



SB617 LOCAL SCHOOL SYSTEMS - EQUIVALENT ACCESS STANDARDS - DIGITAL TOOLS (NONVISUAL ACCESS ACCOUNTABILITY ACT FOR K-12 EDUCATION)

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EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS

SUPPORT WITH AMENDMENTS

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Anne Arundel County Public Schools (AACPS) supports with amendments **SB617 Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education)**. This bill would require each local board of education to provide a student with disabilities access to specified digital tools that 1) are fully and equally accessible to and independently usable by the student and 2) enable the student to acquire the same information, participate in the same interactions, and access the same services as a student without disabilities, with substantially equivalent ease of use. Each digital tool developed or purchased by a local board must include specifications for access for students with disabilities, including nonvisual access, in accordance with the technical standards for electronic and information technology used under specified federal law or any other widely accepted or freely available technical standard. Each local board must establish a process to evaluate digital tools being considered for development or purchase for conformity with the above requirements. The bill establishes certain procurement procedures regarding digital tools and civil penalties for vendors that fail to meet specified accessibility standards, after certain notification.

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. Accordingly, AACPS has an established process for the review and evaluation of digital tools that align with the requirements of accessibility of technology-based instructional products set forth in COMAR 134A.05.02. 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. This determination is made via the IEP process. As such, AACPS meets the requirement for students of nonvisual access to participate in their educational setting.

AACPS has concerns with the various undefined terms used throughout the legislation and requests that the Committee define terms to ensure accuracy and clarity. For example, "communication technology services" need to be defined. What standard is "equivalent ease of use" and how is that measured? The bill also requires the employee who conducts the evaluation of each tool has to be an employee who "specializes" in accessibility and the guidelines, or who is a "blindness specialist" –what does this mean?

AACPS also requests that the conflicting terms also be addressed as retaining conflicting terminology would result in difficulties in implementing the requirements set forth in the legislation. For example, how can a "digital tool" also be considered a "course" for purposes of instruction? Additionally, this bill seems to assume that a student with a disability only has a visual impairment. However, the term "student with disabilities" is a very broad term including

not just fully functional students who happen to have a visual impairment, which is the assumption being made. There are some students with disabilities who cannot independently use any digital tool due to either for severe physical or mental disabilities.

AACPS strongly supports preserving the exception which is in current statute. In addition, the language regarding indemnification language, and highlighting that if the law has conflicting or overly technical terms then it's much more difficult to address in implementing regulations.

On page 3, lines 31-34, the reference to indemnifying the State Board of Education is misplaced in this subsection, which solely deals with the local school system. This subsection should probably be its own stand-alone section of the bill.

On page 4, lines 17-26, the current language in the law is preferable to the added language in the bill. Currently, if no product is available that meets the standards, a local school system may obtain one that "provides the best equivalent access functionality." The bill would delete that provision and instead require the local school system notify the state which shall "ensure that another product is purchased that will offer an effective educational option." The mandates seem to require local school systems to purchase a product regardless of costs or programmatic needs. This could result in a significant unfunded mandate which AACPS opposes.

Accordingly, AACPS respectfully requests a **FAVORABLE WITH AMENDMENTS** committee report on SB617.