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By: **Senators Conway, Blount, Collins, Della, Exum, Frosh, Green, Harris,
Hogan, Hollinger, Hooper, Hughes, Jacobs, Lawlah, Mitchell, Munson,
Pinsky, Sfikas, Stone, Teitelbaum, and Van Hollen**

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CHAPTER _____

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; specifying certain
7 alternatives under certain circumstances; requiring the State Board of
8 Education to adopt certain regulations; ~~defining a certain term~~ certain terms;
9 providing for the application of this Act to certain technology; and generally
10 relating to certain requirements regarding technology that is developed or
11 obtained for classroom use in certain schools.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 7-901 and 8-408
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 BY adding to
18 Article - Education
19 Section 7-910
20 Annotated Code of Maryland

1 (1999 Replacement Volume and 2000 Supplement)

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

4 **Article - Education**

5 7-901.

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

7 (b) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" MEANS COMPUTER
8 HARDWARE, OR SOFTWARE, OR RESOURCES FOR ACCESSING ON-LINE CONTENT
9 USED BY TEACHERS AND STUDENTS IN THE DELIVERY OF THE INSTRUCTIONAL
10 PROGRAM.

11 (C) "Eligible consortium" includes a local educational agency and a public or
12 private nonprofit organization.

13 (D) "Instructional programming" means the full range of audio and video
14 text, graphics, or additional state-of-the-art communications distributed through
15 interactive, command and control, or passive methods for the purpose of education
16 and instruction.

17 (E) "Students" means students from a broad range of backgrounds and
18 circumstances, including:

- 19 (1) Disadvantaged students;
- 20 (2) Students with diverse racial, ethnic, and cultural backgrounds;
- 21 (3) Students with disabilities;
- 22 (4) Students with limited English proficiency;
- 23 (5) Students who have dropped out of school; and
- 24 (6) Academically talented students.

25 (F) "Technology" means the latest state-of-the-art technology products
26 and services, including:

- 27 (1) Closed circuit television systems;
- 28 (2) Educational television and radio broadcasting;
- 29 (3) Cable television;
- 30 (4) Satellite;
- 31 (5) Copper and fiber optic transmission;

- 1 (6) Computer;
- 2 (7) Video and audio laser and CD ROM discs; [and]
- 3 (8) Video and audio tapes or other technologies; AND
- 4 (9) TECHNOLOGY USED FOR ON-LINE LEARNING.

5 7-910.

6 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE STATE
 7 SUPERINTENDENT AND THE SECRETARY OF BUSINESS AND ECONOMIC
 8 DEVELOPMENT JOINTLY SHALL ENSURE THAT ANY CONTRACT OR GRANT FOR
 9 TECHNOLOGY INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND
 10 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR
 11 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY THAT IS ARE TO BE DEVELOPED
 12 OR OBTAINED UNDER THIS SUBTITLE FOR CLASSROOM USE INCLUDES INCLUDE A
 13 CLAUSE GOVERNING NONVISUAL ACCESS.

14 (B) THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER
 15 SUBSECTION (A) OF THIS SECTION SHALL SPECIFY THAT THE COMPUTER-BASED
 16 INSTRUCTIONAL TECHNOLOGY THAT MEETS ALL OTHER SPECIFICATIONS AND WILL
 17 BE USED BY BLIND OR VISUALLY IMPAIRED INDIVIDUALS:

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

20 (2) WILL PRESENT INFORMATION, INCLUDING PROMPTS FOR
 21 INTERACTIVE COMMUNICATION, IN A FORMAT THAT ALLOWS FOR VISUAL AND
 22 NONVISUAL USE;

23 (3) CAN BE ~~INTEGRATED INTO NETWORKS~~ USED WITHIN NETWORKED
 24 ENVIRONMENTS FOR OBTAINING, RETRIEVING, AND DISSEMINATING INFORMATION
 25 USED BY INDIVIDUALS WHO ARE NOT BLIND OR VISUALLY IMPAIRED; AND

26 (4) ~~IS COMPATIBLE WITH PERIPHERAL HARDWARE DEVICES AND~~
 27 ~~SOFTWARE USED FOR NONVISUAL ACCESS AND WILL NOT REQUIRE MODIFICATION~~
 28 ~~FOR COMPATIBILITY WHENEVER FEASIBLE SHALL BE OBTAINED, WHENEVER~~
 29 ~~POSSIBLE, WITHOUT MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND~~
 30 ~~HARDWARE FOR NONVISUAL ACCESS.~~

31 (C) FOLLOWING AN EVALUATION OF COMPUTER-BASED INSTRUCTIONAL
 32 TECHNOLOGY, IF A DETERMINATION IS MADE THAT COMPUTER-BASED
 33 INSTRUCTIONAL TECHNOLOGY THAT FULLY MEETS THE REQUIREMENTS OF
 34 SUBSECTION (B) OF THIS SECTION IS NOT AVAILABLE, THE STATE AND THE LOCAL
 35 SCHOOL SYSTEMS SHALL:

36 (1) (I) SELECT THE COMPUTER-BASED INSTRUCTIONAL
 37 TECHNOLOGY WITH THE GREATEST FUNCTIONALITY FOR EQUIVALENT VISUAL AND
 38 NONVISUAL ACCESS THAT MEETS ALL OTHER SPECIFICATIONS; AND

1 (II) IMPLEMENT AN ALTERNATIVE METHOD OF INSTRUCTION
 2 DESIGNED TO ENABLE A STUDENT WHO IS BLIND OR VISUALLY IMPAIRED TO
 3 ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT'S
 4 IEP OR 504 PLAN; OR

5 (2) IF COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY WITH THE
 6 GREATEST FUNCTIONALITY FOR EQUIVALENT VISUAL AND NONVISUAL ACCESS
 7 THAT MEETS ALL OTHER SPECIFICATIONS IS NOT AVAILABLE, IMPLEMENT AN
 8 ALTERNATIVE METHOD OF INSTRUCTION DESIGNED TO ENABLE A STUDENT WHO IS
 9 BLIND OR VISUALLY IMPAIRED TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES
 10 CONSISTENT WITH THE STUDENT'S IEP OR 504 PLAN.

11 8-408.

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

13 (2) "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
 16 visual 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 (3) "Braille" means the system of reading and writing through touch
 22 commonly known as Standard English Grade 2 Braille.

23 (4) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
 24 MEANING STATED IN § 7-901 OF THIS ARTICLE.

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

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

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

36 (2) A child may not be denied the opportunity for instruction in braille
 37 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 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY PURCHASED OR USED BY THE
25 STATE OR A LOCAL SCHOOL SYSTEM FOR CLASSROOM INSTRUCTION COMPLIES WITH
26 THE REQUIREMENTS GOVERNING NONVISUAL ACCESS SPECIFIED UNDER § 7-910 OF
27 THIS ARTICLE.

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