

SENATE BILL 268

F2

(7lr1746)

ENROLLED BILL

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

Introduced by **Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Greenip, Haines, Hogan, Hooper, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Higher Education - Blind and Print Disabled Students - Instructional**
3 **Materials**

4 FOR the purpose of requiring the Maryland Library for the Blind and Physically
5 Handicapped to convene a certain committee on or before a certain date;
6 providing for the membership of the committee; requiring a certain number of
7 the members of the committee to be blind or print disabled; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 committee to establish certain ~~procedures~~ guidelines to facilitate the delivery of
 2 certain materials to certain students in certain formats; establishing the duties
 3 of the Committee; providing for the termination of the Committee; providing for
 4 the content of certain guidelines; authorizing the Library to determine certain
 5 eligibility of certain students to make certain requests; requiring the Library to
 6 make certain requests to certain publishers regarding the provision of certain
 7 instructional materials; providing certain publishers a certain period of time to
 8 respond to certain requests; requiring certain publishers to indicate certain
 9 information to the Library; exempting certain publishers from certain
 10 requirements of this Act; requiring a certain electronic format to have certain
 11 characteristics; requiring a publisher to submit a certain electronic format
 12 containing certain characteristics under certain circumstances; providing for the
 13 content of a certain request to a certain publisher; requiring certain publishers
 14 to provide the Library with certain material at no cost and in a timely manner;
 15 authorizing certain publishers to request a copy of a certain agreement
 16 containing certain information; establishing certain technological security
 17 requirements for certain material by certain persons; requiring certain persons
 18 to make a request of certain publishers using a certain procedure; exempting
 19 certain persons from certain request procedures; authorizing an institution to
 20 assist certain students in transcribing certain materials into a braille copy;
 21 providing that certain institutions have a right to share a certain braille copy
 22 with certain students at the institution; requiring the Governor to include in the
 23 annual budget submission a certain appropriation beginning in a certain fiscal
 24 year and each fiscal year thereafter; providing for the application of this Act;
 25 providing that certain publishers may not be required to perform certain acts
 26 that may constitute infringement of a copyright or provide certain electronic
 27 formats under certain circumstances; defining certain terms; requiring the
 28 Library to consult and coordinate with the State Department of Education to
 29 facilitate the utilization of certain equipment and staff for certain purposes; and
 30 generally relating to instructional materials for blind or print disabled students.

31 BY adding to

32 Article – Education

33 Section 11–901 through ~~11–905~~ 11–906 to be under the new subtitle “Subtitle 9.
 34 Instructional Materials for Blind and Print Disabled Students”

35 Annotated Code of Maryland
 36 (2006 Replacement Volume)

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

39 **Article – Education**

1 **11-902.**

2 (A) ON OR BEFORE ~~DECEMBER~~ ~~SEPTEMBER~~ DECEMBER 1, 2007, IN
3 ORDER TO COORDINATE THE DISTRIBUTION OF INSTRUCTIONAL MATERIALS TO
4 BLIND AND OTHER PRINT DISABLED STUDENTS, THE MARYLAND LIBRARY FOR
5 THE BLIND AND PHYSICALLY HANDICAPPED SHALL CONVENE AN
6 INSTRUCTIONAL MATERIALS ACCESS ~~STANDARDS~~ GUIDELINES COMMITTEE.

7 (B) THE COMMITTEE CONSISTS OF ~~THE FOLLOWING 11~~ 19 MEMBERS:

8 (1) THE SECRETARY OF HIGHER EDUCATION, OR THE
9 SECRETARY'S DESIGNEE;

10 (2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S
11 DESIGNEE;

12 (3) THE STATE SUPERINTENDENT, OR THE STATE
13 SUPERINTENDENT'S DESIGNEE; AND

14 (4) THE FOLLOWING 14 MEMBERS APPOINTED BY THE
15 GOVERNOR:

16 (I) ONE MEMBER APPOINTED BY REPRESENTING THE
17 LIBRARY;

18 (II) TWO FIVE MEMBERS APPOINTED BY REPRESENTING
19 PUBLISHERS OF TEXTBOOKS USED IN HIGHER EDUCATION WHO MAY INCLUDE
20 REPRESENTATIVES OF THE ASSOCIATION OF AMERICAN PUBLISHERS; AND

21 (3) FIVE MEMBERS, ONE REPRESENTING EACH OF THE
22 FOLLOWING INSTITUTIONS OF HIGHER EDUCATION OR ORGANIZATIONS,
23 APPOINTED BY THE MARYLAND HIGHER EDUCATION COMMISSION;

24 (I) THE UNIVERSITY SYSTEM OF MARYLAND;

25 (II) A COMMUNITY COLLEGE;

26 (III) THE MARYLAND INDEPENDENT COLLEGE AND
27 UNIVERSITY ASSOCIATION;

- 1 ~~(IV) MORGAN STATE UNIVERSITY; AND~~
- 2 ~~(V) ST. MARY'S COLLEGE OF MARYLAND; AND~~
- 3 ~~(3) (4) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE~~
4 **GOVERNOR;**
- 5 ~~(I) ONE REPRESENTATIVE OF THE UNIVERSITY SYSTEM OF~~
6 **MARYLAND;**
- 7 ~~(H) ONE REPRESENTATIVE FROM A COMMUNITY COLLEGE~~
8 **IN THE STATE;**
- 9 ~~(III) ONE REPRESENTATIVE FROM AN INSTITUTION OF~~
10 **HIGHER EDUCATION WHO IS FROM NEITHER THE UNIVERSITY SYSTEM OF**
11 **MARYLAND NOR A COMMUNITY COLLEGE IN THE STATE;**
- 12 ~~(III) THREE MEMBERS, ONE REPRESENTING EACH OF THE~~
13 **FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:**
- 14 ~~1. THE UNIVERSITY SYSTEM OF MARYLAND;~~
- 15 ~~2. A COMMUNITY COLLEGE; AND~~
- 16 ~~3. A PRIVATE, 4-YEAR INSTITUTION OF HIGHER~~
17 **EDUCATION;**
- 18 ~~(IV) TWO REPRESENTATIVES WHO HAVE KNOWLEDGE~~
19 **REGARDING ACCESSIBLE FORMATS FOR BLIND AND OTHER PRINT DISABLED**
20 **INDIVIDUALS;**
- 21 ~~(V) ONE REPRESENTATIVE OF THE STUDENT POPULATION~~
22 **AT INSTITUTIONS OF HIGHER EDUCATION IN THE STATE WHO IS BLIND OR**
23 **PRINT DISABLED; AND**
- 24 ~~(VI) TWO MEMBERS APPOINTED AT THE DISCRETION OF THE~~
25 **GOVERNOR FROM MARYLAND ORGANIZATIONS REPRESENTING BLIND OR**
26 **OTHER PERSONS WITH PRINT DISABILITIES.**

1 (C) AT LEAST TWO OF THE MEMBERS OF THE COMMITTEE, IN ADDITION
2 TO THE STUDENT MEMBER, SHALL BE BLIND OR PRINT DISABLED.

3 (D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.

4 (E) (1) A MEMBER OF THE COMMITTEE SHALL SERVE FOR A PERIOD
5 OF 3 YEARS.

6 (2) THE COMMITTEE SHALL EXPIRE ON DECEMBER 1, 2010.

7 (F) THE DEPARTMENT, THE DEPARTMENT OF DISABILITIES, AND THE
8 MARYLAND HIGHER EDUCATION COMMISSION SHALL PROVIDE STAFF FOR THE
9 COMMITTEE.

10 (G) (1) THE COMMITTEE SHALL ESTABLISH PROCEDURES:

11 (I) ASSIST THE LIBRARY IN ESTABLISHING GUIDELINES TO
12 FACILITATE THE DELIVERY OF INSTRUCTIONAL MATERIALS TO BLIND AND
13 PRINT DISABLED STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION IN THE
14 STATE IN A FORMAT THAT IS USABLE TO THEM;

15 (II) REVIEW THE GUIDELINES ESTABLISHED UNDER ITEM
16 (1) OF THIS PARAGRAPH EACH YEAR; AND

17 (III) ASSIST THE LIBRARY IN REVISING THE GUIDELINES AS
18 NECESSARY BASED ON CHANGES IN TECHNOLOGY OR ANY OTHER PERTINENT
19 FACTORS.

20 (2) THE GUIDELINES SHALL INCLUDE:

21 (I) A METHOD BY WHICH A COURSE INSTRUCTOR, IN
22 CONSULTATION WITH THE INDIVIDUAL AT THE LIBRARY OR INSTITUTION
23 DESIGNATED TO MAKE THE REQUEST FOR MATERIALS UNDER THIS SUBTITLE,
24 DESIGNATES WHICH COURSE MATERIALS ARE CONSIDERED REQUIRED OR
25 ESSENTIAL TO STUDENT SUCCESS;

26 (II) A DETERMINATION OF THE AVAILABILITY OF
27 TECHNOLOGY FOR THE CONVERSION OF MATHEMATICS AND SCIENCE
28 MATERIALS;

1 (III) THE PROCEDURES AND STANDARDS RELATING TO
2 DISTRIBUTION OF FILES AND MATERIALS;

3 (IV) AVAILABLE ELECTRONIC FORMATS;

4 (V) A LIST OF JUSTIFICATIONS FOR WHICH A PUBLISHER
5 MAY REASONABLY BE EXEMPTED FROM COMPLYING WITH THE PROVISIONS OF
6 THIS SUBTITLE;

7 (VI) PROCEDURES FOR GRANTING A PUBLISHER AN
8 EXEMPTION WHEN IT IS DETERMINED THAT A PUBLISHER IS UNABLE TO
9 COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE FOR A JUSTIFIABLE
10 REASON INCLUDED IN THE LIST REQUIRED UNDER ITEM (V) OF THIS
11 PARAGRAPH;

12 (VII) ~~REQUIRE~~ A REQUIREMENT THAT THE REVIEW OF THE
13 FUTURE RECOMMENDATIONS OF THE ALTERNATIVE FORMATS SOLUTIONS
14 INITIATIVE OF THE ASSOCIATION OF AMERICAN PUBLISHERS ~~TO~~ DETERMINE
15 WHETHER TO RECOMMEND THE INCORPORATION OF THESE
16 RECOMMENDATIONS INTO THE GUIDELINES; AND

17 (VIII) ANY OTHER INFORMATION THE COMMITTEE
18 DETERMINES TO BE RELEVANT.

19 **11-903.**

20 ~~(A) THE LIBRARY MAY DETERMINE THE ELIGIBILITY OF A BLIND OR~~
21 ~~PRINT DISABLED STUDENT WHO MAKES A REQUEST UNDER SUBSECTION (B) OF~~
22 ~~THIS SECTION.~~

23 ~~(B)~~ (A) ON THE REQUEST OF AN ELIGIBLE BLIND OR PRINT DISABLED
24 STUDENT, THE LIBRARY SHALL REQUEST THAT A PUBLISHER THAT OFFERS FOR
25 SALE ELECTRONIC OR PRINT INSTRUCTIONAL MATERIALS USED BY STUDENTS
26 ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION ~~AND INSTITUTIONS OF~~
27 ~~POSTSECONDARY EDUCATION~~ IN THE STATE PROVIDE THE INSTRUCTIONAL
28 MATERIALS TO THE LIBRARY ~~ELECTRONICALLY IN A FORMAT DESIGNATED BY~~
29 ~~THE COMMITTEE~~ IN AN ELECTRONIC FORMAT.

30 ~~(C)~~ (B) ON EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON
31 OR AFTER JANUARY 1, 2008, ON THE RECEIPT OF A REQUEST UNDER

1 SUBSECTION ~~(B)~~ (A) OF THIS SECTION, A PUBLISHER SHALL HAVE ~~10~~ 15
2 BUSINESS DAYS FROM THE DATE OF THE REQUEST TO:

3 (1) PROVIDE THE REQUESTED INSTRUCTIONAL MATERIALS IN
4 ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~; OR

5 (2) PROVIDE THE REASON THAT ~~THE AN~~ ELECTRONIC FORMAT
6 ~~DESIGNATED BY THE COMMITTEE~~ CANNOT BE PROVIDED WITHIN ~~10~~ 15
7 BUSINESS DAYS.

8 ~~(D)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (D) OF THIS
9 SECTION, IF A PUBLISHER RESPONDS UNDER SUBSECTION ~~(C)~~ (2) (B) (2) OF THIS
10 SECTION THAT ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~
11 CANNOT BE PROVIDED WITHIN ~~10~~ 15 BUSINESS DAYS, THE PUBLISHER SHALL
12 INDICATE TO THE LIBRARY ~~WHEN~~:

13 (1) WHEN THE INSTRUCTIONAL MATERIALS WILL BE PROVIDED
14 IN ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~; OR

15 (2) ~~SPECIFY A REASON~~ THE SPECIFIC REASON, CONSISTENT WITH
16 THE GUIDELINES ESTABLISHED UNDER § 11-902(D) OF THIS SUBTITLE, WHY
17 THE INSTRUCTIONAL MATERIALS MAY NOT BE PROVIDED TO THE LIBRARY
18 WITHIN THE REQUIRED TIME FRAME.

19 ~~(E)~~ (D) A PUBLISHER IS NOT REQUIRED TO PROVIDE INSTRUCTIONAL
20 MATERIALS IN ~~THE AN~~ ELECTRONIC FORMAT ~~DESIGNATED BY THE COMMITTEE~~
21 IF THE INSTRUCTIONAL MATERIALS WERE:

22 (1) ~~GENERATED FOR BY~~ FACULTY PURPOSES; OR

23 (2) COPYRIGHTED BEFORE JULY 1, ~~2007~~ 2004.

24 11-904.

25 (A) THE ELECTRONIC FORMAT OF PRINTED INSTRUCTIONAL MATERIAL
26 PROVIDED BY A PUBLISHER TO THE LIBRARY FOR USE BY A STUDENT WITH A
27 DISABILITY UNDER THIS SUBTITLE SHALL:

28 (1) MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED
29 INSTRUCTIONAL MATERIAL;

1 (2) BE COMPATIBLE WITH COMMONLY USED BRAILLE
2 TRANSLATION OR SPEECH SYNTHESIS SOFTWARE, IF NECESSARY; AND

3 (3) INCLUDE CORRECTIONS AND REVISIONS AS NECESSARY.

4 (B) IF THE LIBRARY AND A PUBLISHER CANNOT IN GOOD FAITH AGREE
5 ON AN ELECTRONIC FORMAT THAT MAINTAINS THE STRUCTURAL INTEGRITY OF
6 THE PRINTED INSTRUCTIONAL MATERIAL AS REQUIRED UNDER SUBSECTION (A)
7 OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE INSTRUCTIONAL
8 MATERIAL IN AN ELECTRONIC FORMAT THAT MAINTAINS AS MUCH OF THE
9 STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS
10 POSSIBLE.

11 (C) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,
12 THE LIBRARY OR INSTITUTION SHALL SUBMIT TO A PUBLISHER A WRITTEN
13 REQUEST FOR AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT
14 INCLUDES:

15 (1) CERTIFICATION THAT THE INSTITUTION HAS PURCHASED THE
16 PRINTED INSTRUCTIONAL MATERIAL FOR USE BY A STUDENT WITH A
17 DISABILITY OR THAT A STUDENT WITH A DISABILITY ATTENDING OR
18 REGISTERED TO ATTEND THE INSTITUTION HAS PURCHASED THE
19 INSTRUCTIONAL MATERIAL;

20 (2) CERTIFICATION THAT THE STUDENT HAS A DISABILITY THAT
21 PREVENTS THE STUDENT FROM USING STANDARD INSTRUCTIONAL MATERIALS;

22 (3) CERTIFICATION THAT THE ELECTRONIC FORMAT OF THE
23 PRINTED INSTRUCTIONAL MATERIAL WILL BE USED BY A STUDENT IN
24 CONNECTION WITH A COURSE IN WHICH THE STUDENT IS REGISTERED OR
25 ENROLLED AT THE INSTITUTION; AND

26 (4) ~~IS SIGNED BY~~ THE SIGNATURE OF THE INDIVIDUAL
27 DESIGNATED BY THE LIBRARY OR INSTITUTION TO REQUEST THE ELECTRONIC
28 FORMAT OF THE INSTRUCTIONAL MATERIAL UNDER THIS SUBTITLE.

29 (D) ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (C) OF
30 THIS SECTION, THE PUBLISHER SHALL PROVIDE THE LIBRARY WITH THE

1 ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL AT NO
2 ADDITIONAL COST AND IN A TIMELY MANNER.

3 (E) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A
4 PUBLISHER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS
5 SECTION MAY REQUIRE THE LIBRARY TO PROVIDE THE PUBLISHER WITH A
6 COPY OF AN AGREEMENT THAT:

7 (1) STATES THAT THE STUDENT REQUESTING AND USING THE
8 ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL PROVIDED BY THE
9 PUBLISHER WILL USE THE MATERIAL SOLELY FOR THE STUDENT'S PERSONAL
10 EDUCATIONAL USE;

11 (2) STATES THAT THE STUDENT HAS AGREED NOT TO COPY,
12 DUPLICATE, OR DISTRIBUTE THE ELECTRONIC COPY OF THE INSTRUCTIONAL
13 MATERIAL FOR USE BY OTHER INDIVIDUALS; AND

14 (3) IS SIGNED BY THE STUDENT REQUESTING AND USING THE
15 ELECTRONIC COPY.

16 (F) (1) IF THE LIBRARY OR AN INSTITUTION PERMITS A STUDENT TO
17 DIRECTLY USE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL,
18 THE LIBRARY OR INSTITUTION SHALL TAKE THE FOLLOWING STEPS TO
19 PROTECT THE ELECTRONIC COPY FROM DUPLICATION AND DISTRIBUTION IN
20 VIOLATION OF THE COPYRIGHT REVISIONS ACT OF 1976:

21 (I) THE DISK OR FILE SHALL BE COPY-PROTECTED OR
22 CONTAIN OTHER REASONABLE SECURITY MEASURES; AND

23 (II) THE LIBRARY OR INSTITUTION SHALL REQUIRE A
24 STUDENT USING THE ELECTRONIC COPY TO SIGN THE AGREEMENT UNDER
25 SUBSECTION (E) OF THIS SECTION.

26 (2) AN INSTITUTION MAY NOT MAKE THE ELECTRONIC FORMAT
27 OF THE INSTRUCTIONAL MATERIAL AVAILABLE ON A SERVER UNLESS THE
28 FOLLOWING SECURITY MEASURES ARE FOLLOWED:

29 (I) A SECURITY PROCESS, INCLUDING AN IDENTIFICATION
30 AND PASSWORD SYSTEM, IS INSTALLED TO PERMIT ONLY AUTHORIZED
31 STUDENTS WITH DISABILITIES ACCESS TO THE PROTECTED MATERIALS; AND

1 **(II) OTHER TECHNICAL SECURITY MEASURES ARE**
2 **INSTALLED TO PREVENT A STUDENT FROM DOWNLOADING THE ELECTRONIC**
3 **FORMAT OF THE INSTRUCTIONAL MATERIAL UNLESS THE STUDENT HAS SIGNED**
4 **THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.**

5 **(3) A PUBLISHER MAY INSTALL TECHNICAL SECURITY MEASURES**
6 **TO PREVENT THE UNAUTHORIZED COPYING, MODIFICATION, DISTRIBUTION, OR**
7 **USE OF THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL IF THE**
8 **SECURITY MEASURES DO NOT INTERFERE WITH THE STUDENT'S USE OF**
9 **ELECTRONIC COPY.**

10 **(G) (1) THE LIBRARY, AN INSTITUTION, OR ANY COMPONENT OF AN**
11 **INSTITUTION SHALL NOTIFY THE PUBLISHER EACH TIME THE LIBRARY,**
12 **INSTITUTION, OR A COMPONENT OF THE INSTITUTION INTENDS TO DUPLICATE**
13 **AN ELECTRONIC FORMAT OR A SPECIALIZED FORMAT PRODUCED FROM THE**
14 **ELECTRONIC FORMAT FOR USE OF THE PROTECTED MATERIAL BY OTHER**
15 **STUDENTS WITH DISABILITIES.**

16 **(2) ~~EACH~~ FOR EACH ADDITIONAL STUDENT FOR WHOM THE**
17 **LIBRARY, AN INSTITUTION, OR A COMPONENT OF AN INSTITUTION INTENDS TO**
18 **DUPLICATE AN ELECTRONIC FORMAT UNDER PARAGRAPH (1) OF THIS**
19 **SUBSECTION, THE LIBRARY, INSTITUTION, OR COMPONENT OF AN INSTITUTION**
20 **SHALL FOLLOW THE REQUEST PROCEDURES ~~UNDER § 11-903 OF THIS~~**
21 **~~SUBTITLE~~ IN THIS SECTION.**

22 **(H) (1) AN INSTITUTION MAY ASSIST A STUDENT WITH A DISABILITY**
23 **TO TRANSCRIBE OR ARRANGE FOR THE TRANSCRIPTION OF PRINTED**
24 **INSTRUCTIONAL MATERIAL INTO BRAILLE USING THE ELECTRONIC FORMAT OF**
25 **THE INSTRUCTIONAL MATERIAL.**

26 **(2) IF A BRAILLE COPY IS TRANSCRIBED UNDER PARAGRAPH (1)**
27 **OF THIS SUBSECTION, THE INSTITUTION SHALL HAVE THE RIGHT TO SHARE THE**
28 **BRAILLE COPY OF THE PRINTED INSTRUCTIONAL MATERIAL WITH OTHER**
29 **STUDENTS WITH DISABILITIES AT THE INSTITUTION.**

30 **(I) (1) A MEMBER OF THE FACULTY OF AN INSTITUTION OF HIGHER**
31 **EDUCATION[‡]**

1 ~~(I) MAY MAY REQUEST FROM THE LIBRARY INSTRUCTIONAL~~
2 ~~MATERIALS IN AN ELECTRONIC FORMAT; AND~~

3 ~~(II) IS NOT REQUIRED TO SIGN AN AGREEMENT SPECIFIED~~
4 ~~UNDER SUBSECTION (E) OF THIS SECTION.~~

5 (2) FOR A REQUEST ON BEHALF OF A FACULTY MEMBER, THE
6 LIBRARY IS NOT REQUIRED TO PROVIDE TO A PUBLISHER THE CERTIFICATIONS
7 SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION.

8 ~~11-904.~~ 11-905.

9 BEGINNING IN FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER,
10 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION
11 \$200,000 FOR THE LIBRARY TO CARRY OUT ITS OBLIGATIONS UNDER THIS
12 SUBTITLE.

13 ~~11-905.~~ 11-906.

14 (A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO REQUIRE
15 THE COMMITTEE OR, THE LIBRARY, OR A PUBLISHER OF INSTRUCTIONAL
16 MATERIALS TO CONVERT:

17 (1) CONVERT INSTRUCTIONAL MATERIALS INTO ACCESSIBLE
18 FORMATS FOR BLIND AND PRINT DISABLED STUDENTS; OR

19 (2) REQUIRE A PUBLISHER TO PROVIDE ANY FORMAT OTHER
20 THAN AN ELECTRONIC FORMAT PROVIDED UNDER ~~§ 11-903~~ § 11-904 OF THIS
21 SUBTITLE.

22 (B) A PUBLISHER OF INSTRUCTIONAL MATERIAL MAY NOT BE
23 REQUIRED TO:

24 (1) PERFORM ANY ACT THAT WOULD CONSTITUTE AN
25 INFRINGEMENT OF A COPYRIGHT UNDER THE COPYRIGHT REVISION ACT OF
26 1976;

27 (2) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL
28 MATERIAL IF THE PUBLISHER:

1 (I) PUBLISHES OR MANUFACTURES A VERSION OF THE
2 INSTRUCTIONAL MATERIAL THAT IS ACCESSIBLE TO STUDENTS WITH
3 DISABILITIES;

4 (II) CHOOSES TO PROVIDE AN ELECTRONIC FORMAT OF
5 INSTRUCTIONAL MATERIAL DIRECTLY TO A STUDENT IN A TIMELY MANNER; OR

6 (III) HAS NOT PREVIOUSLY PRODUCED A DIGITAL VERSION
7 OF THE FULLY EDITED AND TYPESET INSTRUCTIONAL MATERIAL, INCLUDING
8 INSTRUCTIONAL MATERIAL PRODUCED BY A METHOD THAT DOES NOT REQUIRE
9 THE CREATION OF A DIGITAL FILE; OR

10 (3) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL
11 MATERIAL THAT IS NO LONGER IN PRINT OR AVAILABLE AND OFFERED FOR
12 SALE BY THE PUBLISHER.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Library for
14 the Blind and Physically Handicapped shall consult and coordinate with the State
15 Department of Education to facilitate the utilization of equipment and staff being used
16 to provide instructional materials to students who are blind or print disabled in
17 primary and secondary education in order to minimize the costs associated with this
18 Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 ~~June~~ October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.