

**ENROLLED BILL**

-- *Ways and Means/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Heller, Anderson, Barkley, Barve, Bates, Benson, Boschert, Boteler, Bozman, Bromwell, Brown, Burns, Cluster, Conroy, Conway, Cryor, C. Davis, Donoghue, Dumais, Elmore, Franchot, Glassman, Gutierrez, Hammen, Harrison, Hixson, Holmes, Hubbard, Impallaria, Jameson, Jennings, Jones, King, Kohl, Krysiak, Kullen, Mandel, McConkey, McDonough, McHale, Menes, Montgomery, Murray, Nathan-Pulliam, O'Donnell, Parker, Patterson, Pendergrass, Petzold, Pugh, Quinter, Simmons, Sophocleus, Stern, Taylor, F. Turner, Vaughn, and Zirkin Zirkin, Bartlett, Cardin, Goodwin, Gordon, Healey, Howard, Kaiser, Marriott, McKee, Myers, Ramirez, and Ross**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - Blind and Visually Impaired Students - Instructional Materials**

3 FOR the purpose of requiring the State Department of Education to ~~establish a~~  
4 ~~certain instructional resources center~~ collaborate with and provide support to  
5 the Instructional Resources Center to develop certain procedures to coordinate  
6 the statewide availability of certain textbooks and certain supplementary  
7 instructional materials that may be accessed using ~~a nonvisual means;~~  
8 ~~requiring the Department to adopt a certain standard~~ certain specialized

1 formats using a certain federal standard; requiring the Department and county  
 2 boards of education to include a certain provision in certain procurement  
 3 contracts; providing that certain publishers may not be required to provide  
 4 electronic copies of certain instructional materials; requiring the State Board of  
 5 Education to coordinate with the National Instructional Materials Access  
 6 Center to facilitate the transfer of certain electronic files and certain  
 7 instructional materials; requiring a certain instructional resource center the  
 8 Instructional Resources Center to ensure the availability of make reasonable  
 9 efforts to provide certain materials for to certain students by a certain day each  
 10 year or as soon as possible thereafter; requiring the Governor to provide a  
 11 certain appropriation in the annual budget submission beginning in a certain  
 12 fiscal year; requiring the Maryland Library for the Blind and Physically  
 13 Handicapped to request that certain publishers send certain electronic copies of  
 14 certain instructional materials to the Library at the request of certain students;  
 15 authorizing the Library to determine the eligibility of certain students to  
 16 request and use certain instructional materials; providing that certain  
 17 publishers may not be required to provide electronic copies of certain  
 18 instructional materials; requiring certain State agencies to review certain  
 19 research and recommendations and make a certain report to the Governor and  
 20 General Assembly; defining certain terms; and generally relating to  
 21 instructional materials for blind and visually impaired students.

22 BY repealing and reenacting, with amendments,  
 23 Article - Education  
 24 Section 8-408  
 25 Annotated Code of Maryland  
 26 (2004 Replacement Volume and 2005 Supplement)

27 ~~BY adding to~~  
 28 ~~Article - Education~~  
 29 ~~Section 11-901 to be under the new subtitle "Subtitle 9. Instructional Materials~~  
 30 ~~for Blind and Physically Handicapped Students"~~  
 31 ~~Annotated Code of Maryland~~  
 32 ~~(2004 Replacement Volume and 2005 Supplement)~~

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 34 MARYLAND, That the Laws of Maryland read as follows:

35 **Article - Education**

36 8-408.

37 (a) (1) In this section the following words have the meanings indicated.

38 (2) "Child who is blind or visually impaired" means a child who:

1 (i) Has a visual acuity of 20/200 or less in the better eye with  
2 correcting lenses or has a limited field of vision so that the widest diameter of the  
3 visual field subtends an angle no greater than 20 degrees;

4 (ii) Has a medically indicated expectation of visual deterioration; or

5 (iii) Has a medically diagnosed limitation in visual functioning that  
6 restricts the child's ability to read and write standard print at levels expected of other  
7 children of comparable ability and grade level.

8 (3) "Braille" means the system of reading and writing through touch  
9 commonly known as Standard English [Grade 2] CONTRACTED Braille.

10 (4) "Individualized education program" and "IEP team" have the same  
11 meaning as provided by the Individuals with Disabilities Education Act Amendments  
12 of 1997, P.L. 105-17, Section 614(d).

13 (5) "NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER" MEANS  
14 THE CENTER ESTABLISHED UNDER § 674(E) OF THE FEDERAL INDIVIDUALS WITH  
15 DISABILITIES EDUCATION ACT OF 2004.

16 (6) "NIMAS" MEANS THE NATIONAL INSTRUCTIONAL MATERIALS  
17 ACCESSIBILITY STANDARD ESTABLISHED BY THE FEDERAL SECRETARY FOR  
18 EDUCATION UNDER 20 U.S.C. 1412 TO BE USED IN THE PREPARATION OF ELECTRONIC  
19 FILES SUITABLE AND USED SOLELY FOR EFFICIENT CONVERSION INTO SPECIALIZED  
20 FORMATS.

21 (7) "PRINT INSTRUCTIONAL MATERIALS" MEANS PRINTED TEXTBOOKS  
22 AND RELATED PRINTED CORE MATERIALS THAT ARE WRITTEN AND PUBLISHED  
23 PRIMARILY FOR USE IN ELEMENTARY SCHOOL AND SECONDARY SCHOOL  
24 INSTRUCTION AND ARE REQUIRED BY THE DEPARTMENT OR COUNTY BOARD FOR  
25 USE BY STUDENTS IN THE CLASSROOM.

26 (8) "SPECIALIZED FORMATS" MEANS BRAILLE, LARGE PRINT, AUDIO, OR  
27 DIGITAL TEXT THAT IS ~~EXCLUSIVELY FOR USE~~ USED BY BLIND OR ~~OTHER~~  
28 ~~INDIVIDUALS WITH DISABILITIES~~ VISUALLY IMPAIRED INDIVIDUALS.

29 (b) (1) In developing the individualized education program for a child who is  
30 blind or visually impaired, provisions shall be made for instruction in braille and the  
31 use of braille unless the IEP team determines, after an evaluation of the child's  
32 reading and writing skills, needs, and appropriate reading and writing media,  
33 including an evaluation of the child's future needs for instruction in braille or the use  
34 of braille, that such instruction or use is not appropriate for the child.

35 (2) A child may not be denied the opportunity for instruction in braille  
36 reading and writing solely because the child has some remaining vision.

37 (3) This section does not require the exclusive use of braille if other  
38 reading and writing media are appropriate to the child's educational needs. The use of

1 other reading and writing media does not preclude the use of braille or the instruction  
2 of braille.

3 (c) For the purpose of achieving successful implementation of this section, the  
4 State Board and the Professional Standards and Teacher Education Board shall adopt  
5 certification standards for teachers of blind and visually impaired students.

6 (d) (1) The Department shall ~~ESTABLISH AN~~ COLLABORATE WITH AND  
7 PROVIDE SUPPORT TO THE INSTRUCTIONAL RESOURCE RESOURCES CENTER TO  
8 develop procedures to coordinate the statewide availability of textbooks and  
9 supplementary instructional materials [in nonvisually accessible media] THAT MAY  
10 BE ACCESSED USING NONVISUAL MEANS INCLUDING ADOPTING SPECIALIZED  
11 FORMATS THAT USE NIMAS.

12 (2) (I) THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION SHALL REQUIRE THE DEPARTMENT AND A COUNTY BOARD TO  
14 INCLUDE, IN ANY PROCUREMENT CONTRACT OR OTHER DOCUMENT OR AGREEMENT  
15 USED TO PURCHASE PRINT INSTRUCTIONAL MATERIALS FROM A PUBLISHER, A  
16 PROVISION THAT REQUIRES THE PUBLISHER TO:

17 (H) 1. ON OR BEFORE THE DELIVERY OF THE PRINT  
18 INSTRUCTIONAL MATERIALS, PREPARE AND PROVIDE THE NATIONAL  
19 INSTRUCTIONAL MATERIALS ACCESS CENTER ELECTRONIC FILES CONTAINING THE  
20 CONTENTS OF THE PRINT INSTRUCTIONAL MATERIALS USING NIMAS; OR

21 (H) 2. PURCHASE INSTRUCTIONAL MATERIALS FROM THAT  
22 PUBLISHER THAT ARE PRODUCED IN, OR MAY BE RENDERED IN, SPECIALIZED  
23 FORMATS.

24 (II) A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN  
25 ELECTRONIC COPY OF ANY INSTRUCTIONAL MATERIAL COPYRIGHTED BEFORE JULY  
26 1, 2007.

27 [(2)] (3) The State Board shall [adopt regulations to require a publisher  
28 of a textbook, including texts in electronic media adopted by a county board to  
29 furnish, upon request, the instructional resource center established under paragraph  
30 (1) of this subsection with an electronic version of pupil edition textbooks for literary  
31 subjects, and for nonliterary subjects when the technology is available to convert  
32 nonliterary subject textbooks to a format compatible with braille translations  
33 software, in which the content:

34 (i) Is encoded in text suitable for conversion into braille or  
35 synthesized speech; and

36 (ii) Has been prepared using a markup language that maintains  
37 the structural integrity of the information and can be processed by braille translation  
38 software] COORDINATE WITH THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS  
39 CENTER TO FACILITATE THE TIMELY TRANSFER OF THE ELECTRONIC FILES OR  
40 INSTRUCTIONAL MATERIALS SENT BY PUBLISHERS TO THE INSTRUCTIONAL  
41 RESOURCE RESOURCES CENTER ESTABLISHED UNDER PARAGRAPH (1) OF THIS

~~1 SUBSECTION TO CONVERT THE INSTRUCTIONAL MATERIALS INTO SPECIALIZED  
2 FORMATS OF:~~

~~3 (1) 1. ELECTRONIC FILES OR INSTRUCTIONAL MATERIALS SENT  
4 BY PUBLISHERS FOR THE INSTRUCTIONAL RESOURCES CENTER TO CONVERT THE  
5 INSTRUCTIONAL MATERIALS INTO SPECIALIZED FORMATS; AND~~

~~6 (1) 2. ELECTRONIC FILES OR INSTRUCTIONAL MATERIALS  
7 PURCHASED FROM A PUBLISHER IN A SPECIALIZED FORMAT.~~

~~8 (4) BEGINNING ON JULY 1, 2007, THE INSTRUCTIONAL RESOURCE  
9 RESOURCES CENTER SHALL ENSURE THAT MAKE REASONABLE EFFORTS TO  
10 PROVIDE THE INSTRUCTIONAL MATERIALS IN SPECIALIZED FORMATS ARE  
11 AVAILABLE TO STUDENTS WHO ARE BLIND OR HAVE OTHER QUALIFYING  
12 DISABILITIES VISUALLY IMPAIRED FOR USE ON THE FIRST DAY OF CLASSES EACH  
13 YEAR OR IN A TIMELY MANNER.~~

~~14 (e) BEGINNING IN FISCAL YEAR 2008 AND ANNUALLY THEREAFTER, THE  
15 GOVERNOR SHALL INCLUDE \$150,000 IN THE ANNUAL BUDGET SUBMISSION FOR THE  
16 INSTRUCTIONAL RESOURCES CENTER ESTABLISHED UNDER THIS SECTION BY THE  
17 DEPARTMENT.~~

~~18 (F) The State Board shall adopt regulations consistent with § 7-910 of this  
19 article to implement the provisions of this section.~~

~~20 SUBTITLE 9. INSTRUCTIONAL MATERIALS FOR BLIND AND PHYSICALLY  
21 HANDICAPPED STUDENTS.~~

~~22 41-901.~~

~~23 (A) IN THIS SECTION, "NIMAS" HAS THE MEANING STATED IN § 8-408 OF THIS  
24 ARTICLE.~~

~~25 (B) ON THE REQUEST OF AN ELIGIBLE STUDENT WHO IS BLIND OR HAS  
26 ANOTHER QUALIFYING DISABILITY, THE MARYLAND LIBRARY FOR THE BLIND AND  
27 PHYSICALLY HANDICAPPED SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR  
28 SALE ELECTRONIC OR PRINTED TEXTBOOKS USED BY STUDENTS ENROLLED IN  
29 INSTITUTIONS OF HIGHER EDUCATION AND INSTITUTIONS OF POSTSECONDARY  
30 EDUCATION IN THE STATE PROVIDE AN ELECTRONIC COPY OF THE INSTRUCTIONAL  
31 MATERIAL TO THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY  
32 HANDICAPPED USING NIMAS.~~

~~33 (C) THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY  
34 HANDICAPPED MAY DETERMINE THE ELIGIBILITY OF THE STUDENTS REQUESTING  
35 THE INSTRUCTIONAL MATERIALS UNDER SUBSECTION (B) OF THIS SECTION.~~

~~36 (D) A PUBLISHER MAY NOT BE REQUIRED TO PROVIDE AN ELECTRONIC COPY  
37 OF ANY INSTRUCTIONAL MATERIAL COPYRIGHTED BEFORE JULY 2007.~~

~~38 SECTION 2. AND BE IT FURTHER ENACTED, That:~~

1           (1)     The Maryland Higher Education Commission and the Maryland  
2 Department of Disabilities shall review the research and recommendations developed  
3 by the Association of American Publishers' National Alternative Formats Initiative  
4 regarding approaches and technologies to best provide textbooks to postsecondary  
5 students with print disabilities.

6           (2)     On or before December 31, 2006, the Maryland Higher Education  
7 Commission and the Maryland Department of Disabilities shall report to the  
8 Governor and, in accordance with § 2-1246 of the State Government Article, the  
9 General Assembly on procedures to ensure that postsecondary students with print  
10 disabilities have access to instructional materials.

11     SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect July 1, 2006.