

## Chapter 255

(House Bill 413)

AN ACT concerning

### Education – Instruction of Blind and Visually Impaired Students – Use of Braille

FOR the purpose of requiring the State Board of Education to establish standards for ~~the~~ mastery of braille for *use in* instruction in certain subjects for blind and visually impaired students on or before a certain date; requiring the State Board and the Professional Standards and Teacher Education Board to review and, as appropriate, modify certain certification and recertification requirements for certain teachers; and generally relating to the use of braille for instruction of blind and visually impaired students.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 8–408  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

#### Preamble

WHEREAS, The ability to read, write, and compute is a basic requirement for full participation in the social and economic life of the State; and

WHEREAS, It is the policy of this State that blind and visually impaired students have the same access to *achieving* literacy as their sighted peers; and

WHEREAS, If most blind and visually impaired students are to acquire literacy, *which includes the requisite English, language arts, and mathematics skills*, they must be provided with instruction in these subjects in braille; now, therefore,

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

#### Article – Education

8–408.

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

(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.

(3) "Braille" means the system of reading and writing through touch commonly known as Standard English Contracted Braille.

(4) "Individualized education program" and "IEP team" have the same meaning as provided by the Individuals with Disabilities Education Act.

(5) "National Instructional Materials Access Center" means the center established under § 674(e) of the federal Individuals with Disabilities Education Improvement Act of 2004.

(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.

(7) "Print instructional materials" means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by the Department or county board for use by students in the classroom.

(8) "Specialized formats" means braille, large print, audio, or digital text that is used by blind or visually impaired individuals.

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

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

(3) This section does not require the exclusive use of braille if other 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 of braille.

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

(d) (1) The Department shall collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

(2) (i) The procedures developed under paragraph (1) of this subsection shall require the Department and a county board to include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

1. On or before the delivery of the print instructional materials, prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using NIMAS; or

2. Purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

(ii) A publisher may not be required to provide an electronic copy of any instructional material copyrighted before July 1, 2007.

(3) The State Board shall coordinate with the National Instructional Materials Access Center to facilitate the timely transfer to the Instructional Resources Center of:

1. Electronic files or instructional materials sent by publishers for the Instructional Resources Center to convert the instructional materials into specialized formats; and

2. Electronic files or instructional materials purchased from a publisher in a specialized format.

(4) Beginning on July 1, 2007, the Instructional Resources Center shall make reasonable efforts to provide the instructional materials in specialized formats to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

(e) Beginning in fiscal year 2008 and annually thereafter, the Governor shall include \$150,000 in the annual budget submission for the Instructional Resources Center established by the Department.

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

**(G) ON OR BEFORE SEPTEMBER 1, 2012, THE STATE BOARD SHALL ESTABLISH STANDARDS FOR THE MASTERY OF BRAILLE FOR USE IN ENGLISH, LANGUAGE ARTS, AND MATHEMATICS INSTRUCTION OF BLIND AND VISUALLY IMPAIRED STUDENTS IN PRE-KINDERGARTEN THROUGH GRADE 12.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 1, 2013, to ensure the full implementation of the use of braille for English, language arts, and mathematics instruction of blind and visually impaired students in pre-kindergarten through grade 12, the State Board of Education and the Professional Standards and Teacher Education Board shall review and, as appropriate, modify certification and recertification requirements for teachers of blind and visually impaired students.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 4, 2010.**