

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senators Conway, Astle, Britt, Currie, DeGrange, Della, Dyson, Exum, Frosh, Giannetti, Gladden, Green, Grosfeld, Hafer, Hogan, Hollinger, Hughes, Jimeno, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lawlah, McFadden, Ruben, Schrader, Stone, and Teitelbaum**
Teitelbaum, and Brochin

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

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~~ *collaborate with and provide support to*
5 *the Instructional Resources Center* to develop certain procedures to coordinate
6 the statewide availability of certain textbooks and certain supplementary
7 instructional materials that may be accessed using ~~a nonvisual means;~~
8 ~~requiring the Department to adopt a certain standard~~ *certain specialized*
9 *formats using a certain federal standard;* requiring *the Department and* county
10 boards of education to include a certain provision in certain procurement
11 contracts; *providing that certain publishers may not be required to provide*
12 *electronic copies of certain instructional materials;* requiring the State Board of
13 Education to coordinate with the National Instructional Materials Access

1 Center to facilitate the transfer of certain electronic files and certain
 2 instructional materials; requiring ~~a certain instructional resource center~~ the
 3 Instructional Resources Center to ~~ensure the availability of~~ make reasonable
 4 efforts to provide certain materials ~~for~~ to certain students by a certain day each
 5 year or as soon as possible thereafter; requiring the Governor to provide a
 6 certain appropriation in the annual budget submission beginning in a certain
 7 fiscal year; ~~requiring the Maryland Library for the Blind and Physically~~
 8 ~~Handicapped to request that certain publishers send certain electronic copies of~~
 9 ~~certain instructional materials to the Library at the request of certain students;~~
 10 ~~authorizing the Library to determine the eligibility of certain students to~~
 11 ~~request and use certain instructional materials; providing that certain~~
 12 ~~publishers may not be required to provide electronic copies of certain~~
 13 ~~instructional materials; requiring certain State agencies to review certain~~
 14 ~~research and recommendations and make a certain report to the Governor and~~
 15 ~~General Assembly;~~ defining certain terms; and generally relating to
 16 instructional materials for blind and visually impaired students.

17 BY repealing and reenacting, with amendments,
 18 Article - Education
 19 Section 8-408
 20 Annotated Code of Maryland
 21 (2004 Replacement Volume and 2005 Supplement)

22 ~~BY adding to~~
 23 ~~Article - Education~~
 24 ~~Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials~~
 25 ~~for Blind and Physically Handicapped or Print Disabled Students"~~
 26 ~~Annotated Code of Maryland~~
 27 ~~(2004 Replacement Volume and 2005 Supplement)~~

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

30 **Article - Education**

31 8-408.

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

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

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

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

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

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

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

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

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

17 (7) "PRINT INSTRUCTIONAL MATERIALS" MEANS PRINTED TEXTBOOKS
18 AND RELATED PRINTED CORE MATERIALS THAT ARE WRITTEN AND PUBLISHED
19 PRIMARILY FOR USE IN ELEMENTARY SCHOOL AND SECONDARY SCHOOL
20 INSTRUCTION AND ARE REQUIRED BY THE DEPARTMENT OR COUNTY BOARD FOR
21 USE BY STUDENTS IN THE CLASSROOM.

22 (8) "SPECIALIZED FORMATS" MEANS BRAILLE, LARGE PRINT, AUDIO, OR
23 DIGITAL TEXT THAT IS ~~EXCLUSIVELY FOR USE~~ USED BY BLIND OR ~~OTHER~~
24 ~~INDIVIDUALS WITH DISABILITIES~~ VISUALLY IMPAIRED INDIVIDUALS.

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

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

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

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

1 (d) (1) The Department shall ~~ESTABLISH AN~~ COLLABORATE WITH AND
 2 PROVIDE SUPPORT TO THE INSTRUCTIONAL ~~RESOURCE~~ RESOURCES CENTER TO
 3 develop procedures to coordinate the statewide availability of textbooks and
 4 supplementary instructional materials [in nonvisually accessible media] THAT MAY
 5 BE ACCESSED USING ~~NONVISUAL MEANS INCLUDING ADOPTING~~ SPECIALIZED
 6 FORMATS THAT USE NIMAS.

7 (2) ~~(I)~~ THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS
 8 SUBSECTION SHALL REQUIRE THE DEPARTMENT AND A COUNTY BOARD TO
 9 INCLUDE, IN ANY PROCUREMENT CONTRACT OR OTHER DOCUMENT OR AGREEMENT
 10 USED TO PURCHASE PRINT INSTRUCTIONAL MATERIALS FROM A PUBLISHER, A
 11 PROVISION THAT REQUIRES THE PUBLISHER TO:

12 ~~(H)~~ I. ON OR BEFORE THE DELIVERY OF THE PRINT
 13 INSTRUCTIONAL MATERIALS, PREPARE AND PROVIDE THE NATIONAL
 14 INSTRUCTIONAL MATERIALS ACCESS CENTER ELECTRONIC FILES CONTAINING THE
 15 CONTENTS OF THE PRINT INSTRUCTIONAL MATERIALS USING NIMAS; OR

16 ~~(H)~~ 2. PURCHASE INSTRUCTIONAL MATERIALS FROM THAT
 17 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED
 18 FORMATS.

19 ~~(II)~~ A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN
 20 ELECTRONIC COPY OF ANY INSTRUCTIONAL MATERIAL COPYRIGHTED BEFORE JULY
 21 1, 2007.

22 [(2)] (3) The State Board shall [adopt regulations to require a publisher
 23 of a textbook, including texts in electronic media adopted by a county board to
 24 furnish, upon request, the instructional resource center established under paragraph
 25 (1) of this subsection with an electronic version of pupil edition textbooks for literary
 26 subjects, and for nonliterary subjects when the technology is available to convert
 27 nonliterary subject textbooks to a format compatible with braille translations
 28 software, in which the content:

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

31 (ii) Has been prepared using a markup language that maintains
 32 the structural integrity of the information and can be processed by braille translation
 33 software] ~~COORDINATE WITH THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS~~
 34 ~~CENTER TO FACILITATE THE TIMELY TRANSFER OF THE ELECTRONIC FILES OR~~
 35 ~~INSTRUCTIONAL MATERIALS SENT BY PUBLISHERS TO THE INSTRUCTIONAL~~
 36 ~~RESOURCE RESOURCES CENTER ESTABLISHED UNDER PARAGRAPH (1) OF THIS~~
 37 ~~SUBSECTION TO CONVERT THE INSTRUCTIONAL MATERIALS INTO SPECIALIZED~~
 38 ~~FORMATS OF:~~

39 1. ELECTRONIC FILES OR INSTRUCTIONAL MATERIALS
 40 SENT BY PUBLISHERS FOR THE INSTRUCTIONAL RESOURCES CENTER TO CONVERT
 41 THE INSTRUCTIONAL MATERIALS INTO SPECIALIZED FORMATS; AND

1 2. ELECTRONIC FILES OR INSTRUCTIONAL MATERIALS
 2 PURCHASED FROM A PUBLISHER IN A SPECIALIZED FORMAT.

3 (4) BEGINNING ON JULY 1, 2007, THE INSTRUCTIONAL RESOURCE
 4 RESOURCES CENTER SHALL ENSURE THAT MAKE REASONABLE EFFORTS TO
 5 PROVIDE THE INSTRUCTIONAL MATERIALS IN SPECIALIZED FORMATS ARE
 6 AVAILABLE TO STUDENTS WHO ARE BLIND OR HAVE OTHER QUALIFYING
 7 DISABILITIES VISUALLY IMPAIRED FOR USE ON THE FIRST DAY OF CLASSES EACH
 8 YEAR OR IN A TIMELY MANNER.

9 (e) BEGINNING IN FISCAL YEAR 2008 AND ANNUALLY THEREAFTER, THE
 10 GOVERNOR SHALL INCLUDE \$150,000 IN THE ANNUAL BUDGET SUBMISSION FOR THE
 11 INSTRUCTIONAL RESOURCES CENTER ESTABLISHED ~~UNDER THIS SECTION~~ BY THE
 12 DEPARTMENT.

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

15 ~~SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PHYSICALLY~~
 16 ~~HANDICAPPED OR PRINT DISABLED STUDENTS.~~

17 ~~41-901.~~

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

20 (B) ~~ON OR AFTER JULY 1, 2007, ON THE REQUEST OF AN ELIGIBLE STUDENT~~
 21 ~~WHO IS BLIND OR HAS ANOTHER QUALIFYING DISABILITY PRINT DISABLED, THE
 22 ~~MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED SHALL~~
 23 ~~REQUEST THAT A PUBLISHER THAT OFFERS FOR SALE ELECTRONIC OR PRINTED~~
 24 ~~TEXTBOOKS USED INTENDED FOR THE USE BY STUDENTS ENROLLED IN~~
 25 ~~INSTITUTIONS OF HIGHER EDUCATION AND INSTITUTIONS OF POSTSECONDARY~~
 26 ~~EDUCATION IN THE STATE PROVIDE AN ELECTRONIC COPY OF THE INSTRUCTIONAL~~
 27 ~~MATERIAL TO THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY~~
 28 ~~HANDICAPPED USING NIMAS.~~~~

29 (C) ~~THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY~~
 30 ~~HANDICAPPED MAY DETERMINE THE ELIGIBILITY OF THE STUDENTS REQUESTING~~
 31 ~~THE INSTRUCTIONAL MATERIALS UNDER SUBSECTION (B) OF THIS SECTION.~~

32 (D) ~~A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN ELECTRONIC COPY~~
 33 ~~OF ANY INSTRUCTIONAL MATERIAL;~~

34 ~~(1) GENERATED FOR FACULTY PURPOSES; OR~~

35 ~~(2) COPYRIGHTED BEFORE JULY 2007.~~

36 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (1) The Maryland Higher Education Commission and the Maryland
2 Department of Disabilities shall review the research and recommendations developed
3 by the Association of American Publishers' National Alternative Formats Initiative
4 regarding approaches and technologies to best provide textbooks to postsecondary
5 students with print disabilities.

6 (2) On or before December 31, 2006, the Maryland Higher Education
7 Commission and the Maryland Department of Disabilities shall report to the Governor
8 and, in accordance with § 2-1246 of the State Government Article, the General
9 Assembly on procedures to ensure that postsecondary students with print disabilities
10 have access to instructional materials.

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