

53B-23-103 Instructional materials to be provided in electronic format.

- (1)
 - (a) On or after January 1, 2009, any person that publishes or manufactures printed instructional material for students attending a state institution of higher education shall provide to the institution for use by students attending the institution any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the institution.
 - (b) Computer files or electronic versions of the printed instructional material shall:
 - (i) maintain the structural integrity of the printed instructional material;
 - (ii) be compatible with commonly used braille translation and speech synthesis software; and
 - (iii) include corrections and revisions as may be necessary.
 - (c) If good faith efforts fail to produce an agreement pursuant to Subsection (1)(a) between the publisher or manufacturer and the institution as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in ASCII text and shall preserve as much of the structural integrity of the printed instructional material as possible.
- (2) The computer files or electronic versions of the printed instructional material shall be provided to the institution at no additional cost and in a timely manner, upon receipt of a written request that:
 - (a) certifies that the institution has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that institution has purchased the printed instructional material;
 - (b) certifies that the student has a disability that prevents the student from using standard instructional materials;
 - (c) certifies that the printed instructional material is for use by the student in connection with a course in which the student is registered or enrolled at the institution; and
 - (d) is signed by the coordinator of services for students with disabilities at the institution or by the official responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. at the institution.
- (3) A publisher or manufacturer providing instructional materials in an electronic format to an institution may require that, in addition to the requirements specified in Subsections (2)(a) through (2)(d), the request shall include a statement signed by the student that:
 - (a) the student will use the electronic copy of the printed instructional material in specialized format solely for the student's own educational purposes; and
 - (b) the student will not copy or duplicate the printed instructional material for use by others.
- (4) If an institution permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected or the institution shall take other reasonable precautions to ensure that the student does not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, 17 U.S.C. Sec. 101 et seq.
- (5) A person that publishes or manufactures nonprinted instructional materials for students attending a state institution of higher education shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the institution subject to the same requirements specified in Subsections (1) and (2) for printed instructional materials, when technology is available to convert the nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.
- (6) Nothing in this chapter shall be construed to prohibit an institution from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant

to this section solely to transcribe or arrange for the transcription of the printed instructional materials into braille. If a transcription is made, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

Enacted by Chapter 301, 2006 General Session