

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1197

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Public Schools” and substitute “Education”; in the same line, after “Education” insert “Program - Equivalent Access for Students with Disabilities”; in line 3, after the first “of” insert “requiring the State Superintendent of Education and the Department of Business and Economic Development to include a certain clause in any contract or grant awarded under the Technology for Education Program; 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 under certain circumstances; requiring the State Board of Education to adopt certain regulations; requiring the State Department of Education to monitor compliance with certain requirements and report to the General Assembly each year on or before a certain date; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to the provision of equivalent access to technology in the Technology for Education Program for students with disabilities.”;

strike beginning with “altering” in line 3 down through “schools.” in line 24; in line 25, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 27, strike “7-901 through 7-906 and 7-1001” and substitute “7-910”.

On page 2, in line 3, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 5, strike “7-1002” and substitute “8-408”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 through 26, inclusive; and after line 29, insert:

(Over)

“7-910.

(A) THE STATE SUPERINTENDENT AND THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT JOINTLY SHALL ENSURE THAT SPECIFICATIONS USED IN ALL GRANTS AND PROCUREMENT CONTRACTS FOR THE 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) (1) THIS SUBSECTION DOES NOT APPLY TO TEACHER-DEVELOPED INSTRUCTIONAL MATERIALS UNTIL FISCAL YEAR 2005.

(2) 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 OR OBTAIN, 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 LOCAL SCHOOL SYSTEM MAY OBTAIN

A PRODUCT THAT DOES NOT MEET THE EQUIVALENT ACCESS STANDARDS BUT PROVIDES THE BEST EQUIVALENT ACCESS FUNCTIONALITY.

(3) THE DEPARTMENT SHALL:

(I) MONITOR COMPLIANCE WITH THE REQUIREMENTS OF ACCESSIBILITY OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS SET FORTH IN COMAR 13.A.05.02; AND

(II) REPORT ITS FINDINGS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(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.

8-408.

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

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

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

(Over)

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

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

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

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

(b) (1) In developing the individualized education program for a child who is blind or visually impaired, provisions shall 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, including an evaluation of the child's future needs for instruction in braille or the use of braille, that such instruction or use is not appropriate for the child.

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

(3) This section does not require the exclusive use of braille 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.

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

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

(2) The State Board shall adopt regulations to require a publisher of a textbook,

including texts in electronic media adopted by a county board to furnish, upon request, the instructional resource center established under paragraph (1) of this subsection with an electronic version of pupil edition textbooks for literary subjects, and for nonliterary subjects when the technology is available to convert nonliterary subject textbooks to a format compatible with braille translations software, in which the content:

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

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

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

AMENDMENT NO. 3

On pages 2 through 9, strike in their entirety the lines beginning with line 30 on page 2 through line 19 on page 9, inclusive.