

Synopsis of SJC Amendments

The amendments adopted by the Senate Judiciary Committee:

- Strike the terms “or generally accepted” standard and only allow the use of “nationally recognized standards” in the selection of materials;
- Allow the Department (SDE) to determine the acceptability of materials if there is no nationally recognized standard;
- Require the purchase of the latest corrections and revisions of the printed materials; and
- Strike language stating that attorney fees and costs would not be available during the administrative complaint process.

Synopsis of Original Bill

Senate Bill 301 repeals the Braille Literacy Act (sections 22-15-21 through 22-155 NMSA 1978) and enacts the Braille Access Act (BAA), an Act intended to improve access to printed instructional materials used by visually impaired and blind persons attending a public school or post-secondary educational institution. The bill requires publishers to provide any printed materials in an electronic format, stipulates that the SDE shall adopt guidelines for implementation and administration of the Act, and provides a private right of action for students who contend the Act has been violated.

Significant Issues

Braille textbooks are extremely expensive. According to the CHE analysis, school districts are paying between \$800 and \$1,200 per Braille textbook, and one school district has paid up to \$25,000 for a Braille textbook. The SDE reports the costs of translating materials into Braille are estimated at between \$3 and \$4 a page. Enacting this bill would provide greater access to and reduce the cost of obtaining materials for visually impaired and blind students and enhance their opportunities for academic success and employability.

DUPLICATION

SB 301 duplicates HB 349, Braille Access Act.

TECHNICAL ISSUES

In its analysis, suggestions made by the SDE include the following:

- Align definition of “instructional materials” on page 2, lines 14-16, with definition currently in use in matters involving adoption of instructional materials.
- Page 5, lines 19-21: The educational use of materials is not the responsibility of publishers but of educational institutions. Inasmuch as publishers are funded according to purchased materials, the author of this bill may wish to strike “the student’s educational purposes” and replace it with “students for whom the material has been purchased in original format as adopted by the State Board of Education.”

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- Delete lines 22-25 on page 5 and lines 1-4 on page 6. This language seems to conflict with existing practice of using materials during multiple years for multiple students.
- On page 6, line 24, replace “deemed required or essential for student success” with “adopted by the State Board of Education”

OTHER SUBSTANTIVE ISSUES

The purposes of the Braille Access Act are to:

- enhance literacy,
- increase Braille proficiency,
- improve employability for blind and visually impaired students, and
- reduce the cost of acquiring Braille and other alternate accessible materials.

POSSIBLE QUESTIONS

1. How much is currently being spent on instructional materials for use by visually impaired students in public schools? At the School for the Visually Handicapped?
2. Is it possible to estimate the savings that would accrue from enacting this bill?
3. Has anyone heard a reaction from publishers regarding this proposal?

LRB/prr/njw