

**BILL:** Senate Bill 921  
**TITLE:** County Boards of Education - Accessibility Standards - Digital Tools  
(Nonvisual Access Accountability Act for Grades K-12 Education)  
**DATE:** March 9, 2021  
**POSITION:** OPPOSE  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 921 because it would inappropriately apply a federal procurement requirement on Maryland's local school systems with regard to the purchasing of all educational technology.

Congress amended section 508 of the Rehabilitation Act of 1973 in 1998 to strengthen requirements for accessibility to electronic and information technology provided by the Federal Government. Section 508 mandates that Federal agencies "develop, procure, maintain, or use" ICT in a manner that ensures that Federal employees with disabilities have comparable access to, and use of, such information and data relative to other Federal employees. Section 508 also requires Federal agencies to ensure that members of the public with disabilities have comparable access to publicly available information and data.

MABE joins all local school systems in the commitment to each student, regardless of disability, having access to challenging instruction from highly qualified professionals that addresses their unique learning needs and differences. MABE believes that current laws and regulations already establish a comprehensive array of standards, mandates, and dispute resolution processes to address the provision of accessible educational materials and technologies. Students receiving special education services are fully entitled to accommodations identified and addressed in their individualized education program (IEP), including any technology-based accommodations uniquely tailored to the individual student.

Local boards of education recognize that the COVID-19 pandemic and resulting school closures have presented enormous challenges for all students, families, and educators. Through each school system's education recovery and reopening plan, and in accord with State and federal laws and regulations, school systems are working to provide all students eligible for special education services with access to continuity of learning through distance and in-person instruction and the delivery of other services. While the challenges of teaching and learning in special education have been extraordinary, MABE does not endorse adopting new State laws to expand the already extensive scope of mandated special education services, including the federal Section 508 compliance standards proposed in Senate Bill 921.

Maryland's boards and educators place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. Maryland, and all other states, are mandated to provide a wide array of special education services in compliance with the federal Individuals with Disabilities Education Act (IDEA) and federal and state regulations. IDEA requires that eligible disabled students receive special education and related services if they are between the ages of 3 and 21. The special education services mandated by IDEA must meet the legal standard of providing a Free Appropriate Public Education, or FAPE, and do so in the least restrictive environment.

Again, MABE opposes this legislation as overly broad in mandating that all digital tools developed or purchased by a local school system meet the federal procurement requirements established as local school system procurement requirements in the bill.

For these reasons, MABE requests an unfavorable report on Senate Bill 921.