

SENATE BILL 1091

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CF 4lr2666

By: **Senators Watson, West, King, Hettleman, Ready, Kelly, Zucker, and Carozza**
Introduced and read first time: February 2, 2024
Assigned to: Education, Energy, and the Environment

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)

26 BY adding to
27 Article – Education
28 Section 8–408(e) and (f)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2023 Supplement)

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

5 **Article – Education**

6 8–408.

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

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

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

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

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

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

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

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

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

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

31 (10) “Specialized formats” means braille, large print, audio, or digital text
32 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 (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 (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 (2) For the purpose of achieving successful implementation of this
13 subsection, the State Board and the Professional Standards and Teacher Education Board
14 shall adopt certification standards for teachers of blind and visually impaired students.

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

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

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

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

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

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

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

1 SUPPLEMENTAL INSTRUCTIONAL MATERIALS DURING THE PREVIOUS SCHOOL
2 YEAR, INCLUDING:

3 (I) THE NUMBER OF ELECTRONIC FILES PUBLISHERS
4 PROVIDED TO NIMAS; AND

5 (II) THE NUMBER OF REQUESTS FOR INSTRUCTIONAL
6 MATERIALS IN A SPECIALIZED FORMAT THAT COULD NOT BE FULFILLED AND AN
7 EXPLANATION REGARDING WHY THE REQUEST COULD NOT BE FULFILLED.

8 (2) THE DEPARTMENT SHALL POST ON ITS WEBSITE THE
9 INFORMATION RECEIVED FROM THE INSTRUCTIONAL RESOURCES CENTER IN
10 ACCORDANCE WITH THIS SUBSECTION.

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2024.