

Favorable Day HB547.pdf

Uploaded by: Derrick Day

Position: FAV

Subject: Favorable HB547

To: Ways & Means Committee

From: Derrick Day

1950 Fawn Way

Finksburg, MD 21048

February 16, 2022

Hello. My name is Derrick Day, and I am in the tenth grade at Westminster High School. I also have a sister Meredith who is also blind and is in the eighth grade at West Middle School. By voting in favor of HB547, you will be providing my sister and I, as well as other blind students, the opportunity to have a more seamless and accessible education.

One of the most frustrating things as a blind student is that there is no change in the inaccessible programs that we are required to use year after year. Every class I take, it seems we use one or two websites, apps, or pieces of software that I can't use as a blind student. You always hope "Maybe next time it'll be fixed" but it never ends up changing.

For example, I was unable to practice math skills because the school system used an inaccessible program called Khan Academy when I was in middle school. Now, my sister currently has the same problem because they still use the same inaccessible program years later and the school system has done nothing to change the situation despite efforts to inform them of the issues. This bill would provide some incentive for companies to change these inaccessible and obsolete software practices in favor of more modern, accessible standards that will allow these programs to be used by all.

As a tenth-grade student, I am taking two computer science classes, AP computer science principles and AP computer science A. As a part of these classes, I am required to use programs such as the SNAP code builder and other tools that are not accessible to me as a blind screen reader user. 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. For example, during AP computer science principles, I couldn't use the SNAP program, so I had to use a program called Python. I had to create a program that had the same basic components that the other students had, but it was often different which means I was missing out on instruction that my sighted peers had access to and ultimately getting less out of the class as a whole. As a result, I did get the credit and a grade of over 100% in that class but I had multiple hours of work every day changing the code just so I could have the same program in front of me as my sighted peers were looking at on the board.

I do have a teacher that can help me with classes like English and math when I run into accessibility barriers, but code is something you have to be able to look through so having someone read it to me is not advantageous. I feel like I am always playing catchup, and this can be stressful and draining especially when I am taking 3 AP classes in one year and trying to go through life as any highschooler does. If these programs were accessible, I could access the material at the same time as my sighted peers as well as eliminate a tremendous workload from me and my teachers.

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 in my 9th grade year. I could not write programs because the class was required to use an inaccessible coding website, code.org. I should have been able to participate in this course but instead, I had to petition for a waiver possibly denying me eligibility from the computer science computer program my school offers and denying me college credit.

I believe, given the advancements in technology and the ease of developing accessible materials offered by modern technology and computing innovations, vendors should not sell local school systems inaccessible programs. If I, a 15-year-old boy who learned coding myself, can make a website or app completely accessible to blind as well as sighted users, then, Salman Khan, owner of Khan academy, someone making about \$37,000,000 and who is worth over \$250,000,000 could do the same. Not to mention, these inaccessible websites are not up to modern web standards because the modern standards take into account things like screen reader and low vision accessibility.

I would greatly appreciate it if you would vote in favor of HB547. I need a good stable and accessible education to allow me to advance into a productive independent member of society and hopefully aid in the implementation of the changes mentioned above. I recognize that I am lucky because although I have experienced barriers, I have the technical knowledge to try to fix them but that is rare. By voting this bill into law, you will be helping push the blind community forward and making America a better place for all!

HB547

Uploaded by: Dominique Sanders

Position: FAV

Subject: Favorable HB547;

To: House Ways and Means Committee

From: Dominique Sanders

6616 Danville Ave, Baltimore, Maryland 21224.

My name is Dominique Sanders. My daughter is blind. She is in the third grade and attends Harford Hill Elementary School. My daughter has a teacher of the visually impaired who provides her with access to the general education curriculum. My daughter and many other students with disabilities are denied access to the curriculum because the local school system chooses to use inaccessible programs and tools. Please vote in favor of HB547 so that students and parents do not have to overcome so many barriers to obtain an education.

In January 10-11, 2022, Baltimore County public schools closed due to Covid. All of the students were supposed to receive virtual instruction during this period. The Baltimore County Public School System uses Schoology, a learning content management system that does not work with the screen reading programs that my daughter must use to read the material on the computer. Since my daughter could not read any of the work, she could not participate in any class activity. I could not help her during the day because I had to work. I read the work to her at night, but she still missed out on instruction because the teacher was not available at night.

Students should not be penalized because they have a parent who has to work and cannot help them. The school system should not create barriers to learning. The school system should not discriminate against my daughter and my family. We pay the same taxes as all other citizens do and are entitled to a free and appropriate education. Please make sure that students with disabilities receive a free and appropriate education by voting in favor of HB547.

HB547_Feb2022.pdf

Uploaded by: Jonathan Lazar

Position: FAV

Testimony on HB 547, February 24, 2022
Jonathan Lazar, Ph.D., LL.M.
Professor of Information Studies, University of Maryland

Testimony to the House Ways and Means Committee

I am here today to state my support for HB 547, because HB 547 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 frequently 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 as inaccessible, and then must be remediated ⁽¹⁾.

HB 547 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 HB 547 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 HB 547 (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. But, 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. In the fiscal note on this bill, it stated that Baltimore City Public Schools “anticipates the need

to hire one staff specialist, at an annual cost of approximately \$113,000 for salaries and benefits, to support vendors with the completion of the required form...” This type of misunderstanding by BCPS is exactly the type of mistake that the HB 547 aims to remedy. If a vendor is unable to fill out the Voluntary Product Accessibility Template (VPAT), a form documenting the level of accessibility of a product, then the technology vendor does not have even a basic understanding of accessibility and should not be selected for a contract under any circumstances. No employee of BCPS (or any other school system) should be supporting vendors in filling out a basic form about the accessibility of their products.

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 HB 547), 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⁾. What HB 547 requires for K-12 schools is already common practice in state and federal government technology procurement.

In their testimony submitted related to the Senate version of HB 547, The Public Schools Superintendents’ Association of Maryland (PSSAM) stated that:

“it might not always be possible and affordable to find vendors who would be willing to accept the liability and other mandates required by the bill. Even some of the largest education technology suppliers in the country may choose to forego the responsibilities set out in the bill by not offering their services to Maryland school systems.”

This is a common claim made, that “vendors won’t accept these terms” however similar terms are frequently used in the technology industry. If a technology vendor cannot make an accessible product or isn’t willing to take the responsibility for making an accessible product, no school system should procure from that vendor. We do not accept procurement of faulty products that do not meet the stated requirements, using taxpayer dollars. Why would the situation of technology procurement for K-12 schools be any different? If a vendor cannot meet the basic requirements of accessibility to meet the needs of students with disabilities, then no educational entity in Maryland should procure technology from that vendor.

I enthusiastically support HB 547 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 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 14 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 150 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. The*

opinions expressed in this testimony are the opinions of Dr. Lazar and do not represent the University of Maryland or the University System of Maryland.

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

Written Testimony Submitted for the Record HB0547

Uploaded by: Laura Stewart

Position: FAV

**Written Testimony Submitted for the Record to the
Maryland House
Ways and Means
For the Hearing on
Local School Systems - Equivalent Access Standards - Digital Tools
(Nonvisual Access Accountability Act for K-12 Education) (HB 0547)
February 24, 2022**

SUPPORT

Free State PTA represents over 34,000 volunteer members and families in over 500 public schools. Free State PTA is comprised of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. As the state's premier and largest child advocacy organization, Free State PTA is a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education.

Free State PTA submits this testimony in support of House Bill 0547 – Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education). This bill requires local school systems to provide equivalent access to digital tools for students with disabilities:

1. Including the development, purchase, and provision of certain digital tools.
2. Requiring a local school system to establish a process to evaluate a digital tool under consideration for purchase for nonvisual access by a certain employee of the school system
3. Requiring a vendor who provided a digital tool that fails to meet equivalent access standards to modify the digital tool at the vendor's expense; etc.

Such actions are consistent with our PTA position concerning the belief that all children have the right to a quality public education, which allows each child the opportunity to reach their fullest potential. PTA supports a variety of public education and related support services that ensure that all children can receive appropriate public education

Additionally, providing proper technology can assist special needs students to better keep pace with their peers and to allow for schools to integrate special needs students better and more easily to general education classes. Accordingly, House Bill 0547 supports students with special needs by providing the tools they need to be successful.

Free State PTA speaks up for every child, and this legislation provides for adequate and equitable resources for children with special needs so that they can meet their full potential. Our Association urges that special needs students have a successful inclusion program that includes resources available to support the appropriate needs of the children, which could include additional staffing, individualized learning, and appropriate technology. This bill provides the resources needed for special needs students. It is for these reasons above that Free State PTA urges a favorable vote in support of House Bill 0547.

Testimony is presented on the behalf of

Marla Posey-Moss

Marla Posey-Moss, President
Free State Parent Teacher Associatio

HB547_MSEA_Lamb_Fav.pdf

Uploaded by: Lauren Lamb

Position: FAV

Testimony in Support of House Bill 547
Local School Systems - Equivalent Access Standards - Digital Tools
(Nonvisual Access Accountability Act for K-12 Education)

Ways and Means
Thursday, February 24, 2022
1:00 pm

Lauren Lamb
Government Relations

The Maryland State Education Association supports House Bill 547, legislation requiring that a local school system to provide equivalent access to digital tools for students with disabilities, including the development, purchase, and provision of certain digital tools, and requiring a local school system to establish a process to evaluate a digital tool under consideration for purchase for nonvisual access by an employee of the school system.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students for the 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 to meet our



responsibilities to them, responsibilities they undeniably deserve. **We urge a favorable report on HB 547.**

MD HB547 Written Testimony - Newsela.pdf

Uploaded by: Lauren Bierman

Position: FAV

February 24, 2020

Delegate Vanessa E. Atterbeary, Chair
Delegate Alonzo T. Washington, Vice Chair

Room 131
House Office Building
Annapolis, Maryland 21401

SUBJECT: House Bill 547 – Nonvisual Access Accountability Act for K-12 Education

Chairman Atterbeary,

I am Lauren Bierman, Vice President of Public Affairs at Newsela, an instructional content platform serving over 3.3 million teachers and 40 million students across the country. I appreciate the opportunity to express Newsela's support for House Bill 547, the Nonvisual Access Accountability Act for K-12 Education. We are also glad that these issues were discussed in previous versions of the legislation in the 2021 Legislative Session. Maryland is one of a small but growing group of states to have considered these important issues. **We urge a favorable report on House Bill 547.**

As you may be aware, in recent years Illinois and New Jersey also considered and passed legislation to set out requirements for digital tools that school districts purchase for student use. These earlier states made the [World Wide Web Consortium's Web Content Accessibility Guidelines](#) (WCAG) standard the focus of their legislation and we are pleased that this standard is used in the Maryland legislation being considered today.

As we continue through the third year of pandemic-disrupted learning, it is clear that students are struggling. [Studies](#) reveal that by the end of this past school year, K-12 students were on average five months behind in math and four months behind in reading.

At the same time, students' relationships to learning technologies have been evolving, especially as educators turn to new strategies to address disruptions in learning. This turn toward technology has the potential to benefit student learning – using tech in the classroom keeps students engaged, makes it easier to collaborate, and imparts 21st century skills that make students college and career ready. However, as we make this transition, we must be careful to ensure technologies are accessible to everyone, especially the nearly 14 percent of K-12 learners who have disabilities that make some technology platforms difficult or impossible to use.

The proposed legislation before the committee today will ensure that almost all students are able to utilize and benefit from learning technology. Requiring online education tools used in Maryland classrooms to comply with WCAG standards will ensure significant support for students with disabilities such as blindness and low vision, deafness and



hearing loss, and limited movement. This is a critical step toward increasing equity and accessibility in learning for all students, especially those who are often left behind.

While the realities of remote learning and increased reliance on technology are challenging in many ways, the awareness around accessibility in digital education tools is a welcome silver lining. House Bill 547 will lead to tangible, achievable, and easily implemented changes that can have a real impact on students.

As a company deeply committed to accessibility and delivering instructional materials that truly benefit every student, Newsela is proud to support this important legislation. Thank you for your consideration. Again, **we urge a favorable report on House Bill 547.**

Sincerely,

Lauren Bierman
Vice President of Public Affairs
Newsela

About WCAG Standard

WCAG stands for Web Content Accessibility Guidelines, which applies to web content. From the [World Wide Web Consortium \(W3C\)](#) Web Accessibility Initiative:

*Web Content Accessibility Guidelines (WCAG) is developed through the [W3C process](#) in cooperation with individuals and organizations around the world, with a goal of providing a **single shared standard for web content accessibility** that meets the needs of individuals, organizations, and governments internationally, making web content more accessible to people with disabilities.*

[Web “content” generally refers to the information in a web page or web application, including:](#)

- Natural information such as text, images, and sounds; and
- Code or markup that defines structure, presentation, etc.

About Newsela

Newsela takes authentic, real world content from trusted sources and makes it instruction ready for K-12 classrooms. Each text is published at five reading levels, so content is accessible to every learner.

Today, over 3.3 million teachers and 40 million students have registered with Newsela for content that’s personalized to student interests, accessible to everyone, aligned to instructional standards, and attached to activities and reporting that hold teachers accountable for instruction and students accountable for their work. With over 15,000



texts on our platform and 10 new texts published every day across 20+ genres, Newsela enables educators to go deep on any subject they choose.

Newsela is committed to maintaining a high level of accessibility and delivering instructional materials that truly benefit every student. In keeping with our mission, we are committed to making continuous improvements across Newsela in accordance with WCAG standards. Newsela meets WCAG AA standards, which allows more users to access our content.

HB 547 - Favorable - Guyton.pdf

Uploaded by: Michele Guyton

Position: FAV

MICHELE GUYTON
Legislative District 42B
Baltimore County

Ways and Means Committee
Early Childhood Subcommittee
Education Subcommittee



The Maryland House of Delegates
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Annapolis, Maryland 21401
410-841-3793 • 301-858-3793
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 24, 2022

**Support - HB547-County Boards of Education – Accessibility Standards- Digital Tools
(Nonvisual Access Accountability Act for Grades K-12 Education)**

Dear Madame Chair and Members of the Ways and Means Committee,

Thank you for your consideration of HB547 – The Nonvisual Access Accountability Act for Education. Virtual learning exposed many holes in our educational system, particularly when it comes to the provision of appropriate accessibility for students with disabilities. Blind students have been particularly impacted by lack of assistive technologies and equitable access to educational programming these past two years despite the clear requirements in Federal Law to provide them. 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. For example, 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.

HB547 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. In addition, a representative who specializes in providing vision services must be a part of the evaluation team for bids and counties must purchase only accessible digital tools as defined by the Federal Law. The bill 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.

Thank you for your favorable report on HB547.

Sincerely,

Delegate Michele Guyton

A handwritten signature in cursive script that reads "Delegate Michele Guyton".

2022 MOTA HB 547 House Side.pdf

Uploaded by: Scott Tiffin

Position: FAV



Maryland Occupational Therapy Association

PO Box 36401, Towson, Maryland 21286 ♦ motamembers.org

Committee:	Ways and Means Committee
Bill Number:	House Bill 547 - Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education)
Hearing Date:	February 24, 2022
Position:	Support

The Maryland Occupational Therapy Association (MOTA) supports *House Bill 547 – Local School Systems - Equivalent Access Standards - Digital Tools (Nonvisual Access Accountability Act for K-12 Education)*. This bill will ensure blind students are able to use digital classroom tools.

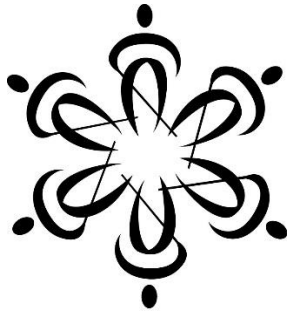
We work with many students with disabilities and have seen firsthand the importance of accessible classrooms. During the past few years, schools have begun to use more digital education tools such as Kahoot. Many of these digital tools are not usable by blind students, which means these students have to sit the activity out. This bill requires schools to use digital education tools that are accessible to blind students. Not only will this improve the accessibility of our schools, but it will also push the developers of these tools to make accessible versions.

We ask for a favorable report. If we can provide any further information, please contact Scott Tiffin at stiffin@policypartners.net.

Favorable HB 547 Accountability.pdf

Uploaded by: Sharon Maneki

Position: FAV



NATIONAL FEDERATION OF THE BLIND

MARYLAND

Live the life you want.

Subject: Favorable HB547
To: House Ways and Means 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
9013 Nelson Way
Columbia, MD 21045
Phone: 410-715-9596
Email: nfbmdsm@gmail.com

Date: February 24, 2022

THE PROBLEM

To understand the problem, please go to <https://youtu.be/J7tOr2YeoXM> .

Blind students in grades K-12 cannot access their educational content because 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 Maryland General Assembly should enact HB547, legislation that provides accountability for accessibility by both local school systems and the MSDE. This legislation will include procurement procedures that force local school systems to comply with Section 508 of the Rehabilitation Act. This bill will create a penalty for non-compliance by developers. The MSDE will be required to 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.

BACKGROUND

Blind students encounter accessibility problems whether their instruction is in-person or virtual. Accessibility problems are exacerbated during this pandemic because of the need to shift between in-person instruction and virtual instruction. The trend in K-12 education today is to make greater use of computers and interactive instructional technologies. Students are expected to use technology to access digital content, complete and submit their homework, participate in class discussions, complete pop quizzes and tests, or check their grades. Blind students can no longer perform these tasks independently when instructional technologies are inaccessible. In other words, inaccessible technologies shut blind students out of their education. Additionally, blind parents and blind teachers cannot help students who must 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

- 1. By ensuring accountability, the proposed legislation will prevent local school systems and the MSDE from overlooking or ignoring accessibility requirements.** This legislation will require local school systems to establish a process to evaluate the accessibility of ICT and digital content that it is considering for purchase. A local school system employee, knowledgeable in accessibility and the web content accessibility guidelines must be involved in this evaluation. When selecting the product, the local school system shall “prioritize the available product that best meets the specifications and has the greatest functionality for accessibility standards for students with disabilities, including blindness”. The legislation will also close an accessibility loophole by also requiring teacher prepared material to be accessible.

The proposed legislation strengthens the role of MSDE in monitoring the compliance of accessibility in the local school systems. The legislation will require 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.

2. **The proposed legislation introduces vendor accountability at the beginning of the procurement process.** Local school systems will be required to include in a procurement contract, for ICT or digital content, an indemnification clause making the vendor liable if the product does not meet the accessibility standards. The legislation clearly informs the vendor of accessibility requirements by getting the vendors attention in the request for proposals or bids.

In this legislation, the local school system must require the vendor to provide specific information of how the vendor intends to achieve accessibility in the product or software. For instance, the legislation will stipulate that “Beginning on September 1, 2023, an invitation for bids or request for proposals for a digital tool issued by the State or County board shall require a vendor to submit an accessibility conformance report” or Voluntary Product Accessibility Template (VPAT). 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 an Accessibility Conformance Report or VPAT will help the developers in the long run.

3. **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.
4. **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

The use of inaccessible ICT and digital content by local school systems has denied full and equal participation to blind students in K-12 education. 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. HB547 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 taxpayers and productive members of society. Please vote in favor of HB547.

HB0547-WM_MACo_SWA.pdf

Uploaded by: Brianna January

Position: FWA



House Bill 547

*Local School Systems - Equivalent Access Standards - Digital Tools
(Nonvisual Access Accountability Act for K-12 Education)*

MACo Position: **SUPPORT**

To: Ways and Means Committee

WITH AMENDMENTS

Date: February 24, 2022

From: Brianna January

The Maryland Association of Counties (MACo) **SUPPORTS HB 547 WITH AMENDMENTS**. While well-intentioned, this bill as drafted, 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 supports the merits of creating accommodations for all students—each county school board and leadership approach these access issues with the proper gravity. However, HB 547 would substitute a one-size-fits-all state policy for that local judgment.

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. 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. An amendment to HB 547 to provide state funding to support local jurisdictions as they procure the accessibility tools up to the standards outlined by the bill would allow counties the ability to purchase more accessible tools in greater quantity and of superior quality.

Currently, local school jurisdictions provide reasonable accommodations, including accessible tools and resources in-line with the Americans with Disabilities Act (ADA), which sets nationwide standards. The reality is that some jurisdictions serve larger populations of students with vision accessibility needs than others, and HB 547's rigid language would not allow an individual local government to make the decisions that best suit the needs of its unique student population. An amendment to HB 547 to soften some of the rigid, inflexible language around equivalent access standards would allow counties to continue serving students with disabilities in the most practicable manner best suited for the unique needs and abilities of each jurisdiction.

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. HB 547, as drafted, would upend this sensible policy. Accordingly, MACo urges a report of **FAVORABLE WITH AMENDMENT** for HB 547.

HB547 Digital Tools 2.24.22.pdf

Uploaded by: Jeanette Ortiz

Position: FWA



HB547 LOCAL SCHOOL SYSTEMS - EQUIVALENT ACCESS STANDARDS - DIGITAL TOOLS (NONVISUAL ACCESS ACCOUNTABILITY ACT FOR K-12 EDUCATION)

February 24, 2022

WAYS AND MEANS COMMITTEE

SUPPORT WITH AMENDMENTS

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

Anne Arundel County Public Schools (AACPS) supports with amendments **HB547 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 HB547.

HB 547.Nonvisual Access Accountability Act 2022.pd

Uploaded by: John Woolums

Position: FWA

BILL: House Bill 547
TITLE: Local School Systems - Equivalent Access Standards - Digital Tools
(Nonvisual Access Accountability Act for K-12 Education)
POSITION: SUPPORT WITH AMENDMENTS
DATE: February 24, 2022
COMMITTEE: Ways and Means
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 547 to ensure accessibility for disabled students, including vision-impaired students, to critically important digital tools and resources integral to their success whether in an in-person or virtual classroom. In this context, MABE is requesting several amendments to address serious concerns that the well-meaning intent of this bill not create confusion or unworkable procurement standards for school systems buying technology ranging from systemwide information technology platforms to individual instructional materials.

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, including students who are blind or visually impaired. In addition, 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.

Maryland’s boards and educators place a very high priority on ensuring that students receive high quality programs and instruction to meet the unique needs of every disabled student. Local boards of education recognize that the COVID-19 pandemic and resulting school closures presented unanticipated challenges for all students, families, and educators – and that sustaining high quality teaching and learning for students with disabilities was particularly difficult. However, MABE notes that the Fiscal and Policy Note describes the bill as requiring school system to “provide a student with disabilities access to digital tools that (1) are fully and equally accessible to and independently usable by the student.” This description, referring to one provision found late in the bill, does not reflect the much more complicated process of ensuring functional equivalency in the use of technology, and the procedures for determining any exceptions when this standard cannot be met.

Congress amended Section 508 of the Rehabilitation Act of 1973 in 1998 to strengthen requirements for accessibility to electronic and information technology (ICT) 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. 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.

In 2021, legislation was introduced in Maryland for the first time in a generation to address concerns with the quality of access for students with disabilities to learning technology during the COVID pandemic and shift to virtual learning. To facilitate the passage of this bill in 2022, and successful implementation of the new standards and procurement processes called for in the bill, MABE requests the following amendments.

Initially, 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. Again, the federal Section 508 standards on which the bill is based refer to information and communications technology (ICT) and requires federal agencies to comply with purchasing standards for such technology. By contrast, 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. MABE requests a thorough revision of the definition of the ICT intended to be covered in the bill’s definition of digital tools based on the input of state and local educators and information technology professionals.

The bill includes in the definition of “equivalent access,” a specific reference to “substantially equivalent ease of use.” 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.

MABE certainly appreciates that this bill is most attentive to ensuring accessibility to blind and visually impaired persons. However, in the context of the legislature adopting a comprehensive set of accessibility reforms, the applicable federal regulations are much more inclusive. Federal regulations define “functional performance criteria” for persons without vision, with limited vision, without perception of color, without hearing, with limited hearing, without speech, with limited manipulation, with limited reach and strength, and with limited language, cognitive, and learning abilities. MABE requests that references throughout the bill are more consistent with federal standards when applicable.

As stated at the outset, MABE does endorse refining the statute to clarify the roles and responsibilities of MSDE and local school systems in ensuring accessibility for students with disabilities. The bill calls for an evaluation of “technology-based instructional products” and, beginning on October 1, 2024, the requirement that school systems purchase the available product that best meets the equivalent access standards and greatest functionality for equivalent access for students with disabilities. This provision appears to encapsulate the core mission of the legislation and should form the basis of further discussion on the definitions and standards described above. Similarly, MABE endorses the provisions referring to technology-based instructional products and requirements to use other technology to achieve the same instructional outcomes consistent with a student’s Individualize Education Program (IEP) or 504 Plan. MABE believes that these are meaningful requirements to ensure accessibility in a manner that is consistent with current law.

However, as mentioned earlier, following the requirements for accessibility and MSDE oversight, the bill includes a provision that would require that “a local school system shall provide a student with disabilities access to digital tools that: (i) are fully and equally accessible to and independently usable

by a student with disabilities; and (ii) 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, although essential to its successful implementation. For example, earlier in the bill, the accessibility standards are applied, prospectively, to “teacher-developed instructional materials.” Clearly, not all such materials could meet the “fully and equally accessible” standard proposed under subsection (F)(2).

Importantly, and of serious concern, the bill would also eliminate the provision of current law that allows local school systems to “obtain a product that does not meet the equivalent access standards but provides the best equivalent access functionality.” Instead, the bill would have the Maryland State Department of Education (MSDE) “ensure that another product is purchased that will offer an effective educational option.” MSDE’s review must be done in consultation with the Departments of Information Technology (DoIT) and Disabilities (MDOD). MABE appreciates the retention of some flexibility in cases of undue burden, but is concerned that this is not a workable agency review and decision-making process regarding local school system procurements.

The bill’s stringent requirement for compliance reports from prospective vendors appears reasonable, but only in so far as it refers to a much clearer revised definition of ICT intended to be covered. In addition, the requirement for an evaluation process to be conducted by a school employee who specializes in accessibility or specifically blind accessibility appears to mandate the hiring of a local school system equivalent of a federal 508 compliance officer. MABE does not believe such a requirement is necessary or cost effective. For example, an existing employee could conduct the review, but not be a specialist, or the school system or State could contract for compliance review services.

In 2021, when similar legislation was introduced, advocates urged an amendment to require that local school system contracts for ICT include an indemnification clause to put vendors on notice and hold them legally and financially responsible for noncompliant technology. Unfortunately, the bill includes this provision for the State Board, but not for local boards, and therefore, MABE requests an amendment to do so.

Lastly, near the very end of the bill, MSDE would be required to “annually update the requirements for accessibility of technology–based instructional products under COMAR.” This provision, if enacted, would make it impossible for school systems to develop the new procurement policies and related contracts for products and services mandated throughout this bill. Again, MABE urges as much clarity and consistency as possible in defining terms and standards throughout this important bill, aiming toward the goal of its successful implementation and benefits to the teaching and learning of students with disabilities.

For these reasons, MABE requests a favorable report on House Bill 547, with the amendments described above.

EACtestimony2022.HB547.pdf

Uploaded by: Leslie Margolis

Position: FWA

Education Advocacy Coalition

for Students with Disabilities

HOUSE WAYS AND MEANS COMMITTEE

HB 547: Local School Systems—Equivalent Access Standards—Digital Tools (Nonvisual Access Accountability Act for K-12 Education)

February 24, 2022

Position: Support with Amendment

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, supports House Bill 547, which would ensure local school system and Maryland State Department of Education accountability for accessible digital tools. The bill would require local school systems to develop a process to evaluate digital tools under consideration for development or purchase, and would require vendors responding to an invitation for bid or a request for proposal issued by a local school system or the Maryland State Board of Education to submit an accessibility conformance report that includes a voluntary product accessibility template. Beginning in October, 2024, after evaluation of technology-based instructional products, local school systems must select the available product that has the greatest functionality for equivalent access for students with disabilities. House Bill 547 further provides that vendors who fail to meet accessibility standards will be fined.

Although the ability to access digital instruction has long been an issue for a number of students with disabilities, the COVID-19 pandemic laid bare the extent of the problem. 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 made this requirement ring hollow for the students who were unable to learn effectively during the pandemic because their technology was not accessible to them. The problem continues for students who have as yet been unable to return to school in-person.

It is our understanding that this year's legislation is broader than the previous version of this bill, and that if implemented, it would ensure equal access to digital tools for all students with disabilities. We recommend the following amendments to underscore the importance of equal access:

On Page 2, line 13: add **INCLUDING by nonvisual means**

On Page 2, line 16: add **“Equivalent Access” includes BUT IS NOT LIMITED TO:”**

On Page 3, line 25: add **EQUIVALENT AND “nonvisual access”**

House Bill 547 would address the problem of digital inaccessibility by creating the accountability that has been missing, and would enable all students who require access to information and communication technology to more easily obtain that access. For these reasons, the EAC supports House Bill 547 with amendments.

Please feel free to contact Leslie Seid Margolis, chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730 for more information.

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.
Rich Ceruolo, Parent Advocacy Consortium
Michelle Davis, M.S.Ed., ABCs for Life Success
Jennifer Engel Fisher, Weinfeld Education Group
Shamoyia Gardiner, Strong Schools Maryland
Ann Geddes, Maryland Coalition of Families
Beth Ann Hancock, Charting the Course
Kalman Hettleman, Independent Advocate
Morgan Horvath, M.Ed., Abilities Network
Nicole Joseph, Esq., Law Offices of Nicole Joseph
Rosemary Kitzinger and Marjorie Guldan, Bright Futures, LLC
Ande Kolp, The Arc Maryland
Sharon Maneki, National Foundation of the Blind of Maryland
Leslie Seid Margolis, Disability Rights Maryland
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Maria Ott, Attorney
Rebecca Rienzi, Pathfinders for Autism
Jaime Seaton, BGS Law
Ronnetta Stanley, M.Ed., Loud Voices Together
Guy Stephens, Alliance Against Seclusion and Restraint
Maureen van Stone, Mallory Legg, and Alyssa Thorn, Project HEAL at Kennedy Krieger Institute
Jessica R. Williams, M.Ed., Education Due Process Solutions, LLC
Liz Zogby, Maryland Down Syndrome Advocacy Coalition

HB 547 accessibility - PSSAM SWA.pdf

Uploaded by: Mary Pat Fannon

Position: FWA



BILL: House Bill 547

TITLE: Local School Systems – Equivalent Access Standards – Digital Tools
(Nonvisual Access Accountability Act for K–12 Education)

DATE: February 23, 2022

POSITION: Favorable with amendments

COMMITTEE: House Ways and Means Committee

CONTACT: Mary Pat Fannon, Executive Director, PSSAM

This bill requires each local school system to provide a student with disabilities access to 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 in accordance with technical standards issued under specified federal law or any other widely accepted or freely available technical standard. Each local school system must establish an evaluation process for 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.

The Public Schools Superintendents’ Association of Maryland (PSSAM) **supports HB 547 with amendments**. PSSAM supports the intent of this bill to ensure that every public school student in Maryland, regardless of disability, has the digital access they need to enable them to succeed, and to expect that local school systems make their websites and other on-line content comply with accessibility guidelines. Unfortunately, House Bill 547 includes specific requirements that might make it more difficult to procure appropriate digital tools, and it includes undefined terms that are confusing or overly-broad.

Even though local boards would support the bill’s provisions that would place much of the burden of compliance on their vendors, it might not always be possible and affordable to find vendors who would be willing to accept the liability and other mandates required by the bill. Even some of the largest education technology suppliers in the country may choose to forego the responsibilities set out in the bill by not offering their services to Maryland school systems. The unintended consequence may result in fewer available options for accessible digital technology.

PSSAM offers the following amendments:

We request that the bill replace all references to “Technology-Based Instructional Products” with “Digital Tool” which is defined on page 2 A (2). In order to avoid any confusion, “hardware” would need to be deleted on page 3, line 16.

PAGE 2 LINE 5

(II) ~~A COURSE;~~

Justification: The term “course” is too broad and is not otherwise consistent with the other parts of the definition of “digital tool” that are in fact technology/digital based.

PAGE 2, LINE 6-7

(III) INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES, INCLUDING SOFTWARE AND OPERATING SYSTEMS, **TIED DIRECTLY TO STUDENT INSTRUCTION;**

Justification: The term “communication technology services” is broad enough to include the phone system used in school offices which use a display screen. It could be prohibitively expensive to make every individual phone compliant for every individual with a disability, as opposed to current law that may require an employer to make an individual phone used by a person with a disability be accessible for that individual.

PAGE 2, LINES 11-15

(3) (I) “EQUIVALENT ACCESS” MEANS THE ABILITY TO RECEIVE, USE, AND MANIPULATE INFORMATION AND OPERATE CONTROLS NECESSARY TO ACCESS AND USE INFORMATION TECHNOLOGY ~~BY NONVISUAL MEANS, SO THAT A STUDENT WITH DISABILITIES CAN ACCESS THE SAME SERVICES AS A STUDENT WITHOUT DISABILITIES WITH SUBSTANTIALLY EQUIVALENT EASE OF USE~~ **TECHNOLOGY NECESSARY FOR THAT STUDENT TO ACHIEVE THE INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT’S IEP PLAN, AS DEFINED IN § 8-408 OF THIS ARTICLE, OR THE STUDENT’S 504 PLAN, AS PROVIDED UNDER THE FEDERAL REHABILITATION ACT OF 1973**

*Justification: The bill should not be limited to visual disabilities and the **title** of the bill should be changed to reflect the applicability to all students with IEPs or 504 plans. Additionally, the access needed by an individual student should be tied to that student’s needs, as opposed to using undefined standard of “substantially equivalent ease of use” compared to a broad group of non-disabled students.*

PAGE 3, LINES 3-4

(C) (1) This subsection {does not apply} ~~APPLIES~~ to teacher-developed instructional materials ~~{until fiscal year 2005}~~ **USED BY THE INDIVIDUAL TEACHER.**

Justification: The local school system cannot ensure that every tool used by every teacher in every classroom be accessible to any student with disabilities, whether or not an affected student with disabilities is even in that classroom. Rather, the teacher must ensure that each students' IEPs or Section 504 plan is fully met, and any provision in either the IEP or Section 504 plan that requires specific digital accessibility must be followed, which would be addressed in other sections of the bill.

PAGE 3, LINES 23-30

(II) THE EVALUATION PROCESS ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE EVALUATION OF THE DIGITAL TOOL FOR NONVISUAL ACCESS BY AN EMPLOYEE **OR CONTRACTOR** OF THE LOCAL SCHOOL SYSTEM WHO:

1. ~~SPECIALIZES~~ **HAS KNOWLEDGE** IN ACCESSIBILITY AND WEB CONTENT ACCESSIBILITY GUIDELINES; ~~OR~~

~~2. IS A BLINDNESS SPECIALIST WHO IS KNOWLEDGEABLE IN ACCESSIBILITY.~~

Justification: The school system should be allowed to use a contractor for this service. In addition, it is unclear what "specializes" means, and there is no current certification or licensure for a "blindness specialist".

PAGE 3, LINES 31-34

~~(H)~~ **(5)** A PROCUREMENT CONTRACT FOR A DIGITAL TOOL SHALL REQUIRE A VENDOR TO INDEMNIFY THE STATE BOARD OR A LOCAL SCHOOL SYSTEM FOR LIABILITY AND COSTS ARISING FROM THE FAILURE OF THE DIGITAL TOOL TO MEET THE REQUIREMENTS OF THIS SECTION.

Justification: This subsection seems to be misplaced and not directly connected to Section (4) where it currently falls. The subsection should be made its own Section (5) (also requiring the current Section (5) on page 4, line 1 to be renumbered as (6)).

PAGE 4, LINE 22-26

(II) AFTER THE DEPARTMENT RECEIVES A NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND THE DEPARTMENT OF DISABILITIES TO ~~ENSURE THAT ANOTHER PRODUCT IS PURCHASED THAT WILL OFFER AN EFFECTIVE EDUCATIONAL OPTION~~ **ALLOW THE LOCAL SCHOOL SYSTEM TO OBTAIN A PRODUCT THAT DOES NOT MEET THE EQUIVALENT ACCESS STANDARDS BUT PROVIDES THE BEST EQUIVALENT ACCESS FUNCTIONALITY.**

Justification: This amendment recognizes that there may be circumstances where another product is not available, but leaves it up to the local school system to determine what product can be obtained in the best interests of the students.

PAGE 5, LINE 3-4

(II) ANY OTHER WIDELY ACCEPTED ~~OR~~ **AND** FREELY AVAILABLE TECHNICAL STANDARD.

Justification: Although the terms “widely accepted” and “freely available” are not well-defined, the bill would be too broad if the digital tool purchased could simply meet standards that are solely “freely available”, a term that could apply to anything found on the Internet.

PAGE 5, LINES 5-12

(2) A LOCAL SCHOOL SYSTEM SHALL PROVIDE A STUDENT WITH DISABILITIES ACCESS TO DIGITAL TOOLS THAT **ARE NECESSARY FOR THAT STUDENT TO ACHIEVE THE INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT’S IEP PLAN, AS DEFINED IN § 8-408 OF THIS ARTICLE, OR THE STUDENT’S 504 PLAN, AS PROVIDED UNDER THE FEDERAL REHABILITATION ACT OF 1973.**

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

~~(II) 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~~

Justification: 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 throughout the bill. There are some students with disabilities who cannot independently use any digital tool due to either severe physical or mental disabilities. In addition, the term “substantially equivalent ease of use” is an undefined standard that cannot easily be measured.

PAGE 6, LINES 1-4

(II) SHALL INDEMNIFY THE STATE BOARD **OR LOCAL BOARD** FOR LIABILITY RESULTING FROM THE USE OF A DIGITAL TOOL THAT FAILS TO MEET THE EQUIVALENT ACCESS STANDARDS UNDER SUBSECTION (F) OF THIS SECTION, INCLUDING NONVISUAL ACCESS.

Justification: It is not clear why the bill limited the indemnification in this provision just to the State Board.

We appreciate the opportunity to work on this legislation over the interim along with other education advocates, and look forward to working with the committee during their deliberations.

For the reasons stated above, PSSAM requests a **favorable report on HB 547 with our proposed amendments** described above.

**Amendments were drafted to SB 617.

One Voice, One Vision for Maryland's Students
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HB547.DDCouncil.SWA.pdf

Uploaded by: Rachel London

Position: FWA



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

House Ways and Means Committee

February 24, 2022

HB 547: Local School Systems—Equivalent Access Standards—Digital Tools
(Nonvisual Access Accountability Act for K-12 Education)

Position: Support with Amendments

The Maryland Developmental Disabilities Council (DD Council) is a statewide public policy organization that creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. The DD Council is led by people with developmental disabilities and their families. From that perspective, the DD Council strongly supports equal access to digital tools for all students with disabilities.

It is our understanding that this year’s legislation is broader and should ensure equal access, not just nonvisual access, to digital tools for all students with disabilities. To support that intent, we recommend the following amendments that strengthen the intent of equal access:

- On Page 2, line 13: **add INCLUDING, by nonvisual means**
- On Page 2, line 16: add “Equivalent Access” includes, **BUT IS NOT LIMITED TO:**
- On Page 3, lines 25: **add EQUIVALENT AND “nonvisual access”**

WHY is this legislation important?

- Access to information technology has been an issue for a number of students with disabilities. The pandemic created greater barriers, especially for students with “significant” developmental disabilities.
- Accessible information and technology is required by law, yet some students with disabilities still struggle to receive, use, and manipulate information. **Enforcement by local school systems and the Maryland State Department of Education (MSDE) is critical to change this.**

WHAT does this legislation do?

- Requires local school systems to develop a process to evaluate digital tools under consideration for development or purchase.
- Requires vendors responding to a request for proposal by a local school system or the Maryland State Board of Education to submit an accessibility report that includes a product accessibility template.
- Requires local school systems, beginning in October 2024, to evaluate digital products and ensure they select the available product that will provide equivalent access for students with disabilities.

Students with disabilities must have equal access to information and technology in order to learn and succeed. HB 547 addresses some of the barriers facing students with disabilities, and enables students with disabilities to get and receive the same information, access the same services, and meaningfully participate in the same interactions as students without disabilities. For these reasons, the DD Council supports HB 547 with the amendments outlined above.

Contact: Rachel London, Executive Director: RLondon@md-council.org