

# HOUSE BILL REPORT

## HB 2911

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**As Reported by House Committee On:**  
Higher Education

**Title:** An act relating to instructional materials for students with disabilities.

**Brief Description:** Regarding instructional materials for students with disabilities at public and private institutions of higher education.

**Sponsors:** Representatives Kenney, Morrell, Fromhold, Cox and Darneille; by request of State Board for Community and Technical Colleges.

**Brief History:**

**Committee Activity:**

Higher Education: 2/4/04 [DPS].

**Brief Summary of Substitute Bill**

- Requires publishers to provide college instructional materials in an electronic format at the request of an institution for the purpose of accommodating students with disabilities.
- Directs institutions of higher education to adopt guidelines for requesting and utilizing alternative-format instructional materials.
- Provides for a waiver from the requirement for a publisher unable to comply.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kenney, Chair; Fromhold, Vice Chair; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Chase, Jarrett, McCoy, Morrell and Ormsby.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Boldt and Condotta.

**Staff:** Sydney Forrester (786-7120).

**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 alternative formats, including large print, Braille, electronic format, and audio tape.

Some states have adopted similar laws addressing instructional materials needs at the elementary and secondary level. In addition, California and Georgia both have enacted laws addressing the accessibility of instructional materials in an alternative format at the college level. Laws of these type usually include a requirement that a publisher provide material in an alternative format if available.

At the federal level, two proposals are pending that address the need for accessibility of instructional materials in alternative formats. In addition, the National Center on Accessing the General Curriculum and the U. S. Department of Education Office of Special Education Programs released a report in October 2003, declaring a national electronic file format to be of significant importance to students, educators, publishers, and technology specialists in meeting the needs of students with disabilities.

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### **Summary of Substitute Bill:**

Publishers of college level instructional materials must provide textbooks and other materials in an alternative format to private and public higher education institutions for the purpose of providing reasonable accommodations to students with print access disabilities. Instructional materials that are required or essential to a student's success in a course of study, as determined by the course instructor and the university, must be provided at no additional cost to the institution.

Requests for materials in a specialized format must include the institution's certification that the student has a print access disability preventing the student from utilizing the standard format material and that the material is for the student's use in connection with a course in which the student is enrolled. The institution also must certify that 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 educational 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 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. A publisher's failure to comply with a request is subject to investigation by the Human Rights Commission.

### **Substitute Bill Compared to Original Bill:**

A failure to comply is subject to investigation by the Human Rights Commission, rather than a misdemeanor under the "White Cane Law." The guidelines an institution is required to adopt must include a process for granting a waiver to a publisher who is unable to comply with a request for specialized format instructional materials.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** One of the biggest legally-required accommodation challenges faced by higher education institutions is providing instructional materials in alternative formats for students with print access disabilities. At the same time, institutions place great value in the contributions these students make to the campuses. The tools for translation of instructional materials are costly and time consuming. Textbooks are content-heavy and reading them into audio formats takes numerous hours, sometimes weeks. Copying and scanning to produce large type also requires a great deal of staff time.

Students who are waiting for these materials suffer, too, and this places them at a disadvantage. Specialized formats make it possible for students to pursue educational goals and to become productive members of society.

It makes little sense not to take advantage of alternate formats already available as a part of the publisher's manufacturing process. Although some publishers voluntarily provide the materials, the response from publishers is varied. California and Texas have implemented similar laws and have not seen the cost of textbooks increase as a result. The law would not create additional duties for institutions. Rather, it would allow institutions to meet their legal obligations to disabled students by providing more efficient access and accommodations.

**Testimony Against:** None.

**Persons Testifying:** (In support) Nani Jackins Park, State Board for Community and Technical Colleges; Barbara Oswald, Centralia College; Gail Stygall, Council of Faculty Representatives; and Sherman Troy Peterson.

**Persons Signed In To Testify But Not Testifying:** None.