

~~(B) THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL SPECIFY THAT THE COMPUTER BASED INSTRUCTIONAL TECHNOLOGY THAT MEETS ALL OTHER SPECIFICATIONS AND WILL BE USED BY BLIND OR VISUALLY IMPAIRED INDIVIDUALS:~~

~~(1) MUST PROVIDE EQUIVALENT ACCESS FOR EFFECTIVE USE BY BOTH VISUAL AND NONVISUAL MEANS;~~

~~(2) WILL PRESENT INFORMATION, INCLUDING PROMPTS FOR INTERACTIVE COMMUNICATION, IN A FORMAT THAT ALLOWS FOR VISUAL AND NONVISUAL USE;~~

~~(3) CAN BE USED WITHIN NETWORKED ENVIRONMENTS FOR OBTAINING, RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO ARE NOT BLIND OR VISUALLY IMPAIRED; AND~~

~~(4) SHALL BE OBTAINED, WHENEVER POSSIBLE, WITHOUT MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR NONVISUAL ACCESS.~~

~~(C) FOLLOWING AN EVALUATION OF COMPUTER BASED INSTRUCTIONAL TECHNOLOGY, IF A DETERMINATION IS MADE THAT COMPUTER BASED INSTRUCTIONAL TECHNOLOGY THAT FULLY MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION IS NOT AVAILABLE, THE STATE AND THE LOCAL SCHOOL SYSTEMS SHALL:~~

~~(1) (I) SELECT THE COMPUTER BASED INSTRUCTIONAL TECHNOLOGY WITH THE GREATEST FUNCTIONALITY FOR EQUIVALENT VISUAL AND NONVISUAL ACCESS THAT MEETS ALL OTHER SPECIFICATIONS; AND~~

~~(II) IMPLEMENT AN ALTERNATIVE METHOD OF INSTRUCTION DESIGNED TO ENABLE A STUDENT WHO IS BLIND OR VISUALLY IMPAIRED TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT'S IEP OR 504 PLAN; OR~~

~~(2) IF COMPUTER BASED INSTRUCTIONAL TECHNOLOGY WITH THE GREATEST FUNCTIONALITY FOR EQUIVALENT VISUAL AND NONVISUAL ACCESS THAT MEETS ALL OTHER SPECIFICATIONS IS NOT AVAILABLE, IMPLEMENT AN ALTERNATIVE METHOD OF INSTRUCTION DESIGNED TO ENABLE A STUDENT WHO IS BLIND OR VISUALLY IMPAIRED TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT'S IEP OR 504 PLAN.~~

(A) THE STATE SUPERINTENDENT AND THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT JOINTLY SHALL ENSURE THAT SPECIFICATIONS USED IN ALL GRANTS AND PROCUREMENT CONTRACTS FOR TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS REQUIRE EQUIVALENT ACCESS FOR STUDENTS WITH DISABILITIES, INCLUDING BLINDNESS, IN ACCORDANCE WITH THE TECHNICAL STANDARDS FOR ELECTRONIC AND INFORMATION TECHNOLOGY ISSUED UNDER SUBSECTION (A)(2) OF SECTION 508 OF THE FEDERAL REHABILITATION ACT OF 1973, 29 U.S.C. § 794(A)(2).