

# SENATE BILL 230

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By: **Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, and Stone**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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 use of braille for instruction in certain subjects for blind and visually  
6 impaired students on or before a certain date; requiring the State Board and the  
7 Professional Standards and Teacher Education Board to review and, as  
8 appropriate, modify certain certification and recertification requirements for  
9 certain teachers; and generally relating to the use of braille for instruction of  
10 blind and visually impaired students.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 8–408  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2009 Supplement)

16 Preamble

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

19 WHEREAS, It is the policy of this State that blind and visually impaired  
20 students have the same access to achieving English, language arts, and mathematics  
21 skills as their sighted peers; and

22 WHEREAS, If most blind and visually impaired students are to acquire the  
23 requisite English, language arts, and mathematics skills, they must be provided with  
24 instruction in these subjects in braille; now, therefore,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 8–408.

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

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

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

10 (ii) Has a medically indicated expectation of visual  
11 deterioration; or

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

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

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

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

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

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

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

32 (b) (1) In developing the individualized education program for a child who  
33 is blind or visually impaired, provisions shall be made for instruction in braille and the

1 use of braille unless the IEP team determines, after an evaluation of the child's  
2 reading and writing skills, needs, and appropriate reading and writing media,  
3 including an evaluation of the child's future needs for instruction in braille or the use  
4 of braille, that such instruction or use is not appropriate for the child.

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

7 (3) This section does not require the exclusive use of braille if other  
8 reading and writing media are appropriate to the child's educational needs. The use of  
9 other reading and writing media does not preclude the use of braille or the instruction  
10 of braille.

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

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

18 (2) (i) The procedures developed under paragraph (1) of this  
19 subsection shall require the Department and a county board to include, in any  
20 procurement contract or other document or agreement used to purchase print  
21 instructional materials from a publisher, a provision that requires the publisher to:

22 1. On or before the delivery of the print instructional  
23 materials, prepare and provide the National Instructional Materials Access Center  
24 electronic files containing the contents of the print instructional materials using  
25 NIMAS; or

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

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

30 (3) The State Board shall coordinate with the National Instructional  
31 Materials Access Center to facilitate the timely transfer to the Instructional Resources  
32 Center of:

33 1. Electronic files or instructional materials sent by publishers  
34 for the Instructional Resources Center to convert the instructional materials into  
35 specialized formats; and

36 2. Electronic files or instructional materials purchased from a  
37 publisher in a specialized format.

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

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

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

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

14           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September  
15 1, 2013, to ensure the full implementation of the use of braille for English, language  
16 arts, and mathematics instruction of blind and visually impaired students in  
17 pre-kindergarten through grade 12, the State Board of Education and the Professional  
18 Standards and Teacher Education Board shall review and, as appropriate, modify  
19 certification and recertification requirements for teachers of blind and visually  
20 impaired students.

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