

HOUSE BILL 1076

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CF SB 1091

By: **Delegates Roberts, Toles, Atterbeary, Bartlett, Boaf, Crutchfield, Feldmark, Fennell, Henson, Holmes, Ivey, A. Johnson, Kaufman, Korman, Lehman, Martinez, Pasteur, Pena–Melnyk, Roberson, Ruff, Schmidt, Shetty, Simmons, Simpson, Taylor, Turner, Valderrama, Wilkins, Williams, Wims, Woods, and Wu**

Introduced and read first time: February 7, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Blind and Visually Impaired Students – Textbook Equity**

3 FOR the purpose of requiring each county board of education, on or before a certain date
4 each year, to determine the instructional materials that will be used in the upcoming
5 school year; requiring the county board to coordinate with the Instructional
6 Resources Center within the State Department of Education to provide instructional
7 materials in a specialized format to blind or visually impaired students not later
8 than a certain day in the upcoming school year; requiring the Department to cover
9 the cost to produce certain instructional materials that are not available in a
10 specialized format; requiring certain textbook publishers to provide an electronic file
11 of certain textbooks to the National Instructional Materials Access Center; requiring
12 the Instructional Resources Center to submit a report on or before a certain date
13 each year; requiring the Department to report certain findings to the Governor and
14 General Assembly on or before a certain date each year; and generally relating to
15 textbook equity for blind and visually impaired students.

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 8–408(a)(1), (3) through (7), (9), and (10)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 8–408(b) and (e)
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 8–408(e) and (f)
4 Annotated Code of Maryland
5 (2022 Replacement Volume and 2023 Supplement)

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

8 **Article – Education**

9 8–408.

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

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

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

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

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

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

21 (5) “Individualized education program” and “IEP team” have the same
22 meaning as provided by the Individuals with Disabilities Education Act.

23 (6) “National Instructional Materials Access Center” means the center
24 established under § 674(e) of the federal Individuals with Disabilities Education
25 Improvement Act of 2004.

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

30 (9) “Print instructional materials” means printed textbooks and related
31 printed core materials that are written and published primarily for use in elementary
32 school and secondary school instruction and are required by the Department or county
33 board for use by students in the classroom.

1 (10) "Specialized formats" means braille, large print, audio, or digital text
2 that is used by blind or visually impaired individuals.

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

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

11 (ii) This section does not require the exclusive use of braille if other
12 reading and writing media are appropriate to the child's educational needs. The use of other
13 reading and writing media does not preclude the use of braille or the instruction of braille.

14 (2) For the purpose of achieving successful implementation of this
15 subsection, the State Board and the Professional Standards and Teacher Education Board
16 shall adopt certification standards for teachers of blind and visually impaired students.

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

21 (ii) 1. The procedures developed under subparagraph (i) of this
22 paragraph shall require the Department and a county board to include, in any procurement
23 contract or other document or agreement used to purchase print instructional materials
24 from a publisher, a provision that requires the publisher to:

25 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 B. Purchase instructional materials from that publisher that
30 are produced in, or may be rendered in, specialized formats.

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

33 (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 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 2. Electronic files or instructional materials purchased from
5 a publisher in a specialized format.

6 (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 (v) 1. **ON OR BEFORE JANUARY 15, 2025, AND EACH**
11 **JANUARY 15 THEREAFTER, EACH COUNTY BOARD SHALL DETERMINE THE**
12 **INSTRUCTIONAL MATERIALS THAT WILL BE USED IN THE UPCOMING SCHOOL YEAR.**

13 2. **THE COUNTY BOARD SHALL COORDINATE WITH THE**
14 **INSTRUCTIONAL RESOURCES CENTER TO PROVIDE THE INSTRUCTIONAL**
15 **MATERIALS IN A SPECIALIZED FORMAT TO THE STUDENTS WHO ARE BLIND OR**
16 **VISUALLY IMPAIRED NOT LATER THAN THE FIRST DAY OF CLASSES OF THE**
17 **UPCOMING SCHOOL YEAR.**

18 3. **IF THE INSTRUCTIONAL MATERIALS ARE NOT**
19 **AVAILABLE IN A SPECIALIZED FORMAT AT THE INSTRUCTIONAL RESOURCES**
20 **CENTER AND CANNOT BE OTHERWISE OBTAINED, THE DEPARTMENT SHALL COVER**
21 **THE COST TO PRODUCE THE INSTRUCTIONAL MATERIALS IN BRAILLE OR LARGE**
22 **PRINT.**

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

26 **(II) THE DEPARTMENT SHALL PROVIDE SUPPORT TO THE**
27 **INSTRUCTIONAL RESOURCES CENTER TO ENSURE THAT TEXTBOOKS AND**
28 **SUPPLEMENTAL INSTRUCTIONAL MATERIALS IN A SPECIALIZED FORMAT ARE**
29 **AVAILABLE TO BLIND AND VISUALLY IMPAIRED STUDENTS STATEWIDE.**

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

33 **(6) BEGINNING ON JANUARY 1, 2025, A PUBLISHER THAT SELLS**
34 **PUPIL EDITION TEXTBOOKS IN THE STATE SHALL PROVIDE TO THE NATIONAL**
35 **INSTRUCTIONAL MATERIALS ACCESS CENTER AN ELECTRONIC FILE OF THE**
36 **TEXTBOOK IN THE NIMAS STANDARD IN A TIMELY MANNER.**

1 **(E) (1) ON OR BEFORE OCTOBER 1, 2026, AND EACH OCTOBER 1**
2 **THEREAFTER, THE INSTRUCTIONAL RESOURCES CENTER SHALL SUBMIT TO THE**
3 **DEPARTMENT A REPORT ON THE ACCESSIBILITY AND DELIVERY OF TEXTBOOKS AND**
4 **SUPPLEMENTAL INSTRUCTIONAL MATERIALS DURING THE PREVIOUS SCHOOL**
5 **YEAR, INCLUDING:**

6 **(I) THE NUMBER OF ELECTRONIC FILES PUBLISHERS**
7 **PROVIDED TO NIMAS; AND**

8 **(II) THE NUMBER OF REQUESTS FOR INSTRUCTIONAL**
9 **MATERIALS IN A SPECIALIZED FORMAT THAT COULD NOT BE FULFILLED AND AN**
10 **EXPLANATION REGARDING WHY THE REQUEST COULD NOT BE FULFILLED.**

11 **(2) THE DEPARTMENT SHALL POST ON ITS WEBSITE THE**
12 **INFORMATION RECEIVED FROM THE INSTRUCTIONAL RESOURCES CENTER IN**
13 **ACCORDANCE WITH THIS SUBSECTION.**

14 **(F) ON OR BEFORE DECEMBER 31, 2026, AND EACH DECEMBER 31**
15 **THEREAFTER, THE DEPARTMENT SHALL REPORT ITS FINDINGS ON THE EQUITY OF**
16 **TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR BLIND AND VISUALLY IMPAIRED**
17 **STUDENTS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
18 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

19 **[(e)] (G)** The State Board shall adopt regulations:

20 (1) Consistent with § 7-910 of this article; and

21 (2) To implement the provisions of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2024.