

SENATE BILL 226

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SB 372/01 - EEA

2002 Regular Session  
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By: **Senators Conway, Astle, Baker, Bromwell, Collins, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Green, Haines, Harris, Hoffman, Hogan, Hollinger, Hooper, Hughes, Jimeno, Kasemeyer, Kelley, Lawlah, McFadden, Middleton, Miller, Mitchell, Munson, Neall, Pinsky, Ruben, Sfikas, Stone, Teitelbaum, and Van Hollen**

Introduced and read first time: January 18, 2002  
Assigned to: Education, Health, and Environmental Affairs

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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; specifying certain  
7 alternatives under certain circumstances; requiring the State Board of  
8 Education to adopt certain regulations; defining certain terms; providing for the  
9 application of this Act to certain technology; and generally relating to certain  
10 requirements regarding technology that is developed or obtained for classroom  
11 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 (2001 Replacement Volume)

17 BY adding to  
18 Article - Education  
19 Section 7-910  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume)

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

1 **Article - Education**

2 7-901.

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

4 (b) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" MEANS COMPUTER  
5 HARDWARE OR SOFTWARE USED BY TEACHERS AND STUDENTS IN THE DELIVERY OF  
6 THE INSTRUCTIONAL PROGRAM.

7 (c) "Eligible consortium" includes a local educational agency and a public or  
8 private nonprofit organization.

9 [(c)] (D) "Instructional programming" means the full range of audio and video  
10 text, graphics, or additional state-of-the-art communications distributed through  
11 interactive, command and control, or passive methods for the purpose of education  
12 and instruction.

13 [(d)] (E) "Students" means students from a broad range of backgrounds and  
14 circumstances, including:

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

21 [(e)] (F) "Technology" means the latest state-of-the-art technology products  
22 and services, including:

- 23 (1) Closed circuit television systems;
- 24 (2) Educational television and radio broadcasting;
- 25 (3) Cable television;
- 26 (4) Satellite;
- 27 (5) Copper and fiber optic transmission;
- 28 (6) Computer;
- 29 (7) Video and audio laser and CD ROM discs; [and]
- 30 (8) Video and audio tapes or other technologies; AND

1 (9) TECHNOLOGY USED FOR ON-LINE LEARNING.

2 7-910.

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

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

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

16 (2) WILL PRESENT INFORMATION, INCLUDING PROMPTS FOR  
17 INTERACTIVE COMMUNICATION, IN A FORMAT THAT ALLOWS FOR VISUAL AND  
18 NONVISUAL USE;

19 (3) CAN BE USED WITHIN NETWORKED ENVIRONMENTS FOR  
20 OBTAINING, RETRIEVING, AND DISSEMINATING INFORMATION USED BY  
21 INDIVIDUALS WHO ARE NOT BLIND OR VISUALLY IMPAIRED; AND

22 (4) SHALL BE OBTAINED, WHENEVER POSSIBLE, WITHOUT  
23 MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR  
24 NONVISUAL ACCESS.

25 (C) FOLLOWING AN EVALUATION OF COMPUTER-BASED INSTRUCTIONAL  
26 TECHNOLOGY, IF A DETERMINATION IS MADE THAT COMPUTER-BASED  
27 INSTRUCTIONAL TECHNOLOGY THAT FULLY MEETS THE REQUIREMENTS OF  
28 SUBSECTION (B) OF THIS SECTION IS NOT AVAILABLE, THE STATE AND THE LOCAL  
29 SCHOOL SYSTEMS SHALL:

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

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

37 (2) IF COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY WITH THE  
38 GREATEST FUNCTIONALITY FOR EQUIVALENT VISUAL AND NONVISUAL ACCESS  
39 THAT MEETS ALL OTHER SPECIFICATIONS IS NOT AVAILABLE, IMPLEMENT AN

1 ALTERNATIVE METHOD OF INSTRUCTION DESIGNED TO ENABLE A STUDENT WHO IS  
2 BLIND OR VISUALLY IMPAIRED TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES  
3 CONSISTENT WITH THE STUDENT'S IEP OR 504 PLAN.

4 8-408.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (E) THE STATE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE THAT  
17 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY PURCHASED BY THE STATE OR A  
18 LOCAL SCHOOL SYSTEM FOR CLASSROOM INSTRUCTION COMPLIES WITH THE  
19 REQUIREMENTS GOVERNING NONVISUAL ACCESS SPECIFIED UNDER § 7-910 OF THIS  
20 ARTICLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2002.