

Senate Bill No. 62–Committee on Human
Resources and Facilities

CHAPTER.....

AN ACT relating to the University and Community College System of Nevada; requiring an institution within the University and Community College System of Nevada to provide electronic versions of instructional materials to students with print access disabilities under certain circumstances; requiring a publisher of such materials to provide the materials to an institution under certain circumstances; and providing other matters properly relating thereto.

“WHEREAS, Congress, in passing the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, guaranteed Americans with disabilities access to public buildings and services and guaranteed reasonable accommodations to qualified students with disabilities; and

WHEREAS, In the 1995-1996 school year, approximately 6 percent of undergraduate students in the United States reported that they had a disability; and

WHEREAS, Print access disabilities present a significant disadvantage to students with such disabilities; and

WHEREAS, Improving the educational results of students with disabilities who are enrolled in postsecondary educational institutions is an essential mission of this state; and

WHEREAS, Ensuring opportunities for and the full participation of students with disabilities in higher education is a top priority in this state; and

WHEREAS, The State of Nevada and the University and Community College System of Nevada are dedicated to providing a quality postsecondary education to students with disabilities that meets the unique needs of such students; and

WHEREAS, The State of Nevada and the University and Community College System of Nevada are committed to working with publishers and other resources to ensure that students with disabilities receive instructional material in a timely manner and in a comprehensible format; and

WHEREAS, It is the policy of the State of Nevada that each textbook and other instructional material for higher education must be provided to students with disabilities in a comprehensible format when such a version of the textbook or other instructional material exists; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In the most timely manner practicable after receiving a written request for an electronic version of instructional material from a student with a print access disability, an institution shall provide to the student, at no cost, an electronic version of each requested instructional material that the institution determines is essential to the success of the student in a course of study offered by an institution of the System in which the student is enrolled.

2. If an institution receives a request for an electronic version of nonprinted instructional material from a student pursuant to subsection 1 to whom the institution would be required to provide an electronic version of the material pursuant to subsection 1 and an electronic version of the nonprinted instructional material is not currently available at the institution or at another institution of the System, the institution must contact the publisher of the nonprinted instructional material and request an electronic version of the nonprinted instructional material. If the publisher:

(a) Has an electronic version of the nonprinted instructional material, the publisher must provide the electronic version to the institution for distribution to the student; or

(b) Does not have an electronic version of the nonprinted instructional material, the institution must create and provide to the student an electronic version in the most timely manner practicable after the institution is notified by the publisher that the publisher does not have an electronic version of the nonprinted instructional material.

3. As used in this section:

(a) "Institution" means any university, state college or community college within the System.

(b) "Instructional material" means any published textbook and other published material that is used by students of the System. The term does not include nontextual mathematics and science materials unless, as determined by the Board of Regents, such materials are commercially available in a format that is compatible for use with equipment which is used by students of the System with print access disabilities to convert material into a format that provides them with the ability to have increased independent access to the material. The term includes, without limitation, nonprinted instructional material.

(c) "Nonprinted instructional material" means instructional material that is in a format other than print. The term does not include a website or Internet link that is associated with instructional material. The term includes, without limitation, instructional material that requires electronic equipment other than a computer or computer peripheral for the material to be

used as a learning resource, such as a software program, videodisc, videotape and audiotape.

(d) “Print access disability” means a condition in which a person’s independent reading of, reading comprehension of, or visual access to printed material is limited or reduced because of a sensory, neurological, cognitive, physical or psychiatric disability.