



Equivalent Access for Students with Disabilities

ED §7-910(j)(3)

Office of Information Technology- Accessibility Branch
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Carey M. Wright, Ed.D.

State Superintendent of Schools

Krishnanda Tallur

Deputy State Superintendent
Office of Finance and Operations

Wes Moore

Governor

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Xiomara V. Medina, M.Ed.

Samir Paul, Esq

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Introduction

The twenty-first Equivalent Access for Students with Disabilities annual report is submitted to the General Assembly under §2-1257 of the State Government Article. Prepared by the Maryland State Department of Education (MSDE) following collaboration between several MSDE divisions and local education agencies (LEAs), this report provides information on Education Article §7-910: Equivalent Access for Students with Disabilities.

MD. CODE ANN., EDUC §7-910: Equivalent Access for Students with Disabilities

Md. Code Ann., Educ. §7-910 (a)(1) indicates the words “digital tool”, “equivalent access”, and “nonvisual access” to have the following meanings:

- Md. Code Ann., Educ. §7-910 (a)(2) - “Digital tool” means (i) An online platform; (ii) An online course; (iii) Information and communication technology services, including software and operating systems, that are directly connected to student instruction; (iv) Digital content; or (v) Other digital technologies not requiring sight in an equally effective and integrated manner.
- Md. Code Ann., Educ. §7-910 (a)(3) – (i) “Equivalent access” means the ability to receive, use, and manipulate information and operate controls necessary to access and use information technology, including by nonvisual means, so that a student with disabilities can access the same services as a student without disabilities with substantially equivalent ease of use. (ii) “Equivalent access” includes (1.) Keyboard controls used for input and synthesized speech; (2.) Braille; and (3.) Other audible or tactile means used for output.
- Md. Code Ann., Educ. §7-910 (a)(4) - “Nonvisual access” means the ability to receive, use, and manipulate information and operate controls necessary to access information and communications technology through keyboard controls, synthesized speech, braille, or other methods not requiring sight.

Md. Code Ann., Educ. §7-910 mandates that all LEAs including MSDE, must ensure and provide equivalent access to digital tools for students with disabilities, including nonvisual access, with the following requirements:

- MSDE and LEAs shall ensure that invitations for bids, Requests for Proposals (RFPs), procurement contracts, grants, or modifications to contracts or grants include equivalent access specifications.
- LEAs shall establish a process to evaluate digital tools being considered for development or purchase to ensure alignment with equivalent access standards.
- A procurement contract for a digital tool shall require a vendor to indemnify MSDE and LEAs for liability and costs arising from the failure of the digital tool to meet the required specifications.
- LEAs shall report to MSDE on or before October 1 each year regarding the accessibility of digital tools purchased and/or developed during the preceding fiscal year.

- MSDE shall compile the information received from each LEA, making the information available on the MSDE website, including the accessibility status of any digital tools used by each LEA.
- MSDE and LEAs shall prioritize digital tools that offer pedagogical value that best meets the specifications and have the greatest functionality for equivalent access for students with disabilities, including blindness.
- MSDE shall annually update the requirements for the accessibility of digital tools under the Code of Maryland Regulations (COMAR)13A.06.05 Purchase and Use of Accessible Teaching and Learning Materials.

In 2019, MSDE repealed and replaced COMAR 13A.06.05 with a new regulation to address a transformation in teaching and learning, including a shift towards digital textbooks, resources, and equipment. This aligns COMAR 13A.06.05 with the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA, published in 2018. The regulation requires LEAs to develop policies and procedures for purchasing and acquiring accessible digital tools while providing annual training to purchase specialists.

This report summarizes the outcome of monitoring the compliance of LEAs with the requirements for the accessibility of digital tools under the new regulation, COMAR 13A.06.05.

MSDE Efforts

In Compliance with Md. Code Ann., Educ. §7-910 sections, MSDE collaborated with the LEAs to implement the statute. The following sections provide further details on the effort.

REPORT REVISIONS

MSDE collaborated with the LEAs on revisions to the data collection tool for the FY 24 Equivalent Access Report. LEAs requested the ability to indicate if a digital tool was approved by MSDE for pedagogical value and the ability to add comments to adequately show the work that is being done by the LEA. In collaboration with the Office of the Attorney General, the data collection tool was reviewed and revised to ensure alignment with Md. Code Ann., Educ. §7-910 and to provide additional clarity where appropriate.

FY 24 REPORT INFORMATIONAL SESSIONS

MSDE hosted four informational sessions to assist LEAs in implementing Md. Code Ann., Educ §7-910 (i)(1). These technical assistance sessions highlighted the changes to the data collection tool and the submission process for the report for fiscal year 2024. During these sessions, MSDE staff documented frequently asked questions (FAQ) to provide LEAs with continuous support throughout the submission process.

NOTIFICATION OF INTENT TO PROCURE AN INACCESSIBLE DIGITAL TOOL

MSDE collaborated with the Maryland Department of Disabilities (MDOD) and the Department of Information Technology (DoIT) to develop a process for the required consultation process under Md. Code Ann., Educ §7-910 (e)(2)(ii). From this collaboration, MSDE developed an online request form to allow LEAs to notify the department of the intent to procure a digital tool that does not meet the equivalent access standards. In collaboration with the Office of the Attorney General, MSDE revised the process to ensure alignment with Md. Code Ann., Educ §7-910.

NOTIFICATION INFORMATIONAL SESSIONS

MSDE hosted four informational sessions to assist LEAs in implementing Md. Code Ann., Educ §7-910 (e)(2)(i). These informational sessions highlighted the process that was developed to allow LEAs to notify MSDE of the intent to procure inaccessible digital tools, the consultation process developed between MSDE, DoIT, and MDOD, and the expected timeline for submission responses. During these sessions, MSDE staff documented FAQs to ensure all stakeholders received the same response to alleviate confusion and misunderstandings and provide LEAs with continuous support throughout the submission process.

LANGUAGE FOR PROCUREMENT

MSDE collaborated with the Office of the Attorney General to create an Information Technology (IT) Supplemental for agency invitations for bids, RFPs, and Request for Quotes (RFQ) to include the new requirement of equivalent accessibility for digital tools under Md. Code Ann., Educ. §7-910 (c)(1) and Md. Code Ann., Educ. §7-910 (2)(i). Additionally, this supplemental was provided to the LEAs as sample accessibility language that can be modified and utilized in developing, purchasing, and providing digital tools aligned to Md. Code Ann., Educ §7-910 (c)(1) and Md. Code Ann., Educ. §7-910 (2)(i).

Data Collection

All 24 LEAs participated in reporting the accessibility of digital tools developed and/or purchased during fiscal year 2024 in compliance with Md. Code. Ann., Educ §7-910. MSDE collected and categorized the data under Md. Code. Ann., Educ §7-910(j)(1), to monitor compliance with the requirements for the accessibility of digital tools under COMAR 13A.06.05.

As part of the data collection process, MSDE requested that each LEA identify and provide a point of contact who will receive critical updates and work as a liaison. Furthermore, the submission process required LEAs to submit their procurement contracts for digital tools to meet the requirements of equivalent access for students with disabilities.

DIGITAL TOOL ACCESSIBILITY REPORT

The 2024 Annual Report expands on the data captured during the 2023 report on digital tools. As the LEAs continue to implement WCAG 2.1 procurement language, refine the developed process to evaluate digital tools, build/expand/ refine their accessibility review teams, and begin to notify MSDE of the intent to procure inaccessible digital tools, MSDE expects to see improved results in the future.

- For the year 2024, LEAs reported a total of 2,290 non-unique digital tools developed and/or procured. The report reflects the findings of the respective LEA, which may vary based on the individual process developed by each LEA to evaluate a digital tool being considered for development or purchase, in alignment with MD. Code Ann., Educ §7-910 (c)(3)(i).
- All 24 LEA submissions were consolidated and calculated to determine the following percentage of LEAs that meet the qualifying criteria for digital tools with equivalent access for students with disabilities.

Qualifying Criteria for Digital Tools for Equivalent Access for Students with Disabilities	Compliance Percentage of Tools Reported
The Digital Tool was approved by MSDE for pedagogical value.	18%
All invitations for bids, requests for proposals, procurement contracts, grants, or modifications to contracts or grants include notice of the equivalent access requirement when funds awarded are used to develop or obtain digital tools.	52%
For digital tools developed or procured during fiscal year 2024, specifically beginning on September 1, 2023, the LEAs has required the vendor to submit an accessibility conformance report using a Voluntary Product Accessibility Template (VPAT) that complies with § 7-910(c)(2)(ii) and that VPAT is on file with the LEA.	69%
The LEA procurement contracts for digital tools, consistent with § 7-910(c)(4), require the vendor to indemnify the local school system for liability and costs arising from the failure of the digital tool to meet the requirements of § 7-910.	29%
This digital tool, purchased or developed during the fiscal year 2024, has an accessibility evaluation on file that complies with § 7-910(c)(3).	72%
Equivalent access standards are included in design specifications and evaluation guidelines for the selection of digital tools.	77%
This digital tool, developed or purchased during fiscal year 2024, conforms to equivalent access, including nonvisual access, technical standards and information technology, as referenced in § 7-910(f).	49%

COMAR COMPLIANCE REPORT

For the year 2024, LEAs submitted responses regarding their compliance with the accessibility of the digital tools defined by MSDE under COMAR 13A.06.05:

The following table depicts the LEAs' responses regarding the accessibility of digital tools.

Topic	Question	The proportion of LEAs responding "Yes"
Selection Acquisition and Distribution	The local board has policies and procedures for the selection, acquisition, equitable distribution, and sustainability of digital textbooks pursuant to COMAR 13A.06.05.04A(1)	96%
	The LEA has policies and procedures for the selection and availability of equitable Accessible Educational Materials to meet the needs of all students pursuant to COMAR 13A.06.05.04A(2)	96%
Privacy and Acceptable Use	The local board has policies and procedures for privacy and acceptable use of digital devices and resources pursuant to COMAR 13A.06.05.04A(3)	100%
Parental and Guardian Notification	The local board has notified all students' parents/guardians of the policies and procedures required pursuant to COMAR 13A.06.05.04A(1) through (3)	92%
Purchasing	The local board has complied with Web Content Accessibility Guidelines (WCAG) 2.1 Level AA when purchasing or selecting digital learning resources pursuant to COMAR 13A.06.05.06	88%
Annual Training	The local board has conducted and/or coordinated annual training for special education directors, principals, and other purchase specialists on the policies and procedures for purchasing and using accessible teaching and learning materials to ensure the enforcement of the policies and procedures, as required by COMAR 13A.06.05.04C	92%

23-24 DATA ANALYSIS

MSDE conducted a comparative analysis of the 2024 submission from LEAs against the 2023 submission. This analysis revealed an increase in compliance with Md. Code Ann., Educ §7-910 across all 24 LEAs from Year 1 to Year 2.

The analysis revealed overall increases in all areas, however, deficiencies still exist within digital tools selection and COMAR compliance. Targeted technical assistance will be developed to continue to support the LEAs in the implementation and compliance with Md. Code Ann., Educ §7-910. In subsequent years MSDE will continue to conduct comparative analysis based on the revisions to the reporting process to identify areas for improvement and additional technical assistance.

DIGITAL TOOL ACCESSIBILITY REPORT

Topic	FY 23	FY 24	% Change
Its procurement contracts for digital tools, consistent with § 7-910(c)(4), require the vendor to indemnify the local school system for liability and costs arising from the failure of the digital tool to meet the requirements of § 7-910.	13.7%	29%	15.3%
This digital tool, purchased or developed during the fiscal year 2024, has an accessibility evaluation on file that complies with § 7-910(c)(3).	61.7%	72%	10.3%
This digital tool, developed or purchased during fiscal year 2024 conforms to equivalent access, including nonvisual access, technical standards and information technology, as referenced in § 7-910(f).	23.2%	49%	25.8%

COMAR COMPLIANCE REPORT

Topic	FY 23	FY 24	% Change
Annual Training	58%	92%	34%
Purchasing	58%	88%	30%
Parental and Guardian Notification	79%	92%	13%
Privacy and Acceptable Use	100%	100%	-
Selection Acquisition and Distribution	75%	96%	21%

Accomplishments for Fiscal Year 2024

- To ensure the successful implementation of the Md. Code Ann., Educ. §7-910, eight informational sessions were hosted by MSDE for LEAs. Four of the sessions aimed to provide information on the report submission process, portal access, and the required report details. Four of the sessions aimed to provide information on the process to notify MSDE of the intent to procure inaccessible digital tools. Each session had multiple participants representing 24 LEAs, as well as representatives from MDOD and DoIT.
- MSDE, MDOD, and the National Federation of the Blind (NFB) identified key areas to support to improve access to education technology. Within the scope of the Center of Excellence in Nonvisual Access grant, MDOD and NFB developed two additional modules to aid in this process. Module 3: Best Practices and Strategies for Testing Products provided information covering the principles of automated and manual accessibility testing including how to get started, the best tools to use, and how to interpret results. Module 4 Practical Techniques for Conducting Accessibility Tests provided information covering testing for keyboard functionality, low vision concerns, interpreting automated test results, and testing with a screen reader.
- MSDE Accessibility Branch provided technical assistance to multiple LEAs on Md. Code Ann., Educ. §7-910. These technical assistance opportunities supported LEAs in multiple topics including how to evaluate digital tools, development of a process to evaluate digital tools, how to interpret accessibility conformance reports (ACRs) using Voluntary Product Accessibility Templates (VPATs), how to work with vendors, etc.
- MSDE continues to maintain a webpage that publishes the accessibility status of the digital tools developed and/or purchased by each LEA in compliance with the requirements of Md. Code Ann., Educ. §7-910 (i)(2) and technical assistance documents.
- MSDE revised the annual report based on the LEA feedback gathered after the submission of the October 20223 report and will continue to collaborate with LEAs to gather feedback on the October 2024 report in compliance with Md. Code Ann., Educ. §7-910.
- MSDE's Office of Procurement and Contract Management has revised MSDE's contractual language to ensure alignment with the new state standards and the requirements of Md. Code Ann., Educ. §7-910.

- MSDE hired a 7-910. Equivalent Access Administrator to support the administration of § 7-910. Equivalent access. This role will facilitate collecting, compiling, analyzing, and making available the annual reports submitted by the Local Education Agencies (LEAs), ensuring that all Notifications and Requests to Obtain a Digital Tool submitted by the LEAs are addressed and responded to in a reasonable timeframe, and coordinate the consultation between LEAs, MSDE, and other agencies as required by the law.
- MSDE secured a third-party vendor to begin to evaluate critical systems (digital tools) for accessibility. This vendor is responsible for evaluating systems for their current level of accessibility and creating an accessibility conformance report using the VPAT. This documentation is then used by the system vendors to develop an accessibility roadmap to allow targeted accessibility remediation of the systems.

Next Steps

- MSDE will continue to review WCAG 2.2, published October 5, 2023, to determine if updates are needed to COMAR 13A.06.05 under Md. Code Ann., Educ. §7-910 (j)(2).
- MSDE will continue to collaborate with LEAs to revise the digital tool report, ensuring that it meets the requirements of Md. Code Ann., Educ. §7-910 (i)(1), and adequately captures the LEA efforts around accessibility.
- MSDE will collaborate with LEAs, DoIT, and MDOD to revise the notification process under section Md. Code Ann., Educ. §7-910 (e)(2)(i) as appropriate ensuring that the process is as efficient and effective as possible.
- MSDE will continue to collaborate with MDOD and DoIT to revise the consultation process under section Md. Code Ann., Educ. §7-910 (e)(2)(ii), to ensure MDOD and DoIT can provide substantive consultation.
- MSDE will continue to look for partnerships to support the LEAs with the implementation of the statute.
- MSDE will review the Department of Justice's final rule updating the regulations for Title II of the Americans with Disabilities Act (ADA) and determine potential impacts on Md. Code Ann., Educ. §7-910 and LEAs.