

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 431

DATE: February 28, 2005

Version: As introduced

Authors: Westrom and others

Subject: Accessible instructional material

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Overview

This bill requires publishers and producers of instructional material used by students in higher education who require a reading accommodation to be produced in an alternative format. Postsecondary institutions are included as producers and publishers of instructional material. The alternative format material must be available for students in a timely manner. The bill also establishes a repository for the material with the state services for the blind, which is authorized to set format standards for all alternative format material. The bill authorizes penalties for noncompliance by postsecondary institutions, including loss of state appropriations or participation in state financial aid programs.

Section

1 Textbook accessibility definitions. Defines the terms for this bill.

Subd. 2. Alternative format. Defined as a format other than standard print for presenting instructional material to a student with a reading disability.

Subd. 3. Instructional material. Defined as all material produced or published for use by students with a reading disability who is enrolled in a higher education course of study. Includes the text portions of mathematical and scientific material if commercial software is available for its conversion.

Subd. 4. Publisher. Defined as any entity that publishes or produces instructional

Section

material for students attending public or private postsecondary institutions.

Subd. 5. State repository for alternative format instructional materials or repository. Defined as a repository by the state services for the blind to hold alternative format instructional materials.

Subd. 6. Structural integrity. Defined as the inclusion in the alternative format of all textual information that was included in the original printed material.

This section is effective for enrollments beginning with fall of 2005.

2 **Textbook availability.**

Subd. 1. Obligation of publisher to furnish. Requires a publisher to provide alternative format instructional material to a postsecondary institution and the repository. The information must be provided without cost and it must:

-- maintain structural integrity of the original;

-- include corrections and revisions;

-- meet state compatibility standards and be in a format established by the state services for the blind.

Subd. 2. Deadline for compliance. Requires a publisher to provide an electronic version of the material within 15 days of a request.

Subd. 3. Requirements to receive electronic format. Requires a written request to the publisher stating that the material has been purchased for use by a postsecondary student who requires a reading accommodation and it will be used in conjunction with a postsecondary course only for the student's educational purposes.

The request must be signed by an authorized representative of a postsecondary institution or the state repository.

Subd. 4. Repository designation. Requires the state services for the blind, to the extent funds are available, to establish a repository for alternative format materials to facilitate timely access to the material by postsecondary students with a disability. The repository may receive material from publishers, postsecondary institutions or other sources. The repository must provide the material to Minnesota postsecondary institutions and students at no cost. The repository may request material from publishers.

Subd. 5. Student's timely receipt of material. Requires the state services for the blind to work with postsecondary institutions to develop policies that ensure students who need alternative format instructional material receive it within the first week of

Section

class or prior to it being distributed to other students.

A postsecondary institution is required to share alternative formats of material it produces with the repository, other institutions serving disabled students and entities authorized by federal law to have certain exemptions from copyright protection in reproducing and distributing material for use by students with disabilities.

Subd. 6. Copyright protection. Requires reasonable precautions in the use and distribution of alternative format materials to ensure that copyright protections are not violated.

Subd. 7. Infringement not authorized. States that this section does not authorize the infringement of copyright materials.

Subd. 8. Continuing obligation to provide alternative format instructional material. Requires all postsecondary institutions that receive state funding, directly or through participation in state financial aid programs to comply with the requirements to provide alternative format instructional material. Institutions that don't comply may have appropriations withheld or their participation in the financial aid programs may be reduced or curtailed.

This section is effective for enrollments beginning with fall of 2005.