



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: September 24, 2019

SUBJECT: COMAR 13A.06.05
School Supplies and Equipment
REPEAL

COMAR 13A.06.05
Purchase and Use of Accessible Teaching and Learning Materials
ADOPTION

PURPOSE:

The purpose of this action is to request the repeal of COMAR 13A.06.05 *School Supplies and Equipment* and the adoption of COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*.

REGULATION 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 and to ensure the accessibility of materials.

At the May 21, 2019, State Board meeting, the State Board granted permission to publish a request to repeal COMAR 13A.06.05 – *School Supplies and Equipment* and to replace with COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*. COMAR 13A.06.05 – *School Supplies and Equipment* and COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials* were published in the Maryland Registry from August 2, 2019 to September 3, 2019. Comments were received from the National Federation of the Blind and Montgomery County Public Schools. The information below includes the comments and MSDE’s responses:

- The National Federation of the Blind submitted a letter stating that they were disappointed that the word “shall” had been changed to “may” in Section .05 (A). MSDE staff discussed the proposed change with Ms. Sharon Maneki, Director of Legislation and Advocacy for the National Federation of the Blind, and clarified the rationale for the change to “may”.

Section .05 Accessibility of Print Materials

Maintain the original term “may” in lieu of “shall” in Section .05 (A). During a review of the regulation, it was noted that the language in (A) conflicted with the intent of (C).

(A) *When acquiring print materials, each local board of education and public agency may 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.*

(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 forth in 34 CFR §300.172.*

- Dr. Maria Navarro, Chief Academic Officer, Montgomery County Public Schools (MCPS), submitted a letter on behalf of the MCPS and the MCPS Office of Special Education. MCPS agrees with the proposed regulation. The recommendation they provided was to state “*current Web Content Accessibility Guidelines*” as opposed to “*Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018)*.” This change would ensure that current guidelines are always in effect, negating the need to amend the regulation when guidelines are updated. The MSDE recommends maintaining the specific reference.

Based on the comments received, MSDE does not recommend any changes to the proposed regulation.

EXECUTIVE SUMMARY:

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. The new COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials* reflects this transformation.

ACTION:

Request the repeal of COMAR 13A.06.05 *School Supplies and Equipment* and the adoption of COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials* that includes the new language.

Attachments:

- I. COMAR 13A.06.05 *School Supplies and Equipment*
- II. COMAR 13A.06.05 *Purchase and Use of Accessible Teaching and Learning Materials*
- III. Comments from the National Federation of the Blind
- IV. Comments from Montgomery County Public Schools

(4) The total magnitude reflects the difference between paid amounts at 94 percent of charges and projected paid amounts at 93.5 percent of charges for acute inpatient and outpatient hospital services, based on CY 2018 data.

(5) This amount is subject to a 60 percent federal match.

D. See A. above.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.07 Payment Procedures.

A. Reimbursement Principles for Acute Hospitals Located in Maryland.

(1) (text unchanged)

(2) [Acute] *Except for administrative days, acute hospitals [located in Maryland that participate in the Program,] shall [charge] be reimbursed at the [rates approved] rate set for the Program by the HSCRC [and be reimbursed 94 percent] pursuant to COMAR 10.37.10[, except for administrative days] or allowed under COMAR 10.37.03.*

(3)—(12) (text unchanged)

B.—D. (text unchanged)

ROBERT R. NEALL
Secretary of Health

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.12 Anesthesia and Sedation

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

Notice of Proposed Action

[19-153-P]

The Secretary of Health proposes to amend Regulations .11 and .21 under COMAR 10.44.12 **Anesthesia and Sedation**. This action was considered by the Board of Dental Examiners at a public meeting held on November 7, 2018, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require a dentist who applies for an anesthesia or sedation permit to have either a defibrillator or an automated external defibrillator in their dental office as part of their on-site permit inspection, regardless of whether the dentist treats adult patients only. Additionally, the proposed amendments require the examination of either a defibrillator or an automated external defibrillator as part of the on-site inspection of a dental office when a dentist wishes to renew a Class III anesthesia permit, regardless of whether the dentist treats adult patients only.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.11 Facility Evaluation Criteria.

A. Except as otherwise provided in this regulation, to qualify for a permit, the facility and the applicant shall pass an evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(14) (text unchanged)

(15) Defibrillator or automated external defibrillator (AED)

[for adult patients];

(16)—(17) (text unchanged)

B.—C. (text unchanged)

.21 Renewal of Class III Permits.

A.—F. (text unchanged)

G. In addition to the requirements of §D of this regulation, a dentist who wishes to renew a Class III permit shall pass a facility evaluation of facility equipment, medications, and clinical records to include at least the following:

(1)—(15) (text unchanged)

(16) Defibrillator [and] *or* automated external defibrillator (AED) [for adult patients];

(17)—(18) (text unchanged)

H.—K. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 06 SUPPORTING PROGRAMS

13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials

Authority: Education Article, §§2-205, 7-910, and 8-408, Annotated Code of Maryland; 34 CFR §§300.210 and 300.172(e)(1)(i)

Notice of Proposed Action

[19-150-P-I]

The Maryland State Board of Education proposes to repeal existing Regulation .01 under COMAR 13A.06.05 **School Supplies and Equipment** and adopt new Regulations .01— .06 under a new

chapter, COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials.

Also, at this time, the Maryland State Board of Education is withdrawing the proposal to repeal existing Regulation .01 under **COMAR 13A.06.05 School Supplies and Equipment** and adopt new Regulations .01—.06 under a new chapter, **COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials**, that was published in 46:7 Md. R. 375—376 (March 29, 2019).

This action was considered by the State Board of Education at its May 21, 2019, meeting.

Statement of Purpose

The purpose of this action is to address the transformation that has occurred over the last 10 years in teaching and learning that includes digital formats of textbooks, resources, and equipment.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

All school systems are required to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental digital curricular resources.

Opportunity for Public Comment

Comments may be sent to Valerie Emrich, Director of Instructional Technology, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0382 (TTY 410-333-6442), or email to valerie.emrich@maryland.gov, or fax to None. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on September 24, 2019, at 9 am, at 200 West Baltimore Street, Baltimore, MD 21201.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 46:1 Md. R. 9 (January 4, 2019), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.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 Incorporation by Reference.

The Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018) is incorporated by reference.

.03 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) “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).

(a) “Open educational resources (OERs)” means free and openly licensed digital educational materials that can be used for teaching, learning, research, and other purposes and are used and modified based on open licensing.

(b) “Open educational resources (OERs)” includes 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.

(a) “Public agency” means an institution that provides educational services to students with disabilities from 3 to 21 years old and in accordance with the student’s IEP.

(b) “Public agency” includes the Maryland State Department of Education, local school systems, the SEED School, the Department of Health, the Department of Juvenile Services, the Maryland School for the Blind, the Maryland School for the Deaf, and the Maryland Department of Labor.

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

(11) “Web Content Accessibility Guidelines (WCAG) 2.1 Level AA (June 5, 2018)” means a single shared standard for web content accessibility that meets the needs of individuals, organizations, and governments internationally.

.04 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; and*
- (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.

C. Each local board of education shall annually train special education directors, principals, and other purchase specialists on the policies and procedures for purchasing and using accessible teaching and learning materials to ensure enforcement of the policies and procedures.

.05 Accessibility of Print Materials.

A. When acquiring print materials, each local board of education and public agency may 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 forth in 34 CFR §300.172.

.06 Accessibility of Digital Learning Resources.

Each local board of education and public agency shall comply with WCAG 2.1 Level AA (June 5, 2018) when purchasing or selecting digital learning resources to provide equitable learning opportunities for all students.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 05 PESTICIDE USE CONTROL

15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses

Authority: Agriculture Article, §§2-103, 5-104, 5-204, and 5-210.2, Annotated Code of Maryland

Notice of Proposed Action

[19-146-P]

The Maryland Department of Agriculture proposes to amend Regulation .17 under **COMAR 15.05.01 Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses.**

Statement of Purpose

The purpose of this action is to require licensees or permittees in the public health pest control category to provide a certain notice under certain circumstances to persons registered with the Department as pesticide sensitive individuals. This would include a pesticide application to control for mosquitoes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action has minimal economic impact.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:	NONE		
	Benefit (+)	Cost (-)	Magnitude
D. On regulated industries or trade groups:			
Licensees or permittees	(-)		Minimal
E. On other industries or trade groups:	NONE		
F. Direct and indirect effects on public:	NONE		

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. Specifically, before the licensee or permittee makes a pesticide application to a property contiguous or adjacent to the property of the registered individual, the licensee or permittee shall notify this person: (a) by telephone the day before or the morning of a planned pesticide application; or (b) in person, or by written notice delivered to the residence of the registered individual before the pesticide application is made.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dennis Howard, Program Manager, Pesticide Regulations, Office of Pest Industries and Pest Management, 50 Harry S. Truman Parkway, Annapolis MD 21401, or call 410-841-5710, or email to Dennis.howard@maryland.gov, or fax to 410-841-2765. Comments will be accepted through September 3, 2019. A public hearing has not been scheduled.

.17 List of Pesticide Sensitive Individuals.

A. Operations.

(1) This regulation applies [only] to a licensee or permittee in the following pest control [Category III—ornamental or turf, as described in Regulation .08A(3) of this chapter.] categories:

(a) *Category (III) — ornamental or turf, as described in Regulation .08A(3) of this chapter; and*

(b) *Category (VIII) — public health, including the management of mosquitoes, as described in Regulation .08A(8) of this chapter.*

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.]

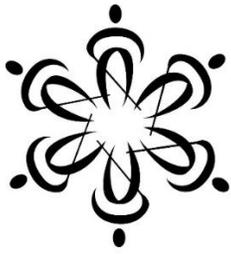
Administrative History

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)



NATIONAL FEDERATION
OF THE BLIND
MARYLAND

Live the life you want.

Date: August 19, 2019
Subject: Comments on 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials
To: Director of Instructional Technology
From: Members of the National Federation of the Blind of Maryland
Contact: Sharon Maneki, Director of Legislation and Advocacy
National Federation of the Blind of Maryland
9013 Nelson Way
Columbia, MD 21045
Phone: 410-715-9596
Email: nfbmd@earthlink.net

The National Federation of the Blind of Maryland (NFBMD) offers the following comments on 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials.

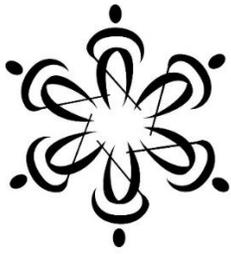
Thank you for strengthening this regulation. The August 2nd revisions will increase the possibility that students who are blind or visually impaired will have real access to the curriculum.

We appreciate the addition of letter C in .04 Requirements which calls for the annual training of “special education directors, principals, and other purchase specialists on the policies and procedures for purchasing and using accessible teaching and learning materials to ensure enforcement of the policies and procedures.” Since local school systems change personnel frequently, the need for annual training is critical. It is most appropriate to include principals and other purchase specialists in this training.

We also appreciate the inclusion of WCAG 2.1 Level AA (June 5, 2018) in .06 Accessibility of Digital Learning Resources. This update in the standards will enhance accessibility for blind students.

We are disappointed that you did not implement our suggestion in .05 Accessibility of Print Materials. “A. When acquiring print materials, each local board of education and public agency may coordinate...” We still believe that the word “may” should be changed to the word “shall”. The National Instructional Materials Access Center (NIMAC) was created by IDEA 2004 to ensure that blind and visually impaired students would receive instructional material on time and in an accessible format. The NIMAC repository must continue to grow if it is going to achieve this goal. Please reconsider changing “may” to “shall” in this section.

Thank you for considering the views of the National Federation of the Blind of Maryland. Good regulations will increase the quality of education available to Maryland students.



NATIONAL FEDERATION
OF THE BLIND
MARYLAND

Live the life you want.

Date: August 19, 2019
Subject: Comments on 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials
To: Director of Instructional Technology
From: Members of the National Federation of the Blind of Maryland
Contact: Sharon Maneki, Director of Legislation and Advocacy
National Federation of the Blind of Maryland
9013 Nelson Way
Columbia, MD 21045
Phone: 410-715-9596
Email: nfbmd@earthlink.net

The National Federation of the Blind of Maryland (NFBMD) offers the following comments on 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials.

Thank you for strengthening this regulation. The August 2nd revisions will increase the possibility that students who are blind or visually impaired will have real access to the curriculum.

We appreciate the addition of letter C in .04 Requirements which calls for the annual training of “special education directors, principals, and other purchase specialists on the policies and procedures for purchasing and using accessible teaching and learning materials to ensure enforcement of the policies and procedures.” Since local school systems change personnel frequently, the need for annual training is critical. It is most appropriate to include principals and other purchase specialists in this training.

We also appreciate the inclusion of WCAG 2.1 Level AA (June 5, 2018) in .06 Accessibility of Digital Learning Resources. This update in the standards will enhance accessibility for blind students.

We are disappointed that you did not implement our suggestion in .05 Accessibility of Print Materials. “A. When acquiring print materials, each local board of education and public agency may coordinate...” We still believe that the word “may” should be changed to the word “shall”. The National Instructional Materials Access Center (NIMAC) was created by IDEA 2004 to ensure that blind and visually impaired students would receive instructional material on time and in an accessible format. The NIMAC repository must continue to grow if it is going to achieve this goal. Please reconsider changing “may” to “shall” in this section.

Thank you for considering the views of the National Federation of the Blind of Maryland. Good regulations will increase the quality of education available to Maryland students.



**Comments from Dr. Maria V. Navarro, chief academic officer,
Office of the Chief Academic Officer
Montgomery County Public Schools
to proposed new chapter
COMAR 13A.06.05**



Purchase and Use of Accessible Teaching and Learning Materials

Maryland State Board of Education proposes to repeal existing Regulation .01 under **COMAR 13A.06.05 School Supplies and Equipment** and adopt new Regulations .01—.06 under a new chapter, **COMAR 13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials**. This action was considered at the January 22, 2019, meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to address the transformation that has occurred over the last 10 years in teaching and learning that includes digital formats of textbooks, resources, and equipment.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows: All school systems are required to develop policies and procedures for the purchase and acquisition of accessible textbooks and supplemental digital curricular resources.

Comment from the Office of Special Education

Montgomery County Public Schools (MCPS) agrees with this proposed regulation. MCPS already has practices in place to comply with current regulations and is in the process of updating policies and procedures to comply with the proposed new regulations. The proposed regulation strengthens the previous provisions in COMAR related to accessible instructional materials, defined as print materials, by expanding the definition of accessible education materials to include technology-based and print content.

Compliance with Web Content Accessibility Guidelines (WCAG) will help ensure the consistent accessibility of online content. Specifically stating WCAG 2.0 or 2.1 Guidelines may make the regulations outdated in a few years. Referencing the use of the most current WCAG standards may better ensure that compliance aligns with current standards, without additional changes in regulation.

Submitted: August 26, 2019

Office of the Chief Academic Officer

850 Hungerford Drive, Room 129 ♦ Rockville, Maryland 20850 ♦ 240-740-3040