

# SENATE BILL REPORT

## HB 2638

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As Reported by Senate Committee On:  
Higher Education & Workforce Development, February 23, 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:** Passed House: 2/11/10, 96-0.

**Committee Activity:** Higher Education & Workforce Development: 2/17/10, 2/23/10  
[DPA].

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### SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Kilmer, Chair; Kastama, Vice Chair; Becker, Ranking Minority Member; Hewitt, Jacobsen, McAuliffe, Pflug, Shin, Stevens and Tom.

**Staff:** Alicia Kinne (786-7784)

**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, 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.

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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.*

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 (Recommended Amendments):** 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.

**EFFECT OF CHANGES MADE BY HIGHER EDUCATION & WORKFORCE DEVELOPMENT COMMITTEE (Recommended Amendments):** Clarifies that neither a publisher or institution of higher education may require a student to return material in a specialized format that he or she purchased.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: Some students pay for digital course materials and are then forced to return the materials to the college or university. This allows students to keep for their personal reference library materials which they rightfully own.

**Persons Testifying:** PRO: Representative Quall, prime sponsor; Sharon Garvin Todd, EWU; Greg Scheiderer, Independent Colleges of Washington; Cynthia Torres-Jimenez, SBCTC.