

BILL ANALYSIS

Senate Research Center
80R17072 CAS-D

C.S.S.B. 1802
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires textbook publishers to provide alternatives for blind and visually-impaired students in kindergarten through 12th grade, but this privilege is not extended to such students in college. While most publishers will furnish alternative electronic files without incident on the request of a university's disability services office, some do not furnish such files, and many who do often take months to respond, leaving the student without the needed texts often until the last weeks of a semester.

C.S.S.B. 1802 requires textbook publishers to make electronic copies of textbooks and other assigned written materials promptly available to universities, if requested, for use by visually impaired students or students with dyslexia. The bill also subjects publishers who fail to comply with the law to administrative penalties imposed by the Texas Higher Education Coordinating Board.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.970, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.970, as follows:

Sec. 51.970. INSTRUCTIONAL MATERIAL FOR BLIND AND VISUALLY IMPAIRED STUDENTS AND STUDENTS WITH DYSLEXIA. (a) Defines "blind or visually impaired student," "coordinating board," "institution of higher education" (institution), "instructional material," and "special instructional material."

(b) Provides that this section applies only to certain instructional material as set forth in this subsection.

(c) Requires a publisher or manufacturer of printed instructional material assigned by an institution for use by students in connection with a course at the institution to provide to the institution, on its request in accordance with this section, computerized files based on the printed instructional material in order to assist the institution in producing special printed instructional material. Requires the publisher or manufacturer, as applicable, to provide the computerized files as soon as practicable after the date of receipt of the request and prohibits those entities from imposing any charge for that provision.

(d) Requires a request made by an institution under Subsection (c) to certify that, for each blind or visually impaired student or student with dyslexia who will use specialized instructional material based on the requested computerized files for a course in which the student is enrolled at the institution, either the institution or the student has purchased a printed copy of the instructional material, and be signed by the person at the institution with primary responsibility for services for disabled students.

(e) Authorizes a publisher or manufacturer to require that a request made by an institution under Subsection (c) include from the student for whom the institution is making the request a signed statement in which the student agrees to certain requirements.

(f) Requires the computerized files of the printed instructional material to be in a certain format and include certain corrections or revisions.

(g) Requires the publisher or manufacturer, as applicable, if unable to agree on a format as required by Subsection (f)(1)(A) with the institution, to provide the computerized files in American Standard Code for Information Interchange (ASCII) text or an equivalent text and in a format that contains as much of the material specified by that subsection as is practicable.

(h) Authorizes the Texas Higher Education Coordinating Board (THECB) to impose a reasonable administrative penalty against a publisher or manufacturer that knowingly violates this section. Requires THECB to provide for a hearing to be held, in accordance with THECB rule, to determine whether a penalty is to be imposed and the amount of any penalty. Requires THECB to base the amount of any penalty on certain considerations.

(i) Requires THECB, in consultation with an advocacy organization for persons who are blind or visually impaired and an advocacy organization for persons with dyslexia, to adopt rules for administering this section, including rules that address certain matters as set forth in this subsection.

SECTION 2. (a) Provides that Section 51.970, Education Code, as added by this Act, applies beginning with requests for computerized files of printed instructional material assigned for use by students in the 2008 spring semester.

(b) Requires THECB to adopt rules as required by Section 51.970(i), Education Code, as added by this Act, not later than November 1, 2007.

SECTION 3. Effective date: upon passage or September 1, 2007.