

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 1091

(Senator Watson, *et al.*)

Education, Energy, and the Environment

Ways and Means

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

This bill requires, by January 1, 2025, local boards of education to require publishers that sell pupil edition textbooks to provide an electronic file of the textbook in a specified standard to the National Instructional Materials Access Center (NIMAC) when the publisher provides the textbook. The Maryland State Department of Education (MSDE) and local boards must enter into a memorandum of understanding to accomplish these purposes. Local boards must, by March 15 of each year, determine the instructional materials that will be used in the upcoming school year by students with individualized education programs (IEPs) and 504 plans under the federal Rehabilitation Act of 1973. A local board must coordinate with the Instructional Resources Center (IRC) to provide the instructional materials in a specialized format to students who are blind or visually impaired, no later than the first day of classes of the upcoming school year. If a local board is unable to fulfill these requirements, the local board and the family of the student must develop and agree on a plan to remedy the delivery of the instructional materials no later than 45 days before the first day of classes of the upcoming school year. MSDE must provide support to IRC to ensure that textbooks and supplemental materials in a specialized format are available to blind and visually impaired students statewide. **The bill takes effect July 1, 2024.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$86,400 in FY 2025 for staffing. Out-year costs reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	86,400	103,600	108,200	112,900	117,900
Net Effect	(\$86,400)	(\$103,600)	(\$108,200)	(\$112,900)	(\$117,900)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** To the extent that local school boards cannot arrange for instructional materials to be provided to students who are blind or visually impaired, their costs may increase significantly in order to acquire the instructional materials, according to plans developed with, and agreed to by, parents of those students. Local revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Potential meaningful.

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## Analysis

**Bill Summary:** Textbook publishers must provide the required electronic files in the National Instructional Materials Accessibility Standard (NIMAS) established by the federal Secretary for Education to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

By October 1, 2026, and annually thereafter, IRC must report to MSDE on the accessibility and delivery of textbooks and supplemental materials during the previous school year. MSDE must post on its website the information received from IRC in these reports. By December 31, 2026, and annually thereafter, MSDE must report on its findings on the equity of textbooks and supplemental materials for blind and visually impaired students to the Governor and the General Assembly.

**Current Law:** In developing the IEP for a child who is blind or visually impaired, provisions must be made for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, that such instruction or use is not appropriate for the child.

“Specialized formats” means braille, large print, audio, or digital text that is used by blind or visually impaired individuals. A child may not be denied the opportunity for instruction in braille reading and writing solely because the child has some remaining vision. Use of braille is not required if other reading and writing media are appropriate to the child's educational needs. The use of other reading and writing media does not preclude the use of braille or the instruction of braille.

Under [Section 504 of the federal Rehabilitation Act of 1973](#), an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a “reasonable accommodation” for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities

receive accommodations that are not covered by their IEP. Students with disabilities who do not need the IEP may still receive accommodations through a Section 504 plan.

The State Board of Education and the Professional Standards and Teacher Education Board must adopt certification standards for teachers of blind and visually impaired students. MSDE must collaborate with and provide support to IRC to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

MSDE and local boards of education must include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

- on or before the delivery of the print instructional materials, prepare and provide NIMAC electronic files containing the contents of the print instructional materials using NIMAS; or
- purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

IRC must make reasonable efforts to provide the instructional materials in specialized formats to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

**State Expenditures:** The bill requires MSDE to provide ongoing support to IRC to ensure the availability of NIMAS files, which requires communicating with publishers and local education agencies to ensure the delivery and availability of electronic files. MSDE cannot absorb this responsibility with existing staff.

Therefore, general fund expenditures increase by \$86,397 in fiscal 2025, which accounts for a 90-day start-up delay from the bill’s July 1, 2024 effective date. The estimate reflects the cost to MSDE of hiring one education program specialist to oversee data collection, provide compliance monitoring, and issue reports. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$79,141
Operating Expenses	<u>7,256</u>
<b>Total FY 2025 MSDE Staff Expenditures</b>	<b>\$86,397</b>

Future year expenditures reflect full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

**Small Business Effect:** Small businesses that provide instructional materials to schools must provide electronic versions of those materials in the NIMAS format as required by the bill. Similarly, small businesses that produce instructional materials in specialized formats may benefit from increased demand for their materials.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 1076 (Delegate Roberts, *et al.*) - Ways and Means.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2024  
km/mcr Third Reader - March 25, 2024  
Revised - Amendment(s) - March 25, 2024  
Enrolled - April 16, 2024  
Revised - Amendment(s) - April 16, 2024

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