
By: **Delegate Hixson**

Introduced and read first time: January 31, 2001

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Technology for Education Program - Nonvisual Access**

3 FOR the purpose of requiring the State Superintendent of Education and the
4 Department of Business and Economic Development to include a certain clause
5 in any contract or grant awarded under the Technology for Education Program;
6 specifying requirements that are to be included in the clause; requiring the
7 State Board of Education to adopt certain regulations; defining a certain term;
8 providing for the application of this Act to certain technology; and generally
9 relating to certain requirements regarding technology that is developed or
10 obtained for classroom use in certain schools.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 7-901 and 8-408
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

16 BY adding to
17 Article - Education
18 Section 7-910
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

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

23 **Article - Education**

24 7-901.

25 (a) In this subtitle the following words have the meanings indicated.

26 (b) "Eligible consortium" includes a local educational agency and a public or
27 private nonprofit organization.

1 (c) "Instructional programming" means the full range of audio and video text,
2 graphics, or additional state-of-the-art communications distributed through
3 interactive, command and control, or passive methods for the purpose of education
4 and instruction.

5 (d) "Students" means students from a broad range of backgrounds and
6 circumstances, including:

- 7 (1) Disadvantaged students;
- 8 (2) Students with diverse racial, ethnic, and cultural backgrounds;
- 9 (3) Students with disabilities;
- 10 (4) Students with limited English proficiency;
- 11 (5) Students who have dropped out of school; and
- 12 (6) Academically talented students.

13 (e) "Technology" means the latest state-of-the-art technology products and
14 services, including:

- 15 (1) Closed circuit television systems;
- 16 (2) Educational television and radio broadcasting;
- 17 (3) Cable television;
- 18 (4) Satellite;
- 19 (5) Copper and fiber optic transmission;
- 20 (6) Computer;
- 21 (7) Video and audio laser and CD ROM discs; [and]
- 22 (8) Video and audio tapes or other technologies; AND
- 23 (9) TECHNOLOGY USED FOR ON-LINE LEARNING.

24 7-910.

25 (A) THE STATE SUPERINTENDENT AND THE SECRETARY OF BUSINESS AND
26 ECONOMIC DEVELOPMENT JOINTLY SHALL ENSURE THAT ANY CONTRACT OR GRANT
27 FOR TECHNOLOGY THAT IS TO BE DEVELOPED OR OBTAINED UNDER THIS SUBTITLE
28 FOR CLASSROOM USE INCLUDES A CLAUSE GOVERNING NONVISUAL ACCESS.

29 (B) THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER
30 SUBSECTION (A) OF THIS SECTION SHALL SPECIFY THAT THE TECHNOLOGY:

1 (1) MUST PROVIDE EQUIVALENT ACCESS FOR EFFECTIVE USE BY BOTH
2 VISUAL AND NONVISUAL MEANS;

3 (2) WILL PRESENT INFORMATION, INCLUDING PROMPTS FOR
4 INTERACTIVE COMMUNICATION, IN A FORMAT THAT ALLOWS FOR VISUAL AND
5 NONVISUAL USE;

6 (3) CAN BE INTEGRATED INTO NETWORKS FOR OBTAINING,
7 RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO ARE
8 NOT BLIND OR VISUALLY IMPAIRED; AND

9 (4) IS COMPATIBLE WITH PERIPHERAL HARDWARE DEVICES AND
10 SOFTWARE USED FOR NONVISUAL ACCESS AND WILL NOT REQUIRE MODIFICATION
11 FOR COMPATIBILITY WHENEVER FEASIBLE.

12 8-408.

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

14 (2) "Child who is blind or visually impaired" means a child who:

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

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

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

22 (3) "Braille" means the system of reading and writing through touch
23 commonly known as Standard English Grade 2 Braille.

24 (4) "Individualized education program" and "IEP team" have the same
25 meaning as provided by the Individuals with Disabilities Education Act Amendments
26 of 1997, P.L. 105-17, Section 614(d).

27 (5) "TECHNOLOGY" HAS THE MEANING STATED IN §7-901 OF THIS
28 ARTICLE.

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

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

1 (3) This section does not require the exclusive use of braille if other
2 reading and writing media are appropriate to the child's educational needs. The use of
3 other reading and writing media does not preclude the use of braille or the instruction
4 of braille.

5 (c) For the purpose of achieving successful implementation of this section, the
6 State Board and the Professional Standards and Teacher Education Board shall adopt
7 certification standards for teachers of blind and visually impaired students.

8 (d) (1) The Department shall develop procedures to coordinate the statewide
9 availability of textbooks and supplementary instructional materials in nonvisually
10 accessible media.

11 (2) The State Board shall adopt regulations to require a publisher of a
12 textbook, including texts in electronic media adopted by a county board to furnish,
13 upon request, the instructional resource center established under paragraph (1) of
14 this subsection with an electronic version of pupil edition textbooks for literary
15 subjects, and for nonliterary subjects when the technology is available to convert
16 nonliterary subject textbooks to a format compatible with braille translations
17 software, in which the content:

18 (i) Is encoded in text suitable for conversion into braille or
19 synthesized speech; and

20 (ii) Has been prepared using a markup language that maintains
21 the structural integrity of the information and can be processed by braille translation
22 software.

23 (E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE THAT
24 TECHNOLOGY PURCHASED OR USED BY THE STATE OR A LOCAL SCHOOL SYSTEM
25 FOR CLASSROOM INSTRUCTION COMPLIES WITH THE REQUIREMENTS GOVERNING
26 NONVISUAL ACCESS SPECIFIED UNDER § 7-910 OF THIS ARTICLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2001.