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State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 22, 2019

SUBJECT: COMAR 13A.06.05
School Supplies and Equipment
PERMISSION TO PUBLISH – REPEAL

COMAR 13A.06.05
Purchase and Use of Accessible Teaching and Learning Materials
PERMISSION TO PUBLISH – REPLACE

PURPOSE:

Request permission to publish the repeal of COMAR 13A.06.05 *School Supplies and Equipment*, last amendment dated July 28, 2008, and replace with COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*.

CHAPTER PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board of Education, may propose a new or amended chapter whenever the circumstances arise to do so. After the State Board votes to propose such a chapter, the proposed chapter is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not delay the proposed chapter for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff review and summarize the public comments. Thereafter, the MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the chapter in the form it was proposed; or (2) revise the chapter and adopt it as final because the suggested revision is not a substantive change; or (3) revise the chapter and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may terminate the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the chapter not be adopted as a final chapter or the AELR Committee may release the chapter for final adoption.

BACKGROUND:

The current chapter COMAR 13A.06.05 – *School Supplies and Equipment*, focuses on the management and accessibility of print textbooks. Over the past 10 years, a transformation in teaching

and learning has occurred that includes digital formats of textbooks, resources, and equipment. A repeal and replacement of the current chapter is required in order to address this transformation.

EXECUTIVE SUMMARY:

The existing chapter does not effectively support today's instructional practices. The repeal and replacement of the existing chapter will direct school systems to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental curricular resources, in print and in digital formats, that support teaching and learning in and out of the classroom.

ACTION:

Request permission to publish the repeal of COMAR 13A.06.05 *School Supplies and Equipment* and replace with COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*.

Title 13A STATE BOARD OF EDUCATION

Subtitle 06 SUPPORTING PROGRAMS

Chapter 05 Purchase and Use of Accessible Teaching and Learning Materials

01. Purpose.

The purpose of this chapter is to direct school systems to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental curricular resources, in print and digital formats, that support teaching and learning in and out of the classroom.

02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accessible Educational Materials (AEM)” means print- and technology-based educational materials, including printed and electronic textbooks and related core materials that are designed or converted in a way that makes them usable across the widest range of individual variability regardless of format (print, digital, audio, video, etc.).

(2) “Accessible technology” means any device, hardware, software or handheld equipment that provides access to activities for everyone, including those with disabilities, and is designed to provide all individuals the opportunity to acquire the same information, engage in the same interactions and enjoy the same services with equivalent ease of use.

(3) “Digital device” means an electronic device that uses discrete, numerable data and processes for all its operations.

(4) “Digital learning” means any instructional practice that uses technology to support the student and/or educator learning experience.

(5) “Digital learning resources” means digital materials and technologies that support teaching and learning.

(6) “eTextbook or e-book” means a book made available in a digital format for display on a digital device.

(7) The “National Instructional Materials Access Center (NIMAC)” means a service that provides a national repository of source files for accessible media production of textbooks and related print core materials for use by eligible PreK-12 students.

(8) “Open Educational Resources (OERs)” means free and openly licensed digital educational materials that can be used for teaching, learning, research, and other purposes. They are used and modified based on open licensing and may include full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.

(9) “Public agency” means an institution that provides educational services to students with disabilities from 3 to 21 years and in accordance with the student IEP. This includes the Maryland State Department of Education, local school systems, the SEED School, the Department of Health and Mental Hygiene, the Department of Juvenile Services, the Maryland School for the Blind, the Maryland School for the Deaf, and the Department of Labor, Licensing, and Regulation.

(10) “Textbook” means a book available in print or digital formats or a compilation of digital instructional resources that support content standards and curriculum.

(11) “Web Content Accessibility Guidelines (WCAG) 2.0 Level AA” means a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally. *The Web Content Accessibility Guidelines (WCAG) 2.0 Level AA (December 2008) is incorporated by reference.*

03. Requirements.

A. Each local board of education shall prepare policies and procedures related to:

- 1) the selection, acquisition, equitable distribution and sustainability of available, quality-assured digital formats of textbooks (i.e., eTextbooks, e-books, or a compilation of OERs), digital devices and digital learning resources for all students;
- 2) the selection and availability of equitable Accessible Educational Materials (AEM) to meet the needs of all students;
- 3) the privacy and acceptable use of digital devices and resources.

B. Each local board of education shall notify all students’ parents and guardians of these policies and procedures.

04. Accessibility of Print Materials.

(A) When acquiring print materials, each local board of education and public agency should coordinate with the National Instructional Materials Access Center (NIMAC) when acquiring print or textbook-related supplemental resources for students who meet the NIMAC eligibility criteria.

(B) Each local board of education and public agency shall provide equitable access to print instructional materials in a timely manner to students with disabilities who do not meet the NIMAC eligibility criteria.

(C) If a local board of education or public agency chooses not to coordinate with the NIMAC, the local board of education or public agency shall provide an assurance to the Department that purchases meet standards set in §300.172.

05. Accessibility of Digital Learning Resources:

(A) Each local board of education and public agency shall comply with WCAG 2.0 Level AA when purchasing or selecting digital learning resources to provide equitable learning opportunities for all students.

Title 13A
STATE BOARD OF EDUCATION
Subtitle 06 SUPPORTING PROGRAMS
Chapter 05 [School Supplies and Equipment]

Authority: Education Article, §§2-205 and 8-408, Annotated Code of Maryland; 34CFR §§300.210 and 300.172(e)(1)(i)

[.01 Textbooks.

A. In this regulation, "textbook" means a text or printed supporting material for a subject matter.

B. Each local board of education shall prepare procedures for the distribution and care of books furnished to students, and shall notify all students, parents, and guardians of these procedures.

C. Each local board of education and public agency may coordinate with the National Instructional Materials Access Center

(NIMAC) when purchasing print instructional materials in the same manner and subject to the same conditions as the Department

as described in COMAR 13A.05.02.04E and .13M and in accordance with 34 CFR §300.210 and Education Article, §8-408(d),

Annotated Code of Maryland.

D. Accessible Formats.

(1) If a local board of education or public agency chooses not to coordinate with NIMAC, the local board of education or

public agency shall provide an assurance to the Department that blind persons or other persons with print disabilities are provided instructional materials in a timely manner.

(2) It is the responsibility of each local board of education and public agency to ensure that students with disabilities who

need instructional materials that cannot be produced from NIMAC files or in accessible formats but are not included under the

definition of blind persons or other persons with print disabilities in accordance with 34 CFR §300.172(e)(1)(i) receive those

instructional materials in a timely manner.

E. Any dispute as to the implementation of this regulation shall be submitted to the Department's Division of Instruction and

Division of Special Education/Early Intervention Services, for joint resolution.]

Administrative History

Effective date: April 3, 1964

Regulation .01 amended effective January 15, 1989 (15:27 Md. R. 3135)

Regulation .01 repealed and new Regulation .01 adopted effective April 29, 2002 (29:8 Md. R. 701)

Regulation .01C, D amended effective July 28, 2008 (35:15 Md. R. 1350)