

SENATE BILL 538

F1, F5

5lr1287
CF 5lr1250

By: **Senators Conway and Middleton**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Blind or Visually Impaired Children – Individualized Education Programs –**
3 **Orientation and Mobility Instruction**

4 FOR the purpose of requiring certain individualized education programs for certain blind
5 or visually impaired children to include certain orientation and mobility instruction
6 under certain circumstances; requiring certain orientation and mobility evaluations
7 to be provided under certain circumstances; requiring a certain orientation and
8 mobility evaluation to contain certain content; requiring certain local school systems
9 to provide certain parents and guardians with a certain verbal and written notice at
10 a certain time; requiring certain orientation and mobility instruction to be provided
11 by a certain qualified individual; requiring the State Department of Education to
12 adopt certain regulations and provide certain guidelines on or before certain dates;
13 defining certain terms; making certain stylistic changes; and generally relating to
14 orientation and mobility instruction in individualized education programs for blind
15 or visually impaired children.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 8–408
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2014 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

20 **(7) “ORIENTATION AND MOBILITY” MEANS INSTRUCTION PROVIDED**
21 **TO A CHILD WHO IS BLIND OR VISUALLY IMPAIRED TO ENABLE THE CHILD TO ATTAIN**
22 **SYSTEMATIC ORIENTATION TO AND SAFE MOVEMENT WITHIN THE CHILD’S SCHOOL,**
23 **HOME, AND COMMUNITY ENVIRONMENTS.**

24 ~~[(7)]~~ (8) “Print instructional materials” means printed textbooks and
25 related printed core materials that are written and published primarily for use in
26 elementary school and secondary school instruction and are required by the Department or
27 county board for use by students in the classroom.

28 ~~[(8)]~~ (9) “Specialized formats” means braille, large print, audio, or digital
29 text that is used by blind or visually impaired individuals.

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

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

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

6 [(c)] (2) For the purpose of achieving successful implementation of this [section]
7 **SUBSECTION**, the State Board and the Professional Standards and Teacher Education
8 Board shall adopt certification standards for teachers of blind and visually impaired
9 students.

10 [(d) (1)] (3) (I) The Department shall collaborate with and provide
11 support to the Instructional Resources Center to develop procedures to coordinate the
12 statewide availability of textbooks and supplementary instructional materials that may be
13 accessed using specialized formats that use NIMAS.

14 [(2) (i)] (II) 1. The procedures developed under [paragraph (1) of
15 this subsection] **SUBPARAGRAPH (I) OF THIS PARAGRAPH** shall require the Department
16 and a county board to include, in any procurement contract or other document or agreement
17 used to purchase print instructional materials from a publisher, a provision that requires
18 the publisher to:

19 [1.] A. On or before the delivery of the print instructional
20 materials, prepare and provide the National Instructional Materials Access Center
21 electronic files containing the contents of the print instructional materials using NIMAS;
22 or

23 [2.] B. Purchase instructional materials from that
24 publisher that are produced in, or may be rendered in, specialized formats.

25 [(ii)] 2. A publisher may not be required to provide an electronic
26 copy of any instructional material copyrighted before July 1, 2007.

27 [(3)] (III) The State Board shall coordinate with the National Instructional
28 Materials Access Center to facilitate the timely transfer to the Instructional Resources
29 Center of:

30 [(i)] 1. Electronic files or instructional materials sent by
31 publishers for the Instructional Resources Center to convert the instructional materials
32 into specialized formats; and

33 [(ii)] 2. Electronic files or instructional materials purchased from
34 a publisher in a specialized format.

1 4. **ABILITY TO FUNCTION UNDER VARIOUS LIGHTING**
2 **CONDITIONS.**

3 (3) **EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE VERBAL AND**
4 **WRITTEN NOTICE TO THE PARENT OR GUARDIAN OF A CHILD WHO IS BLIND OR**
5 **VISUALLY IMPAIRED OF THE AVAILABILITY OF ORIENTATION AND MOBILITY**
6 **INSTRUCTION AT LEAST ONE TIME EACH YEAR.**

7 (4) **(I) ORIENTATION AND MOBILITY INSTRUCTION PROVIDED IN**
8 **ACCORDANCE WITH THIS SUBSECTION SHALL BE PROVIDED BY A QUALIFIED**
9 **INDIVIDUAL.**

10 **(II) ON OR BEFORE AUGUST 1, 2016, THE DEPARTMENT SHALL**
11 **ADOPT REGULATIONS THAT DEFINE HOW AN INDIVIDUAL IS DEEMED QUALIFIED**
12 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

13 **(D) ON OR BEFORE SEPTEMBER 1, 2016, THE DEPARTMENT SHALL**
14 **PROVIDE GUIDELINES TO EACH LOCAL SCHOOL SYSTEM ON CONDUCTING**
15 **ORIENTATION AND MOBILITY EVALUATIONS IN ACCORDANCE WITH SUBSECTION**
16 **(C)(2) OF THIS SECTION.**

17 **(E) THE STATE BOARD SHALL ADOPT REGULATIONS:**

18 **(1) CONSISTENT WITH § 7-910 OF THIS ARTICLE; AND**

19 **(2) TO IMPLEMENT THE PROVISIONS OF THIS SECTION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2015.