

# HOUSE BILL 413

F1

(0lr1430)

## ENROLLED BILL

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

Introduced by **Delegates Hixson, Bartlett, Barve, Beidle, Bobo, Boteler, Bronrott, Carr, G. Clagett, DeBoy, Frank, Frush, George, Gilchrist, Glenn, Gutierrez, Hammen, Hecht, Heller, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lafferty, Lee, Levi, Love, Mathias, McHale, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Niemann, O'Donnell, Olszewski, Proctor, Reznik, Robinson, Rosenberg, Schuler, Shewell, Simmons, Sophocleus, Sossi, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, ~~and Weir~~ Weir, Doory, Cardin, Elmore, Frick, Howard, Murphy, Myers, Rice, Ross, Shank, Stukes, Walker, and Kramer**

Read and Examined by Proofreaders:

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Proofreader.

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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

2 **Education – Instruction of Blind and Visually Impaired Students – Use of**  
3 **Braille**

4 FOR the purpose of requiring the State Board of Education to establish standards for  
5 ~~the~~ mastery of braille for use in instruction in certain subjects for blind and  
6 visually impaired students on or before a certain date; requiring the State  
7 Board and the Professional Standards and Teacher Education Board to review

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**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 and, as appropriate, modify certain certification and recertification  
2 requirements for certain teachers; and generally relating to the use of braille for  
3 instruction of blind and visually impaired students.

4 BY repealing and reenacting, with amendments,  
5 Article – Education  
6 Section 8–408  
7 Annotated Code of Maryland  
8 (2008 Replacement Volume and 2009 Supplement)

9 Preamble

10 WHEREAS, The ability to read, write, and compute is a basic requirement for  
11 full participation in the social and economic life of the State; and

12 WHEREAS, It is the policy of this State that blind and visually impaired  
13 students have the same access to *achieving* literacy as their sighted peers; and

14 WHEREAS, If most blind and visually impaired students are to acquire literacy,  
15 *which includes the requisite English, language arts, and mathematics skills*, they must  
16 be provided with instruction in these subjects in braille; now, therefore,

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

19 **Article – Education**

20 8–408.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Child who is blind or visually impaired” means a child who:

23 (i) Has a visual acuity of 20/200 or less in the better eye with  
24 correcting lenses or has a limited field of vision so that the widest diameter of the  
25 visual field subtends an angle no greater than 20 degrees;

26 (ii) Has a medically indicated expectation of visual  
27 deterioration; or

28 (iii) Has a medically diagnosed limitation in visual functioning  
29 that restricts the child’s ability to read and write standard print at levels expected of  
30 other children of comparable ability and grade level.

31 (3) “Braille” means the system of reading and writing through touch  
32 commonly known as Standard English Contracted Braille.

1           (4) “Individualized education program” and “IEP team” have the same  
2 meaning as provided by the Individuals with Disabilities Education Act.

3           (5) “National Instructional Materials Access Center” means the center  
4 established under § 674(e) of the federal Individuals with Disabilities Education  
5 Improvement Act of 2004.

6           (6) “NIMAS” means the National Instructional Materials Accessibility  
7 Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to  
8 be used in the preparation of electronic files suitable and used solely for efficient  
9 conversion into specialized formats.

10          (7) “Print instructional materials” means printed textbooks and  
11 related printed core materials that are written and published primarily for use in  
12 elementary school and secondary school instruction and are required by the  
13 Department or county board for use by students in the classroom.

14          (8) “Specialized formats” means braille, large print, audio, or digital  
15 text that is used by blind or visually impaired individuals.

16          (b) (1) In developing the individualized education program for a child who  
17 is blind or visually impaired, provisions shall be made for instruction in braille and the  
18 use of braille unless the IEP team determines, after an evaluation of the child’s  
19 reading and writing skills, needs, and appropriate reading and writing media,  
20 including an evaluation of the child’s future needs for instruction in braille or the use  
21 of braille, that such instruction or use is not appropriate for the child.

22          (2) A child may not be denied the opportunity for instruction in braille  
23 reading and writing solely because the child has some remaining vision.

24          (3) This section does not require the exclusive use of braille if other  
25 reading and writing media are appropriate to the child’s educational needs. The use of  
26 other reading and writing media does not preclude the use of braille or the instruction  
27 of braille.

28          (c) For the purpose of achieving successful implementation of this section,  
29 the State Board and the Professional Standards and Teacher Education Board shall  
30 adopt certification standards for teachers of blind and visually impaired students.

31          (d) (1) The Department shall collaborate with and provide support to the  
32 Instructional Resources Center to develop procedures to coordinate the statewide  
33 availability of textbooks and supplementary instructional materials that may be  
34 accessed using specialized formats that use NIMAS.

35          (2) (i) The procedures developed under paragraph (1) of this  
36 subsection shall require the Department and a county board to include, in any

1 procurement contract or other document or agreement used to purchase print  
2 instructional materials from a publisher, a provision that requires the publisher to:

3 1. On or before the delivery of the print instructional  
4 materials, prepare and provide the National Instructional Materials Access Center  
5 electronic files containing the contents of the print instructional materials using  
6 NIMAS; or

7 2. Purchase instructional materials from that publisher  
8 that are produced in, or may be rendered in, specialized formats.

9 (ii) A publisher may not be required to provide an electronic  
10 copy of any instructional material copyrighted before July 1, 2007.

11 (3) The State Board shall coordinate with the National Instructional  
12 Materials Access Center to facilitate the timely transfer to the Instructional Resources  
13 Center of:

14 1. Electronic files or instructional materials sent by publishers  
15 for the Instructional Resources Center to convert the instructional materials into  
16 specialized formats; and

17 2. Electronic files or instructional materials purchased from a  
18 publisher in a specialized format.

19 (4) Beginning on July 1, 2007, the Instructional Resources Center  
20 shall make reasonable efforts to provide the instructional materials in specialized  
21 formats to students who are blind or visually impaired for use on the first day of  
22 classes each year or in a timely manner.

23 (e) Beginning in fiscal year 2008 and annually thereafter, the Governor shall  
24 include \$150,000 in the annual budget submission for the Instructional Resources  
25 Center established by the Department.

26 (f) The State Board shall adopt regulations consistent with § 7-910 of this  
27 article to implement the provisions of this section.

28 **(G) ON OR BEFORE SEPTEMBER 1, 2012, THE STATE BOARD SHALL**  
29 **ESTABLISH STANDARDS FOR THE MASTERY OF BRAILLE FOR USE IN ENGLISH,**  
30 **LANGUAGE ARTS, AND MATHEMATICS INSTRUCTION OF BLIND AND VISUALLY**  
31 **IMPAIRED STUDENTS IN PRE-KINDERGARTEN THROUGH GRADE 12.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September  
33 1, 2013, to ensure the full implementation of the use of braille for English, language  
34 arts, and mathematics instruction of blind and visually impaired students in  
35 pre-kindergarten through grade 12, the State Board of Education and the Professional

1 Standards and Teacher Education Board shall review and, as appropriate, modify  
2 certification and recertification requirements for teachers of blind and visually  
3 impaired students.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.