

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 226

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Nonvisual Access” and substitute “Equivalent Access for Students with Disabilities”; strike beginning with the first “specifying” in line 6 down through “alternatives” in line 7 and substitute “requiring the State and each local school system to ensure that equivalent access standards are included in certain grant and procurement contract specifications and in certain guidelines concerning certain instructional products; requiring the State or local school system, after evaluating certain products, to select certain products that meet certain specifications; providing for an exemption from the required selection of certain products that meet certain standards; requiring the State or a local school system to implement certain alternative methods of instruction”; strike beginning with “defining” in line 8 down through “technology;” in line 9; strike beginning with “certain” in line 9 down through “schools” in line 11 and substitute “the provision of equivalent access to technology in the Technology for Education Program for students with disabilities”; in line 12, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 14, strike “7-901 and 8-408” and substitute “7-910”; in line 17, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 19, strike “7-910” and substitute “8-408”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 30, inclusive.

On page 3, strike line 1 in its entirety; and strike in their entirety lines 3 through 39, inclusive.

On page 4, strike in their entirety lines 1 through 3, inclusive, and substitute:

“(A) THE STATE SUPERINTENDENT AND THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT JOINTLY SHALL ENSURE THAT SPECIFICATIONS USED IN

(Over)

ALL GRANTS AND PROCUREMENT CONTRACTS FOR TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS REQUIRE EQUIVALENT ACCESS FOR STUDENTS WITH DISABILITIES, INCLUDING BLINDNESS, IN ACCORDANCE WITH THE TECHNICAL STANDARDS FOR ELECTRONIC AND INFORMATION TECHNOLOGY ISSUED UNDER SUBSECTION (A)(2) OF SECTION 508 OF THE FEDERAL REHABILITATION ACT OF 1973, 29 U.S.C. § 794(A)(2).

(B) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS, PROCUREMENT CONTRACTS, GRANTS, OR MODIFICATIONS TO CONTRACTS OR GRANTS ISSUED BY THE STATE OR ANY LOCAL SCHOOL SYSTEM SHALL INCLUDE NOTICE OF THE EQUIVALENT ACCESS REQUIREMENT WHENEVER FUNDS AWARDED MAY BE USED TO DEVELOP, OBTAIN, OR USE TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS.

(C) THE STATE AND EACH LOCAL SCHOOL SYSTEM SHALL ALSO ENSURE THAT THE EQUIVALENT ACCESS STANDARDS ARE INCLUDED IN GUIDELINES USED FOR DESIGN SPECIFICATIONS FOR AND EVALUATION AND SELECTION OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS.

(D) (1) FOLLOWING AN EVALUATION OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS, THE STATE OR LOCAL SCHOOL SYSTEM SHALL SELECT THE AVAILABLE PRODUCT THAT BEST MEETS THE SPECIFICATIONS AND HAS THE GREATEST FUNCTIONALITY FOR EQUIVALENT ACCESS FOR STUDENTS WITH DISABILITIES, INCLUDING BLINDNESS.

(2) IF A PRODUCT THAT MEETS THE EQUIVALENT ACCESS STANDARDS IS NOT AVAILABLE, OR IF OBTAINING AN AVAILABLE PRODUCT WOULD FUNDAMENTALLY ALTER THE NATURE OF THE INSTRUCTIONAL ACTIVITY OR WOULD RESULT IN AN UNDUE BURDEN, THE STATE SUPERINTENDENT MAY APPROVE A WRITTEN REQUEST TO OBTAIN A PRODUCT THAT DOES NOT MEET THE EQUIVALENT ACCESS STANDARDS BUT PROVIDES THE BEST EQUIVALENT ACCESS FUNCTIONALITY.

(E) IF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS ARE PROVIDED TO STUDENTS WITHOUT DISABILITIES AND NOT TO A STUDENT WITH A DISABILITY,

THE STATE OR LOCAL SCHOOL SYSTEM SHALL IMPLEMENT AN ALTERNATIVE METHOD OF INSTRUCTION, INCLUDING USE OF OTHER TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS, IF AVAILABLE, DESIGNED TO ENABLE A STUDENT WITH A DISABILITY TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT’S IEP PLAN, AS DEFINED IN § 8-408 OF THIS ARTICLE, OR THE STUDENT’S 504 PLAN, AS PROVIDED UNDER THE FEDERAL REHABILITATION ACT OF 1973.”;

and strike beginning with ““COMPUTER-BASED” in line 16 down through “(5)” in line 18, inclusive.

On page 5, strike in their entirety lines 16 through 20, inclusive, and substitute:

“(E) THE STATE BOARD SHALL ADOPT REGULATIONS CONSISTENT WITH § 7-910 OF THIS ARTICLE TO IMPLEMENT THE PROVISIONS OF THIS SECTION.”.