

CHAPTER 317

(Senate Bill 268)

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

FOR the purpose of requiring the Maryland Library for the Blind and Physically Handicapped to convene a certain committee on or before a certain date; providing for the membership of the committee; requiring a certain number of the members of the committee to be blind or print disabled; requiring the committee to establish certain ~~procedures~~ guidelines to facilitate the delivery of certain materials to certain students in certain formats; establishing the duties of the Committee; providing for the termination of the Committee; providing for the content of certain guidelines; authorizing the Library to determine certain eligibility of certain students to make certain requests; requiring the Library to make certain requests to certain publishers regarding the provision of certain instructional materials; providing certain publishers a certain period of time to respond to certain requests; requiring certain publishers to indicate certain information to the Library; exempting certain publishers from certain requirements of this Act; requiring a certain electronic format to have certain characteristics; requiring a publisher to submit a certain electronic format containing certain characteristics under certain circumstances; providing for the content of a certain request to a certain publisher; requiring certain publishers to provide the Library with certain material at no cost and in a timely manner; authorizing certain publishers to request a copy of a certain agreement containing certain information; establishing certain technological security requirements for certain material by certain persons; requiring certain persons to make a request of certain publishers using a certain procedure; exempting certain persons from certain request procedures; authorizing an institution to assist certain students in transcribing certain materials into a braille copy; providing that certain institutions have a right to share a certain braille copy with certain students at the institution; requiring the Governor to include in the annual budget submission a certain appropriation beginning in a certain fiscal year and each fiscal year thereafter; providing for the application of this Act; providing that certain publishers may not be required to perform certain acts that may constitute infringement of a copyright or provide certain electronic formats under certain circumstances; defining certain terms; requiring the Library to consult and coordinate with the State Department of Education to

facilitate the utilization of certain equipment and staff for certain purposes; and generally relating to instructional materials for blind or print disabled students.

BY adding to

Article – Education

Section 11-901 through ~~11-905~~ 11-906 to be under the new subtitle “Subtitle 9. Instructional Materials for Blind and Print Disabled Students”

Annotated Code of Maryland

(2006 Replacement Volume)

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

Article – Education

SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PRINT DISABLED STUDENTS.

11-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMITTEE” MEANS THE INSTRUCTIONAL MATERIALS ACCESS ~~STANDARDS~~ GUIDELINES COMMITTEE.

(C) (1) “INSTRUCTIONAL MATERIAL” MEANS TEXTBOOKS AND OTHER MATERIALS WRITTEN AND PUBLISHED PRIMARILY FOR USE BY STUDENTS IN POSTSECONDARY INSTRUCTION THAT ARE REQUIRED OR ESSENTIAL TO A STUDENT’S SUCCESS IN A COURSE OF STUDY IN WHICH A STUDENT WITH A DISABILITY IS ENROLLED.

(2) “INSTRUCTIONAL MATERIAL” DOES NOT INCLUDE MATERIALS FOR WHICH SOFTWARE IS NOT COMMERCIALY AVAILABLE AT A REASONABLE PRICE TO PERMIT THE CONVERSION OF EXISTING ELECTRONIC FILES OF THE MATERIALS INTO A FORMAT THAT IS COMPATIBLE WITH BRAILLE TRANSLATION SOFTWARE OR ALTERNATIVE MEDIA FOR STUDENTS WITH DISABILITIES, INCLUDING MATHEMATICS AND SCIENCE MATERIALS.

~~(C)~~ (D) "LIBRARY" MEANS THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED.

(E) "PRINTED INSTRUCTIONAL MATERIAL" MEANS INSTRUCTIONAL MATERIAL IN BOOK OR OTHER PRINTED FORM.

(F) (1) "STRUCTURAL INTEGRITY" MEANS MATERIAL COMPOSED OF ALL OF THE TEXTUAL PRINTED INSTRUCTIONAL MATERIAL.

(2) "STRUCTURAL INTEGRITY" INCLUDES THE TEXT OF THE MATERIAL, SIDEBARS, THE TABLE OF CONTENTS, CHAPTER HEADINGS AND SUBHEADINGS, FOOTNOTES, INDEXES, GLOSSARIES, AND BIBLIOGRAPHIES.

(3) "STRUCTURAL INTEGRITY" DOES NOT INCLUDE MATERIAL COMPOSED OF NONTEXTUAL ELEMENTS SUCH AS PICTURES, ILLUSTRATIONS, GRAPHS, OR CHARTS.

11-902.

(A) ON OR BEFORE ~~DECEMBER~~ ~~SEPTEMBER~~ DECEMBER 1, 2007, IN ORDER TO COORDINATE THE DISTRIBUTION OF INSTRUCTIONAL MATERIALS TO BLIND AND OTHER PRINT DISABLED STUDENTS, THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED SHALL CONVENE AN INSTRUCTIONAL MATERIALS ACCESS ~~STANDARDS~~ GUIDELINES COMMITTEE.

(B) THE COMMITTEE CONSISTS OF ~~THE FOLLOWING 11~~ 19 MEMBERS:

(1) THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(3) THE STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT'S DESIGNEE; AND

(4) THE FOLLOWING 14 MEMBERS APPOINTED BY THE GOVERNOR:

~~(I) ONE MEMBER APPOINTED BY REPRESENTING THE~~
LIBRARY;

~~(2) (II) TWO FIVE MEMBERS APPOINTED BY REPRESENTING~~
PUBLISHERS OF TEXTBOOKS USED IN HIGHER EDUCATION WHO MAY INCLUDE
REPRESENTATIVES OF THE ASSOCIATION OF AMERICAN PUBLISHERS; AND

~~(3) FIVE MEMBERS, ONE REPRESENTING EACH OF THE~~
FOLLOWING INSTITUTIONS OF HIGHER EDUCATION OR ORGANIZATIONS,
APPOINTED BY THE MARYLAND HIGHER EDUCATION COMMISSION:

~~(I) THE UNIVERSITY SYSTEM OF MARYLAND;~~

~~(II) A COMMUNITY COLLEGE;~~

~~(III) THE MARYLAND INDEPENDENT COLLEGE AND~~
UNIVERSITY ASSOCIATION;

~~(IV) MORGAN STATE UNIVERSITY; AND~~

~~(V) ST. MARY'S COLLEGE OF MARYLAND; AND~~

~~(3) (4) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE~~
GOVERNOR:

~~(I) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF~~
MARYLAND;

~~(II) ONE REPRESENTATIVE FROM A COMMUNITY COLLEGE~~
IN THE STATE;

~~(III) ONE REPRESENTATIVE FROM AN INSTITUTION OF~~
HIGHER EDUCATION WHO IS FROM NEITHER THE UNIVERSITY SYSTEM OF
MARYLAND NOR A COMMUNITY COLLEGE IN THE STATE;

~~(III) THREE MEMBERS, ONE REPRESENTING EACH OF THE~~
FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

~~1. THE UNIVERSITY SYSTEM OF MARYLAND;~~

2. A COMMUNITY COLLEGE; AND

3. A PRIVATE, 4-YEAR INSTITUTION OF HIGHER EDUCATION;

(IV) TWO REPRESENTATIVES WHO HAVE KNOWLEDGE REGARDING ACCESSIBLE FORMATS FOR BLIND AND OTHER PRINT DISABLED INDIVIDUALS;

(V) ONE REPRESENTATIVE OF THE STUDENT POPULATION AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE WHO IS BLIND OR PRINT DISABLED; AND

(VI) TWO MEMBERS ~~APPOINTED AT THE DISCRETION OF THE GOVERNOR~~ FROM MARYLAND ORGANIZATIONS REPRESENTING BLIND OR OTHER PERSONS WITH PRINT DISABILITIES.

(C) AT LEAST TWO OF THE MEMBERS OF THE COMMITTEE, IN ADDITION TO THE STUDENT MEMBER, SHALL BE BLIND OR PRINT DISABLED.

(D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.

(E) (1) A MEMBER OF THE COMMITTEE SHALL SERVE FOR A PERIOD OF 3 YEARS.

(2) THE COMMITTEE SHALL EXPIRE ON DECEMBER 1, 2010.

(F) THE DEPARTMENT, THE DEPARTMENT OF DISABILITIES, AND THE MARYLAND HIGHER EDUCATION COMMISSION SHALL PROVIDE STAFF FOR THE COMMITTEE.

(G) (1) THE COMMITTEE SHALL ~~ESTABLISH PROCEDURES:~~

(I) ASSIST THE LIBRARY IN ESTABLISHING GUIDELINES TO FACILITATE THE DELIVERY OF INSTRUCTIONAL MATERIALS TO BLIND AND PRINT DISABLED STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE IN A FORMAT THAT IS USABLE TO THEM;

(II) REVIEW THE GUIDELINES ESTABLISHED UNDER ITEM (1) OF THIS PARAGRAPH EACH YEAR; AND

(III) ASSIST THE LIBRARY IN REVISING THE GUIDELINES AS NECESSARY BASED ON CHANGES IN TECHNOLOGY OR ANY OTHER PERTINENT FACTORS.

(2) THE GUIDELINES SHALL INCLUDE:

(I) A METHOD BY WHICH A COURSE INSTRUCTOR, IN CONSULTATION WITH THE INDIVIDUAL AT THE LIBRARY OR INSTITUTION DESIGNATED TO MAKE THE REQUEST FOR MATERIALS UNDER THIS SUBTITLE, DESIGNATES WHICH COURSE MATERIALS ARE CONSIDERED REQUIRED OR ESSENTIAL TO STUDENT SUCCESS;

(II) A DETERMINATION OF THE AVAILABILITY OF TECHNOLOGY FOR THE CONVERSION OF MATHEMATICS AND SCIENCE MATERIALS;

(III) THE PROCEDURES AND STANDARDS RELATING TO DISTRIBUTION OF FILES AND MATERIALS;

(IV) AVAILABLE ELECTRONIC FORMATS;

(V) A LIST OF JUSTIFICATIONS FOR WHICH A PUBLISHER MAY REASONABLY BE EXEMPTED FROM COMPLYING WITH THE PROVISIONS OF THIS SUBTITLE;

(VI) PROCEDURES FOR GRANTING A PUBLISHER AN EXEMPTION WHEN IT IS DETERMINED THAT A PUBLISHER IS UNABLE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE FOR A JUSTIFIABLE REASON INCLUDED IN THE LIST REQUIRED UNDER ITEM (V) OF THIS PARAGRAPH;

(VII) ~~REQUIRE~~ A REQUIREMENT THAT THE REVIEW OF THE FUTURE RECOMMENDATIONS OF THE ALTERNATIVE FORMATS SOLUTIONS INITIATIVE OF THE ASSOCIATION OF AMERICAN PUBLISHERS ~~TO~~ DETERMINE WHETHER TO RECOMMEND THE INCORPORATION OF THESE RECOMMENDATIONS INTO THE GUIDELINES; AND

(VIII) ANY OTHER INFORMATION THE COMMITTEE DETERMINES TO BE RELEVANT.

11-903.

~~(A) THE LIBRARY MAY DETERMINE THE ELIGIBILITY OF A BLIND OR PRINT DISABLED STUDENT WHO MAKES A REQUEST UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(B)~~ (A) ON THE REQUEST OF AN ELIGIBLE BLIND OR PRINT DISABLED STUDENT, THE LIBRARY SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR SALE ELECTRONIC OR PRINT INSTRUCTIONAL MATERIALS USED BY STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION ~~AND INSTITUTIONS OF POSTSECONDARY EDUCATION~~ IN THE STATE PROVIDE THE INSTRUCTIONAL MATERIALS TO THE LIBRARY ~~ELECTRONICALLY IN A FORMAT DESIGNATED BY THE COMMITTEE~~ IN AN ELECTRONIC FORMAT.

~~(C)~~ (B) ON EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER JANUARY 1, 2008, ON THE RECEIPT OF A REQUEST UNDER SUBSECTION ~~(B)~~ (A) OF THIS SECTION, A PUBLISHER SHALL HAVE ~~10~~ 15 BUSINESS DAYS FROM THE DATE OF THE REQUEST TO:

(1) PROVIDE THE REQUESTED INSTRUCTIONAL MATERIALS IN ~~THE AN ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE;~~ OR

(2) PROVIDE THE REASON THAT ~~THE AN ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE~~ CANNOT BE PROVIDED WITHIN ~~10~~ 15 BUSINESS DAYS.

~~(D)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (D) OF THIS SECTION, IF A PUBLISHER RESPONDS UNDER SUBSECTION ~~(C)~~ (2) (B)(2) OF THIS SECTION THAT ~~THE AN ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE~~ CANNOT BE PROVIDED WITHIN ~~10~~ 15 BUSINESS DAYS, THE PUBLISHER SHALL INDICATE TO THE LIBRARY ~~WHEN:~~

(1) WHEN THE INSTRUCTIONAL MATERIALS WILL BE PROVIDED IN ~~THE AN ELECTRONIC FORMAT DESIGNATED BY THE COMMITTEE;~~ OR

(2) SPECIFY A REASON ~~THE SPECIFIC REASON, CONSISTENT WITH THE GUIDELINES ESTABLISHED UNDER § 11-902(D) OF THIS SUBTITLE, WHY THE INSTRUCTIONAL MATERIALS MAY NOT BE PROVIDED TO THE LIBRARY WITHIN THE REQUIRED TIME FRAME.~~

~~(E)~~ (D) A PUBLISHER IS NOT REQUIRED TO PROVIDE INSTRUCTIONAL MATERIALS IN ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~ IF THE INSTRUCTIONAL MATERIALS WERE:

- (1) GENERATED ~~FOR~~ BY FACULTY PURPOSES; OR
- (2) COPYRIGHTED BEFORE JULY 1, ~~2007~~ 2004.

11-904.

(A) THE ELECTRONIC FORMAT OF PRINTED INSTRUCTIONAL MATERIAL PROVIDED BY A PUBLISHER TO THE LIBRARY FOR USE BY A STUDENT WITH A DISABILITY UNDER THIS SUBTITLE SHALL:

(1) MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL;

(2) BE COMPATIBLE WITH COMMONLY USED BRAILLE TRANSLATION OR SPEECH SYNTHESIS SOFTWARE, IF NECESSARY; AND

(3) INCLUDE CORRECTIONS AND REVISIONS AS NECESSARY.

(B) IF THE LIBRARY AND A PUBLISHER CANNOT IN GOOD FAITH AGREE ON AN ELECTRONIC FORMAT THAT MAINTAINS THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE INSTRUCTIONAL MATERIAL IN AN ELECTRONIC FORMAT THAT MAINTAINS AS MUCH OF THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS POSSIBLE.

(C) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE LIBRARY OR INSTITUTION SHALL SUBMIT TO A PUBLISHER A WRITTEN REQUEST FOR AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT INCLUDES:

(1) CERTIFICATION THAT THE INSTITUTION HAS PURCHASED THE PRINTED INSTRUCTIONAL MATERIAL FOR USE BY A STUDENT WITH A DISABILITY OR THAT A STUDENT WITH A DISABILITY ATTENDING OR

REGISTERED TO ATTEND THE INSTITUTION HAS PURCHASED THE INSTRUCTIONAL MATERIAL;

(2) CERTIFICATION THAT THE STUDENT HAS A DISABILITY THAT PREVENTS THE STUDENT FROM USING STANDARD INSTRUCTIONAL MATERIALS;

(3) CERTIFICATION THAT THE ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL WILL BE USED BY A STUDENT IN CONNECTION WITH A COURSE IN WHICH THE STUDENT IS REGISTERED OR ENROLLED AT THE INSTITUTION; AND

(4) ~~IS SIGNED BY~~ THE SIGNATURE OF THE INDIVIDUAL DESIGNATED BY THE LIBRARY OR INSTITUTION TO REQUEST THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL UNDER THIS SUBTITLE.

(D) ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE LIBRARY WITH THE ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL AT NO ADDITIONAL COST AND IN A TIMELY MANNER.

(E) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A PUBLISHER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS SECTION MAY REQUIRE THE LIBRARY TO PROVIDE THE PUBLISHER WITH A COPY OF AN AGREEMENT THAT:

(1) STATES THAT THE STUDENT REQUESTING AND USING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL PROVIDED BY THE PUBLISHER WILL USE THE MATERIAL SOLELY FOR THE STUDENT'S PERSONAL EDUCATIONAL USE;

(2) STATES THAT THE STUDENT HAS AGREED NOT TO COPY, DUPLICATE, OR DISTRIBUTE THE ELECTRONIC COPY OF THE INSTRUCTIONAL MATERIAL FOR USE BY OTHER INDIVIDUALS; AND

(3) IS SIGNED BY THE STUDENT REQUESTING AND USING THE ELECTRONIC COPY.

(F) (1) IF THE LIBRARY OR AN INSTITUTION PERMITS A STUDENT TO DIRECTLY USE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL, THE LIBRARY OR INSTITUTION SHALL TAKE THE FOLLOWING STEPS TO

PROTECT THE ELECTRONIC COPY FROM DUPLICATION AND DISTRIBUTION IN VIOLATION OF THE COPYRIGHT REVISIONS ACT OF 1976:

(I) THE DISK OR FILE SHALL BE COPY-PROTECTED OR CONTAIN OTHER REASONABLE SECURITY MEASURES; AND

(II) THE LIBRARY OR INSTITUTION SHALL REQUIRE A STUDENT USING THE ELECTRONIC COPY TO SIGN THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.

(2) AN INSTITUTION MAY NOT MAKE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL AVAILABLE ON A SERVER UNLESS THE FOLLOWING SECURITY MEASURES ARE FOLLOWED:

(I) A SECURITY PROCESS, INCLUDING AN IDENTIFICATION AND PASSWORD SYSTEM, IS INSTALLED TO PERMIT ONLY AUTHORIZED STUDENTS WITH DISABILITIES ACCESS TO THE PROTECTED MATERIALS; AND

(II) OTHER TECHNICAL SECURITY MEASURES ARE INSTALLED TO PREVENT A STUDENT FROM DOWNLOADING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL UNLESS THE STUDENT HAS SIGNED THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.

(3) A PUBLISHER MAY INSTALL TECHNICAL SECURITY MEASURES TO PREVENT THE UNAUTHORIZED COPYING, MODIFICATION, DISTRIBUTION, OR USE OF THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL IF THE SECURITY MEASURES DO NOT INTERFERE WITH THE STUDENT'S USE OF ELECTRONIC COPY.

(G) (1) THE LIBRARY, AN INSTITUTION, OR ANY COMPONENT OF AN INSTITUTION SHALL NOTIFY THE PUBLISHER EACH TIME THE LIBRARY, INSTITUTION, OR A COMPONENT OF THE INSTITUTION INTENDS TO DUPLICATE AN ELECTRONIC FORMAT OR A SPECIALIZED FORMAT PRODUCED FROM THE ELECTRONIC FORMAT FOR USE OF THE PROTECTED MATERIAL BY OTHER STUDENTS WITH DISABILITIES.

(2) ~~EACH~~ FOR EACH ADDITIONAL STUDENT FOR WHOM THE LIBRARY, AN INSTITUTION, OR A COMPONENT OF AN INSTITUTION INTENDS TO DUPLICATE AN ELECTRONIC FORMAT UNDER PARAGRAPH (1) OF THIS

SUBSECTION, THE LIBRARY, INSTITUTION, OR COMPONENT OF AN INSTITUTION SHALL FOLLOW THE REQUEST PROCEDURES UNDER ~~§ 11-903~~ OF THIS SUBTITLE IN THIS SECTION.

(H) (1) AN INSTITUTION MAY ASSIST A STUDENT WITH A DISABILITY TO TRANSCRIBE OR ARRANGE FOR THE TRANSCRIPTION OF PRINTED INSTRUCTIONAL MATERIAL INTO BRAILLE USING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL.

(2) IF A BRAILLE COPY IS TRANSCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INSTITUTION SHALL HAVE THE RIGHT TO SHARE THE BRAILLE COPY OF THE PRINTED INSTRUCTIONAL MATERIAL WITH OTHER STUDENTS WITH DISABILITIES AT THE INSTITUTION.

(I) (1) A MEMBER OF THE FACULTY OF AN INSTITUTION OF HIGHER EDUCATION;

~~(I) MAY MAY REQUEST FROM THE LIBRARY INSTRUCTIONAL MATERIALS IN AN ELECTRONIC FORMAT; AND~~

~~(II) IS NOT REQUIRED TO SIGN AN AGREEMENT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION.~~

(2) FOR A REQUEST ON BEHALF OF A FACULTY MEMBER, THE LIBRARY IS NOT REQUIRED TO PROVIDE TO A PUBLISHER THE CERTIFICATIONS SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION.

~~11-904.~~ 11-905.

BEGINNING IN FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION \$200,000 FOR THE LIBRARY TO CARRY OUT ITS OBLIGATIONS UNDER THIS SUBTITLE.

~~11-905.~~ 11-906.

(A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE THE COMMITTEE ~~OR~~, THE LIBRARY, OR A PUBLISHER OF INSTRUCTIONAL MATERIALS TO CONVERT;

(1) CONVERT INSTRUCTIONAL MATERIALS INTO ACCESSIBLE FORMATS FOR BLIND AND PRINT DISABLED STUDENTS; OR

(2) REQUIRE A PUBLISHER TO PROVIDE ANY FORMAT OTHER THAN AN ELECTRONIC FORMAT PROVIDED UNDER ~~§ 11-903~~ § 11-904 OF THIS SUBTITLE.

(B) A PUBLISHER OF INSTRUCTIONAL MATERIAL MAY NOT BE REQUIRED TO:

(1) PERFORM ANY ACT THAT WOULD CONSTITUTE AN INFRINGEMENT OF A COPYRIGHT UNDER THE COPYRIGHT REVISION ACT OF 1976;

(2) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL IF THE PUBLISHER:

(I) PUBLISHES OR MANUFACTURES A VERSION OF THE INSTRUCTIONAL MATERIAL THAT IS ACCESSIBLE TO STUDENTS WITH DISABILITIES;

(II) CHOOSES TO PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL DIRECTLY TO A STUDENT IN A TIMELY MANNER; OR

(III) HAS NOT PREVIOUSLY PRODUCED A DIGITAL VERSION OF THE FULLY EDITED AND TYPESET INSTRUCTIONAL MATERIAL, INCLUDING INSTRUCTIONAL MATERIAL PRODUCED BY A METHOD THAT DOES NOT REQUIRE THE CREATION OF A DIGITAL FILE; OR

(3) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT IS NO LONGER IN PRINT OR AVAILABLE AND OFFERED FOR SALE BY THE PUBLISHER.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Library for the Blind and Physically Handicapped shall consult and coordinate with the State Department of Education to facilitate the utilization of equipment and staff being used to provide instructional materials to students who are blind or print disabled in primary and secondary education in order to minimize the costs associated with this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June~~ October 1, 2007.

Approved by the Governor, May 8, 2007.