

FIRST REGULAR SESSION

HOUSE BILL NO. 1131

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), PRATT, THRELKELD,
JONES (117) AND MOORE (Co-sponsors).

Read 1st time March 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2614L.01I

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Section A. Section 170.132, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.132, to read as follows: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) "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 school as a principal instructional material for use by students in the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 classroom to meet the curriculum requirements for the intended course. Related core
16 materials must be directly related to the textbook and do not include materials that are not
17 written and published primarily for use by students in the classroom, such as newspapers,
18 reference works, and trade books, or other ancillary or supplemental materials;

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

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

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

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

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

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

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

37 4. In order to ensure the effective implementation of subsection 3 of this section, a
38 liability claim may be made on behalf of the purchasing school by either the individual
39 purchaser; a school, school district, college, or university that employs the individual
40 purchaser; the Missouri department of elementary and secondary education; the Missouri
41 attorney general; or the Missouri department of higher education.

✓