

# SENATE BILL 230

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CF HB 413

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By: **Senators Conway, Brochin, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, McFadden, Munson, Pugh, Raskin, Rosapepe, Stoltzfus, and Stone Stone, Colburn, Harrington, Peters, and Pinsky**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Instruction of Blind and Visually Impaired Students – Use of**  
3 **Braille**

4 FOR the purpose of requiring the State Board of Education to establish standards for  
5 ~~the use of braille for~~ mastery of braille for use in instruction in certain subjects  
6 for blind and visually impaired students on or before a certain date; requiring  
7 the State Board and the Professional Standards and Teacher Education Board  
8 to review and, as appropriate, modify certain certification and recertification  
9 requirements for certain teachers; and generally relating to the use of braille for  
10 instruction of blind and visually impaired students.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 8–408  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2009 Supplement)

16 Preamble

17 WHEREAS, The ability to read, write, and compute is a basic requirement for  
18 full participation in the social and economic life of the State; and

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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.



1 WHEREAS, It is the policy of this State that blind and visually impaired  
2 students have the same access to achieving ~~English, language arts, and mathematics~~  
3 ~~skills~~ literacy as their sighted peers; and

4 WHEREAS, If most blind and visually impaired students are to acquire literacy,  
5 which includes the requisite English, language arts, and mathematics skills, they  
6 must be provided with instruction in these subjects in braille; now, therefore,

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

9 **Article – Education**

10 8–408.

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

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

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

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

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

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

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

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

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

32 (7) “Print instructional materials” means printed textbooks and  
33 related printed core materials that are written and published primarily for use in

1 elementary school and secondary school instruction and are required by the  
2 Department or county board for use by students in the classroom.

3 (8) "Specialized formats" means braille, large print, audio, or digital  
4 text that is used by blind or visually impaired individuals.

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

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

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

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

20 (d) (1) The Department shall collaborate with and provide support to the  
21 Instructional Resources Center to develop procedures to coordinate the statewide  
22 availability of textbooks and supplementary instructional materials that may be  
23 accessed using specialized formats that use NIMAS.

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

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

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

34 (ii) A publisher may not be required to provide an electronic  
35 copy of any instructional material copyrighted before July 1, 2007.

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

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

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

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

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

16           (f)    The State Board shall adopt regulations consistent with § 7–910 of this  
17 article to implement the provisions of this section.

18           **(G)    ON OR BEFORE SEPTEMBER 1, 2012, THE STATE BOARD SHALL**  
19 **ESTABLISH STANDARDS FOR ~~THE USE OF BRAILLE FOR~~ THE MASTERY OF**  
20 **BRAILLE FOR USE IN ENGLISH, LANGUAGE ARTS, AND MATHEMATICS**  
21 **INSTRUCTION OF BLIND AND VISUALLY IMPAIRED STUDENTS IN**  
22 **PRE-KINDERGARTEN THROUGH GRADE 12.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September  
24 1, 2013, to ensure the full implementation of the use of braille for English, language  
25 arts, and mathematics instruction of blind and visually impaired students in  
26 pre-kindergarten through grade 12, the State Board of Education and the Professional  
27 Standards and Teacher Education Board shall review and, as appropriate, modify  
28 certification and recertification requirements for teachers of blind and visually  
29 impaired students.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2010.