

SENATE BILL 1091

F5, O3

(4lr3096)

ENROLLED BILL

— *Education, Energy, and the Environment/Ways and Means* —

Introduced by **Senators Watson, West, King, Hettleman, Ready, Kelly, Zucker, and Carozza**

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 **Education – Blind and Visually Impaired Students – Textbook Equity**

3 FOR the purpose of ~~requiring~~ establishing requirements for each county board of education,
4 ~~on or before a certain date each year, to determine~~ regarding the provision of the
5 instructional materials that will be used in the upcoming school year for certain
6 students; requiring the county board to coordinate with the Instructional Resources
7 Center within the State Department of Education to provide instructional materials
8 in a specialized format to blind or visually impaired students not later than a certain
9 day in the upcoming school year; requiring the county board to coordinate with the
10 Instructional Resources Center within the State Department of Education to provide
11 instructional materials in a specialized format to blind or visually impaired students
12 not later than a certain day in the upcoming school year; requiring the Department
13 to cover the cost to produce certain instructional materials that are not available in
14 a specialized format; requiring certain textbook publishers to provide an electronic

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 file of certain textbooks to the National Instructional Materials Access Center *at a*
 2 *certain time*; requiring the Instructional Resources Center to submit a report on or
 3 before a certain date each year; requiring the Department to report certain findings
 4 to the Governor and General Assembly on or before a certain date each year; and
 5 generally relating to textbook equity for blind and visually impaired students.

6 BY repealing and reenacting, without amendments,
 7 Article – Education
 8 Section 8–408(a)(1), (3) through (7), (9), and (10)
 9 Annotated Code of Maryland
 10 (2022 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Education
 13 Section 8–408(b) and (e)
 14 Annotated Code of Maryland
 15 (2022 Replacement Volume and 2023 Supplement)

16 BY adding to
 17 Article – Education
 18 Section 8–408(e) and (f)
 19 Annotated Code of Maryland
 20 (2022 Replacement Volume and 2023 Supplement)

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

23 **Article – Education**

24 8–408.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (ii) 1. The procedures developed under subparagraph (i) of this
35 paragraph shall require the Department and a county board to include, in any procurement

1 contract or other document or agreement used to purchase print instructional materials
2 from a publisher, a provision that requires the publisher to:

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

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

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

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

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

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

19 (iv) Beginning on July 1, 2007, the Instructional Resources Center
20 shall make reasonable efforts to provide the instructional materials in specialized formats
21 to students who are blind or visually impaired for use on the first day of classes each year
22 or in a timely manner.

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

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

34 3. **IF THE COUNTY BOARD IS UNABLE TO FULFILL THE**
35 **REQUIREMENTS UNDER SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH,**
36 **THE COUNTY BOARD AND THE FAMILY OF THE STUDENT MUST DEVELOP AND AGREE**

1 ON A PLAN TO REMEDY THE DELIVERY OF THE INSTRUCTIONAL MATERIALS NOT
 2 LATER THAN 45 DAYS BEFORE THE FIRST DAY OF CLASSES OF THE UPCOMING
 3 SCHOOL YEAR.

4 ~~3. 4. IF THE INSTRUCTIONAL MATERIALS ARE NOT~~
 5 ~~AVAILABLE IN A SPECIALIZED FORMAT AT THE INSTRUCTIONAL RESOURCES~~
 6 ~~CENTER AND CANNOT BE OTHERWISE OBTAINED, THE DEPARTMENT SHALL COVER~~
 7 ~~THE COST TO PRODUCE THE INSTRUCTIONAL MATERIALS IN BRAILLE OR LARGE~~
 8 ~~PRINT.~~

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

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

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

19 (6) (I) BEGINNING ON JANUARY 1, 2025, A PUBLISHER THAT
 20 SELLS PUPIL EDITION TEXTBOOKS IN THE STATE SHALL PROVIDE TO THE NATIONAL
 21 INSTRUCTIONAL MATERIALS ACCESS CENTER AN ELECTRONIC FILE OF THE
 22 TEXTBOOK IN THE NIMAS STANDARD IN A TIMELY MANNER COUNTY BOARD SHALL
 23 REQUIRE IN ANY CONTRACT WITH A PUBLISHER OF PUPIL EDITION TEXTBOOKS,
 24 THAT THE PUBLISHER PROVIDE AN ELECTRONIC FILE OF THE TEXTBOOK IN THE
 25 NIMAS STANDARD TO THE NATIONAL INSTRUCTIONAL MATERIALS ACCESS
 26 CENTER AT THE SAME TIME THAT THE PUBLISHER PROVIDES THE TEXTBOOKS.

27 (II) THE DEPARTMENT AND COUNTY BOARDS SHALL ENTER
 28 INTO A MEMORANDUM OF UNDERSTANDING TO ACCOMPLISH THE PURPOSES OF THIS
 29 PARAGRAPH.

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

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

1 (II) THE NUMBER OF STUDENTS REQUESTING INSTRUCTIONAL
2 MATERIALS;

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

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

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

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

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

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

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

20 (2) To implement the provisions of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.