
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**

Introduced and read first time: January 31, 2006

Assigned to: Education, Health, and Environmental Affairs

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
27 (2004 Replacement Volume and 2005 Supplement)

28 BY adding to
29 Article - Education

1 Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials
2 for Blind and Physically Handicapped Students"
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2005 Supplement)

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

7 **Article - Education**

8 8-408.

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

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

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

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

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

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

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

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

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

31 (7) "PRINT INSTRUCTIONAL MATERIALS" MEANS PRINTED TEXTBOOKS
32 AND RELATED PRINTED CORE MATERIALS THAT ARE WRITTEN AND PUBLISHED
33 PRIMARILY FOR USE IN ELEMENTARY SCHOOL AND SECONDARY SCHOOL
34 INSTRUCTION AND ARE REQUIRED BY THE DEPARTMENT OR COUNTY BOARD FOR
35 USE BY STUDENTS IN THE CLASSROOM.

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

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

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

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

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

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

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

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

32 (II) PURCHASE INSTRUCTIONAL MATERIALS FROM THAT
33 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED
34 FORMATS.

35 [(2)] (3) The State Board shall [adopt regulations to require a publisher
36 of a textbook, including texts in electronic media adopted by a county board to
37 furnish, upon request, the instructional resource center established under paragraph
38 (1) of this subsection with an electronic version of pupil edition textbooks for literary
39 subjects, and for nonliterary subjects when the technology is available to convert
40 nonliterary subject textbooks to a format compatible with braille translations
41 software, in which the content:

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

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

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

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

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

19 SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PHYSICALLY
20 HANDICAPPED STUDENTS.

21 11-901.

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

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

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

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

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