

FIRST REGULAR SESSION

SENATE BILL NO. 566

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time February 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2194S.011

AN ACT

To repeal section 170.132, RSMo, and to enact in lieu thereof one new section relating to obtaining print instructional material in specialized formats.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 170.132, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 170.132, to read as follows:

170.132. [All public elementary, secondary and postsecondary schools
2 shall preferentially procure educational materials, including textbooks and
3 collateral materials, from vendors who make the materials available in either
4 Braille format or electronic format which is computer-readable in a form approved
5 by the department of elementary and secondary education, or both, at no greater
6 cost than for regular materials.]

7 **1. As used in this section, the following terms mean:**

8 **(1) "Electronic files", electronic files that conform to the national**
9 **instructional materials standard established by the United States**
10 **Secretary of Education under the Individuals with Disabilities**
11 **Education Act, sections 612(a)(23)(A) and 674(e)(4), or other standard**
12 **approved by the department of elementary and secondary education;**

13 **(2) "Print instructional materials", printed textbooks and related**
14 **printed core materials that are written and published primarily for use**
15 **in elementary, secondary, and post-secondary instruction and are**
16 **required by the purchasing elementary, secondary, or post-secondary**
17 **school as a principal instructional material for use by students in the**
18 **classroom to meet the curriculum requirements for the intended**
19 **course. Related core materials must be directly related to the textbook**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 and do not include materials that are not written and published
21 primarily for use by students in the classroom, such as newspapers,
22 reference works, and trade books, or other ancillary or supplemental
23 materials;

24 (3) "Schools", elementary, secondary, or post-secondary schools
25 in Missouri;

26 (4) "Specialized formats", braille, large print, digital audio, and
27 electronic text when used by students with disabilities who are unable
28 to use standard print.

29 2. Beginning January 1, 2008, every publisher or vendor of print
30 instructional materials:

31 (1) Shall make electronic files of the materials available at no
32 cost to schools purchasing such materials along with the right to
33 transcribe, reproduce, modify, and distribute the material in
34 specialized formats solely for use by students with print disabilities;

35 (2) Shall deliver the electronic files to the purchasing school
36 within thirty days of a written request by the school; and

37 (3) May request the school certify that the instructional material
38 has been purchased for use by a student with a print disability
39 attending the school in connection with a course or class in which he
40 or she is enrolled.

41 3. If a publisher or vendor fails to comply with the requirements
42 of this section, the publisher or vendor shall be liable to the school that
43 purchased the print instructional materials in the amount of ten times
44 the cost to the purchasing school to obtain materials in the needed
45 specialized formats.

46 4. In order to ensure the effective implementation of subsection
47 3 of this section, a liability claim may be made on behalf of the
48 purchasing school by either the individual purchaser; a school, school
49 district, college, or university that employs the individual purchaser;
50 the Missouri department of elementary and secondary education; or the
51 Missouri department of higher education.

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