a timely manner. These requirements do not apply to institutions of postsecondary education.

Background: In addition to measures aimed at ensuring access for visually impaired and print disabled elementary and secondary education students, Chapter 367 of 2006 required the Maryland Higher Education Commission (MHEC) and the Maryland Department of Disabilities (MDD) to review the research and recommendations developed by the Association of American Publishers' National Alternative Formats Initiative regarding approaches and technologies for providing textbooks to postsecondary education students with print disabilities.

A report submitted by MDD and MHEC following the required review notes that a postsecondary education student with a print disability must purchase the required books or materials and submit a request to the Disabled Student Services office on the student's campus for conversion to an accessible format. The report states that there is sometimes a significant delay before the materials are available. To address the barriers faced by blind, visually impaired, and print-disabled postsecondary students, the report recommends designation of an entity that would be responsible for providing accessibility services to postsecondary institutions in Maryland and suggests an annual budget for the entity of \$200,000.

State Expenditures: General fund expenditures could increase by an estimated \$120,077 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date. This estimate reflects the cost of hiring one education coordinator to direct the program and one management associate to receive student requests and maintain records for each request. Two full-time salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses are included in the estimate.

Salaries and Fringe Benefits	\$91,832
Database Design – Contractual Costs	5,000
Other Operating and Start-up Expenses	<u>23,245</u>
Total FY 2008 State Expenditures	\$120,077

Future year expenditures would reflect the \$200,000 annual mandated appropriation, which is expected to be sufficient to cover the costs of personnel and ongoing operating expenses.

Currently, services for print disabled students are provided at individual institutions of postsecondary education. The increase in general fund expenditures to pay for a centralized system of services could be offset by a decrease in costs at public institutions of higher education. The amount that public institutions of higher education are currently devoting to these services is not immediately available.

Local Expenditures: Services for print disabled students are currently provided at individual community colleges. A centralized system of services funded by the State could reduce costs for the colleges.

Additional Information

Prior Introductions: None.

Cross File: HB 1056 (Delegate Heller, *et al.*) – Ways and Means.

Information Source(s): Maryland State Department of Education, Maryland Higher Education Commission, Department of Legislative Services

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