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FISCAL AND POLICY NOTE
Revised

House Bill 1176
Ways and Means

(Delegate Hixson, *et al.*)

Education, Health, and Environmental Affairs

Primary and Secondary Education - Online Courses and Services - Accessibility

This bill generally codifies the requirement established in Chapters 287 and 288 of 2012 that the development, review, and approval of an online course or service by the Maryland State Department of Education (MSDE) must include an assessment regarding the accessibility of the online course or service to individuals with disabilities, including the blind. MSDE may contract with a third party to (1) develop an accessibility assessment or (2) conduct an assessment of course accessibility that will determine the approval or denial status of the course and provide feedback to the course provider. The State Board of Education may set reasonable fees for these services.

Fiscal Summary

State Effect: Special fund revenues and expenditures may increase proportionately beginning in FY 2014 due to fees charged to online course vendors and for contracting with a third party to develop an accessibility assessment or assessing an online course for its accessibility to individuals with disabilities.

Local Effect: None. Local school system revenues and expenditures are not affected. It is assumed that the 15% of fees charged to vendors that is remitted to MSDE will cover the accessibility assessment of online courses developed or reviewed by a local school system.

Small Business Effect: None.

Analysis

Current Law/Background: Uncodified language of Chapters 287 and 288 of 2012 (SB 674/HB 1219) established that MSDE must ensure that online courses and services developed or reviewed and approved include specifications that allow for access by students with disabilities including blindness, in accordance with the technical standards for electronic and information technology issued under subsection (A)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility standard. It also required that MSDE establish a means for ensuring that online courses and services that fail to meet the accessibility requirements are prohibited from use.

MSDE must provide Maryland virtual learning opportunities that include (1) offering a distance learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation; (2) offering expanded educational choices not otherwise available to students through online courses and services; and (3) expanding the professional development opportunities available to educational staff in Maryland public schools through online courses and services.

With the approval of the State Board of Education and the State Superintendent of Schools, MSDE must:

- develop online courses and services;
- procure online courses and services;
- develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and
- review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.

A local board of education may request that MSDE develop or review and approve online courses and services. MSDE may delegate this responsibility to a local board of education. If MSDE delegates this authority to a local board, the local board must request approval of the online course from MSDE once it has completed the development or the review and approval. A local board may impose reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online courses and services and must remit 15% of the fees collected to MSDE. The State Board of Education may set reasonable fees for developing or reviewing online courses and services and for processing approvals for online courses and services.

Online courses and services, especially as the material become more sophisticated, can end up presenting obstacles to some individuals with disabilities, especially the blind. For example, screen reader technology used by the blind does not work properly with websites with multiple frames. In addition, some courses have inconsistent course navigation or use inaccessible documents. However, awareness of making online materials accessible has grown and the federal government issued a letter in 2010 to institutions of higher education reminding them that their online courses should be accessible. Thus, more providers of online courses and services are considering accessibility when developing their products.

MSDE advises that since Chapters 287 and 288 were enacted in 2012, 25 courses have been submitted for review. Of those, 15 were approved, 1 is pending, 4 were pulled back by the vendor, 3 were denied by a contract reviewer, and 2 were denied by MSDE.

MSDE reports that it intends to train its staff in online accessibility in the spring or summer of 2013 at an estimated cost of \$1,000.

State Fiscal Effect: Special fund revenues increase from fees charged to online course vendors for (1) the development of an accessibility assessment and (2) assessing an online course for its accessibility to individuals with disabilities, including the blind. Special fund expenditures increase by an equal amount to pay specialists to develop an accessibility assessment and conduct accessibility assessments.

It is assumed that special fund revenues from fees charged to online course vendors for processing approvals for online courses and services and from fees remitted from local boards of education will cover all expenses related to the development of an accessibility assessment and assessing an online course for its accessibility. It is also assumed that the 15% of fees charged to vendors by local school systems that is remitted to MSDE will cover the accessibility assessment of courses developed or reviewed by a local school system as part of the final approval review by MSDE. MSDE advises that its fees will be based on the fees charged by a third party vendor (*i.e.*, the National Federal for the Blind) to develop an accessibility assessment and assess an online course for its accessibility. However, it is assumed that fees per course will not be a significant percentage of the total vendor fees for a course review.

Additional Information

Prior Introductions: None.

Cross File: SB 461 (Senator Conway, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, Department of Disabilities, Maryland Association of Boards of Education, *Inside Higher Ed*, University of Arkansas, Department of Legislative Services

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