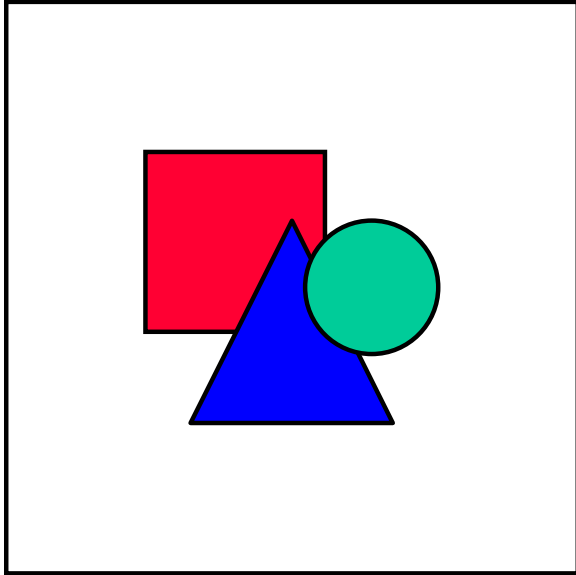


Instructional Materials Accessibility Act Section-by-Section Analysis



Sec. 1. Short Title

This Act may be cited as the "Instructional Materials Accessibility Act."

Sec. 2. Purpose

The purpose of this Act is to improve access to textbooks and other instructional materials for blind or other persons with print disabilities in elementary and secondary education. To this end, the Act will create a coordinated and efficient system for the acquisition and distribution of these materials in Braille and other specialized formats appropriate for such individuals.

Sec. 3. Technical Standards

This section requires the Secretary of Education to publish and issue advisory standards referred to as the "Instructional Materials Accessibility Standards." These advisory standards would provide educational agencies, publishers, and authorized entities with technical assistance and guidelines for the preparation of electronic files suitable for the efficient and prompt conversion of such files into Braille and other specialized formats.

The National Institute of Standards and Technology, in developing these standards, would consult with an advisory committee consisting of representatives from industry, education, consumer groups, and others with technical expertise.

Sec. 4. Obligations of Public Educational Agencies and Publishers of Instructional Materials.

This section sets forth the requirements for educational agencies and other authorized entities to participate in the "National Instructional Materials Access Center" (the Center).

This section requires that within 24 months of enactment, any federally funded state or local educational agency must implement a written statewide plan to ensure that all elementary and secondary school educational materials are made available in specialized formats to blind or other persons with print disabilities at the same time that such materials are provided to individuals without such disabilities. The contents of the statewide plan must (A) designate the entity responsible for collecting and maintaining data related to identification of individuals who are blind or have other print disabilities and who require instructional materials in specialized formats; (B) establish the methods and procedures by which instructional materials are provided in specialized formats, including the methods for converting electronic files obtained under subsection (b) into specialized formats; (C) identify the resources available for production of instructional materials in specialized formats; (D) establish procedures to be followed that ensure the timely delivery of instructional materials in specialized formats; and (E) provide for periodic evaluation to ensure that instructional materials are made available at the same time such materials are provided to individuals without such disabilities.

In addition, any federally funded state or local educational agency must obtain a written agreement from each publisher contracted to supply instructional materials which states that the publisher will provide electronic files of such materials in the national electronic file format. Within 30 days of this agreement, the publisher must transmit those prepared electronic files in the national electronic file format to the Center. If changes and/or corrections are going to be made to current editions of instructional materials, prior to the use in the classroom, the publisher must transmit to the Center an electronic file which would

provide for these corrections. When specifically requested to accommodate a teacher who is blind or has a print disability, the publisher must also transmit to the Center electronic files, prepared in the national electronic file format, of the teachers' editions of any instructional materials.

From two years of the date of publication in the Federal Register, the publishers must comply with the provisions set forth in the Act. The requirements set forth in this Act will supercede any state or local government laws and requirements.

Sec. 5. National Instructional Materials Access Center

Sec. 5 requires the Secretary of Education to establish the Center within 24 months of the date of the enactment. The Center will act as a national clearinghouse for the acquisition and distribution of instructional materials produced in electronic format. The Center will be operated by a nonprofit organization, or a consortium of such organizations, that the Secretary determines to be qualified on a renewable contract basis. The Center will have nine specific responsibilities including approval of authorized entities to participate in receiving and distributing materials, cataloging, assessing the needs of educational agencies and retrieving such materials from publishers, organizing an online database accessible to authorized entities, and conducting or supporting relevant research and development efforts.

Sec. 6. Grants for Capacity Building

This section authorizes the Secretary of Education to award "capacity building" grants to state educational agencies or "nonprofit organizations with a primary mission to provide specialized services relating to training, education, or adaptive reading or the information access needs of the blind or other persons with print disabilities." Projects funded by these grants must provide state, local, or regional educational agencies within the state with the capacity to prepare instructional materials in specialized formats or to improve their capacity.

The awarding of grants would be contingent upon the submission of an application by the state educational agency to the Secretary, containing the information required. Grants may be used for training or the purchase of appropriate technology.

Sec. 7. Enforcement

This section provides that those rights, remedies and procedures available to children and parents under the Individuals with Disabilities Education Act (as amended) and the Rehabilitation Act of 1973 (as amended) are also available under this Act to children and parents aggrieved by violations of this Act by any state or local educational agency. Also, this Act does not limit any right, remedy, or procedure otherwise available under Federal law which "provides greater or equal protection for the rights of blind or other persons with print disabilities."

Sec. 8. Relationship to Section 121 of the Copyright Act

This section provides that a publisher that provides instructional materials to a state or local educational agency in the form of electronic files prepared in accordance with this Act, shall, for such purposes, be considered an "authorized entity" within the meaning of Section 121 of Title 17, U.S. Code.

Sec. 9. Definitions

1. "Print disabilities" means individuals who are eligible or who may qualify in accordance with the Act entitled "An Act to provide books for the adult blind," (2 U.S.C. 135a), to receive books and other publications produced in specialized formats.
2. "Instructional materials" means printed basal textbooks and related core materials that are written and published primarily for use in elementary and secondary school instruction and are required by a state or local educational agency for use in the classroom, including specifically-requested teachers' editions of such materials.
3. "National electronic file format" means a well-organized, structured, and marked-up electronic file which is suitable for efficient conversion into specialized formats and which is in conformance with the technical standards to be issued pursuant to section 5 of this Act
4. "Center" means the National Instructional Materials Access Center established by the Secretary under section 5.
5. "Secretary" means the Secretary of Education.

6. "Specialized format," with respect to instructional materials, means Braille, synthesized speech, digital text, digital audio, or large print.
7. "State educational agency" and "local educational agency" have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965.

Sec. 10. Effective Date

This section provides that the date of enactment is the effective date and that this Act shall apply to instructional materials published and copyrighted after the technical standards are published in the *Federal Register*.