

§ 7-910 – Notification and Request to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards Information Session

August 2024

PRESENTED BY

**Office of Information Technology -
Accessibility Branch**

Meeting Norms

- Please make sure you are muted.
- Chat is being monitored by the Maryland State Department of Education (MSDE) staff.
- Questions can be entered into the chat at anytime and will be addressed at the end of each section.
- Participants have access to all meeting materials. The link was provided in the meeting invitation email.



Presentation Outline

1. Background
2. § 7-910 Selection of Products and Compliance
3. MSDE, DoIT and MDOD Consultation
4. Next Steps



1. Background
2. § 7-910 Selection of Products and Compliance
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Background Information

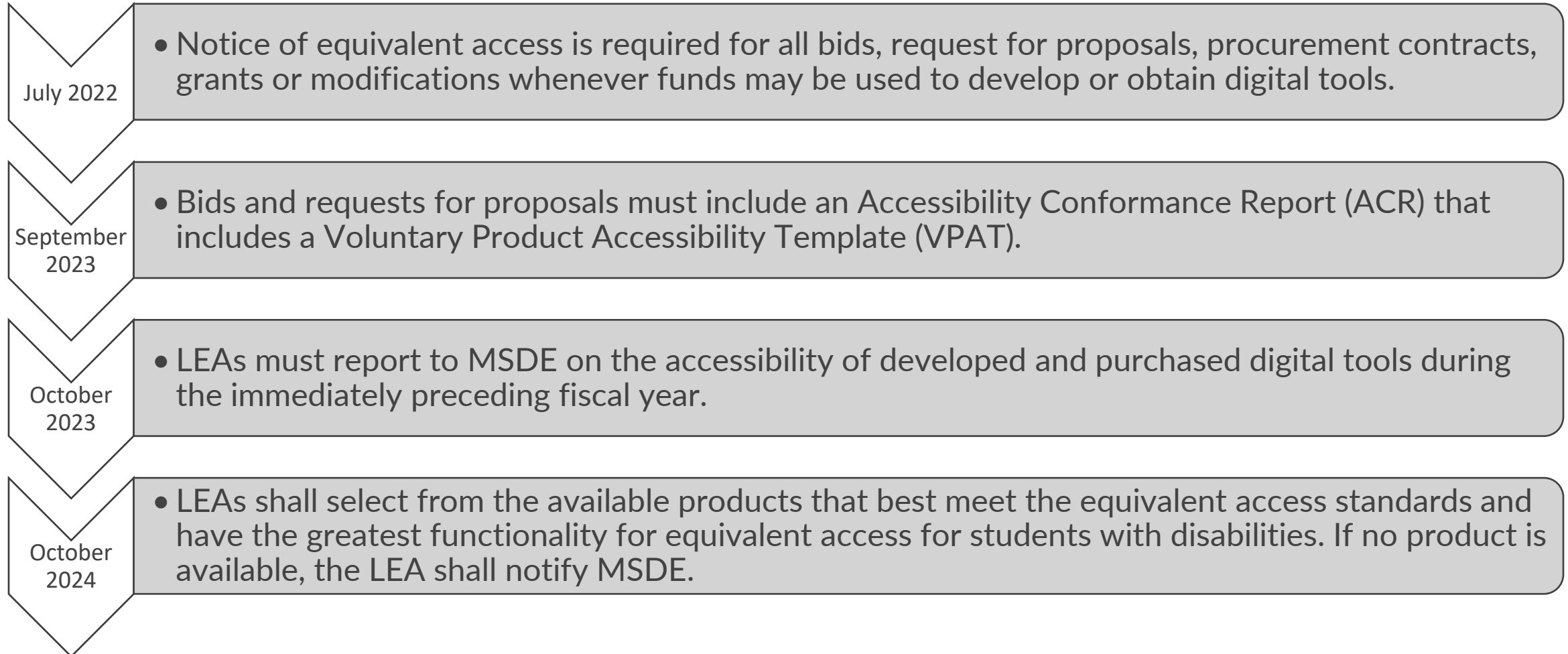
Information Related to § 7-910 Equivalent Access Requirements for Students with Disabilities.

§ 7-910 Equivalent Access Requirements for Students with Disabilities

Requires a local education agency (LEA) to **provide equivalent access to digital tools for students with disabilities**, including the **development, purchase, and provision of certain digital tools**.

- Ensures that certain **specifications** are used in grants and procurement contracts.
- Requires procurement contracts to **indemnify** the LEA for certain liabilities and costs.
- Requires a vendor who provides an LEA with a digital tool, that **fails to meet specific measured standards, to modify the digital tool at the vendor's expense**.

Implementation Timeline



October 2024 Timeline

October
2024

- LEAs must report to MSDE on the accessibility of developed and purchased digital tools during the immediately preceding fiscal year.

October
2024

- LEAs shall select from the available products that best meet the equivalent access standards and have the greatest functionality for equivalent access for students with disabilities. If no product is available, the LEA shall notify MSDE.

(2) “Digital Tool” means:

(i) Online Platform

(ii) Online Course

(iii) Information and Communication Technology (ICT) Services, that are directly connected to student instruction

(iv) Digital Content

(v) Digital Technologies not requiring sight in an equally effective and integrated manner

[§ 7-910 Equivalent access requirements for students with disabilities](#)

(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.

[§ 7-910 Equivalent access requirements for students with disabilities](#)

(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.

[§ 7-910 Equivalent access requirements for students with disabilities](#)



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§ 7-910 Selection of Products and Compliance

LEA Process for Notification and Request to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards

Selection of Products and Compliance

(e)(2)(i) If a local school system determines that a product that meets the equivalent access standards is not available, or if obtaining an available product would fundamentally alter the nature of the instructional activity or would result in an undue burden, the local school system shall notify the Department.

[§ 7-910 Equivalent access requirements for students with disabilities](#)

Education Article § 7-910 – Notification and Request to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards

Section 7-910 of the Education Article sets forth certain requirements related to equivalent access for students with disabilities. Among other things, **beginning October 1, 2024**, local education agencies (LEAs) “shall select, from among the available products that offer pedagogical value, the available product that best meets the equivalent access standards and has the greatest functionality for equivalent access for students with disabilities, including blindness.” Md. Code Ann., Ed. § 7-910(e)(1)(ii).

If an LEA determines a product that meets the equivalent access standards **is not available**, or if obtaining an available product would **fundamentally alter the nature of the instructional activity** or would **result in an undue burden**, the LEA is required to **notify MSDE of its determination**. MSDE, in turn, is required to consult with the **Department of Information Technology** and the **Department of Disabilities** to determine how to proceed. Md. Code Ann., Ed. § 7-910(e)(2)(i), (ii). In order to facilitate the consultation process, MSDE requires, at a minimum, the following information to be provided. MSDE may request additional information, as it determines, in its sole discretion, is needed to reach a decision under § 7-910(e)(2)(iii) or (iv).

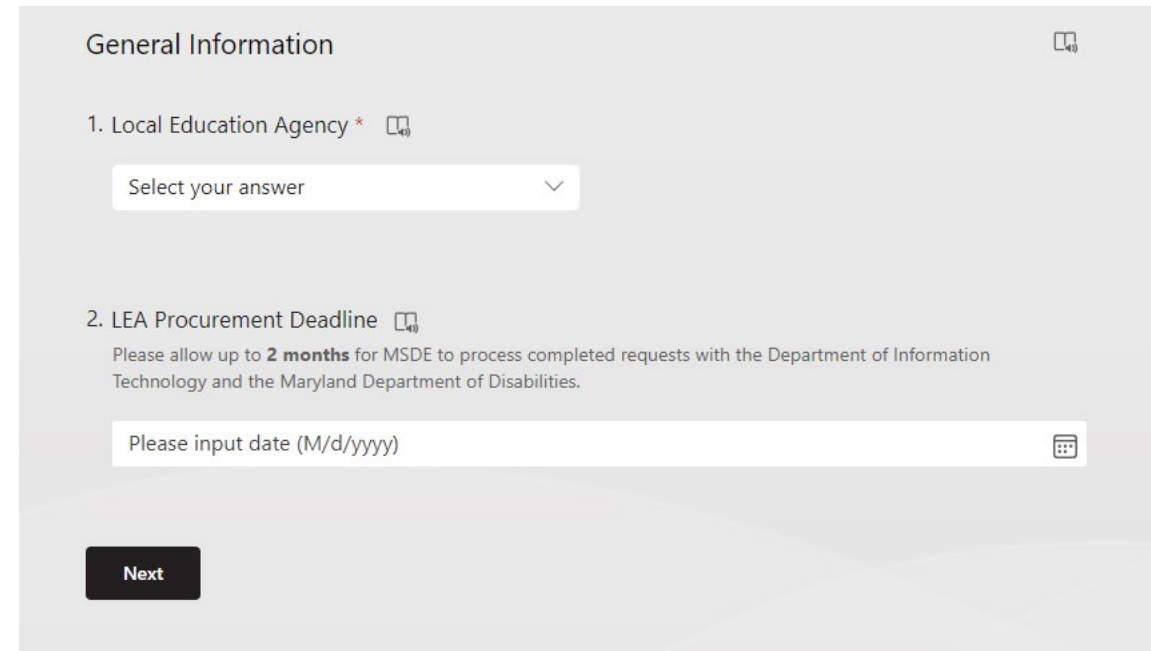
General Information

1. Local Education Agency

Use the dropdown to select your LEA.

2. LEA Procurement Deadline

Please allow up to **2 months** for MSDE to process completed requests with the Department of Information Technology and the Maryland Department of Disabilities.



The screenshot shows a web form titled "General Information". It contains two main sections:

- 1. Local Education Agency ***: A dropdown menu with the placeholder text "Select your answer".
- 2. LEA Procurement Deadline**: A text input field with the placeholder "Please input date (M/d/yyyy)" and a calendar icon. Below the input field, there is a note: "Please allow up to **2 months** for MSDE to process completed requests with the Department of Information Technology and the Maryland Department of Disabilities."

A "Next" button is located at the bottom left of the form.

Person Submitting the Report

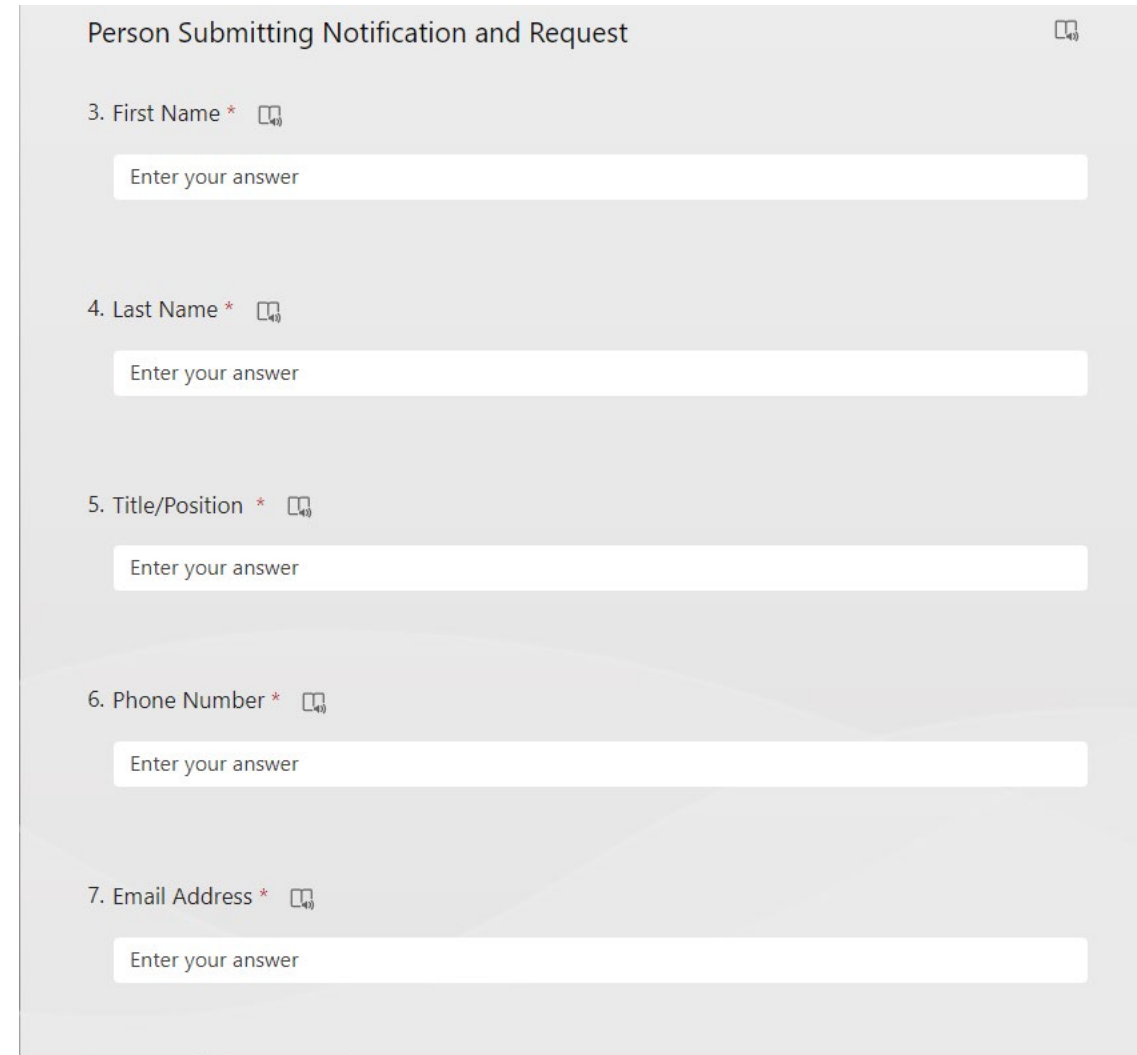
3. First Name

4. Last Name

5. Title/Position

6. Phone Number

7. Email Address



Person Submitting Notification and Request

3. First Name *

4. Last Name *

5. Title/Position *

6. Phone Number *

7. Email Address *

LEA Digital Tool Evaluation Process

Pursuant to § 7-910(c)(3), LEAs are required to establish an evaluation process for the conformity of the digital tool for equivalent access and nonvisual access by an employee or a contractor of the local school system who either specializes in accessibility and Web Content Accessibility Guidelines (“WCAG”) or is a blindness specialist who is knowledgeable in accessibility. The information below seeks information regarding that person(s).

8. First Name

9. Last Name

LEA Digital Tool Evaluation Process

Pursuant to § 7-910(c)(3), LEAs are required to establish an evaluation process for the conformity of the digital tool for equivalent access and nonvisual access by an employee or a contractor of the local school system who either specializes in accessibility and Web Content Accessibility Guidelines (“WCAG”) or is a blindness specialist who is knowledgeable in accessibility. The information below seeks information regarding that person(s).

8. First Name *

Enter your answer

9. Last Name *

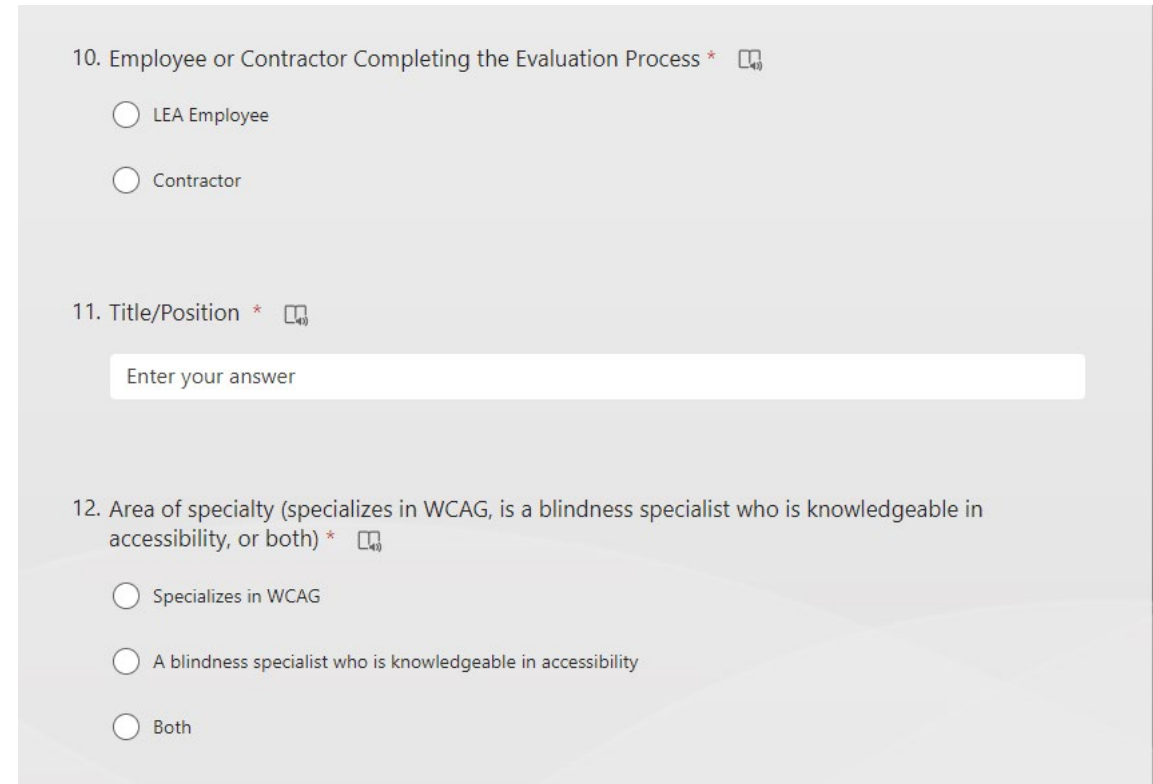
Enter your answer


LEA Digital Tool Evaluation Process

10. Employee or Contractor Completing the Evaluation Process

11. Title/Position


12. Area of specialty (specializes in WCAG, is a blindness specialist who is knowledgeable in accessibility, or both)




10. Employee or Contractor Completing the Evaluation Process * 

LEA Employee

Contractor

11. Title/Position * 

Enter your answer

12. Area of specialty (specializes in WCAG, is a blindness specialist who is knowledgeable in accessibility, or both) * 

Specializes in WCAG

A blindness specialist who is knowledgeable in accessibility

Both

LEA Digital Tool Evaluation Process

13. Phone Number

14. Email Address



13. Phone Number *

Enter your answer

14. Email Address *

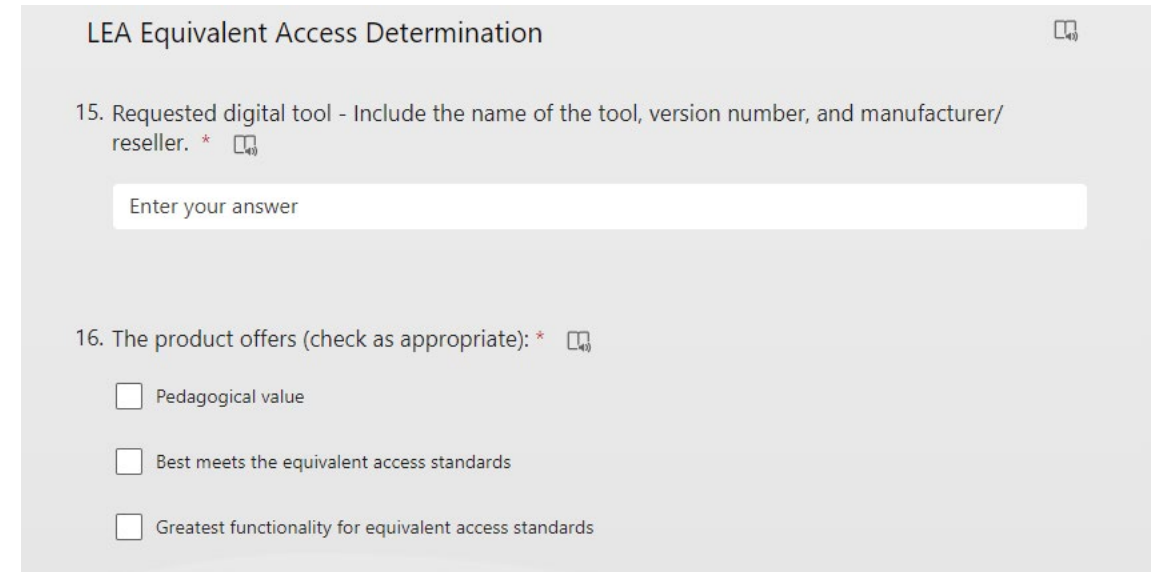
Enter your answer

LEA Equivalent Access Determination

15. Requested digital tool - Include the name of the tool, version number, and manufacturer/reseller.

16. The product offers (check as appropriate):

- Pedagogical value
- Best meets the equivalent access standards
- Greatest functionality for equivalent access standards



LEA Equivalent Access Determination

15. Requested digital tool - Include the name of the tool, version number, and manufacturer/reseller. *

Enter your answer

16. The product offers (check as appropriate): *

Pedagogical value

Best meets the equivalent access standards

Greatest functionality for equivalent access standards

LEA Equivalent Access Determination

17. Justification for the LEA determination and request to procure an inaccessible digital tool (check as appropriate):


- An accessible digital tool is not available from the solicitations received.
- Obtaining an accessible digital tool would fundamentally alter the nature of instruction.
- An accessible digital tool would result in an undue burden.

17. Justification for the LEA determination and request to procure an inaccessible digital tool (check as appropriate): *

- An accessible digital tool is not available from the solicitations received.
- Obtaining an accessible digital tool would fundamentally alter the nature of instruction.
- An accessible digital tool would result in an undue burden.

LEA Equivalent Access Determination

18. Explanation of LEA determination and request to procure an inaccessible digital tool. Provide as much detail as possible to assist MSDE with the consultation process. (Is an accessible digital tool not available in the marketplace? What is the undue burden? How does it alter the nature instruction? etc.):

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Enter your answer

19. Accessibility Plan of Action * 

The LEA certifies that the digital tool vendor has submitted an accessibility roadmap or plan of action with measurable milestones. This roadmap includes, at a minimum:

- Detailed timeline for the product being made accessible;
- Annual yearly measurable milestones;
- Letter of commitment to accessibility compliance from the vendor.

Yes


No

LEA Equivalent Access Determination

19. Accessibility Plan of Action

The LEA certifies that the digital tool vendor has submitted an accessibility roadmap or plan of action with measurable milestones. This roadmap includes, at a minimum:

- Detailed timeline for the product being made accessible;
- Annual yearly measurable milestones; and
- Letter of commitment to accessibility compliance from the vendor.

18. Explanation of LEA determination and request to procure an inaccessible digital tool. Provide as much detail as possible to assist MSDE with the consultation process. (Is an accessible digital tool not available in the marketplace? What is the undue burden? How does it alter the nature instruction? etc.): * 

Enter your answer

19. Accessibility Plan of Action * 

The LEA certifies that the digital tool vendor has submitted an accessibility roadmap or plan of action with measurable milestones. This roadmap includes, at a minimum:

- Detailed timeline for the product being made accessible;
- Annual yearly measurable milestones; and
- Letter of commitment to accessibility compliance from the vendor.

Yes

No

LEA Equivalent Access Determination

20. Monitoring of the Accessibility Plan of Action

The LEA certifies that it will monitor the vendor's progress toward the agreed-upon annual milestones.

21. Alternative methods of instruction

The LEA certifies that a plan has been developed pursuant to § 7-910(h) to implement an alternative method of instruction, including use of other digital tools, if available, designed to enable a student with a disability to achieve the same instructional outcomes as students without disabilities who are able to use the digital tool.

20. Monitoring of the Accessibility Plan of Action *

The LEA certifies that it will monitor the vendor's progress toward the agreed-upon annual milestones.

Yes

No

21. Alternative methods of instruction *

The LEA certifies that a plan has been developed pursuant to § 7-910(h) to implement an alternative method of instruction, including use of other digital tools, if available, designed to enable a student with a disability to achieve the same instructional outcomes as students without disabilities who are able to use the digital tool.

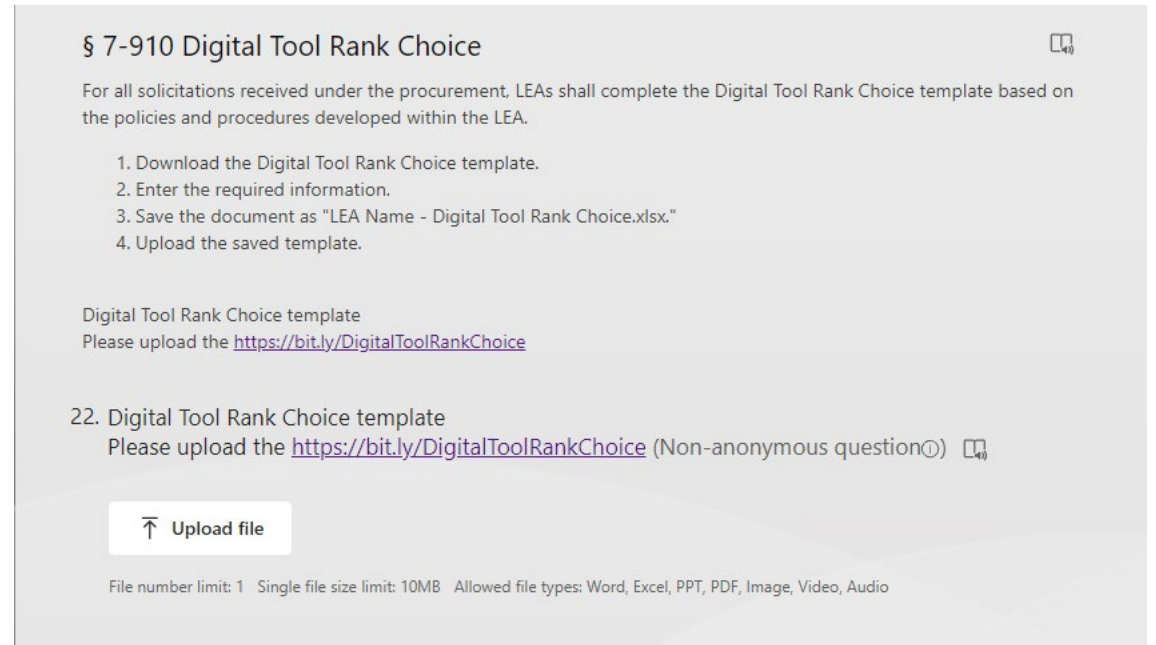
Yes

No

§ 7-910 Digital Tool Rank Choice

For all solicitations received under the procurement, LEAs shall complete the Digital Tool Rank Choice template based on the policies and procedures developed within the LEA.

1. Download the Digital Tool Rank Choice template.
2. Enter the required information.
3. Save the document as "LEA Name - Digital Tool Rank Choice.xlsx."
4. Upload the saved template.



§ 7-910 Digital Tool Rank Choice

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1. Download the Digital Tool Rank Choice template.
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3. Save the document as "LEA Name - Digital Tool Rank Choice.xlsx."
4. Upload the saved template.

Digital Tool Rank Choice template
Please upload the <https://bit.ly/DigitalToolRankChoice>

22. Digital Tool Rank Choice template
Please upload the <https://bit.ly/DigitalToolRankChoice> (Non-anonymous question)

↑ Upload file

File number limit: 1 Single file size limit: 10MB Allowed file types: Word, Excel, PPT, PDF, Image, Video, Audio

§ 7-910 Digital Tool Rank Choice

22.Digital Tool Rank Choice template

Please upload the <https://bit.ly/DigitalToolRankChoice>

LEA Name:						
Note: This sheet contains drop down options.						
Rank	Digital Tool Name	The LEA certifies that pursuant to § 7-910(c)(1) the invitations for bid, request for proposals, procurement contract, grant, or modification to contract or grant included notice of the equivalent access requirement set forth in § 7-910.	The LEA certifies that the digital tool bidder/offeror submitted an accessibility conformance report (ACR) using a Voluntary Product Accessibility Template (VPAT) that complies with § 7-910(c)(2)(ii).	The LEA certifies that the digital tool has an accessibility evaluation on file that complies with § 7-910(c)(3).	Identified Web Content Accessibility Guidelines (WCAG) Success Criteria Failures and Impact	The LEA certifies that the digital tool developed or purchased by the county includes specifications for access for students with disabilities, including nonvisual access, in accordance with the technical standards for electronic and information technology referenced § 7-910(f).
1 to 5		Yes / No	Yes / No	Yes / No		Yes / No

§ 7-910 Digital Tool Rank Choice

Column A:

Rank (1-5)

Column B:

Digital Tool Name (Version)

A	B
§ 7-910 Digital Tool Rank	
LEA Name:	
Note: This sheet contains drop down options.	
Rank	Digital Tool Name (Version)
1 to 5	

§ 7-910 Digital Tool Rank Choice

Column C:

The LEA certifies that pursuant to § 7-910(c)(1) the invitations for bid, request for proposals, procurement contract, grant, or modification to contract or grant included notice of the equivalent access requirement set forth in § 7-910.

(Yes / No)

Column D:

The LEA certifies that the digital tool bidder/offeror submitted an accessibility conformance report (ACR) using a Voluntary Product Accessibility Template (VPAT) that complies with § 7-910(c)(2)(ii).

(Yes / No)

C	D
Rank Choice	
The LEA certifies that pursuant to § 7-910(c)(1) the invitations for bid, request for proposals, procurement contract, grant, or modification to contract or grant included notice of the equivalent access requirement set forth in § 7-910.	The LEA certifies that the digital tool bidder/offeror submitted an accessibility conformance report (ACR) using a Voluntary Product Accessibility Template (VPAT) that complies with § 7-910(c)(2)(ii).
Yes / No	Yes / No

§ 7-910 Digital Tool Rank Choice

Column E:

The LEA certifies that the digital tool has an accessibility evaluation on file that complies with § 7-910(c)(3).

(Yes / No)

Column F:

Identified Web Content Accessibility Guidelines (WCAG) Success Criteria Failures and Impact.

E	F
<p>The LEA certifies that the digital tool has an accessibility evaluation on file that complies with § 7-910(c)(3).</p>	<p>Identified Web Content Accessibility Guidelines (WCAG) Success Criteria Failures and Impact</p>
Yes / No	

§ 7-910 Digital Tool Rank Choice

Column G:

The LEA certifies that the digital tool developed or purchased by the county includes specifications for access for students with disabilities, including nonvisual access, in accordance with the technical standards for electronic and information technology referenced § 7-910(f).

(Yes / No)

Column H:

LEA Comments

G	H
<p>The LEA certifies that the digital tool developed or purchased by the county includes specifications for access for students with disabilities, including nonvisual access, in accordance with the technical standards for electronic and information technology referenced § 7-910(f).</p>	<p>LEA Comments</p>
<p>Yes / No</p>	



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MSDE, DoIT and MDOD Consultation

MSDE, Department of Information Technology (DoIT) and the Department of Disabilities (MDOD) determine next steps on requests.

Selection of Products and Compliance

(e) (ii) After the Department receives a notice under subparagraph (i) of this paragraph, the Department shall consult with the Department of Information Technology and the Department of Disabilities to determine how to proceed.

(iii) If, after the consultation process, the Department determines that there is an available product that meets the equivalent access standard, a local school system shall obtain that product.

(iv) If, after the consultation process, the Department determines that there is no available product that meets the equivalent access standards, a local school system may, with the Department's approval, obtain a product that does not meet the equivalent access standards but provides the best equivalent functionality.

[§ 7-910 Equivalent access requirements for students with disabilities](#)

Tentative Timing

Once MSDE received the completed Notification and Request to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards

Depending on the volume of request the process may take **up to 2 months to complete.**

Let's look at October 2024 for example:

Tentative Timing

- Thursday 10/3/2024 - LEAs submit **completed** forms for next MSDE Committee Meeting #1
- Friday 10/04/2024 - MSDE preps the LEA submissions for review
- Monday 10/07/2024 - Completed LEA submissions submitted to MSDE review team queue
 - MSDE team reviews LEA submissions
- Friday 10/11/2024 - MSDE Committee Meeting #1: Review new LEA submissions

October 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 LEAs submit completed packet for next Committee Meeting	4 MSDE Preps the Packets	5
6	7 Complete LEA Packets submitted to MSDE review team queue	8	9	10	11 MSDE Committee Meeting #1 New LEA packets	12
13	14	15 MSDE sends signed packets for approval to MDOD and DoIT.	16	17 LEAs submit completed packet for next Committee Meeting	18 MSDE Preps the Packets	19
20	21 Complete LEA Packets submitted to MSDE review team queue	22	23 MDOD and DoIT sends consultation notes by COB for Committee Meeting #2	24	25 MSDE Committee Meeting #2 Review MDOD/Doit Consult and New LEA packets.	26
27	28	29 MSDE sends signed packets for approval to MDOD and DoIT.	30	31 LEAs submit completed packet for next Committee Meeting	11/1 LEAs are Notified. MSDE Preps the Packets	

Tentative Timing

If **approved** by MSDE committee

- Tuesday 10/15/2024 - MSDE sends signed packets to MDOD and DoIT for review.

If **denied** by MSDE Committee

- Tuesday 10/15/2024 - MSDE sends signed packets back to the LEA with next steps

Submission process is on a biweekly schedule.

October 2024

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Tentative Timing

Packets submitted to MDOD and DoIT

- Wednesday 10/23/2024 - MDOD and DoIT send consultation notes by COB for MSDE Committee Meeting #2

October 2024

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Tentative Timing

- Friday 10/25/2024 - MSDE Committee Meeting #2: Review MDOD/Doit consult and new LEA submissions
- Friday 11/01/2024 LEAs are notified.

October 2024

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Next Steps

LEA and MSDE next steps and time for questions.

Next Steps

LEA's

- Determine responsible party for submitting the Notification and Request to Obtain a Digital Tool that Does Not Meet Equivalent Access Standards.

MSDE

- Distribute the link to the LEAs.
- Provide additional technical support.

Questions and Contact Information

Thank You.

Please email additional questions to: mdaccess.msde@maryland.gov