

SENATE BILL 921

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11r3043
CF HB 1181

By: **Senator Lam**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Accessibility Standards – Digital Tools**
3 **(Nonvisual Access Accountability Act for Grades K–12 Education)**

4 FOR the purpose of requiring certain digital tools developed or purchased by a county board
5 of education to include specifications for access by students with disabilities,
6 including nonvisual access, that meet certain standards; requiring a county board to
7 provide a student with disabilities access to digital tools that meet certain standards;
8 beginning on a certain date, requiring each invitation for bids or request for
9 proposals for a digital tool issued by a county board to require a vendor to submit an
10 accessibility conformance report as part of the bid; prohibiting a county board from
11 approving a certain procurement contract if certain conditions are not met; requiring
12 a county board to establish a certain evaluation process that includes a certain
13 evaluation by a certain specialist; requiring a county board to send a certain notice
14 to a certain vendor under certain circumstances; requiring a certain vendor to modify
15 information technology at the vendor's own expense to meet certain accessibility
16 standards within a certain number of months after receiving a certain notification;
17 establishing a civil penalty for a violation of certain provisions of law; requiring a
18 vendor who violates certain provisions of law to indemnify the State for a liability
19 resulting from the use of information technology that does not meet certain
20 accessibility standards; requiring a county board, on or before a certain date each
21 year, to submit a certain report to the State Department of Education; requiring the
22 Department to make certain information available on its website and to update the
23 information each year; defining certain terms; and generally relating to accessibility
24 standards for digital tools developed or purchased by county boards of education.

25 BY adding to
26 Article – Education
27 Section 8–317
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **8–317.**

5 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
6 INDICATED.

7 (2) (I) “ACCESSIBILITY CONFORMANCE REPORT” MEANS A
8 DOCUMENT BY WHICH A VENDOR EXPLAINS HOW INFORMATION AND
9 COMMUNICATION TECHNOLOGY PRODUCTS, INCLUDING SOFTWARE, HARDWARE,
10 ELECTRONIC CONTENT, AND SUPPORT DOCUMENTATION, CONFORM TO THE
11 REVISED 508 STANDARDS FOR INFORMATION TECHNOLOGY ACCESSIBILITY UNDER
12 THE FEDERAL REHABILITATION ACT OF 1973.

13 (II) “ACCESSIBILITY CONFORMANCE REPORT” INCLUDES A
14 VOLUNTARY PRODUCT ACCESSIBILITY TEMPLATE (VPAT).

15 (3) “DIGITAL TOOL” MEANS:

16 (I) AN ONLINE PLATFORM;

17 (II) A COURSE;

18 (III) INFORMATION AND COMMUNICATION TECHNOLOGY
19 SERVICES; AND

20 (IV) DIGITAL CONTENT.

21 (4) “NONVISUAL ACCESS” MEANS THE ABILITY TO RECEIVE, USE, AND
22 MANIPULATE INFORMATION AND OPERATE CONTROLS NECESSARY TO ACCESS
23 INFORMATION AND COMMUNICATIONS TECHNOLOGY THROUGH KEYBOARD
24 CONTROL, SYNTHESIZED SPEECH, BRAILLE, OR OTHER METHODS NOT REQUIRING
25 SIGHT.

26 (B) (1) EACH DIGITAL TOOL DEVELOPED OR PURCHASED BY A COUNTY
27 BOARD FOR USE BY THE LOCAL SCHOOL SYSTEM SHALL INCLUDE SPECIFICATIONS
28 FOR ACCESS FOR STUDENTS WITH DISABILITIES, INCLUDING NONVISUAL ACCESS, IN
29 ACCORDANCE WITH THE TECHNICAL STANDARDS FOR ELECTRONIC AND
30 INFORMATION TECHNOLOGY ISSUED UNDER:

1 (I) SUBSECTION (A)(2) OF SECTION 508 OF THE FEDERAL
2 REHABILITATION ACT OF 1973, 29 U.S.C. 794(A)(2); OR

3 (II) ANY OTHER WIDELY ACCEPTED OR FREELY AVAILABLE
4 TECHNICAL STANDARD.

5 (2) A COUNTY BOARD SHALL PROVIDE A STUDENT WITH DISABILITIES
6 ACCESS TO DIGITAL TOOLS THAT:

7 (I) ARE FULLY AND EQUALLY ACCESSIBLE TO AND
8 INDEPENDENTLY USABLE BY A STUDENT WITH DISABILITIES; AND

9 (II) ENABLE A STUDENT WITH DISABILITIES TO ACQUIRE THE
10 SAME INFORMATION, PARTICIPATE IN THE SAME INTERACTIONS, AND ACCESS THE
11 SAME SERVICES AS A STUDENT WITHOUT DISABILITIES, WITH SUBSTANTIALLY
12 EQUIVALENT EASE OF USE.

13 (C) (1) BEGINNING SEPTEMBER 1, 2021, EACH INVITATION FOR BIDS OR
14 REQUEST FOR PROPOSALS FOR A DIGITAL TOOL ISSUED BY A COUNTY BOARD SHALL
15 REQUIRE A VENDOR TO SUBMIT AN ACCESSIBILITY CONFORMANCE REPORT AS PART
16 OF THE BID.

17 (2) A COUNTY BOARD MAY NOT APPROVE A PROCUREMENT
18 CONTRACT FOR A DIGITAL TOOL THAT FAILS TO MEET THE REQUIREMENTS OF
19 SUBSECTION (B) OF THIS SECTION.

20 (3) (I) A COUNTY BOARD SHALL ESTABLISH A PROCESS TO
21 EVALUATE EACH DIGITAL TOOL BEING CONSIDERED FOR DEVELOPMENT OR
22 PURCHASE FOR CONFORMITY WITH THE REQUIREMENTS OF SUBSECTION (B) OF
23 THIS SECTION.

24 (II) THE EVALUATION PROCESS ESTABLISHED UNDER
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE EVALUATION OF THE
26 DIGITAL TOOL FOR NONVISUAL ACCESS BY:

27 1. AN EMPLOYEE OF THE LOCAL SCHOOL SYSTEM WHO
28 SPECIALIZES IN PROVIDING VISION SERVICES; OR

29 2. A SPECIALIST FROM THE OFFICE FOR BLINDNESS &
30 VISION LOSS SERVICES IN THE DIVISION OF REHABILITATION SERVICES IN THE
31 DEPARTMENT.

1 **(D) (1) (I) IF A COUNTY BOARD FINDS THAT A DIGITAL TOOL FAILS TO**
2 **MEET THE ACCESSIBILITY STANDARDS UNDER SUBSECTION (B) OF THIS SECTION,**
3 **INCLUDING NONVISUAL ACCESS, WITHIN 18 MONTHS AFTER DEVELOPMENT OR**
4 **PURCHASE OF THE DIGITAL TOOL, THE COUNTY BOARD SHALL SEND A WRITTEN**
5 **NOTICE TO THE VENDOR OF THE VENDOR'S FAILURE TO COMPLY WITH THE**
6 **ACCESSIBILITY STANDARDS REQUIRED UNDER THE PROCUREMENT CONTRACT.**

7 **(II) ON RECEIPT OF NOTICE FROM A COUNTY BOARD UNDER**
8 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE VENDOR, AT THE VENDOR'S EXPENSE,**
9 **SHALL MODIFY THE DIGITAL TOOL TO MEET THE REQUIRED ACCESSIBILITY**
10 **STANDARDS WITHIN 12 MONTHS OF THE DATE THE VENDOR RECEIVED THE NOTICE**
11 **FROM THE COUNTY BOARD.**

12 **(2) A VENDOR THAT FAILS TO MEET THE ACCESSIBILITY STANDARDS**
13 **IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION:**

14 **(I) IS SUBJECT TO A CIVIL PENALTY OF:**

15 1. **FOR A FIRST OFFENSE, A FINE NOT EXCEEDING**
16 **\$5,000; OR**

17 2. **FOR A SUBSEQUENT OFFENSE, A FINE NOT**
18 **EXCEEDING \$10,000; AND**

19 **(II) SHALL INDEMNIFY THE STATE FOR LIABILITY RESULTING**
20 **FROM THE USE OF A DIGITAL TOOL THAT FAILS TO MEET THE ACCESSIBILITY**
21 **STANDARDS UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING NONVISUAL**
22 **ACCESS.**

23 **(E) (1) ON OR BEFORE OCTOBER 1, 2022, AND EACH OCTOBER 1**
24 **THEREAFTER, A COUNTY BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT ON**
25 **THE ACCESSIBILITY OF THE DIGITAL TOOLS THE LOCAL SCHOOL SYSTEM**
26 **DEVELOPED OR PURCHASED FOR USE DURING THE IMMEDIATELY PRECEDING**
27 **FISCAL YEAR.**

28 **(2) (I) THE DEPARTMENT SHALL COMPILE THE INFORMATION**
29 **RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND MAKE THE**
30 **INFORMATION AVAILABLE ON ITS WEBSITE, INCLUDING THE STATUS OF THE**
31 **ACCESSIBILITY OF THE DIGITAL TOOLS USED IN EACH LOCAL SCHOOL SYSTEM.**

32 **(II) EACH YEAR, THE DEPARTMENT SHALL UPDATE THE**
33 **INFORMATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2021.