

SECOND REGULAR SESSION

HOUSE BILL NO. 1544

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), FISHER, PRATT, GRISAMORE,
MOORE AND BIVINS (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

3212L.03I

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Section A. Section 170.132, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.132, to read as follows: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

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 post-secondary instruction and are required by the purchasing elementary, secondary, or
16 post-secondary school as a principal instructional material for use by students in the
17 classroom to meet the curriculum requirements for the intended course. Related core
18 materials must be directly related to the textbook and do not include materials that are not
19 written and published primarily for use by students in the classroom, such as newspapers,
20 reference works, and trade books, or other ancillary or supplemental materials;

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

22 (5) "Specialized formats", braille, large print, digital audio, and electronic text
23 when used by students with disabilities who are unable to use standard print;

24 (6) "Students with print disabilities", students who are unable to use standard
25 print materials due to documented visual, physical, cognitive, or other disability.

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

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

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

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

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

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

46 5. The Missouri assistive technology council shall establish a system to track and
47 catalog access to and production of accessible format instructional materials by schools to
48 enable reutilization of such materials to the maximum extent possible.

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