

Chapter 749

(House Bill 1076)

AN ACT concerning

Education – Blind and Visually Impaired Students – Textbook Equity

FOR the purpose of ~~requiring~~ establishing requirements for each county board of education, ~~on or before a certain date each year, to determine~~ regarding the provision of the instructional materials that will be used in the upcoming school year for certain students; requiring the county board to coordinate with the Instructional Resources Center within the State Department of Education to provide instructional materials in a specialized format to blind or visually impaired students not later than a certain day in the upcoming school year; ~~requiring the Department to cover the cost to produce certain instructional materials that are not available in a specialized format~~; requiring certain textbook publishers to provide an electronic file of certain textbooks to the National Instructional Materials Access Center at a certain time; requiring the Instructional Resources Center to submit a report on or before a certain date each year; requiring the Department to report certain findings to the Governor and General Assembly on or before a certain date each year; and generally relating to textbook equity for blind and visually impaired students.

BY repealing and reenacting, without amendments,

Article – Education

Section 8–408(a)(1), (3) through (7), (9), and (10)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 8–408(b) and (e)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY adding to

Article – Education

Section 8–408(e) and (f)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

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

Article – Education

8–408.

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

(3) “Braille” means the system of reading and writing through touch commonly known as Standard English Contracted Braille.

(4) “Child who is blind or visually impaired” means a child who:

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

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

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

(5) “Individualized education program” and “IEP team” have the same meaning as provided by the Individuals with Disabilities Education Act.

(6) “National Instructional Materials Access Center” means the center established under § 674(e) of the federal Individuals with Disabilities Education Improvement Act of 2004.

(7) “NIMAS” means the National Instructional Materials Accessibility Standard established by the federal Secretary for Education under 20 U.S.C. 1412 to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

(9) “Print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by the Department or county board for use by students in the classroom.

(10) “Specialized formats” means braille, large print, audio, or digital text that is used by blind or visually impaired individuals.

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

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

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

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

(3) (i) The Department shall collaborate with and provide support to the Instructional Resources Center to develop procedures to coordinate the statewide availability of textbooks and supplementary instructional materials that may be accessed using specialized formats that use NIMAS.

(ii) 1. The procedures developed under subparagraph (i) of this paragraph shall require the Department and a county board to include, in any procurement contract or other document or agreement used to purchase print instructional materials from a publisher, a provision that requires the publisher to:

A. On or before the delivery of the print instructional materials, prepare and provide the National Instructional Materials Access Center electronic files containing the contents of the print instructional materials using NIMAS; or

B. Purchase instructional materials from that publisher that are produced in, or may be rendered in, specialized formats.

2. A publisher may not be required to provide an electronic copy of any instructional material copyrighted before July 1, 2007.

(iii) The State Board shall coordinate with the National Instructional Materials Access Center to facilitate the timely transfer to the Instructional Resources Center of:

1. Electronic files or instructional materials sent by publishers for the Instructional Resources Center to convert the instructional materials into specialized formats; and

2. Electronic files or instructional materials purchased from a publisher in a specialized format.

(iv) Beginning on July 1, 2007, the Instructional Resources Center shall make reasonable efforts to provide the instructional materials in specialized formats

to students who are blind or visually impaired for use on the first day of classes each year or in a timely manner.

(v) 1. ~~ON OR BEFORE JANUARY~~ ON OR BEFORE MARCH 15, 2025, AND EACH JANUARY MARCH 15 THEREAFTER, EACH COUNTY BOARD SHALL DETERMINE THE INSTRUCTIONAL MATERIALS THAT WILL BE USED IN THE UPCOMING SCHOOL YEAR BY STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS UNDER PARAGRAPH (1) OF THIS SUBSECTION AND PLANS UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973.

2. THE COUNTY BOARD SHALL COORDINATE WITH THE INSTRUCTIONAL RESOURCES CENTER TO PROVIDE THE INSTRUCTIONAL MATERIALS IN A SPECIALIZED FORMAT TO THE STUDENTS WHO ARE BLIND OR VISUALLY IMPAIRED NOT LATER THAN THE FIRST DAY OF CLASSES OF THE UPCOMING SCHOOL YEAR.

3. ~~IF THE INSTRUCTIONAL MATERIALS ARE NOT AVAILABLE IN A SPECIALIZED FORMAT AT THE INSTRUCTIONAL RESOURCES CENTER AND CANNOT BE OTHERWISE OBTAINED, THE DEPARTMENT SHALL COVER THE COST TO PRODUCE THE INSTRUCTIONAL MATERIALS IN BRAILLE OR LARGE PRINT~~ IF THE COUNTY BOARD IS UNABLE TO FULFILL THE REQUIREMENTS UNDER SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH, THE COUNTY BOARD AND THE FAMILY OF THE STUDENT MUST DEVELOP AND AGREE ON A PLAN TO REMEDY THE DELIVERY OF THE INSTRUCTIONAL MATERIALS NOT LATER THAN 45 DAYS BEFORE THE FIRST DAY OF CLASSES OF THE UPCOMING SCHOOL YEAR.

(4) (I) Beginning in fiscal year 2008 and annually thereafter, the Governor shall include \$150,000 in the annual budget submission for the Instructional Resources Center established by the Department.

(II) THE DEPARTMENT SHALL PROVIDE SUPPORT TO THE INSTRUCTIONAL RESOURCES CENTER TO ENSURE THAT TEXTBOOKS AND SUPPLEMENTAL INSTRUCTIONAL MATERIALS IN A SPECIALIZED FORMAT ARE AVAILABLE TO BLIND AND VISUALLY IMPAIRED STUDENTS STATEWIDE.

(5) On or before September 1, 2012, the State Board shall establish standards for the mastery of braille for use in English, language arts, and mathematics instruction of blind and visually impaired students in pre-kindergarten through grade 12.

(6) (I) ~~BEGINNING ON JANUARY 1, 2025, A PUBLISHER THAT SELLS PUPIL EDITION TEXTBOOKS IN THE STATE SHALL PROVIDE TO THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER AN ELECTRONIC FILE OF THE TEXTBOOK IN THE NIMAS STANDARD IN A TIMELY MANNER~~ COUNTY BOARD SHALL REQUIRE IN ANY CONTRACT WITH A PUBLISHER OF PUPIL EDITION TEXTBOOKS,

THAT THE PUBLISHER PROVIDE AN ELECTRONIC FILE OF THE TEXTBOOK IN THE NIMAS STANDARD TO THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER AT THE SAME TIME THAT THE PUBLISHER PROVIDES THE TEXTBOOKS.

(II) THE DEPARTMENT, COUNTY BOARDS, AND THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER AND COUNTY BOARDS SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING TO ACCOMPLISH THE PURPOSES OF THIS PARAGRAPH.

(E) (1) ON OR BEFORE OCTOBER 1, 2026, AND EACH OCTOBER 1 THEREAFTER, THE INSTRUCTIONAL RESOURCES CENTER SHALL SUBMIT TO THE DEPARTMENT A REPORT ON THE ACCESSIBILITY AND DELIVERY OF TEXTBOOKS AND SUPPLEMENTAL INSTRUCTIONAL MATERIALS DURING THE PREVIOUS SCHOOL YEAR, INCLUDING:

(I) THE NUMBER OF ELECTRONIC FILES PUBLISHERS PROVIDED TO NIMAS; ~~AND~~

(II) THE NUMBER OF STUDENTS REQUESTING INSTRUCTIONAL MATERIALS;

(III) THE GRADE LEVEL OF STUDENTS REQUESTING INSTRUCTIONAL MATERIALS;

(IV) THE NUMBER OF REQUESTS FOR INSTRUCTIONAL MATERIALS IN A SPECIALIZED FORMAT THAT COULD BE FULFILLED; AND

(V) THE NUMBER OF REQUESTS FOR INSTRUCTIONAL MATERIALS IN A SPECIALIZED FORMAT THAT COULD NOT BE FULFILLED AND AN EXPLANATION REGARDING WHY THE REQUEST COULD NOT BE FULFILLED.

(2) THE DEPARTMENT SHALL POST ON ITS WEBSITE THE INFORMATION RECEIVED FROM THE INSTRUCTIONAL RESOURCES CENTER IN ACCORDANCE WITH THIS SUBSECTION.

(F) ON OR BEFORE DECEMBER 31, 2026, AND EACH DECEMBER 31 THEREAFTER, THE DEPARTMENT SHALL REPORT ITS FINDINGS ON THE EQUITY OF TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR BLIND AND VISUALLY IMPAIRED STUDENTS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

[(e)] (G) The State Board shall adopt regulations:

(1) Consistent with § 7-910 of this article; and

(2) To implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.