

§ 1140i. Authorization of appropriations and reservation

(a) Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Reservation of funds

For any fiscal year for which appropriations are made for this subpart, the Secretary shall reserve funds to enter into a cooperative agreement to establish the coordinating center under section 1140q(b) of this title, in an amount that is—

- (1) not less than \$240,000 for any year in which the amount appropriated to carry out this subpart is \$8,000,000 or less; or
- (2) equal to 3 percent of the amount appropriated to carry out this subpart for any year in which such amount appropriated is greater than \$8,000,000.

(Pub. L. 89-329, title VII, §769, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3367.)

SUBPART 3—COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS

§ 1140k. Definition of student with a print disability

In this subpart, the term “student with a print disability” means a student with a disability who experiences barriers to accessing instructional material in nonspecialized formats, including an individual described in section 121(d)(2) of title 17.

(Pub. L. 89-329, title VII, §771, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3367.)

PRIOR PROVISIONS

A prior section 771 of Pub. L. 89-329 was renumbered section 781, and is classified to section 1141 of this title.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132h of this title, prior to repeal by Pub. L. 102-325.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132d-11 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140l. Establishment of Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities

(a) Establishment

(1) In general

The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (in this section referred to as the “Commission”).

(2) Membership

(A) Total number of members

The Commission shall include not more than 19 members, who shall be appointed by

the Secretary in accordance with subparagraphs (B) and (C).

(B) Members of the Commission

The Commission members shall include one representative from each of the following categories:

- (i) The Office of Postsecondary Education of the Department.
- (ii) The Office of Special Education and Rehabilitative Services of the Department.
- (iii) The Office for Civil Rights of the Department.
- (iv) The Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.
- (v) The Association on Higher Education and Disability.
- (vi) The Association of American Publishers.
- (vii) The Association of American University Presses.
- (viii) The National Council on Disability.
- (ix) Recording for the Blind and Dyslexic.
- (x) National organizations representing individuals with visual impairments.
- (xi) National organizations representing individuals with learning disabilities.

(C) Additional members of the Commission

The Commission members shall include two representatives from each of the following categories:

- (i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, including representatives from both two-year and four-year institutions of higher education of different sizes.
- (ii) Producers of accessible materials, publishing software, and supporting technologies in specialized formats, such as Braille, audio or synthesized speech, and digital media.
- (iii) Individuals with visual impairments, including not less than one currently enrolled postsecondary student.
- (iv) Individuals with dyslexia or other learning disabilities related to reading, including not less than one currently enrolled postsecondary student.

(D) Timing

The Secretary shall appoint the members of the Commission not later than 60 days after the Commission is established under paragraph (1).

(3) Chairperson and vice chairperson

The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

(4) Meetings

(A) In general

The Commission shall meet at the call of the Chairperson.

(B) First meeting

Not later than 60 days after the appointment of the members of the Commission

under paragraph (2)(D), the Commission shall hold the Commission's first meeting.

(5) Quorum

A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) Duties of the Commission

(1) Study

(A) In general

The Commission shall conduct a comprehensive study to—

(i) assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff; and

(ii) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a timeframe comparable to the availability of instructional materials for postsecondary nondisabled students.

(B) Existing information

To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information.

(C) Recommendations

(i) In general

The Commission shall develop recommendations—

(I) to inform Federal regulations and legislation;

(II) to support the model demonstration programs authorized under section 1140m of this title;

(III) to identify best practices in systems for collecting, maintaining, processing, and disseminating materials in specialized formats to students with print disabilities at costs comparable to instructional materials for postsecondary nondisabled students;

(IV) to improve the effective use of such materials by faculty and staff, while complying with applicable copyright law; and

(V) to modify the definitions of instructional materials, authorized entities, and eligible students, as such terms are used in applicable Federal law, for the purpose of improving services to students with disabilities.

(ii) Considerations

In developing the recommendations under clause (i), the Commission shall consider—

(I) how students with print disabilities may obtain instructional materials in accessible formats—

(aa) within a timeframe comparable to the availability of instructional materials for nondisabled students; and

(bb) to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students;

(II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in section 1474(e)(3) of this title, to be provided by publishers of instructional materials to producers of materials in specialized formats, institutions of higher education, and eligible students;

(III) the feasibility of establishing a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such clearinghouse, repository, or network;

(IV) the feasibility of establishing market-based solutions involving collaborations among publishers of instructional materials, producers of materials in specialized formats, and institutions of higher education;

(V) solutions utilizing universal design; and

(VI) solutions for low-incidence, high-cost requests for instructional materials in specialized formats.

(2) Report

Not later than one year after the Commission's first meeting, the Commission shall submit a report to the Secretary and the authorizing committees detailing the findings and recommendations of the study conducted under paragraph (1).

(3) Dissemination of information

In carrying out the study under paragraph (1), the Commission shall disseminate information concerning the issues that are the subject of the study through—

(A) the National Technical Assistance Center established under subpart 4; and

(B) other means, as determined by the Commission.

(c) Termination of the Commission

The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report under subsection (b)(2) to the Secretary and the authorizing committees.

(Pub. L. 89-329, title VII, § 772, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3368; amended Pub. L. 111-39, title VII, § 701(5), July 1, 2009, 123 Stat. 1955.)

PRIOR PROVISIONS

A prior section 772 of Pub. L. 89-329 was classified to section 1132h-1 of this title, prior to repeal by Pub. L. 102-325.

AMENDMENTS

2009—Subsec. (a)(2)(A). Pub. L. 111-39, § 701(5)(A), substituted “with” for “with in”.

Subsec. (b)(1)(C)(ii). Pub. L. 111-39, § 701(5)(B), substituted “clause (i)” for “subparagraph (C)” in introductory provisions.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1140m. Model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities

(a) Purpose

It is the purpose of this section to support model demonstration programs for the purpose of encouraging the development of systems to improve the quality of postsecondary instructional materials in specialized formats and such materials' timely delivery to postsecondary students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

(b) Definition of eligible partnership

In this section, the term “eligible partnership” means a partnership that—

(1) shall include—

(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including the retention of such students in, and such students' completion of, postsecondary education; and

(B) a public or private entity, other than an institution of higher education, with—

(i) demonstrated expertise in developing accessible instructional materials in specialized formats for postsecondary students with print disabilities; and

(ii) the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials in specialized formats; and

(2) may include representatives of the publishing industry.

(c) Program authorized

From amounts appropriated under section 1140o of this title, the Secretary shall award grants or contracts, on a competitive basis, to not less than one eligible partnership to enable the eligible partnership to support the activities described in subsection (f) and, as applicable, subsection (g).

(d) Application

An eligible partnership that desires a grant or contract under this section shall submit an application at such time, in such manner, and in such format as the Secretary may prescribe. The application shall include information on how the eligible partnership will implement activities under subsection (f) and, as applicable, subsection (g).

(e) Priority

In awarding grants or contracts under this section, the Secretary shall give priority to any applications that include the development and

implementation of the procedures and approaches described in paragraphs (2) and (3) of subsection (g).

(f) Required activities

An eligible partnership that receives a grant or contract under this section shall use the grant or contract funds to carry out the following:

(1) Supporting the development and implementation of the following:

(A) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

(B) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students described in subparagraph (A), which may include a single point-of-entry system.

(C) Procedures and systems to coordinate among institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate—

(i) requests for such materials;

(ii) the responses to such requests; and

(iii) the delivery of such materials.

(D) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

(E) Systems to reduce duplicative conversions and improve sharing of the same instructional materials in specialized formats for multiple eligible students at multiple institutions of higher education.

(F) Procedures to protect against copyright infringement with respect to the development, use, and distribution of instructional materials in specialized formats while maintaining accessibility for eligible students, which may include digital technologies such as watermarking, fingerprinting, and other emerging approaches.

(G) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

(2) Providing recommendations on how effective procedures and systems described in paragraph (1) may be disseminated and implemented on a national basis.

(g) Authorized approaches

An eligible partnership that receives a grant or contract under this section may use the grant or contract funds to support the development and implementation of the following:

(1) Approaches for the provision of instructional materials in specialized formats limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

(2) Approaches supporting a unified search for instructional materials in specialized formats across multiple databases or lists of available materials.