

HOUSE BILL REPORT

SSB 6501

As Passed House:

March 4, 2004

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: By Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Pflug, Jacobsen, Schmidt, Rasmussen, Shin, Winsley and McAuliffe; by request of State Board for Community and Technical Colleges).

Brief History:

Committee Activity:

Higher Education: 2/25/04, 2/27/04 [DP].

Floor Activity:

Passed House: 3/4/04, 96-0.

Brief Summary of Substitute Bill

- Requires publishers to provide college instructional materials in an alternative format at the request of an institution of higher education 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 a waiver from the requirement for a publisher unable to comply.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 8 members: Representatives Kenney, Chair; Fromhold, Vice Chair; Cox, 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 laws addressing the need for alternative format instructional material 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 this 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.

Summary of 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. Guidelines must include a waiver for a publisher that is technically unable to comply with an institutions's request. Unless a waiver applies, a publisher's failure to comply with a request is subject to investigation by the Human Rights Commission.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill provides a tool to improve the effectiveness of the services required by law to be provided to students with print-access disabilities at colleges and universities. Converting textbooks to an accessible format is a big challenge and is often time consuming. Clark College recently spent over \$15,000 to convert one textbook to Braille. The goal of this bill is not to limit access to publishers. It is intended to help colleges better serve the students that seek our assistance.

Testimony Against: While access to textbooks by blind students is of primary importance, this bill would prevent students from working directly with publishers because the publisher can tell the student to go through the disabled student services office at the college instead of responding directly to a student's request. The bill should be amended to: 1) let students decide which materials should be required to be provided by publishers; 2) expressly allow students to deal directly with publishers; and 3) allow college professors to also obtain textbooks in the same manner.

Persons Testifying: (In support) Nani Jackins Parks, State Board for Community and Technical Colleges.

(Opposed) Michael Freeman, National Federation of the Blind of Washington.

Persons Signed In To Testify But Not Testifying: None.