

(B) (1) THIS SUBSECTION DOES NOT APPLY TO TEACHER-DEVELOPED INSTRUCTIONAL MATERIALS UNTIL FISCAL YEAR 2005.

(2) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS, PROCUREMENT CONTRACTS, GRANTS, OR MODIFICATIONS TO CONTRACTS OR GRANTS ISSUED BY THE STATE OR ANY LOCAL SCHOOL SYSTEM SHALL INCLUDE NOTICE OF THE EQUIVALENT ACCESS REQUIREMENT WHENEVER FUNDS AWARDED MAY BE USED TO DEVELOP, DEVELOP OR OBTAIN, OR USE TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS.

(C) THE STATE AND EACH LOCAL SCHOOL SYSTEM SHALL ALSO ENSURE THAT THE EQUIVALENT ACCESS STANDARDS ARE INCLUDED IN GUIDELINES USED FOR DESIGN SPECIFICATIONS FOR AND EVALUATION AND SELECTION OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS.

(D) (1) FOLLOWING AN EVALUATION OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS, THE STATE OR LOCAL SCHOOL SYSTEM SHALL SELECT THE AVAILABLE PRODUCT THAT BEST MEETS THE SPECIFICATIONS AND HAS THE GREATEST FUNCTIONALITY FOR EQUIVALENT ACCESS FOR STUDENTS WITH DISABILITIES, INCLUDING BLINDNESS.

(2) IF A PRODUCT THAT MEETS THE EQUIVALENT ACCESS STANDARDS IS NOT AVAILABLE, OR IF OBTAINING AN AVAILABLE PRODUCT WOULD FUNDAMENTALLY ALTER THE NATURE OF THE INSTRUCTIONAL ACTIVITY OR WOULD RESULT IN AN UNDUE BURDEN, THE STATE SUPERINTENDENT LOCAL SCHOOL SYSTEM MAY APPROVE A WRITTEN REQUEST TO OBTAIN A PRODUCT THAT DOES NOT MEET THE EQUIVALENT ACCESS STANDARDS BUT PROVIDES THE BEST EQUIVALENT ACCESS FUNCTIONALITY.

(3) THE DEPARTMENT SHALL:

(I) MONITOR COMPLIANCE WITH THE REQUIREMENTS OF ACCESSIBILITY OF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS SET FORTH IN COMAR 13.A.05.02; AND

(II) REPORT ITS FINDINGS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(E) IF TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS ARE PROVIDED TO STUDENTS WITHOUT DISABILITIES AND NOT TO A STUDENT WITH A DISABILITY, THE STATE OR LOCAL SCHOOL SYSTEM SHALL IMPLEMENT AN ALTERNATIVE METHOD OF INSTRUCTION, INCLUDING USE OF OTHER TECHNOLOGY-BASED INSTRUCTIONAL PRODUCTS, IF AVAILABLE, DESIGNED TO ENABLE A STUDENT WITH A DISABILITY TO ACHIEVE THE SAME INSTRUCTIONAL OUTCOMES CONSISTENT WITH THE STUDENT'S IEP PLAN, AS DEFINED IN § 8-408 OF THIS ARTICLE, OR THE STUDENT'S 504 PLAN, AS PROVIDED UNDER THE FEDERAL REHABILITATION ACT OF 1973.

8-408.

(a) (1) In this section the following words have the meanings indicated.