

SECOND REGULAR SESSION

SENATE BILL NO. 719

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3598S.02I

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Section A. Section 170.132, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.132, to read as follows:

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

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

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

(2) "Missouri assistive technology advisory council" or "council", the body which directs the Missouri assistive technology program under sections 191.850 to 191.867, RSMo;

(3) "Print instructional materials", printed textbooks and related printed core materials that are written and published primarily for use in elementary, secondary, and post-secondary instruction and are required by the purchasing elementary, secondary, or post-secondary

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

20 school as a principal instructional material for use by students in the
21 classroom to meet the curriculum requirements for the intended
22 course. Related core materials must be directly related to the textbook
23 and do not include materials that are not written and published
24 primarily for use by students in the classroom, such as newspapers,
25 reference works, and trade books, or other ancillary or supplemental
26 materials;

27 (4) "Schools", elementary, secondary, or post-secondary schools
28 in Missouri;

29 (5) "Specialized formats", braille, large print, digital audio, and
30 electronic text when used by students with disabilities who are unable
31 to use standard print.

32 (6) "Students with print disabilities", students who are unable to
33 use standard print materials due to documented visual, physical,
34 cognitive, or other disability;

35 2. Beginning January 1, 2009, every publisher or vendor of print
36 instructional materials:

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

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

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

47 3. If a publisher or vendor fails to comply with the requirements
48 of this section, the publisher or vendor shall be liable to the school that
49 purchased the print instructional materials in the amount of three
50 times the cost to the purchasing school to obtain materials in the
51 needed specialized formats.

52 4. In order to ensure the effective implementation of subsection
53 3 of this section, a liability claim may be made on behalf of the
54 purchasing school by either the individual purchaser; a school, school
55 district, college, or university that employs the individual purchaser;
56 the Missouri department of elementary and secondary education; or the

57 **Missouri department of higher education.**

58 **5. The Missouri assistive technology council shall establish a**
59 **system to track and catalog access to and production of accessible**
60 **format instructional materials by schools to enable reutilization of such**
61 **material to the maximum extent possible.**

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