

House Bill 1342 (AS PASSED HOUSE AND SENATE)

By: Representatives Porter of the 143rd, McBee of the 88th, Mobley of the 69th, Jamieson of the 22nd, Ashe of the 46th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 3 and 4 of Title 20 of the Official Code of Georgia Annotated, relating
2 respectively to postsecondary education and vocational, technical, and adult education, so
3 as to provide for duties of the Board of Regents of the University System of Georgia and the
4 Department of Technical and Adult Education relating to obtaining and producing
5 postsecondary textbooks and instructional materials in alternative formats for students with
6 disabilities; to provide for legislative findings; to provide for a study of practical problems;
7 to provide for cooperation and work toward establishment of a system or clearing-house for
8 sharing postsecondary texts in alternative formats while protecting publishers' property
9 rights; to provide for reports; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds that colleges and universities in this state have made diligent
13 efforts to accommodate the needs of students with disabilities requiring alternative formats
14 for textbooks and other printed instructional materials used in postsecondary courses of
15 study, but that colleges and universities are confronted with many practical problems in
16 obtaining or producing these texts in alternative formats. Practical problems in obtaining
17 these texts in alternative formats include the wide variety of texts used in postsecondary
18 courses of study, a lack of bargaining power with publishers of postsecondary textbooks in
19 comparison with publishers of textbooks for elementary and secondary education, and
20 hesitation among postsecondary institutions to share alternative formats because of concern
21 about copyright law. Practical problems in producing such materials in alternative formats
22 include the labor intensive and technical nature of the work, the frequent need for expertise
23 in the subject matter of the texts, and the expense and time required for production. The
24 General Assembly further finds that students with disabilities, colleges, universities, and
25 publishers would benefit from cooperative development of a system for sharing those texts

1 produced in alternative formats while adequately protecting the intellectual property rights
2 of publishers.

3 **SECTION 2.**

4 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
5 education, is amended by inserting a new Code section to be designated Code Section
6 20-3-85 to read as follows:

7 "20-3-85.

8 The board of regents shall direct a study of the practical problems involved in obtaining
9 and producing textbooks and other instructional materials in alternative formats for
10 students with disabilities. In cooperation with the Department of Technical and Adult
11 Education, students with disabilities, organizations and advocates for persons with
12 disabilities, publishers, federal and state agencies concerned with opportunities for persons
13 with disabilities, colleges and universities that are not under the direction of the board,
14 university and college presses, counterparts in other states, and other interested persons,
15 the board shall work toward the establishment of a system or clearing-house for sharing
16 postsecondary texts in alternative formats while protecting the intellectual property rights
17 of publishers. The board shall report annually to the Governor and the General Assembly
18 regarding progress toward this goal."

19 **SECTION 3.**

20 Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational,
21 technical, and adult education, is amended by inserting a new Code section to be designated
22 Code Section 20-4-36 to read as follows:

23 "20-4-36.

24 The Department of Technical and Adult Education shall cooperate with the Board of
25 Regents of the University System of Georgia in the study of practical problems involved
26 in obtaining and producing textbooks and other instructional materials in alternative
27 formats for students with disabilities. In cooperation with the Board of Regents, students
28 with disabilities, organizations and advocates for persons with disabilities, publishers,
29 federal and state agencies concerned with opportunities for persons with disabilities,
30 technical colleges that are unaffiliated with the Department of Adult and Technical
31 Education, university and college presses, counterparts in other states, and other interested
32 persons, the Department of Technical and Adult Education shall work toward the
33 establishment of a system or clearing-house for sharing postsecondary texts in alternative
34 formats while protecting the intellectual property rights of publishers. The Department of

1 Technical and Adult Education shall report annually to the Governor and General
2 Assembly regarding progress toward this goal."

3 **SECTION 4.**

4 All laws and parts of laws in conflict with this Act are repealed.