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By: **Delegates Heller, King, Krysiak, Anderson, Bozman, Bromwell, C. Davis,  
Elmore, Goodwin, Haddaway, Impallaria, Jennings, Kach, Kaiser,  
McDonough, McIntosh, Malone, Menes, Nathan-Pulliam, Trueschler,  
F. Turner, Weir, Gutierrez, and Hixson**

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education Institutions - Blind Individuals - Access to Technology**

3 FOR the purpose of requiring the governing boards of public institutions of higher  
4 education to ensure that certain contracts to purchase certain technology  
5 include a certain clause relating to nonvisual access; requiring the boards to  
6 ensure that certain blind individuals have access to certain technology and  
7 materials; requiring the Maryland Higher Education Commission, in  
8 consultation with the Department of Disabilities, to assist the public  
9 institutions of higher education with the application of a nonvisual access clause  
10 by developing certain guidelines on or before a certain date; defining certain  
11 terms; and generally relating to nonvisual access standards for the procurement  
12 and use of technology for blind individuals by public institutions of higher  
13 education.

14 BY repealing and reenacting, without amendments,  
15 Article - Education  
16 Section 11-105(a)  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Education  
21 Section 11-105(b), 12-101, and 12-112  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2004 Supplement)

24 BY adding to  
25 Article - Education  
26 Section 12-301 to be under the new subtitle "Subtitle 3. Blind Individuals -  
27 Access to Technology"; 14-110, 14-409, and 16-318  
28 Annotated Code of Maryland

1 (2004 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - State Finance and Procurement

4 Section 3-412

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2004 Supplement)

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

9 **Article - Education**

10 11-105.

11 (a) In addition to any other powers granted and duties imposed by this title  
12 and subject to any restrictions imposed by law, the Commission has the powers and  
13 duties set forth in this section.

14 (b) (1) The Commission shall coordinate the overall growth and  
15 development of postsecondary education in the State.

16 (2) (i) In consultation with the governing boards and agencies  
17 concerned with postsecondary education in the State, the Commission shall develop  
18 and periodically update an overall plan consistent with the Charter, known as the  
19 State Plan for Higher Education, that shall identify:

20 1. The present and future needs for postsecondary education  
21 and research throughout the State;

22 2. The present and future capabilities of the different  
23 institutions and segments of postsecondary education in the State; and

24 3. The long-range and short-range objectives and priorities  
25 for postsecondary education and methods and guidelines for achieving and  
26 maintaining them.

27 (ii) The Commission shall ensure that the State Plan for Higher  
28 Education complies with the State's equal educational opportunity obligations under  
29 State and federal law, including Title VI of the Civil Rights Act.

30 (iii) In developing the State Plan for Higher Education, the  
31 Commission shall incorporate the goals and priorities for higher education identified  
32 in this Division III and, for the University System of Maryland, including those  
33 identified in §§ 10-209 and 12-106 of this article.

34 (3) (i) The Commission shall submit to the Governor and, subject to §  
35 2-1246 of the State Government Article, to the General Assembly a biennial review of  
36 the plan by July 1, 1995 and by July 1 of each alternate year thereafter.

1 (ii) The biennial review shall include a report on the status and  
2 needs of postsecondary education in the State.

3 (4) In accordance with Subtitle 3 of this title, the Commission shall  
4 review, negotiate as necessary, and approve the appropriate role, function, and  
5 mission of each public institution of postsecondary education in the State.

6 (5) (i) With respect to the College Park campus of the University of  
7 Maryland, the Commission shall direct the Board of Regents of the University of  
8 Maryland to develop and implement a plan for the enhancement of that campus as  
9 the State's flagship campus with programs and faculty nationally and internationally  
10 recognized for excellence in research and the advancement of knowledge.

11 (ii) With respect to the constituent institutions of the University  
12 System of Maryland in the Baltimore region, the Commission shall direct the Board of  
13 Regents of the University of Maryland to maintain and enhance a coordinated Higher  
14 Education Center for Research and Graduate and Professional Study in the Baltimore  
15 area.

16 (iii) With respect to Morgan State University, the Commission shall  
17 direct the Board of Regents of Morgan State University to develop and implement a  
18 plan for the enhancement of that institution as the State's public urban university  
19 with the appropriate programs, faculty, and facilities.

20 (6) The Commission has statewide coordinating responsibility for the  
21 community colleges and shall establish general policies for their operation.

22 (7) The Commission has statewide coordinating responsibility for  
23 regional higher education centers.

24 (8) The Commission may distribute strategic incentive funds to an  
25 institution of higher education or a regional higher education center to encourage  
26 attainment of the goals and priorities set forth in the State Plan for Higher  
27 Education.

28 (9) IN CONSULTATION WITH THE DEPARTMENT OF DISABILITIES, ON OR  
29 BEFORE JANUARY 1, 2006, THE COMMISSION SHALL DEVELOP GUIDELINES FOR THE  
30 IMPLEMENTATION OF THE NONVISUAL ACCESS CLAUSE IN INFORMATION  
31 TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES BIDS, REQUESTS FOR  
32 PROPOSALS OR GRANTS, CONTRACTS, AND MODIFICATION TO CONTRACTS, AS  
33 REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AS  
34 APPLICABLE TO:

35 (I) THE UNIVERSITY SYSTEM OF MARYLAND UNDER TITLE 12 OF  
36 THIS ARTICLE;

37 (II) MORGAN STATE UNIVERSITY UNDER § 14-110 OF THIS ARTICLE;

38 (III) ST. MARY'S COLLEGE OF MARYLAND UNDER § 14-409 OF THIS  
39 ARTICLE; AND

1 (IV) COMMUNITY COLLEGES UNDER § 16-318 OF THIS ARTICLE.

2 12-101.

3 (a) In order to foster the development of a consolidated system of public higher  
4 education, to improve the quality of education, to extend its benefits and to encourage  
5 the economical use of the State's resources, the University System of Maryland is  
6 established in accordance with the provisions of this title.

7 (b) In this title the following words have the meanings indicated.

8 (1) "Board" or "Board of Regents" means the Board of Regents of the  
9 University System of Maryland.

10 (2) "Chancellor" means the Chief Executive Officer of the University  
11 System of Maryland and the Chief of Staff for the Board of Regents.

12 (3) "President" means the Chief Executive Officer of a constituent  
13 institution of the University System of Maryland.

14 (4) "Constituent institutions", "institutions", or "campuses" means the  
15 following public senior higher education institutions under the jurisdiction of the  
16 Board of Regents:

17 (i) University of Maryland, Baltimore;

18 (ii) University of Maryland Baltimore County;

19 (iii) University of Maryland, College Park;

20 (iv) University of Maryland Eastern Shore;

21 (v) University of Maryland University College;

22 (vi) Bowie State University;

23 (vii) Coppin State University;

24 (viii) Frostburg State University;

25 (ix) Salisbury University;

26 (x) Towson University; and

27 (xi) University of Baltimore.

28 (5) "Centers" or "Institutes" means the following components of the  
29 System under the jurisdiction of the Board of Regents:

30 (i) University of Maryland Center for Environmental Science;

1 (ii) Cooperative Extension Service and the Agricultural Experiment  
2 Station;

3 (iii) Statewide Medical Education and Training System;

4 (iv) Fire and Rescue Institute; and

5 (v) Any other center, component, or institute established and  
6 operated by the System in accordance with its mission.

7 (6) "University" or "University of Maryland" or "University of Maryland  
8 System" means the University System of Maryland.

9 (7) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" MEANS  
10 COMPUTER HARDWARE OR SOFTWARE USED BY FACULTY AND STUDENTS IN THE  
11 DELIVERY OF THE INSTRUCTIONAL PROGRAM.

12 (8) "TECHNOLOGY" MEANS THE LATEST STATE-OF-THE-ART  
13 TECHNOLOGY PRODUCTS AND SERVICES, INCLUDING:

14 (I) COPPER AND FIBER OPTIC TRANSMISSION;

15 (II) COMPUTER;

16 (III) VIDEO AND AUDIO LASER AND CD-ROM DISCS;

17 (IV) VIDEO AND AUDIO TAPES OR OTHER TECHNOLOGIES; AND

18 (V) TECHNOLOGY USED FOR ON-LINE LEARNING.

19 12-112.

20 (a) (1) Except as provided in § 11-203(e) of the State Finance and  
21 Procurement Article, the University is exempt from Division II of the State Finance  
22 and Procurement Article.

23 (2) (i) Subject to review and approval by the Board of Public Works  
24 and the Administrative, Executive, and Legislative Review Committee of the General  
25 Assembly, the Board of Regents shall develop policies and procedures governing  
26 procurements by the University.

27 (ii) The policies and procedures developed under subparagraph (i)  
28 of this paragraph shall promote the purposes of the State procurement law as set  
29 forth in § 11-201 of the State Finance and Procurement Article.

30 (b) (1) The Board of Regents shall develop an information technology plan  
31 for the University System of Maryland that includes information technology policies  
32 and standards, including policies and standards for information management and  
33 telecommunication systems, that are functionally compatible with the State  
34 Information Technology Plan established under Title 3, Subtitle 4 of the State  
35 Finance and Procurement Article.

1 (2) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND  
2 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR  
3 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED  
4 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS SHALL INCLUDE THE  
5 CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412 OF THE STATE  
6 FINANCE AND PROCUREMENT ARTICLE.

7 SUBTITLE 3. BLIND INDIVIDUALS - ACCESS TO TECHNOLOGY.

8 12-301.

9 THE BOARD OF REGENTS SHALL DIRECT THAT EACH CONSTITUENT  
10 INSTITUTION ENSURE THAT:

11 (1) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE AVAILABLE FOR  
12 STUDENT USE WITHIN THE INSTITUTION, AT LEAST ONE WORK STATION IS  
13 EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND  
14 NONVISUAL MEANS;

15 (2) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND  
16 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR  
17 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

18 (3) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL  
19 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND  
20 NONVISUAL MEANS.

21 14-110.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE  
25 MEANING STATED IN § 12-101 OF THIS ARTICLE.

26 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS  
27 ARTICLE.

28 (B) THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY SHALL ENSURE  
29 THAT:

30 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND  
31 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR  
32 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED  
33 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT MORGAN STATE  
34 UNIVERSITY SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS  
35 REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;  
36 AND

37 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

1 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE  
2 AVAILABLE FOR STUDENT USE AT MORGAN STATE UNIVERSITY, AT LEAST ONE WORK  
3 STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL  
4 AND NONVISUAL MEANS;

5 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND  
6 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR  
7 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

8 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL  
9 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND  
10 NONVISUAL MEANS.

11 14-409.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE  
15 MEANING STATED IN § 12-101 OF THIS ARTICLE.

16 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS  
17 ARTICLE.

18 (B) THE BOARD OF TRUSTEES OF ST. MARY'S COLLEGE SHALL ENSURE THAT:

19 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND  
20 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR  
21 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED  
22 UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT ST. MARY'S  
23 COLLEGE OF MARYLAND SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL  
24 ACCESS REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT  
25 ARTICLE; AND

26 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

27 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE  
28 AVAILABLE FOR STUDENT USE AT ST. MARY'S COLLEGE OF MARYLAND, AT LEAST  
29 ONE WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY  
30 BOTH VISUAL AND NONVISUAL MEANS;

31 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND  
32 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR  
33 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

34 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL  
35 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND  
36 NONVISUAL MEANS.

1 16-318.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE  
5 MEANING STATED IN § 12-101 OF THIS ARTICLE.

6 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS  
7 ARTICLE.

8 (B) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL ENSURE THAT:

9 (1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND  
10 PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR  
11 COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED  
12 BY THE COMMUNITY COLLEGE FOR USE BY FACULTY AND STUDENTS SHALL  
13 INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412  
14 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

15 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:

16 (I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE  
17 AVAILABLE FOR STUDENT USE WITHIN THE COMMUNITY COLLEGE, AT LEAST ONE  
18 WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH  
19 VISUAL AND NONVISUAL MEANS;

20 (II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND  
21 COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR  
22 EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND

23 (III) FACULTY-DEVELOPED, COMPUTER-BASED INSTRUCTIONAL  
24 TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND  
25 NONVISUAL MEANS.

26 **Article - State Finance and Procurement**

27 3-412.

28 (a) The Chief and the Board, in consultation with other units of State  
29 government, and after public comment, shall develop a nonvisual access clause for  
30 use in the procurement of information technology and information technology services  
31 which specifies that the technology and services:

32 (1) must provide equivalent access for effective use by both visual and  
33 nonvisual means;

34 (2) will present information, including prompts used for interactive  
35 communications, in formats intended for both visual and nonvisual use;



1           (3)       can be integrated into networks for obtaining, retrieving, and  
2 disseminating information used by individuals who are not blind or visually impaired;  
3 and

4           (4)       shall be obtained, whenever possible, without modification for  
5 compatibility with software and hardware for nonvisual access.

6       (b)       (1)       Except as provided in paragraph (2) of this subsection, the nonvisual  
7 access clause required under subsection (a) of this section shall be included in each  
8 invitation for bids or request for proposals and in each procurement contract or  
9 modification of a contract issued under Title 13 of this article, without regard to the  
10 method chosen under Title 13, Subtitle 1 of this article for the purchase of new or  
11 upgraded information technology and information technology services.

12           (2)       Except as provided in subsection (a)(4) of this section, the nonvisual  
13 access clause required under paragraph (1) of this subsection is not required if:

14                   (i)       the information technology is not available with nonvisual  
15 access because the essential elements of the information technology are visual and  
16 nonvisual equivalence cannot be developed; or

17                   (ii)       the cost of modifying the information technology for  
18 compatibility with software and hardware for nonvisual access would increase the  
19 price of the procurement by more than 5 percent.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
21 effect October 1, 2005.