

HOUSE BILL REPORT

HB 2424

*As Reported By House Committee on:
Higher Education*

Title: An act relating to higher education.

Brief Description: Requiring textbook and course materials publishers to make materials available in computer-based format for students with print disabilities.

Sponsor(s): Representatives Jacobsen, Wood, Wineberry, R. Fisher and Anderson.

Brief History:

Reported by House Committee on:
Higher Education, January 30, 1992, DPS.

**HOUSE COMMITTEE ON
HIGHER EDUCATION**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 13 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; Spanel; and Van Luven.

Staff: Marilee Scarbrough (786-7196).

Background: Under state and federal laws, students with disabilities are protected against discrimination at institutions of higher education. The primary source of institutional responsibility to these students is Section 504 of the Federal Rehabilitation Act of 1973. The key language provides:

"No otherwise qualified handicapped individual ...shall, solely by reason of his handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

For any college or university that receives any federal aid, the provisions of Section 504 apply to academic programs, housing, financial aid, athletics, facility access, and other programs and activities.

The Americans with Disabilities Act of 1990, which went into effect on January 26, 1992, reinforces and complements Section 504. Titles II and III of the act prohibit public and private institutions from discrimination on the basis of disability and require reasonable accommodations for the disabled.

There are two major state laws affecting students with disabilities. These include the law against discrimination in public accommodations, and the state building code. Under these laws, public colleges and universities must provide reasonable accommodation to students with disabilities.

Accommodation can take many forms. However, no standards are in place to define reasonable accommodations for students with disabilities. Therefore, the quality and scope of accommodations provided varies among institutions. According to a report from Central Washington University, this variance has resulted in students selecting institutions based on the level of disabled services provided, rather than on the quality of educational programs.

In 1990, legislation was enacted directing the Governor's Committee on Disability Issues and Employment to convene a task force on students with disabilities in higher education. The task force was charged with making recommendations on the roles of state agencies, colleges, universities, and students in ensuring that students with disabilities have an opportunity to obtain a higher education.

The task force reported back with 13 recommendations. The recommendations responded to two broad areas of need. First, the task force identified a need to establish a clear, broad-based understanding of the needs, rights and responsibilities of students with disabilities. Second, in order to facilitate access for students with disabilities, sufficient resources must be available to ensure that reasonable accommodation is available at a consistent level for these students. In order to help colleges and universities implement the recommendations, the task force suggested the passage of three pieces of legislation. The recommendations included legislation that describes core services that should be available at each institution of higher education. Also included was the creation of physical access committees on each campus and the recommendation that the Higher Education Coordinating Board create an advisory committee to gather information, conduct training, and coordinate services for students with disabilities. The task force also recommended that Washington State should take action to increase the availability of text and supplementary materials in alternative formats.

Summary of Substitute Bill: When ordering textbooks, course materials and library books, institutions of higher education shall encourage publishers to: (1) provide textbooks, course materials, and library books in a computer based format, which may include an optical storage media (CD-ROM) for students with print disabilities; (2) provide the textbooks, course materials, and library books at a reasonable and affordable price; (3) ensure that the computer format complies with established industry standards for machine readable documents and; (4) provide the alternative computer format in a timely manner to the students with print disabilities.

Academic officers of the four-year institutions and instructional officers at the community and technical colleges will work closely with faculty and administrators to disseminate information on the availability of electronic formats, encourage faculty to use materials and textbooks that are available in an electronic format, and encourage the development of additional materials and textbooks in electronic formats.

Substitute Bill Compared to Original Bill: The original bill mandated that institutions require publishers to provide textbooks and course materials in a computer based format. The substitute bill requires institutions to strongly encourage publishers to make textbooks available in a computer based format. The substitute bill contains provisions requiring academic officers at public four-year institutions and instructional officers at the community colleges to work with faculty and administration to: (1) disseminate information on textbooks in electronic formats; (2) encourage the use of computer based technology; and (3) encourage development of additional course materials in a computer based format.

Fiscal Note: Requested January 27, 1992.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Textbooks on disk would be helpful for converting textbooks to braille or for using a speech synthesizer. Cost of the disk could prove to be less than cost of the printed books. Textbook publishers support delivering of services to the blind. Texas has recently passed legislation requiring textbooks in a computer readable format for the reading disabled. CD ROM technology would allow a greater volume of information on a smaller disk. It would also make fraudulent copying difficult.

Testimony Against: Publishers may not be willing to make materials accessible on disk. Requiring publishers to provide disks may curtail the availability of textbooks.

Witnesses: Toby Olson, Governor's Committee on Disabilities (pro); Katherine Fridley, Department of Services for the Blind (pro); Jackie Norton, mother of disabled student (pro); Jana Norton, disabled student/graduate of the University of Washington (pro); Daniel Johnson, disabled student Green River Community College (pro); Michael Stewart, Council of Presidents (con original bill); George Durrie, Eastern Washington State University (con original bill); and Alberta May, State Board for Community and Technical Colleges (con original bill).