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Introduced and read first time: February 6, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Blind and Visually Impaired Students - Instructional Materials**

3 FOR the purpose of requiring the State Department of Education to establish a
 4 certain instructional resources center to develop certain procedures to
 5 coordinate the statewide availability of certain textbooks and certain
 6 supplementary instructional materials that may be accessed using a nonvisual
 7 means; requiring the Department to adopt a certain standard; requiring county
 8 boards of education to include a certain provision in certain procurement
 9 contracts; requiring the State Board of Education to coordinate with the
 10 National Instructional Materials Access Center to facilitate the transfer of
 11 certain electronic files and certain instructional materials; requiring a certain
 12 instructional resource center to ensure the availability of certain materials for
 13 certain students by a certain day each year; requiring the Governor to provide a
 14 certain appropriation in the annual budget submission beginning in a certain
 15 fiscal year; requiring the Maryland Library for the Blind and Physically
 16 Handicapped to request that certain publishers send certain electronic copies of
 17 certain instructional materials to the Library at the request of certain students;
 18 authorizing the Library to determine the eligibility of certain students to
 19 request and use certain instructional materials; providing that certain
 20 publishers may not be required to provide electronic copies of certain
 21 instructional materials; defining certain terms; and generally relating to
 22 instructional materials for blind and visually impaired students.

23 BY repealing and reenacting, with amendments,
 24 Article - Education
 25 Section 8-408
 26 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 BY adding to

3 Article - Education

4 Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials

5 for Blind and Physically Handicapped Students"

6 Annotated Code of Maryland

7 (2004 Replacement Volume and 2005 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Education**

11 8-408.

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

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

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

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

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

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

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

26 (5) "NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER" MEANS
27 THE CENTER ESTABLISHED UNDER § 674(E) OF THE FEDERAL INDIVIDUALS WITH
28 DISABILITIES EDUCATION ACT OF 2004.

29 (6) "NIMAS" MEANS THE NATIONAL INSTRUCTIONAL MATERIALS
30 ACCESSIBILITY STANDARD ESTABLISHED BY THE FEDERAL SECRETARY FOR
31 EDUCATION UNDER 20 U.S.C. 1412 TO BE USED IN THE PREPARATION OF ELECTRONIC
32 FILES SUITABLE AND USED SOLELY FOR EFFICIENT CONVERSION INTO SPECIALIZED
33 FORMATS.

34 (7) "PRINT INSTRUCTIONAL MATERIALS" MEANS PRINTED TEXTBOOKS
35 AND RELATED PRINTED CORE MATERIALS THAT ARE WRITTEN AND PUBLISHED

1 PRIMARILY FOR USE IN ELEMENTARY SCHOOL AND SECONDARY SCHOOL
2 INSTRUCTION AND ARE REQUIRED BY THE DEPARTMENT OR COUNTY BOARD FOR
3 USE BY STUDENTS IN THE CLASSROOM.

4 (8) "SPECIALIZED FORMATS" MEANS BRAILLE, AUDIO, OR DIGITAL TEXT
5 THAT IS EXCLUSIVELY FOR USE BY BLIND OR OTHER INDIVIDUALS WITH
6 DISABILITIES.

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

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

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

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

22 (d) (1) The Department shall ESTABLISH AN INSTRUCTIONAL RESOURCE
23 CENTER TO develop procedures to coordinate the statewide availability of textbooks
24 and supplementary instructional materials [in nonvisually accessible media] THAT
25 MAY BE ACCESSED USING NONVISUAL MEANS INCLUDING ADOPTING NIMAS.

26 (2) THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION SHALL REQUIRE A COUNTY BOARD TO INCLUDE, IN ANY
28 PROCUREMENT CONTRACT OR OTHER DOCUMENT OR AGREEMENT USED TO
29 PURCHASE PRINT INSTRUCTIONAL MATERIALS FROM A PUBLISHER, A PROVISION
30 THAT REQUIRES THE PUBLISHER TO:

31 (I) ON OR BEFORE THE DELIVERY OF THE PRINT INSTRUCTIONAL
32 MATERIALS, PREPARE AND PROVIDE THE NATIONAL INSTRUCTIONAL MATERIALS
33 ACCESS CENTER ELECTRONIC FILES CONTAINING THE CONTENTS OF THE PRINT
34 INSTRUCTIONAL MATERIALS USING NIMAS; OR

35 (II) PURCHASE INSTRUCTIONAL MATERIALS FROM THAT
36 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED
37 FORMATS.

38 [(2)] (3) The State Board shall [adopt regulations to require a publisher
39 of a textbook, including texts in electronic media adopted by a county board to
40 furnish, upon request, the instructional resource center established under paragraph

1 (1) of this subsection with an electronic version of pupil edition textbooks for literary
2 subjects, and for nonliterary subjects when the technology is available to convert
3 nonliterary subject textbooks to a format compatible with braille translations
4 software, in which the content:

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

7 (ii) Has been prepared using a markup language that maintains
8 the structural integrity of the information and can be processed by braille translation
9 software] COORDINATE WITH THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS
10 CENTER TO FACILITATE THE TIMELY TRANSFER OF THE ELECTRONIC FILES OR
11 INSTRUCTIONAL MATERIALS SENT BY PUBLISHERS TO THE INSTRUCTIONAL
12 RESOURCE CENTER ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO
13 CONVERT THE INSTRUCTIONAL MATERIALS INTO SPECIALIZED FORMATS.

14 (4) THE INSTRUCTIONAL RESOURCE CENTER SHALL ENSURE THAT THE
15 INSTRUCTIONAL MATERIALS IN SPECIALIZED FORMATS ARE AVAILABLE TO
16 STUDENTS WHO ARE BLIND OR HAVE OTHER QUALIFYING DISABILITIES FOR USE ON
17 THE FIRST DAY OF CLASSES EACH YEAR.

18 (e) BEGINNING IN FISCAL YEAR 2008 AND ANNUALLY THEREAFTER, THE
19 GOVERNOR SHALL INCLUDE \$150,000 IN THE ANNUAL BUDGET SUBMISSION FOR THE
20 INSTRUCTIONAL RESOURCES CENTER ESTABLISHED UNDER THIS SECTION.

21 (F) The State Board shall adopt regulations consistent with § 7-910 of this
22 article to implement the provisions of this section.

23 SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PHYSICALLY
24 HANDICAPPED STUDENTS.

25 11-901.

26 (A) IN THIS SECTION, "NIMAS" HAS THE MEANING STATED IN § 8-408 OF THIS
27 ARTICLE.

28 (B) ON THE REQUEST OF AN ELIGIBLE STUDENT WHO IS BLIND OR HAS
29 ANOTHER QUALIFYING DISABILITY, THE MARYLAND LIBRARY FOR THE BLIND AND
30 PHYSICALLY HANDICAPPED SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR
31 SALE ELECTRONIC OR PRINTED TEXTBOOKS USED BY STUDENTS ENROLLED IN
32 INSTITUTIONS OF HIGHER EDUCATION AND INSTITUTIONS OF POSTSECONDARY
33 EDUCATION IN THE STATE PROVIDE AN ELECTRONIC COPY OF THE INSTRUCTIONAL
34 MATERIAL TO THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY
35 HANDICAPPED USING NIMAS.

36 (C) THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY
37 HANDICAPPED MAY DETERMINE THE ELIGIBILITY OF THE STUDENTS REQUESTING
38 THE INSTRUCTIONAL MATERIALS UNDER SUBSECTION (B) OF THIS SECTION.

1 (D) A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN ELECTRONIC COPY
2 OF ANY INSTRUCTIONAL MATERIAL COPYRIGHTED BEFORE JULY 2007.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect July 1, 2006.