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Baltimore and Howard Counties

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THE SENATE OF MARYLAND
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**SB 921: County Boards of Education - Accessibility Standards - Digital Tools
(Nonvisual Access Accountability Act for Grades K-12 Education)**

The Issue:

- Virtual learning has exposed some serious failings in our educational system, particularly the provision of appropriate accessibility for students and parents with disabilities.
- The shift from in-person to virtual instruction in schools has led to an increased use of inaccessible instructional technologies in our schools.
- Blind students in grades K-12 cannot access their educational content as a result of these changes, despite the clear requirements in state and federal law that mandate accessibility of information and communication technology (ICT), digital content, and services such as educational apps and websites. This also means parents with disabilities can't help.
- Many students have been unable to participate in specific classes or activities because the technologies purchased by their jurisdictions do not interface with nonvisual accessibility platforms.
- Local school systems and the Maryland State Department of Education (MSDE) have not enforced the requirement for developers to ensure accessibility before purchasing and implementing technologies; and they have not prohibited staff members from using inaccessible materials that they find on their own.
- Local school systems and MSDE have no accountability for accessibility.

What Does SB 921 Do?

- SB 921 puts disability accountability measures in place during the local procurement process for digital technologies and content by requiring vendors to submit an Accessibility Conformance Report demonstrating how their technology complies with accessibility standards.
- The bill requires a representative who specializes in providing vision services to be a part of the evaluation team for bids and counties must purchase only accessible digital tools as defined by the Federal Law.

- SB921 puts fines into place for vendors who misrepresent or do not repair inaccessible platforms and requires local jurisdictions to provide accessibility information on their websites for public transparency.

How SB 921 Helps?

- This legislation creates the necessary accountability, currently missing, that would enable those who require nonvisual access to information and communication technology to obtain that access more easily.
- Vendors would be more accountable because they would be asked to submit a Voluntary Product Accessibility Template (VAPT) as part of their proposals, and fined if they fail to meet accessibility standards.
- Students with disabilities would have the access to educational content and tools they are entitled to by law.
- Incorporating accessibility into technology is not difficult and is more cost effective to incorporate at the initial planning stages than to do so retroactively.

Background:

- When schools moved to virtual learning, school districts informed parents of blind children that adaptive technology used by the blind, such as screen readers and Braille displays, had been deployed and were available to students. These tools can help students read computer screens, but only when the computer programs being read are accessible.
- In Howard County, blind students are unable to participate in high school math classes because the program GEOGEBRA is not accessible to them and other students had trouble participating in classes on KAHOOT, which requires an understanding of color.
- A Mom in Frederick, who is herself blind, cannot get curriculum to load onto her screen reader and is thus unable to help her children with their work during virtual school.
- Some districts have issued Chromebooks, which are not accessible with screen readers.

Sponsor Amendment:

The amendment (*SB0921/203023/1*) is technical and strengthens the language of the bill by:

- Requiring a vendor to include an indemnification clause in the contract for ICT, which will increase the vendor's commitment to accessibility. Taxpayers should not pay for inaccessible products or mistakes that vendors may make.
- Changing the consultant from a person in the Division of Rehabilitation Services to the Blindness Specialist in the Division of Early Intervention and Special Education Services, which is part of the Maryland State Department of Education, is appropriate. The Division of Early Intervention and Special Education Services works with K-12 students, while the Division of Rehabilitation Services primarily works with adults to prepare them for the world of work.

Supportive Organizations Include:

- National Federation of the Blind (NFB) - Maryland
- Maryland Organization of Parents of Blind Children
- Maryland State Education Association (MSEA)
- Education Advocacy Coalition for Students with Disabilities (EAC)
- Disability Rights Maryland



SB0921/203023/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

24 FEB 21
14:17:45

BY: Senator Lam

(To be offered in the Education, Health, and Environmental
Affairs Committee)

AMENDMENT TO SENATE BILL 921

(First Reading File Bill)

On page 3, in line 18, after “**TOOL**” insert “**UNLESS THE CONTRACT INCLUDES A CLAUSE THAT INDEMNIFIES THE STATE FOR LIABILITY RESULTING FROM THE USE OF A DIGITAL TOOL**”; in the same line, strike “**REQUIREMENTS**” and substitute “**ACCESSIBILITY STANDARDS**”; in line 19, after “**SECTION**” insert “**, INCLUDING NONVISUAL ACCESS**”; and strike beginning with “**A**” in line 29 down through the second “**IN**” in line 30 and substitute “**THE BLINDNESS SPECIALIST IN THE EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES DIVISION OF**”.