
Higher Education Committee

HB 2638

Brief Description: Regarding instructional materials provided in a specialized format.

Sponsors: Representatives McCoy, Quall, Eddy, Lias, Moeller, Dickerson, Wallace and Sells.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits an institution that provides a specialized format version of instructional material to a student with a print access disability from requiring the return of the material.
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Hearing Date: 1/20/10

Staff: Cece Clynch (786-7195).

Background:

Federal and state laws require public and private institutions of higher education to provide appropriate core services necessary to ensure equal access for students with disabilities. A student is entitled to receive core services if the service is reasonably necessary to accommodate a student's disability. Colleges and universities provide reasonable accommodations for students with print-access disabilities through a variety of means, including transcription, translation, and captioning. Textbooks and other materials may be provided in specialized formats, including digital text, audio, or Braille.

A publisher of instructional materials for students attending a public or private institution of higher education in the state must, unless technically unable, provide the institution any instructional material in an electronic format mutually agreed upon by the publisher and the institution. This includes computer files or electronic versions of printed instructional materials, video materials captioned or accompanied by transcriptions of spoken text, and audio materials accompanied by transcriptions. These must be provided in a timely manner and at no additional cost to the institution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A request from an institution to a publisher for materials in a specialized format must be in writing and include the institution's certification that:

- the student has a print-access disability preventing the student from utilizing the standard format material;
- the material is for the student's use in connection with a course in which the student is enrolled; and,
- the student or the institution has purchased the material in its standard format prior to requesting the specialized format.

A publisher may require that requests for specialized format materials also include a statement signed by the student promising that the material will be used solely for the student's own purposes and that the student will not copy or duplicate the material for use by others. An institution that allows students to use specialized format instructional material must take precautions to ensure students do not copy or distribute the material in violation of federal copyright laws.

Institutions may also arrange for the transcription or translation of standard format materials and may share the specialized formats created with other students who have print-access disabilities, including students at other institutions.

Each institution must establish guidelines for implementation and administration of requests for, and use of, instructional materials in specialized formats.

Summary of Bill:

The Legislature finds that the knowledge, skill, and ability to succeed both academically and later in a chosen profession are accumulated through many sources, including instructional materials. An institution that provides a specialized format version of instructional material may not require that the student return the specialized format version.

Appropriation: None.

Fiscal Note: Requested on January 13, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.