

SENATE BILL 538

F1, F5

5lr1287
CF HB 535

By: **Senators Conway and Middleton**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2015

CHAPTER _____

1 AN ACT concerning

2 **Blind or Visually Impaired Children – Individualized Education Programs –**
3 **Orientation and Mobility Instruction**

4 FOR the purpose of requiring certain individualized education programs for certain blind
5 or visually impaired children to include certain orientation and mobility instruction
6 under certain circumstances; requiring certain orientation and mobility evaluations
7 to be provided under certain circumstances; requiring a certain orientation and
8 mobility evaluation to contain certain content; requiring certain local school systems
9 to provide certain parents and guardians with a certain verbal and written notice at
10 a certain time; requiring certain orientation and mobility instruction to be provided
11 by a certain qualified individual; requiring the State Department of Education to
12 adopt certain regulations and provide certain guidelines on or before certain dates;
13 defining certain terms; making certain stylistic changes; and generally relating to
14 orientation and mobility instruction in individualized education programs for blind
15 or visually impaired children.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 8–408
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2014 Supplement)

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

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

Article – Education

2 8–408.

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

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

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

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

9 (iii) Has a medically diagnosed limitation in visual functioning that
10 restricts the child’s ability to read and write standard print at levels expected of other
11 children of comparable ability and grade level.12 (3) “Braille” means the system of reading and writing through touch
13 commonly known as Standard English Contracted Braille.14 (4) “Individualized education program” and “IEP team” have the same
15 meaning as provided by the Individuals with Disabilities Education Act.16 (5) “National Instructional Materials Access Center” means the center
17 established under § 674(e) of the federal Individuals with Disabilities Education
18 Improvement Act of 2004.19 (6) “NIMAS” means the National Instructional Materials Accessibility
20 Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to be
21 used in the preparation of electronic files suitable and used solely for efficient conversion
22 into specialized formats.23 **(7) “ORIENTATION AND MOBILITY” MEANS INSTRUCTION PROVIDED**
24 **TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED TO ENABLE THE CHILD TO ATTAIN**
25 **SYSTEMATIC ORIENTATION TO AND SAFE MOVEMENT WITHIN THE CHILD’S SCHOOL,**
26 **HOME, AND COMMUNITY ENVIRONMENTS.**27 **[(7)] (8)** “Print instructional materials” means printed textbooks and
28 related printed core materials that are written and published primarily for use in
29 elementary school and secondary school instruction and are required by the Department or
30 county board for use by students in the classroom.31 **[(8)] (9)** “Specialized formats” means braille, large print, audio, or digital
32 text that is used by blind or visually impaired individuals.

1 (b) (1) In developing the individualized education program for a child who is
2 blind or visually impaired, provisions shall be made for instruction in braille and the use of
3 braille unless the IEP team determines, after an evaluation of the child's reading and
4 writing skills, needs, and appropriate reading and writing media, including an evaluation
5 of the child's future needs for instruction in braille or the use of braille, that such
6 instruction or use is not appropriate for the child.

7 [(2)] (I) A child may not be denied the opportunity for instruction in
8 braille reading and writing solely because the child has some remaining vision.

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

12 [(c)] (2) For the purpose of achieving successful implementation of this [section]
13 SUBSECTION, the State Board and the Professional Standards and Teacher Education
14 Board shall adopt certification standards for teachers of blind and visually impaired
15 students.

16 [(d) (1)] (3) (I) The Department shall collaborate with and provide
17 support to the Instructional Resources Center to develop procedures to coordinate the
18 statewide availability of textbooks and supplementary instructional materials that may be
19 accessed using specialized formats that use NIMAS.

20 [(2) (i)] (II) 1. The procedures developed under [paragraph (1) of
21 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH shall require the Department
22 and a county board to include, in any procurement contract or other document or agreement
23 used to purchase print instructional materials from a publisher, a provision that requires
24 the publisher to:

25 [1.] A. On or before the delivery of the print instructional
26 materials, prepare and provide the National Instructional Materials Access Center
27 electronic files containing the contents of the print instructional materials using NIMAS;
28 or

29 [2.] B. Purchase instructional materials from that
30 publisher that are produced in, or may be rendered in, specialized formats.

31 [(ii)] 2. A publisher may not be required to provide an electronic
32 copy of any instructional material copyrighted before July 1, 2007.

33 [(3)] (III) The State Board shall coordinate with the National Instructional
34 Materials Access Center to facilitate the timely transfer to the Instructional Resources
35 Center of:

1 [(i)] 1. Electronic files or instructional materials sent by
2 publishers for the Instructional Resources Center to convert the instructional materials
3 into specialized formats; and

4 [(ii)] 2. Electronic files or instructional materials purchased from
5 a publisher in a specialized format.

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

10 [(e)] (4) Beginning in fiscal year 2008 and annually thereafter, the Governor
11 shall include \$150,000 in the annual budget submission for the Instructional Resources
12 Center established by the Department.

13 [(f) The State Board shall adopt regulations consistent with § 7–910 of this article
14 to implement the provisions of this section.]

15 [(g)] (5) On or before September 1, 2012, the State Board shall establish
16 standards for the mastery of braille for use in English, language arts, and mathematics
17 instruction of blind and visually impaired students in pre-kindergarten through grade 12.

18 (C) (1) (I) **ORIENTATION AND MOBILITY INSTRUCTION SHALL BE
19 INCLUDED IN THE INDIVIDUALIZED EDUCATION PROGRAM OF A CHILD WHO IS BLIND
20 OR VISUALLY IMPAIRED, UNLESS THE IEP TEAM DETERMINES, ~~AFTER~~:**

21 **1. AFTER AN EVALUATION IN ACCORDANCE WITH
22 PARAGRAPH (2) OF THIS SUBSECTION, THAT ORIENTATION AND MOBILITY
23 INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD; OR**

24 **2. THAT THE CHILD HAS SIGNIFICANT COGNITIVE,
25 MOTOR, OR SPEECH–LANGUAGE PATHOLOGY DISABILITIES.**

26 (II) **A CHILD MAY NOT BE DENIED ORIENTATION AND MOBILITY
27 INSTRUCTION SOLELY BECAUSE THE CHILD HAS SOME REMAINING VISION.**

28 (2) **AN INITIAL ORIENTATION AND MOBILITY EVALUATION SHALL:**

29 (I) **BE PROVIDED TO A CHILD WHO IS BLIND OR VISUALLY
30 IMPAIRED IF A MEMBER OF THE CHILD’S IEP TEAM STATES THAT ORIENTATION AND
31 MOBILITY INSTRUCTION IS NOT APPROPRIATE FOR THE CHILD;**

32 (II) **CONTAIN INPUT FROM THE CHILD’S PARENT OR GUARDIAN;**

1 (III) CONTAIN INPUT FROM THE CHILD'S CLASSROOM TEACHER;
2 AND

3 (IV) CONSIDER, AT A MINIMUM, THE CHILD'S:

4 1. AGE;

5 2. CURRENT AND FUTURE NEEDS;

6 3. ABILITY TO FUNCTION IN FAMILIAR AND UNFAMILIAR
7 AREAS; AND

8 4. ABILITY TO FUNCTION UNDER VARIOUS LIGHTING
9 CONDITIONS.

10 (3) EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE VERBAL AND
11 WRITTEN NOTICE TO THE PARENT OR GUARDIAN OF A CHILD WHO IS BLIND OR
12 VISUALLY IMPAIRED OF THE AVAILABILITY OF ORIENTATION AND MOBILITY
13 INSTRUCTION AT LEAST ONE TIME EACH YEAR.

14 (4) (I) ORIENTATION AND MOBILITY INSTRUCTION PROVIDED IN
15 ACCORDANCE WITH THIS SUBSECTION SHALL BE PROVIDED BY A QUALIFIED
16 INDIVIDUAL.

17 (II) ON OR BEFORE AUGUST 1, 2016, THE DEPARTMENT SHALL
18 ADOPT REGULATIONS THAT DEFINE HOW AN INDIVIDUAL IS DEEMED QUALIFIED
19 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

20 (D) ON OR BEFORE SEPTEMBER 1, 2016, THE DEPARTMENT SHALL
21 PROVIDE GUIDELINES TO EACH LOCAL SCHOOL SYSTEM ON CONDUCTING
22 ORIENTATION AND MOBILITY EVALUATIONS IN ACCORDANCE WITH SUBSECTION
23 (C)(2) OF THIS SECTION.

24 (E) THE STATE BOARD SHALL ADOPT REGULATIONS:

25 (1) CONSISTENT WITH § 7-910 OF THIS ARTICLE; AND

26 (2) TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2015.