

Dear Senate Education Committee Member:

May 18, 2009

You will be considering HB 4294 in the Senate Education Committee meeting in the morning. The bill deals with electronic format instructional materials, including textbooks. However, the bill does not go far enough in addressing accessibility for all students. Many students with dyslexia, learning disabilities and physical impairments have accessibility issues as well as the blind and visually impaired. These need to be addressed in the bill to ensure accessibility for all students.

Current textbooks received from publishers are mostly in PDF formats, which are mainly just "images" which contain no real text information, nor does it contain any navigational information for student manipulation. These files are usually "locked" therefore any district who receives these files from TEA or the publisher, cannot manipulate the files to address their student's needs for access. For example, magnification software cannot enlarge the image for a student with low vision or speech-to-text software is unable to "read" the pages for the student with a cognitive disability.

- Publishers addressing and incorporating National Instructional Materials Accessibility Standard (NIMAS) requirements for file formatting to be used for production in Braille, Large Print, Audio and electronic (digital) will provide:
  - a. Alternative formats for all students with a variety of reading challenges
  - b. Textbook files should include multiple methods of access for students with physical needs (turning pages, carrying books, etc.)
  - c. Textbook files should include multiple methods of access for student with sensory loss (e.g. Braille, magnification, text-to-speech or a combination)
- Digital formats can be used to make student ready electronic textbooks for all students (struggling readers, Tier 1 or 2 intervention in RtI, Section 504 students, and students with learning disabilities) who need alternative formats; for example:
  - d. Students who are struggling in reading who may need an electronic version for access, along with electronic study tools to support comprehension
  - e. Response to Intervention: where struggling readers (not necessarily in special education) may benefit from the text being read to them (speech-to-text) for comprehension and possibly assessment
  - f. Students with learning disabilities will benefit from the variety of representation of materials that would be afforded by the NIMAS files from the publishers, or simply from the publishers who provide their curriculum via websites (HTML)
  - g. Students who are served under Section 504 will benefit from using accessible textbooks to gain information from the variety of materials being presented to them

The main idea is to have publisher files that are truly accessible – meaning that a copy of the textbook can be manipulated for students so that their specific learning needs are addressed through their technology venue (screen reader, large print, magnification, alternative text to picture/tables/graphs, etc.).

The attached copy of the bill contains language on page 2 (double underlined and bold) to accomplish what needs to be included to ensure accessibility for all students. **The Texas Council of Administrators of Special Education urges you to include this language in the bill so that it is complete.**

Thank you.

Bill Carpenter, TCASE

832.444.8825

(2) instructional material that conveys information to the student or otherwise contributes to the learning process.

(b) A school district may select an electronic textbook or instructional material on the list adopted under Subsection (a) to be funded by the state textbook fund under Section 31.021.

(c) Before the commissioner places an electronic textbook or instructional material on the list adopted under Subsection (a), the electronic textbook or instructional material:

(1) must be reviewed and recommended to the commissioner by a panel of recognized experts in the subject area of the electronic textbook or instructional material and experts in education technology;

(2) must be verified by the commissioner as being accessible to blind and visually impaired students;

**(3) must be verified by the commissioner as being accessible to students who have difficulty accessing instructional materials, including students with dyslexia, learning disabilities and physical impairments who need alternative formats; and**

(4) must satisfy criteria adopted for the purpose by commissioner rule.

(d) The criteria adopted under Subsection (c) (3) must:

(1) include evidence of alignment with current research in the subject for which the electronic textbook or instructional material is intended to be used;

(2) include coverage of the essential knowledge and