F1 6lr1906 CF 6lr2593

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

Introduced and read first time: January 31, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2006

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 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
- National Instructional Materials Access Center to facilitate the transfer of
- certain electronic files and certain instructional materials; requiring a certain
- instructional resource center to ensure the availability of certain materials for
- certain students by a certain day each year; requiring the Governor to provide a
- certain appropriation in the annual budget submission beginning in a certain
- 15 fiscal year; requiring the Maryland Library for the Blind and Physically
- Handicapped to request that certain publishers send certain electronic copies of
- 17 certain instructional materials to the Library at the request of certain students;
- 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,

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| 1 2 3 4 | Article - Education Section 8-408 Annotated Code of Maryland (2004 Replacement Volume and 2005 Supplement) |
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| 5 6 7 8 9 10 | BY adding to Article - Education Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials for Blind and Physically Handicapped or Print-Disabled Students" Annotated Code of Maryland (2004 Replacement Volume and 2005 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF |
| | MARYLAND, That the Laws of Maryland read as follows: |
| 13 | Article - Education |
| 14 | 8-408. |
| 15 | (a) (1) In this section the following words have the meanings indicated. |
| 16 | (2) "Child who is blind or visually impaired" means a child who: |
| | (i) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees; |
| 20 | (ii) Has a medically indicated expectation of visual deterioration; or |
| | (iii) Has a medically diagnosed limitation in visual functioning that restricts the child's ability to read and write standard print at levels expected of other children of comparable ability and grade level. |
| 24 25 | (3) "Braille" means the system of reading and writing through touch commonly known as Standard English [Grade 2] CONTRACTED Braille. |
| | (4) "Individualized education program" and "IEP team" have the same meaning as provided by the Individuals with Disabilities Education Act Amendments of 1997, P.L. 105-17, Section 614(d). |
| | (5) "NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER" MEANS THE CENTER ESTABLISHED UNDER \S 674(E) OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 2004. |
| 34 35 | (6) "NIMAS" MEANS THE NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD ESTABLISHED BY THE FEDERAL SECRETARY FOR EDUCATION UNDER 20 U.S.C. 1412 TO BE USED IN THE PREPARATION OF ELECTRONIC FILES SUITABLE AND USED SOLELY FOR EFFICIENT CONVERSION INTO SPECIALIZED FORMATS. |

- **UNOFFICIAL COPY OF SENATE BILL 392** 1 (7)"PRINT INSTRUCTIONAL MATERIALS" MEANS PRINTED TEXTBOOKS 2 AND RELATED PRINTED CORE MATERIALS THAT ARE WRITTEN AND PUBLISHED 3 PRIMARILY FOR USE IN ELEMENTARY SCHOOL AND SECONDARY SCHOOL 4 INSTRUCTION AND ARE REQUIRED BY THE DEPARTMENT OR COUNTY BOARD FOR 5 USE BY STUDENTS IN THE CLASSROOM. "SPECIALIZED FORMATS" MEANS BRAILLE, AUDIO, OR DIGITAL TEXT 7 THAT IS EXCLUSIVELY FOR USE BY BLIND OR OTHER INDIVIDUALS WITH 8 DISABILITIES. 9 (b) In developing the individualized education program for a child who is (1) 10 blind or visually impaired, provisions shall be made for instruction in braille and the 11 use of braille unless the IEP team determines, after an evaluation of the child's 12 reading and writing skills, needs, and appropriate reading and writing media, 13 including an evaluation of the child's future needs for instruction in braille or the use 14 of braille, that such instruction or use is not appropriate for the child. 15 A child may not be denied the opportunity for instruction in braille 16 reading and writing solely because the child has some remaining vision. 17 This section does not require the exclusive use of braille if other 18 reading and writing media are appropriate to the child's educational needs. The use of other reading and writing media does not preclude the use of braille or the instruction 20 of braille. 21 (c) For the purpose of achieving successful implementation of this section, the 22 State Board and the Professional Standards and Teacher Education Board shall adopt 23 certification standards for teachers of blind and visually impaired students. 24 (d) (1) The Department shall ESTABLISH AN INSTRUCTIONAL RESOURCE 25 CENTER TO develop procedures to coordinate the statewide availability of textbooks 26 and supplementary instructional materials [in nonvisually accessible media] THAT 27 MAY BE ACCESSED USING NONVISUAL MEANS INCLUDING ADOPTING NIMAS. 28 THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS 29 SUBSECTION SHALL REQUIRE A COUNTY BOARD TO INCLUDE, IN ANY 30 PROCUREMENT CONTRACT OR OTHER DOCUMENT OR AGREEMENT USED TO 31 PURCHASE PRINT INSTRUCTIONAL MATERIALS FROM A PUBLISHER, A PROVISION 32 THAT REQUIRES THE PUBLISHER TO: ON OR BEFORE THE DELIVERY OF THE PRINT INSTRUCTIONAL 33 (I) 34 MATERIALS, PREPARE AND PROVIDE THE NATIONAL INSTRUCTIONAL MATERIALS
- 35 ACCESS CENTER ELECTRONIC FILES CONTAINING THE CONTENTS OF THE PRINT
- 36 INSTRUCTIONAL MATERIALS USING NIMAS; OR
- 37 PURCHASE INSTRUCTIONAL MATERIALS FROM THAT (II)
- 38 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED
- 39 FORMATS.

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1 [(2)](3) The State Board shall [adopt regulations to require a publisher 2 of a textbook, including texts in electronic media adopted by a county board to 3 furnish, upon request, the instructional resource center established under paragraph 4 (1) of this subsection with an electronic version of pupil edition textbooks for literary 5 subjects, and for nonliterary subjects when the technology is available to convert 6 nonliterary subject textbooks to a format compatible with braille translations 7 software, in which the content: 8 Is encoded in text suitable for conversion into braille or 9 synthesized speech; and 10 Has been prepared using a markup language that maintains (ii) 11 the structural integrity of the information and can be processed by braille translation 12 software] COORDINATE WITH THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS 13 CENTER TO FACILITATE THE TIMELY TRANSFER OF THE ELECTRONIC FILES OR 14 INSTRUCTIONAL MATERIALS SENT BY PUBLISHERS TO THE INSTRUCTIONAL 15 RESOURCE CENTER ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO 16 CONVERT THE INSTRUCTIONAL MATERIALS INTO SPECIALIZED FORMATS. THE INSTRUCTIONAL RESOURCE CENTER SHALL ENSURE THAT THE 17 18 INSTRUCTIONAL MATERIALS IN SPECIALIZED FORMATS ARE AVAILABLE TO 19 STUDENTS WHO ARE BLIND OR HAVE OTHER QUALIFYING DISABILITIES FOR USE ON 20 THE FIRST DAY OF CLASSES EACH YEAR. BEGINNING IN FISCAL YEAR 2008 AND ANNUALLY THEREAFTER, THE 21 (e) 22 GOVERNOR SHALL INCLUDE \$150,000 IN THE ANNUAL BUDGET SUBMISSION FOR THE 23 INSTRUCTIONAL RESOURCES CENTER ESTABLISHED UNDER THIS SECTION. 24 The State Board shall adopt regulations consistent with § 7-910 of this 25 article to implement the provisions of this section. 26 SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PHYSICALLY 27 HANDICAPPED OR PRINT-DISABLED STUDENTS. 28 11-901. IN THIS SECTION, "NIMAS" HAS THE MEANING STATED IN § 8-408 OF THIS 29 (A) 30 ARTICLE. (B) ON OR AFTER JULY 1, 2007, ON THE REQUEST OF AN ELIGIBLE STUDENT 31 32 WHO IS BLIND OR HAS ANOTHER QUALIFYING DISABILITY PRINT-DISABLED, THE 33 MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED SHALL 34 REQUEST THAT A PUBLISHER THAT OFFERS FOR SALE ELECTRONIC OR PRINTED 35 TEXTBOOKS USED INTENDED FOR THE USE BY STUDENTS ENROLLED IN 36 INSTITUTIONS OF HIGHER EDUCATION AND INSTITUTIONS OF POSTSECONDARY 37 EDUCATION IN THE STATE PROVIDE AN ELECTRONIC COPY OF THE INSTRUCTIONAL 38 MATERIAL TO THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY 39 HANDICAPPED USING NIMAS.

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- 1 (C) THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY
- 2 HANDICAPPED MAY DETERMINE THE ELIGIBILITY OF THE STUDENTS REQUESTING
- 3 THE INSTRUCTIONAL MATERIALS UNDER SUBSECTION (B) OF THIS SECTION.
- 4 (D) A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN ELECTRONIC COPY
- 5 OF ANY INSTRUCTIONAL MATERIAL:
- 6 (1) GENERATED FOR FACULTY PURPOSES; OR
- 7 (2) COPYRIGHTED BEFORE JULY 2007.
- 8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 9 effect July 1, 2006.