



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

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WAYS AND MEANS COMMITTEE

### **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)** ensure accessibility for disabled students, including vision-impaired students, to digital tools and resources integral to their success whether in an in-person or virtual classroom.

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 and 504 processes. AACPS continuously works to meet the needs of students with disabilities.

AACPS appreciates amendments to the legislation which address some of the district's concerns. However, AACPS requests several amendments to better align the bill with existing federal requirements and to provide consistency and clarity.

It is important to note that 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" information technology 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. Since 2002, Maryland has had a 508 compliance provision in state law governing school system operations, which MSDE has been administering. Federal Section 508 standards were updated most recently in 2018.

The bill includes a confusing and overly broad definition of "digital tool" that would trigger the bill's new accessibility standards and restrictive purchasing rules for an unworkable range of products and services. The federal use of the term "tool" refers to software tools used to create other software, or "authoring tools" used to create or convert content into other formats. As such, AACPS requests a thorough revision of the definition of the information technology intended to be covered in the bill's definition of "digital tool" which is based on the input of State and

local educators and information technology professionals. AACPS appreciates the amendments adopted in the Senate but requests further amendments to address these concerns.

The bill also includes in the definition of “equivalent access,” a specific reference to “substantially equivalent ease of use.” Here again, this “ease of use” standard is not mirrored in the federal regulations and could not be objectively measured or applied. The term should be “equivalent accessibility” or “equivalent facilitation” and refer more appropriately to ensuring that substantially equivalent or greater accessibility and usability is provided to students with disabilities.

While AACPS understands that this bill is most attentive to ensuring accessibility to blind and visually impaired persons, the district requests that references throughout the bill are more consistent with federal standards when applicable. In order to truly adopt a comprehensive set of accessibility reforms, this bill should align with existing federal regulations which are significantly more inclusive.

The legislation also includes a provision that states “a local school system shall provide a student with disabilities access to digital tools that ... enable a student with disabilities 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.” Again, the broadly undefined requirements of subsection (F)(2) do not appear to reflect the standards provided elsewhere in the bill. For example, earlier in the bill, the accessibility standards are applied, prospectively, to “teacher-developed instructional materials.” Not all such materials could meet the “same” standards proposed under subsection (F)(2).

Additionally, the requirement for an evaluation process to be conducted by a school employee who specializes in accessibility or specifically blind accessibility appears to mandate AACPS to hire the equivalent of a federal compliance officer. The school system does not believe such a requirement is necessary or cost effective as an existing employee could conduct such a review.

Lastly, near the very end of the bill, MSDE would be required to “annually update the requirements for accessibility of digital tools under COMAR.” This provision, if enacted, would make it impossible for a school system to develop the new procurement policies and related contracts for products and services mandated throughout this bill.

Again, AACPS respectfully urges as much clarity and consistency as possible in defining terms and standards throughout this bill, aiming toward the goal of a successful implementation.

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