

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

Senate Bill 226 (Senator Conway, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

**Education - Technology for Education Program - Equivalent Access for Students
with Disabilities**

This bill requires the State Superintendent of Schools and the Secretary of Business and Economic Development to jointly ensure that grant and procurement contract specifications for technology-based instructional products require equivalent access for students with disabilities. Invitations for bids, requests for proposals, procurement contracts, and grants issued by the State or a local school system must include notice of the equivalent access requirement whenever funds awarded may be used to develop or obtain technology-based instructional products. The State and local school systems must select products that provide the greatest access. A local school system may obtain a product that does not meet equivalent access standards if a product that meets the standards is not available or if obtaining a product that meets standards would result in an undue burden. If technology meeting equivalent access standards is not available, the State or a local school system must select technology with the greatest access capability and implement an alternative method of instruction that enables a child with a disability to achieve instructional outcomes consistent with the student's individualized education plan. The Maryland State Department of Education must monitor and report annually on compliance with the bill and related COMAR regulations.

Fiscal Summary

State Effect: General fund expenditures could increase minimally in FY 2003 to provide training on the bill's procurement requirements.

Local Effect: Local school expenditures for technology-based instructional products could increase significantly. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Current Law: Invitations for bids, requests for proposals or grants, and procurement contracts for technology-based instructional products are not required to include specifications for equivalent access for students with disabilities.

COMAR regulations approved by the State Board of Education in December 2001 would require requests for bids and requests for proposals to include the federal requirements governing equivalent access for all students with disabilities. In addition, local school system guidelines for the selection and evaluation of instructional software, on-line resources, and computer-based equipment must include the federal requirements governing equivalent access. The regulations require local school systems to ensure that technology-based instructional products provide students with disabilities equivalent access unless doing so would: (1) fundamentally alter the nature of the instructional activity; (2) result in undue financial and administrative burdens on the school system; or (3) not meet other specifications. If a school system cannot provide equivalent access to technology-based instructional materials, it must provide an alternative method of instruction designed to enable a student with disabilities to access the general curriculum. The regulations have not come before the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review, and therefore, have not been formally adopted by the State.

Background: Following the 2001 session, the Chairman of the House Ways and Means Committee recommended that the Maryland State Department of Education (MSDE) develop regulations governing the acquisition and use of instructional technologies that allow for nonvisual access. In December 2001, the State Board of Education adopted regulations that address equivalent access for all students with disabilities, including visually-impaired students.

State Fiscal Effect: MSDE has contracted with the Johns Hopkins Center for Technology in Education to have the center provide training on the new regulations. The contract is for \$33,500. If the bill is enacted, changes would have to be made to the contract or a second round of training could be necessary.

In fiscal 2001, the State spent \$13.8 million on computer hardware and \$340,000 on computer software for 329 public schools through the Technology in Maryland Schools Program. In fiscal 2002, a similar number of schools are involved in the program and spending levels for hardware and software are the same as the fiscal 2001 levels. The bill

does not mandate that the State increase its spending for classroom technology equipment.

The State Superintendent of Schools and the Secretary of Business and Economic Development could ensure that procurement and grant specifications require equivalent access with existing resources. MSDE could monitor and report on compliance with the bill with existing resources.

Local Expenditures: Local school expenditures for technology-based instructional products would increase significantly beginning in fiscal 2003. Local school systems spent almost \$30 million in local funds on computer hardware (\$24 million) and software (\$5.4 million) in fiscal 2000. Estimated local expenditures for hardware and software in fiscal 2001 total approximately \$40 million. Increases in hardware and software expenditures would be offset to some extent by the costs local school systems would incur in order to comply with COMAR regulations. However, the bill could be interpreted to apply to a broader range of technology equipment than the COMAR regulations. The regulations only apply to software, hardware, and on-line resources. The bill could apply to all technology-based instructional products, and therefore could include video, audio, and telecommunications equipment.

Small Business Effect: Small technology businesses could lose Maryland school systems as customers if they are unable or unwilling to provide products with the equivalent access capabilities required under the bill. Small businesses that specialize in equivalent access technologies or provide technology products with the necessary capabilities could benefit.

Additional Information

Prior Introductions: Cross-filed bills that would have required technology-based products to provide nonvisual access were introduced last year as SB 372/HB 358. SB 372 passed in the Senate, but neither bill was reported out of the House Ways and Means Committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Business and Economic Development, Department of Legislative Services

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