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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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 17, 2006

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## 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  
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,

1 Article - Education  
 2 Section 8-408  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2005 Supplement)

5 BY adding to  
 6 Article - Education  
 7 Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials  
 8 for Blind ~~and Physically Handicapped~~ or Print-Disabled Students"  
 9 Annotated Code of Maryland  
 10 (2004 Replacement Volume and 2005 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 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:

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

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

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

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

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

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

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

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.

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

9 (b) (1) In developing the individualized education program for a child who is  
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 (2) 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 (3) 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  
19 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 (2) 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:

33 (I) ON OR BEFORE THE DELIVERY OF THE PRINT INSTRUCTIONAL  
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 (II) PURCHASE INSTRUCTIONAL MATERIALS FROM THAT  
38 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED  
39 FORMATS.



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.