

# HOUSE BILL REPORT

## HB 2638

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**As Passed House:**  
February 11, 2010

**Title:** An act relating to instructional materials provided in a specialized format version.

**Brief Description:** Regarding instructional materials provided in a specialized format.

**Sponsors:** Representatives McCoy, Quall, Eddy, Lias, Moeller, Dickerson, Wallace and Sells.

**Brief History:**

**Committee Activity:**

Higher Education: 1/20/10, 1/22/10 [DP].

**Floor Activity:**

Passed House: 2/11/10, 96-0.

**Brief Summary of Bill**

- Prohibits an institution that provides a specialized-format version of instructional material to a student with a print access disability from requiring the return of the material.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass. Signed by 9 members: Representatives Wallace, Chair; Sells, Vice Chair; Schmick, Assistant Ranking Minority Member; Angel, Carlyle, Driscoll, Haler, Hasegawa and White.

**Staff:** Cece Lynch (786-7195).

**Background:**

Federal and state laws require public and private institutions of higher education to provide appropriate core services necessary to ensure equal access for students with disabilities. A student is entitled to receive core services if the service is reasonably necessary to accommodate a student's disability. Colleges and universities provide reasonable accommodations for students with print-access disabilities through a variety of means,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

including transcription, translation, and captioning. Textbooks and other materials may be provided in specialized formats, including digital text, audio, or Braille.

A publisher of instructional materials for students attending a public or private institution of higher education in the state must, unless technically unable, provide the institution any instructional material in an electronic format mutually agreed upon by the publisher and the institution. This includes computer files or electronic versions of printed instructional materials, video materials captioned or accompanied by transcriptions of spoken text, and audio materials accompanied by transcriptions. These must be provided in a timely manner and at no additional cost to the institution.

A request from an institution to a publisher for materials in a specialized format must be in writing and include the institution's certification that:

- the student has a print-access disability preventing the student from utilizing the standard-format material;
- the material is for the student's use in connection with a course in which the student is enrolled; and
- the student or the institution has purchased the material in its standard format prior to requesting the specialized format.

A publisher may require that requests for specialized format materials also include a statement signed by the student promising that the material will be used solely for the student's own purposes and that the student will not copy or duplicate the material for use by others. An institution that allows students to use specialized-format instructional material must take precautions to ensure students do not copy or distribute the material in violation of federal copyright laws.

Institutions may also arrange for the transcription or translation of standard-format materials and may share the specialized formats created with other students who have print-access disabilities, including students at other institutions.

Each institution must establish guidelines for implementation and administration of requests for, and use of, instructional materials in specialized formats.

**Summary of Bill:**

The Legislature finds that the knowledge, skill, and ability to succeed both academically and later in a chosen profession are accumulated through many sources including instructional materials. An institution that provides a specialized-format version of instructional material may not require that the student return the specialized-format version.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Master of Social Work program at the University Center at ECC offers courses that build one upon another and require access to textbooks and coursework from previous quarters. Students with print-access disabilities want and need a professional library just like any other student. Students with print-access disabilities are required to purchase the standard text prior to obtaining the specialized-format materials. The standard text does not do any good, however, if the student is unable to read the print. Students should not have to return the specialized-format materials nor should they have to risk a fine for failure to return.

(With concerns) In some instances, institutions are expending considerable time and money to provide specialized-format materials. It may be that the publishers in those cases are not providing the materials in a mutually agreed upon electronic format.

(Opposed) None.

**Persons Testifying:** (In support) Representative McCoy, prime sponsor; Sharon Garvin Todd, Eastern Washington University - University Center at Everett; and Scott Copeland, State Board for Community and Technical Colleges.

(With concerns) Gary Scheiderer, Independent Colleges of Washington.

**Persons Signed In To Testify But Not Testifying:** None.