

Favorable Day SB 921.pdf

Uploaded by: Day, Derrick

Position: FAV

Subject: Favorable SB921

To: Senate Education, Health, and Environmental Affairs Committee

From: Derrick Day

1950 Fawn Way

Finksburg, MD 21048

My name is Derrick Day. I am in the ninth grade at Westminster High School. My sister Meredith is also blind. She is in the seventh grade at West Middle School. Please vote in favor of SB 921 so that my sister and I, as well as other blind students, will not have so many accessibility issues.

Blind students have the same accessibility issues year after year. I was unable to practice math skills because the school system used an inaccessible program called Khan Academy. My sister currently has the same problem because the school system is still using the inaccessible Khan Academy. We need this bill so that blind students can be successful.

As a ninth-grade student, I am taking geometry, physics, and chemistry. I am expected to use Kami and Equatio, two programs that are not accessible to me as a blind student. I am still expected to do the work and I want to do it. However, I have to overcome additional barriers that my sighted peers do not have because of the lack of accessibility. I have a vision teacher who helps me get access to the curriculum. When programs such as Kami and Equatio are inaccessible, the vision teacher cannot get my work to me at the same time as my peers receive their work because she has to scan the text out of the document and use a computer program to transcribe it into Braille. I am always playing catchup. If these programs were accessible, I could read them at the same time as my sighted peers.

I want to get a job in the computer science field. I was very excited that my school allows freshmen to take introductory computer courses. Unfortunately, I was denied the opportunity to study computer science this semester. I could not write programs because the class was required to use an inaccessible code on the website, code.org. I should have been able to participate in this course. Vendors should not sell local school systems inaccessible programs and local school systems should not purchase them.

Please vote in favor of SB 921. I need a good education so that I can get a job and become a taxpayer.

SB 921 - Nonvisual Access Accountability Act - FAV

Uploaded by: Dove, Tina

Position: FAV

Testimony in Support of Senate Bill 921

County Boards of Education—Accessibility Standards—Digital Tools
Nonvisual Access Accountability Act for Grades K–12 Education

Senate Education, Health, and Environmental Affairs Committee

March 9, 2021

1:00 pm

Tina N. Dove, M.Ed.
Government Relations

The Maryland State Education Association supports Senate Bill 921, legislation requiring that digital tools developed or purchased by a county board of education include specifications for and meet certain criteria that enable access by students with disabilities, including nonvisual access; that said students be provided these digital tools for their learning; and that future procurement requests of and proposals from vendors for the purchase of digital tools include these specifications and operational criteria.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

MSEA members have long been tenacious advocates for policies and programs that will ensure our students are provided access to the resources and supports they need to achieve their full potential. This is particularly true of our most vulnerable students, including those with special needs. We take seriously our obligation to provide our students with special needs the fair and appropriate public education guaranteed to them in both federal and state law. By ensuring that the needs of our students with visual and physical limitations are considered when procuring digital devices to assist them in their learning, we are doing what is required in order to meet our responsibilities to them; responsibilities they undeniably deserve.

We urge a favorable report on SB 921.

Lam_FAV_SB0921 with Amendment.pdf

Uploaded by: Lam, Clarence

Position: FAV

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
State Personnel Oversight

Vice Chair

Baltimore County Senate Delegation

Chair

Howard County Senate Delegation



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**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**”.

Presentation - SB 921.pdf

Uploaded by: Lam, Clarence

Position: FAV

SB 921:

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

Senator Clarence Lam
District 12

What is the problem?

- COVID-19 virtual public school learning environments are exacerbating serious failings in accessibility for students and parents with disabilities.
 - Increased school use of inaccessible instructional technologies
 - Blind students in grades K-12 cannot access their educational content
- State and federal law mandate accessibility of information and communication technology (ICT,) digital content, and services.
- Local school systems and the MSDE have not enforced accessibility requirements in purchasing or implementing technologies; not prohibiting staff from using inaccessible materials they find on their own.
- Local school systems and MSDE have no accountability for accessibility.

What does SB 921 do?

- Establishes local procurement process accountability, requiring vendors to submit an Accessibility Conformance Report
- Requires a vision services representative to be a part of the evaluation team for bids
- Requires counties to purchase only accessible digital tools as defined by Federal Law
- Fines vendors who misrepresent or do not repair inaccessible platforms
- Requires local jurisdictions to provide accessibility information on their websites



How SB 921 helps?

- Creates necessary school system accountability to ensure nonvisual access to information & communication technology, as required by law
- Vendors are more accountable, fined if fail to meet accessibility standards
- Incorporating accessibility into technology is more cost effective in the initial project planning stages than it is when it is done retroactively



Witness Testimony on Accessibility Issues

- Schools told parents of blind children adaptive technology used by the blind would be available to students, but programs being read were inaccessible.
 - In Howard County, blind students are unable to participate in high school math classes because the program GEOGEBRA is not accessible
 - 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 issued Chromebooks, not accessible with screen readers.

Sponsor Amendment (*SB0921/203023/1*):

1. Requires 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.
2. Changes 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, who work with K-12 students, while the Division of Rehabilitation Services primarily works with adults to prepare them for the world of work.

EACtestimony.SB921.pdf

Uploaded by: Margolis, Leslie

Position: FAV

Education Advocacy Coalition

for Students with Disabilities

Senate Education, Health, and Environmental Affairs Committee

SB 921: County Boards of Education—Accessibility Standards—Digital Tools (Nonvisual Access Accountability Act for Grades K-12 Education

March 9, 2021

Position: Support

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland, supports House Bill 1181, which would ensure local school system and Maryland State Department of Education accountability for accessible digital tools by requiring that a member of the vision department be part of the procurement team when requests for proposals are developed and issued. Additionally, vendors would be more accountable because they would be asked to submit a Voluntary Product Accessibility Template (VPAT) as part of their proposals. House Bill 1181 further provides that vendors who fail to meet accessibility standards will be fined.

When school buildings closed in March, 2020 and education shifted to digital learning, students who are blind or otherwise unable to access learning through visual means, were denied the opportunity to participate or to participate fully in distance learning. Although accessible information and communication technology is required by law, lack of enforcement by local school systems and the Maryland State Department of Education makes this requirement ring hollow for the students who have been unable to learn effectively during the past year because their technology is not accessible to them.

House Bill 1181 would address this problem by creating the accountability that has been missing, and would enable those who require nonvisual access to information and communication technology to more easily obtain that access. For these reasons, the EAC supports House Bill 1181.

Respectfully submitted,

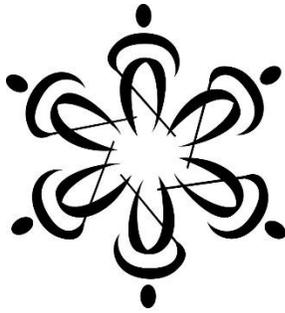
Selene A. Almazan, Esq., Selene A. Almazan Law
Rene Averitt-Sanzone, The Parents' Place of Maryland
Linda Barton, MSED, Education Consultant
Beth Benevides, Howard County Autism Society
Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.
Michelle Davis, M.S.Ed., ABCs for Life Success
SarahRuth Davis, Parent Advocacy Consortium
Jennifer Engel Fisher, Weinfeld Education Group
Ann Geddes, Maryland Coalition of Families

Kalman Hettleman, Independent Advocate
Morgan Horvath, Abilities Network
Nicole Joseph, Esq., Law Offices of Nicole Joseph
Rosemary Kitzinger and Marjorie Guldan, Bright Futures, LLC
Ande Kolp, The Arc Maryland
Rachel London, Maryland Developmental Disabilities Council
Sharon Manecke, National Foundation of the Blind of Maryland
Leslie Seid Margolis, Disability Rights Maryland
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Rebecca Rienzi, Pathfinders for Autism
Ronnetta Stanley, M.Ed., Loud Voices Together
Guy Stephens, Alliance Against Seclusion and Restraint
Maureen van Stone, Mallory Finn Legg, Alyssa Thorn, Project HEAL at Kennedy Krieger Institute

Favorable Mooney SB 921.pdf

Uploaded by: Mooney, Garret

Position: FAV



**NATIONAL FEDERATION
OF THE BLIND**
MARYLAND

Live the life you want.

Subject: Favorable SB 921
To: Senate Education, Health, & Environmental Affairs Committee
From: Members of the National Federation of the Blind of Maryland
Contact: James Garret Mooney, President
Maryland Organization of Parents of Blind Children
1123 North Eutaw Street
Baltimore, MD 21201
Phone: 480-433-8003
Email: james.garret.mooney@gmail.com
Date: March 9, 2021

Public education has promised to provide a free and appropriate education and access to all materials for all children. We need accountability so the promises and commitments made to our children are kept.

In August 2020, the Maryland organization of Parents of Blind Children (MDPOBC), a division of the National Federation of the Blind of Maryland, wanted to make sure schools across the state would fulfill the promises and commitments made to our blind children as schools moved to virtual instruction necessitated by COVID-19. We sent a letter to all local school districts and State Superintendent Karen B. Salmon, asking how schools would offer services unique to blind students, such as Braille instruction, orientation, and mobility; how they would ensure all instructional materials would be accessible to blind and low vision students; and how evaluations and assessments of blind students would be carried out.

Out of the 24 districts in the state, only ten responded. Some of the responses attempted to answer our questions, but most either referred us back to the letter sent by State Superintendent Salmon or did not answer our questions directly. The districts who answered our question in regards to accessible instructional materials informed us that adaptive technology used by the blind, such as screen readers and Braille displays, had been deployed and were available to students. Screen readers and Braille displays help the student read the computer screen, but they do not work when the computer programs being read are not accessible. The creators of technology-based instructional programs - such as Google Classroom, Seesaw, Schoology, and

many others - must incorporate accessibility in the program's design. It is the responsibility of local school systems to not purchase or use these programs if they are inaccessible.

The purchasing of accessible instructional materials has been a failed promise for years and is not a new problem created by COVID-19. Kelly and her son Tyler, who are both members of MDPOBC have been fighting their district for years on the inaccessible Chromebooks used by the district. Kelly has been asking her district for years to provide Tyler a Windows laptop because the Chromebook given to him by the district is not accessible with screen readers. Rather than continue to fight the district and allow himself to fall behind in his now virtual class, Tyler used his own birthday and Christmas money and bought his own laptop at the beginning of this year.

COVID-19 has only exacerbated the problem of the district failing to commit to our blind children. As a father to a blind kindergartener, I have seen the lack of commitment firsthand. My daughter has been unable to use the various instructional tools to help reinforce knowledge obtained during an already shortened school day because the learning platform used is inaccessible. Consequently, my fiancé and I have had to create unique lessons to help reinforce what her teacher has taught. We even had to acquire a reader to help administer her assessments because of the inaccessibility of the district's learning platform.

Delegates, I ask that you please pass SB 921. We have to ensure that our promises and commitments to our children are fulfilled. Incorporating accessibility into technology is not difficult and is more cost effective to incorporate at the initial planning stages than to do so retroactively. In 2021, we have access to more technology than ever before and we possess the ability to give access to every single person. Now all we need to do is fulfill our promises and commitments, and hold vendors and school systems accountable.

SB921_Lazar_March2021.pdf

Uploaded by: Lazar, Jonathan

Position: FWA

Testimony on SB 921, March 9, 2021
Jonathan Lazar, Ph.D., LL.M.
Professor of Information Studies, University of Maryland

Testimony to the Senate Education, Health and Environmental Affairs Committee

I am here today to state my support for SB 921, with amendments, because SB 921 would ensure that students with disabilities are not faced with discrimination from inaccessible digital technologies and content, while at the same time reducing costs for county Boards of Education.

In the recent past, county Boards of Education in Maryland have procured digital technologies and content that are inaccessible for students with disabilities. This has led to 1) increased costs for the counties as those digital technologies and content must then be remediated, 2) students with disabilities having unequal access to digital technologies and content until the remediations are made.

Simply put, it does not make sense to acquire inaccessible technologies and then spend extra time and money to make these technologies accessible for students with disabilities, when there are suitable, accessible alternatives available. The vendors, not the county Boards of Education, should be responsible for ensuring accessible technologies and content, not putting the responsibility on the county Boards of Education. I teach university courses on how to design technologies to be accessible, and when designed from the start with accessibility in mind, there is no additional cost to design technologies in an accessible manner. The costs are only incurred when a technology is designed to be inaccessible, and then must be remediated ⁽¹⁾.

I respectfully suggest one amendment to the bill: Section (D)(2)(II) requires that if a vendor fails to meet the accessibility standards in accordance with paragraph (D)(1)(II), then the vendor shall indemnify the state for liability from the use of an inaccessible tool. However, an indemnification clause should be inserted into the request for proposals itself and also included in the procurement contract. The indemnification requirement cannot and should not be requested from a vendor after the procurement contract is already signed, and a technology turns out to be inaccessible.

SB 921 is both a cost savings bill, and a civil rights bill. Maryland has laws already in place, requiring accessibility for technologies developed or procured by the state government⁽²⁾, and SB 921 would expand the use of those best practices in accessible technology procurement, to county Boards of Education. As a professor of information studies, I want county Boards of Education to copy the existing best practices used for procurement in state and federal government, which can 1) save money and 2) ensure that students with disabilities have equal access to technology. The core approaches proposed

in SB 921 (requiring accessibility details in procurement contracts, and requiring indemnification by vendors) are best practices for improving accessibility through procurement ⁽³⁾. When a county Board of Education acquires digital technology or content and later determines that it is inaccessible, it often requires extra expenses to remediate the technology, as well as a time delay in access for students with disabilities. Yet, the Board of Education should have never procured the technology in the first place, if the technology was not accessible. By having formal processes in place, the cost, risk, and responsibility are transferred to the vendor, rather than the county Boards of Education.

There are many existing resources for accessible procurement. Because procurement is a very effective method for ensuring accessible technology, there are many existing resources to help with the process. At the Federal level, the General Services Administration provides resources to support the accessibility of technology in procurement ⁽⁴⁾. A partnership of industry and government created the Voluntary Product Accessibility Template (VPAT, referred to in SB 921), to help vendors provide clear details about the accessibility features of their information technology products ⁽⁵⁾. The National Association of State CIOs (NASCIO) has clear guidance on including IT accessibility in procurement processes ⁽⁶⁾.

I enthusiastically support SB 921 (with amendments) because it helps remove barriers for students with disabilities, while at the same time reducing costs, by utilizing existing best practices in procurement of digital technologies and content.

References

1. Wentz, B., Jaeger, P. T., & Lazar, J. (2011). Retrofitting accessibility: The legal inequality of after-the-fact online access for persons with disabilities in the United States. First Monday 16(11), available at: <https://firstmonday.org/ojs/index.php/fm/article/view/3666>.
2. MD Code, State Finance and Procurement, § 3A-311, Nonvisual access clause for use in procurement of information technology.
3. Lazar, J., Goldstein, D., and Taylor, A. (2015). Ensuring Digital Accessibility Through Process and Policy. Waltham, MA: Elsevier/Morgan Kaufmann Publishers.
4. U.S. General Services Administration. (2017). Procuring Accessible Information Technology. Available at: <https://app.buyaccessible.gov>
5. U.S. General Services Administration. (2017). VPAT/GPAT. Available at: <https://www.section508.gov/sell/vpat>
6. National Association of State CIOs (2017). Accessibility in IT procurement. Available at: <http://www.nascio.org/PDAA>

*Dr. Jonathan Lazar is a Professor in the College of Information Studies (iSchool) at the University of Maryland. At the University of Maryland, Dr. Lazar is the incoming director of the Trace Research and Development Center, the nation's oldest research center on technology and disability, and is a faculty member in the Human-Computer Interaction Lab. Dr. Lazar joined the iSchool in 2019, after 19 years as a Professor of Computer and Information Sciences at Towson University, where he served as director of the information systems program for 14 years. Dr. Lazar has authored or edited 12 books, including *Research Methods in Human-Computer Interaction* (2nd edition, co-authored with Heidi Feng and Harry Hochheiser), *Ensuring Digital Accessibility Through Process and Policy* (co-authored with Dan Goldstein and Anne Taylor), and *Disability, Human Rights, and Information Technology* (co-edited with Michael Stein). He has published over 140 refereed articles in journals, conference proceedings, and edited books, and has been granted two US patents for his work on accessible web-based security features for blind users. He frequently serves as an adviser to government agencies and regularly provides testimony at federal and state levels, and multiple US federal regulations cite his research publications. Dr. Lazar has recently been honored with the 2020 ACM SIGACCESS Award for Outstanding Contributions to Computing and Accessibility, the 2017 University System of Maryland Board of Regents Award for Excellence in Research, and the 2016 ACM SIGCHI Social Impact Award, given annually to an individual who has promoted the application of human-computer interaction research to pressing societal needs.*

Dr. Lazar can be reached by e-mail at jlazar@umd.edu.

Favorable Cascone SB 921.pdf

Uploaded by: Maneki, Sharon

Position: FWA

Subject: Favorable SB 921
To: Senate Education, Health, & Environmental Affairs Committee
From: Stephanie Cascone
Contact: Stephanie Cascone
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Columbia, MD 21046
Email: stephaniecascone@gmail.com
Phone: 443-934-0666

March 9, 2021

Please vote in favor of SB 921 because accessibility is crucial to the education of so many children -- particularly blind children and my son. My son, Taylor, is 16 years-old and every year there are issues with the technology used in the classroom. In the virtual classroom, my son has done well with being part of class discussions and doing work that is assigned when it is accessible. However, programs like GeoGebra, a geometry system, made it impossible to participate in some of the work. We spent hours trying to access it. It was not properly developed for his assistive technology to access, but it could have and should have been. He missed out on the class discussion and learning from this program. This is just one example, but so many programs in every class have access issues.

When technology is accessible, my son has the confidence and excitement in his education. He has the tools, but the tools are not helpful if the programs don't work with his tools. Blind children like my son need their education to be accessible and the school system needs to be accountable when it is not.

Please vote yes on SB 921. Thank you.

Stephanie Cascone

Favorable Dima SB 921.pdf

Uploaded by: Maneki, Sharon

Position: FWA

Subject: Favorable SB 921
To: Senate Education, Health, & Environmental Affairs Committee
From: Rania Dima
Contact: Rania Dima
9433 Carriage Hill Street
Frederick, MD 21704
Phone: 240-994-6893
Email: raniadima@gmail.com

Date: March 9, 2021

Parental involvement makes for better students, but what happens when parents are excluded from participating? As a blind parent of two children in Frederick County Public Schools, the screens from which my children learn are blank to me. I am blind and the platform our county uses does not work with my screen reader. So, when my third grader asks me to help her understand fractions, or my eight grader claims that she's completed all of her work, I am left without the tools that I need to help them. As students with 504 plans and potential learning disabilities, they need my support, and I cannot provide it.

The virtual learning platforms that the schools use are not compatible with accessibility technology. I have been cut out of their learning journey and my children are paying the price. Currently, they are both falling behind and my youngest is not meeting grade-level expectations.

Please support SB 921 and give blind parents the ability to take an active role in their children's education.

Favorable Graham SB 921.pdf

Uploaded by: Maneki, Sharon

Position: FWA

Subject: Favorable SB 921
To: Senate Education, Health, & Environmental Affairs Committee
From: Teresa Graham
Contact: Teresa Graham
8535 Harvest View Ct, Ellicott City, MD 21043
Email: Teresagraham3@gmail.com
Phone: 443-557-8696

March 9, 2021

Please support SB 921. I am very fortunate to have been provided with an excellent education that prepared me for the future. I currently have children in both college and high school. My blind child does not have the same educational opportunities that I had or what my other children have.

My daughter, who is now in 9th grade, has had accessibility issues throughout her whole education. Covid-19 has made things worse. Our schools are not following through with accessibility laws or perhaps schools are not aware of what blind students need to succeed. Therefore, I strongly urge you to help our schools, students and the parents by voting in favor of this bill. Blind students have a better success rate if given the proper tools.

In some of the classes, my daughter Naudia cannot socialize and review class assignments or what they have been taught because she cannot join an application/website called Kahoot. Kahoot is inaccessible and it has many visuals and buttons to drag and click. Not only is Naudia not able to access learning material or review information that has been taught, but she also loses the only opportunity to interact with her peers. This frustrates her and myself because as much as I ask the schools and teachers to use programs that are equally accessible to ALL it does not happen. Naudia is being denied access to the curriculum. In Kahoot, Naudia cannot answer questions because you need to see the color to know what choice of answer to pick. No one can read the choices to Naudia because the program moves too quickly. If the teachers think Kahoot provides a good learning experience for the students, then all of the students should be able to participate in it.

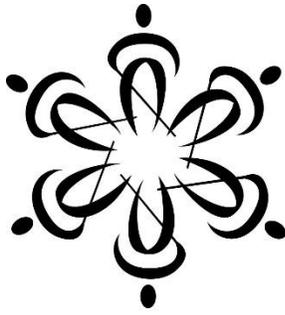
I ask that you support SB 921, the accountability act for accessible K-12 education. The school systems must be accountable for the programs, applications, and websites they purchase and ensure they are fully accessible.

I'm asking you to think about my daughter's future. All children should have the opportunity to achieve and develop skills necessary for the future. I believe that in supporting this act you will impact the lives of countless children not just my child.

Favorable with Amendments SB921 Education.pdf

Uploaded by: Maneki, Sharon

Position: FWA



**NATIONAL FEDERATION
OF THE BLIND**
MARYLAND

Live the life you want.

Subject: Favorable with Amendments SB921
To: Senate Education, Health, and Environmental Affairs Committee
From: Members of the National Federation of the Blind of Maryland
Contact: Sharon Maneki, Director of Legislation and Advocacy
National Federation of the Blind of Maryland
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Phone: 410-715-9596
Email: nfbmdsm@gmail.com

Date: March 9, 2021

THE PROBLEM

Because of COVID-19, most schools in Maryland have shifted from in-person to virtual instruction. Blind students in grades K-12 cannot access their educational content since local school systems use inaccessible instructional technologies. Although federal and state laws require the accessibility of information and communication technology (ICT), digital content and services such as educational apps and websites, 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 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. Consequently, blind students are denied the opportunity to fully participate in their education.

PROPOSED ACTION

The Senate Education, Health, and Environmental Affairs Committee should vote in favor of SB921 with the sponsor amendments. This legislation includes procurement procedures that force local school systems to comply with Section 508 of the Rehabilitation Act. There is a penalty for non-compliance by developers. The MSDE will annually publicize the record of accessibility compliance by all jurisdictions on its website. The need for action is urgent. Barriers to full participation in education that blind students face must be eliminated.

AMENDMENT

Amendment 1: 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”.

These sponsor amendments will enhance SB921. Requiring a vendor to include an indemnification clause in the contract for ICT 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.

BACKGROUND

Blind students have increasingly encountered accessibility problems in the classroom as more and more ICTs are implemented into daily instructional use, and virtual instruction necessitated by COVID-19 has further exacerbated these problems. Blind students cannot access their instruction and digital content, complete and submit their homework, participate in virtual class discussions, complete pop quizzes and tests, or check their grades. In other words, inaccessible technologies shut blind students out of their education. Additionally, blind parents and blind teachers cannot help students who use these technologies. Federal laws such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act have required elementary and secondary schools to use accessible ICT to provide students with disabilities full and equal access to programs. Since 2002, Maryland law has also required that online instruction must be accessible to students with disabilities. Since these laws have existed for decades, why does this problem remain?

Screen access software makes electronic information accessible by rendering information in either a text-to-speech, magnified, or refreshable Braille format. These screen access devices will work only if websites, document formats, or other hardware and software are designed and coded to accommodate nonvisual access. The methods for nonvisual access are well known and well documented. The first publicly available accessibility guidelines were published in 1995 and have been updated periodically. These guidelines have been incorporated into Section 508 requirements of the Rehabilitation Act of 1973. The law requires accessibility, and developers already know how to provide accessibility. What is missing is accountability and enforcement.

BENEFITS OF THE PROPOSED LEGISLATION

By ensuring accountability, the proposed legislation will prevent local school systems and the MSDE from overlooking or ignoring accessibility requirements. Making a member of the vision department part of the local school system's procurement team – as stipulated by this legislation – will ensure that accessibility requirements are part of every request for proposals for educational ICT. The legislation also requires the MSDE to annually publish the progress of all local school systems concerning accessibility on its website. Making this information publicly available demonstrates that accessibility is a priority for the MSDE. Publishing this information on the website is also a valuable accountability tool because it allows the public to demand explanations.

The proposed legislation introduces vendor accountability at the beginning of the procurement process. The proposed legislation will spell out accessibility requirements at the beginning of the procurement process by requiring vendors to submit an Accessibility Conformance Report including a Voluntary Product Accessibility Template (VPAT) as part of their ICT proposals. The VPAT is a document that explains how ICT products such as software, hardware, electronic content, and support documentation meet (conform to) the Revised Section 508 Standards for ICT accessibility. Vendors are familiar with VPATs since they are already required by many federal government entities. Accessibility is less expensive and more effective if it is designed during the initial development of ICT. Thus, requiring a VPAT in the Accessibility Conformance Report will help the developers in the long run.

The proposed legislation enhances vendor accountability for accessibility by creating consequences. Currently, a vendor has no incentive to comply with procurement accessibility requirements. Strengthening the procurement law by providing for vendor penalties will demonstrate the importance of the requirement to the vendor. Charging any vendor to remediate the product so it contains nonvisual access components will also save money for the local school systems. The proposed legislation states that local school systems shall notify vendors of any access barriers found upon a determination within eighteen months from procurement or latest upgrade. The vendor will be required to remediate said barriers at its own expense. Should that vendor fail to remediate the access barrier within twelve months from the date of notice, a civil penalty shall be applied. For the first offense, the fine shall not exceed \$5,000. For a subsequent offense, the fine shall not exceed \$10,000. No vendor should object to this requirement because it has a year to fix the problem before any penalty is invoked. The vendor shall indemnify the local school system for liability resulting from the use of information technology that does not meet the nonvisual access standards. In the long run, such a penalty will allow full accountability and enforcement of the contract while saving local school systems money.

Precedent for a civil penalty against vendors for noncompliance with accessibility laws already exists in Maryland with the enactment of HB1088/SB286 in 2018. Assessing a civil penalty on vendors for noncompliance with accessibility requirements has not had a detrimental effect on other agencies in the executive branch of government. The legislature should demand the same accountability for accessible education that it demands from the rest of the executive branch.

CONCLUSION

Please give a favorable report, which includes the sponsor amendments, to SB921. This bill is necessary because the use of virtual instruction by local school systems has denied full and equal participation to blind students in K-12 education. SB921 is also necessary for in-person instruction because education in the classroom is becoming increasingly dependent on digital tools. Although accessibility to ICT is required by state and federal laws, it does not occur because there is no accountability or enforcement by local school systems and the MSDE. There are no consequences for vendors who fail to deliver accessible ICT. The proposed legislation will reduce accessibility barriers by establishing methods of enforcement and accountability. Blind students deserve the same opportunities for full participation in education that are afforded to non-disabled students. This legislation will fulfill the demand that accessibility must become a reality. If blind students have the opportunity to obtain a quality education, they will be able to become successful tax payers and productive members of society.

SB0921-EHE_MACo_OPP.pdf

Uploaded by: Jabin, Drew

Position: UNF



Senate Bill 921

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

MACo Position: **OPPOSE**

To: Education, Health, and Environmental
Affairs Committee

Date: March 9, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 921. While well-intentioned, this bill would place a costly mandate on school systems and county governments to carry out new state policy and provide all students with digital tools accessible by students with disabilities.

MACo recognizes the desire to create accommodations for all students, and each county school board and leadership approaches these access issues with the proper gravity. However, SB 921 would substitute a one-size-fits-all state policy for that local judgment. Additionally, it would potentially place a costly mandate on school systems and county governments to carry out this new uniform state policy to provide all students with accessible digital tools regardless of whether the student is in need of this specialized tool.

The state funding for public schools is set via formula. Adding new cost components to the required school program belies the lengthy debates regarding these adequacy figures. So, counties have no choice but to support these new costs — competing for limited local funds against school facilities, public safety, roadway maintenance, and the full range of other essential public services.

Local school systems work to meet the unique needs of each student through individualized services and develop responses to changing technology and learning factors accordingly. SB 921 upends this local governance with a rigid state policy, triggering unknown costs without accompanying resources. Accordingly, MACo **OPPOSES** SB 921 and requests an **UNFAVORABLE** report.

AACPS SB921 Digital Tools OPP 3.9.21.pdf

Uploaded by: Ortiz, Jeanette

Position: UNF



**SB921 COUNTY BOARDS OF EDUCATION - ACCESSIBILITY STANDARDS - DIGITAL TOOLS
(NONVISUAL ACCESS ACCOUNTABILITY ACT FOR GRADES K-12 EDUCATION)**

March 9, 2021

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) opposes **SB921 County Boards of Education - Accessibility Standards - Digital Tools (Nonvisual Access Accountability Act for Grades K-12 Education)**. This bill requires digital tools developed or purchased by a county board of education to include specifications for access by students with disabilities, including nonvisual access. It requires a county board to provide a student with disabilities access to digital tools that enable students with disabilities to acquire the same information and access the same services as students without disabilities. The bill requires each invitation for bids or request for proposals for a digital tool to require submission of an accessibility conformance report.

AACPS believes that all students are entitled to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences. AACPS also believes that all students should be afforded the opportunity to participate in challenging educational experiences that expand outcomes after graduation. Accordingly, AACPS clearly makes every effort to support the academic needs of each student. Students needs are addressed through various methods, including instructional materials, technology, and other necessary supports. In the case of a student receiving special education services, such accommodations are addressed in a student's individualized education program (IEP), and the accommodations are uniquely tailored to the individual student. Determinations are made via comprehensive student assessments. However, this legislation is overly broad in mandating that all digital tools developed or purchased by a local school system meet the requirements established in the bill. This is quite different than the current more refined and unique approach which is tailored to a specific student's instructional needs.

In accordance with State and federal laws and regulations, the needs of a student receiving special education services is multi-faceted one based on performance and other data maintained by the school system. Based on the relevant data and information, the IEP team, of which the parent/guardian is a member, determines how best to meet the student's educational needs.

It is also important to note that AACPS has a comprehensive approval process regarding materials of instruction, which includes digital tools. The school system currently provides digital tools for students who receive special education instruction if it is determined that a student requires such an accommodation. Again, this determination is made via the IEP process.

In addition, this bill creates and unfunded mandate which AACPS opposes. To the extent that AACPS is required to spend additional resources comply with the requirement set forth in the legislate, funding to implement this bill would detract resources that could otherwise be directed toward the strategic plan and educational equity. While difficult to quantify at this time, this legislation would have a significant fiscal impact on AACPS.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB921.

SB 921.Section 508 Compliance for All Education Te

Uploaded by: Woolums, John

Position: UNF

BILL: Senate Bill 921
TITLE: County Boards of Education - Accessibility Standards - Digital Tools
(Nonvisual Access Accountability Act for Grades K-12 Education)
DATE: March 9, 2021
POSITION: OPPOSE
COMMITTEE: Education, Health, and Environmental Affairs
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 921 because it would inappropriately apply a federal procurement requirement on Maryland's local school systems with regard to the purchasing of all educational technology.

Congress amended section 508 of the Rehabilitation Act of 1973 in 1998 to strengthen requirements for accessibility to electronic and information technology provided by the Federal Government. Section 508 mandates that Federal agencies "develop, procure, maintain, or use" ICT in a manner that ensures that Federal employees with disabilities have comparable access to, and use of, such information and data relative to other Federal employees. Section 508 also requires Federal agencies to ensure that members of the public with disabilities have comparable access to publicly available information and data.

MABE joins all local school systems in the commitment to each student, regardless of disability, having access to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences. MABE believes that current laws and regulations already establish a comprehensive array of standards, mandates, and dispute resolution processes to address the provision of accessible educational materials and technologies. Students receiving special education services are fully entitled to accommodations identified and addressed in their individualized education program (IEP), including any technology-based accommodations uniquely tailored to the individual student.

Local boards of education recognize that the COVID-19 pandemic and resulting school closures have presented enormous challenges for all students, families, and educators. Through each school system's education recovery and reopening plan, and in accord with State and federal laws and regulations, school systems are working to provide all students eligible for special education services with access to continuity of learning through distance and in-person instruction and the delivery of other services. While the challenges of teaching and learning in special education have been extraordinary, MABE does not endorse adopting new State laws to expand the already extensive scope of mandated special education services, including the federal Section 508 compliance standards proposed in Senate Bill 921.

Maryland's boards and educators place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. Maryland, and all other states, are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and state regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21. The special education services mandated by IDEA must meet the legal standard of providing a Free Appropriate Public Education, or FAPE, and do so in the least restrictive environment.

Again, MABE opposes this legislation as overly broad in mandating that all digital tools developed or purchased by a local school system meet the federal procurement requirements established as local school system procurement requirements in the bill.

For these reasons, MABE requests an unfavorable report on Senate Bill 921.