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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Agriculture, Forestry, and Higher Education...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Agriculture, Forestry, and Higher Education

Senate Bill 485

Relating to: accessible instructional materials for students with disabilities enrolled in institutions of higher education.

By Senators Wirch, Erpenbach, S. Coggs, Lasee, C. Larson, Risser and Taylor; cosponsored by Representatives Knilans, Seidel, Bewley, Bies, Endsley, Grigsby, Krüg, Pope-Roberts, Steinbrink, Turner, C. Taylor and Mason.

February 16, 2012 Referred to Committee on Agriculture, Forestry, and Higher Education.

February 23, 2012 **PUBLIC HEARING HELD**

Present: (7) Senators Schultz, Harsdorf, Kedzie, Moulton, Hansen, Shilling and King.

Absent: (0) None.

Excused: (0) None.

Appearances For

- Robert Wirch — Senator, 22nd Senate District
- Joe Knilans — Representative, 44th Assembly District
- Chris Zenchenko — President, Wisconsin Council of The Blind and Visually Impaired
- Luke Rollins — Reed Elsevier
- Roger Fetterly — Council on Veterans Programs

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Rhonda Staats, Onalaska — MPH
- Gary Goyke, Madison — Wisconsin Commercial Deer and Elk Farmers Association
- Wendy Wink, Madison — Wisconsin Association of Independent Colleges and Universities
- Salvador Carranza, Madison — University of Wisconsin System Administration
- Tim Casper, Madison — Madison College

- Loretta Himmelsbach — WI Council of the Blind and Visually Impaired
- Grant Huber — University of Wisconsin System
- Paul Gabriel, Madison — Executive Director, WI Technical College Dist Bds Association
- Morna Foy, Madison — Vice President, Wisconsin Technical College System
- Andy Engel — Association of American Publishers
- Tony Driessen — McGraw - Hill Education

Registrations Against

- None.

Registrations for Information Only

- None.

February 23, 2012

EXECUTIVE SESSION HELD

Present: (7) Senators Schultz, Harsdorf, Kedzie, Moulton, Hansen, Shilling and King.

Absent: (0) None.

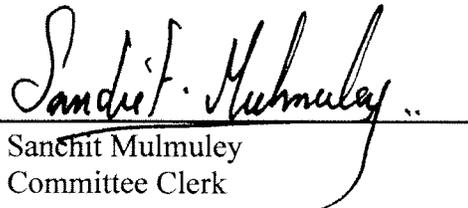
Excused: (0) None.

Moved by Senator Hansen, seconded by Senator Kedzie that **Senate Bill 485** be recommended for passage.

Ayes: (7) Senators Schultz, Harsdorf, Kedzie, Moulton, Hansen, Shilling and King.

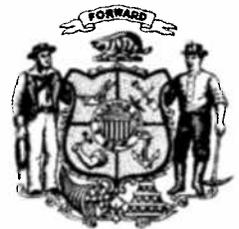
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0


 Sandhit Mulmuley
 Committee Clerk



WISCONSIN STATE LEGISLATURE



February 23, 2012

**Testimony by Roger Fetterly, Chair, Council on Veterans Programs
In support of
Senate Bill 485 relating to accessible instructional materials for students with
disabilities enrolled in institutions of higher education.**

Senator Schultz and members of the Committee, thank you for the opportunity to speak in support of Senate Bill 485.

I am Roger Fetterly; I chair the Council on Veterans Programs. We are a statutory Council whose purpose is to advise the Department of Veterans Affairs and its Board on issues relating to the needs of Veterans. Our Council is made up of representatives of 26 veterans service organizations, one of which is the Blind Veterans Association of Wisconsin. In total, our 26 members represent about 144,000 Wisconsin Veterans.

Earlier this year our Council voted unanimously to support this legislation, particularly for the critical help that is needed for blind and visually impaired veterans. We also voted to send a letter to all members of the legislature asking for their support, a copy of which I will provide to the Committee.

The best way for me to describe the need for this legislation is to quote Gary Traynor who lives in Rice Lake, a blind veteran who is also the President of the Blind Veterans Association of Wisconsin.

“Nationally, there are approximately 11,000 members of the Blind Veterans Association, many of which suffer from traumatic brain and other sight-loss related injuries. With respect to Traumatic Brain Injury (TBI), some vets can see relatively normal, but their brains will not process print any longer, resulting in the need for instructional materials to be provided in a verbal format. Others suffer from eye-related injuries from explosions. These heroes require an educational retooling process for which they need reading materials in an alternate accessible format identified in the proposed bill. All of these veterans are hopeful you will make the right decision in the passage of this bill.”

“Upon a forced retirement due to sight loss, the current President of the Blind Veterans Association was very unnecessarily challenged when seeking a post-secondary education. This was due to his text materials not being available to him in a verbal format in a timely manner; something which the passage of this bill could prevent by assisting our nations heroes who are trying to still continue being productive by retooling their careers.”

“Our Veterans have done their part, we hope you will do your part by supporting this bill.”

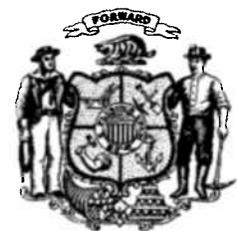
End of quote.

Again, I want to thank Senator Schultz and the members of the Committee for this opportunity to represent the support of 144,000 Wisconsin Veterans for this legislation.

Roger Fetterly
Chair, Council on Veterans Programs



WISCONSIN STATE LEGISLATURE





JOE KNILANS

STATE REPRESENTATIVE • 44TH ASSEMBLY DISTRICT

February 23, 2012

First of all, I would like to thank you Chairperson Schultz and all of the other committee members for allowing me to testify on SB-485 and the companion bill AB-322.

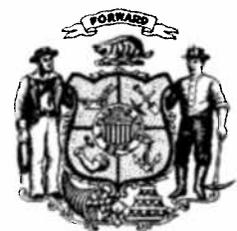
The main reason I feel so strongly about this bill is because the Wisconsin School for the Blind and Visually Impaired is located in my hometown, Janesville. I grew up with that school in my backyard, and it is very special to me.

- Accessibility for textbooks for the blind and visually impaired has been tried in each of the last three sessions – unsuccessfully. Those attempts failed, because the publishers were not onboard with the proposals.
- Things are different today, because the publishers are in full support. In fact, publishers are hoping to use this legislation to promote similar action in other states.
- This bill reflects a broad bipartisan and inclusive effort between legislators, publishers, advocates, the University of Wisconsin system and the Vocational system.
- The result is a bill that strongly announces: No student in Wisconsin will be denied access to our educational system's promise of a better opportunity.
- This bill assures that blind or visually impaired students will receive educational materials in formats they are able to use. Most importantly, they will receive them in a cost effective and timely manner.
- A student at the University of Wisconsin in Green Bay had to drop out of school because he could not afford a mathematics textbook.
- Many blind and visually impaired students have to wait two to three weeks for their educational material. That delay puts them behind other students in the classroom.

- 18% of Veterans returning from Iraq and Afghanistan who have sustained injuries from roadside bombings are blind or visually impaired. They use the GI Bill to prepare themselves for new careers.
- We asked our Veterans to defend us. When they come back, we must not throw additional roadblocks in their way.
- Publishers of elementary and secondary school textbooks have already been operating under this type of requirement. This bill extends that requirement beyond the elementary and secondary levels.
- About 50-75% of the textbooks are already available in formats consistent with this bill. Publishers have taken these steps to facilitate sales and protect the integrity of their intellectual property.
- In those cases in which small publishers are not able to comply, the bill permits schools to convert the material to the appropriate formats.
- This bill is good for our students and our schools. It is a wonderful example of the forward thinking that has characterized Wisconsin for many generations. Thank you again for hearing my testimony. I look forward to any questions you might have.



WISCONSIN STATE LEGISLATURE





Elsevier
LexisNexis
Reed Business

To: Committee on Agriculture, Forestry & Higher Education

From: Luke Rollins
Manager, State Government Affairs-Midwest
Reed Elsevier

Date: February 23, 2012

Re: Support for Wisconsin Senate Bill 485 (Assembly Bill 322 Sub 1)

Mr. Chair and members of the Committee, thank you for considering Reed Elsevier's testimony on SB 485.

We strongly encourage your support of SB 485 offered by Senator Wirch and Representative Knilians.

As way of background, Reed Elsevier is a global provider of science and health information. Elsevier provides teaching and learning solutions for faculty, students and schools in both print and electronic formats. Innovative electronic platforms and products, such as e-books, simulations and assessment tools help educators and students achieve better outcomes. Our global book production for health sciences produces more than 200,000 print pages per year. Elsevier publishes around 2,000 journals and close to 20,000 books and major reference works.

SB 485 is product of great discussions and compromise. As you can see from the GAB registrations this legislation has strong support. The legislation before you will help provide improved and more efficient access to educational tools for those with print disabilities. At the same time, the proposal maintains intellectual property protections for book publishers.

We would like to thank all of those that came together to reach this compromise, the advocates, the University system and technical colleges, and the legislative leaders for this initiative.

We have a strong bill that can certainly serve as a model for other states.

Thank you for your time, consideration and support of SB 485.

Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 485

accessible instructional materials for students with disabilities enrolled in institutions of higher education.

TEXT
sponsors
LRB analysis

STATUS
committee actions and
votes
text of amendments

COST & HOURS
of lobbying efforts
directed at this proposal

Organization Profile		Interests	Date Notified	Position	Comments
These organizations have reported lobbying on this proposal:					
◆	◆	Association of American Publishers	2/21/2012	↕	
◆	◆	McGraw-Hill Education	2/20/2012	↕	
◆	◆	Reed Elsevier Inc.	2/21/2012	↕	?
◆	◆	United Council of UW Students	2/20/2012	↕	
◆	◆	Wisconsin Council of the Blind and Visually Impaired	2/18/2012	↕	
◆	◆	Wisconsin Education Association Council	2/16/2012	↕	

Place pointer on icon to display comments,
click icon to display prior comments





ROBERT W. WIRCH
STATE SENATOR TWENTY-SECOND DISTRICT

Date: February 23, 2012

TO: Senate Committee on Agriculture, Forestry, and Higher Education
Senator Schultz, Chair
Senator Harsdorf
Senator Kedzie
Senator Moulton
Senator Hansen
Senator Shilling
Senator King

RE: Support for Senate Bill 485

Thank you Senator Schultz for holding a public hearing on Senate Bill 485. First introduced in the 2005-2006 Legislature, the Instructional Materials Accessibility Act has undergone many changes in recent months. Along with Representative Knilans and Representative Seidel, we have held several meetings with officials from the Association of American Publishers, publishers McGraw-Hill and Cengage Learning, and lobbyists from the University of Wisconsin-Madison, the UW-System, Madison Area Technical College, the Wisconsin Technical College System, and the Blinded Veterans Association and Wisconsin Council on Veterans Programs to reach a compromise that is supported by these groups. I would also like to thank the Wisconsin Council of the Blind and Visually Impaired for their commitment and resolve on this bill. The collective effort on behalf of all parties has helped to draft this good piece of legislation.

Currently, a university or tech school in Wisconsin who has a student with a learning disability enrolled in a class will request a digital copy of a textbook from a publisher in the class in which they are enrolled. The school and student must then wait for a reply from the publisher. The process is often quite sluggish, and in many cases, students will receive their materials months into the semester. In some cases, these students never receive their classroom materials.

We have heard from several text book companies that having an electronic file of a text book has become increasingly common as technology continues to advance, and is becoming the norm in the industry. At this time, over 50% of materials are already available in electronic format. This bill will assure that all the materials that students need are accessible and obtainable in a timely manner.

This bill has the full support of the Blinded Veterans Association and the Wisconsin Council of Veterans Programs. 18% of United States soldiers serving in Afghanistan and Veterans of the war in Iraq who are wounded by a roadside bombs or IED sustain eye injury. Under this bill, our Veterans will have access to materials in job training programs, at tech schools, and at our universities.

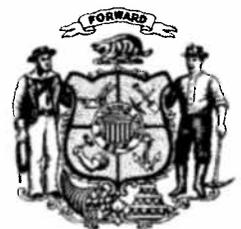
Senate Bill 485 makes written materials accessible to post-secondary students with disabilities in our state. This legislation ensures that students have access to materials used in the classroom by requiring textbook publishers to have the information available in a digital format that can be converted in a timely fashion to Braille, large print, or audio to best meet the needs of students. If a publisher does not give an electronic copy or does not respond to the request, the school then can go ahead and translate the textbook on behalf of the student. It is important to note that this bill will serve all students that qualify under the Americans with Disabilities Act, not just the Blind or visually impaired.

When Assembly Bill 322 was introduced in September, the publishers had several major concerns. They objected to certain provisions concerning the possible violation of their constitutional rights specifically pertaining to 'Public Accommodation'. Changes to the "Public Accommodation" portions of the bill were omitted in SB 485 (and the sub-amendment to AB 322) with the approval of the universities and tech schools. Additionally, reservations over copyright law and the potential for illegal distribution of textbook electronic copies were worked out to the satisfaction of the publishers, and the universities and tech schools.

I am proud to be the Senate author of this bi-partisan bill. I encourage committee members to join me in supporting this bill and to stand alongside current and future postsecondary students with disabilities across Wisconsin.



WISCONSIN STATE LEGISLATURE



My name is Rhonda Staats, and I live in La Crosse, WI. I am currently employed as an instructor and Chair of the Department of Health Care Management at Globe University/La Crosse. The passage of AB 322/SB 485 is important to me as a professional, and as someone concerned about preparing postsecondary students with reading disabilities for success in the job market.

As a college instructor and Department Chair who is blind, I need and expect timely delivery of accessible textbooks in order to do my job. Regrettably, I have taught two classes for which I never received accessible text copies, even after multiple requests to the publisher. This resulted in significantly more work for me because I had to scan and prepare my text materials myself, even though I knew accessible copies of these books existed on a publisher's hard drive or computer storage system. I believe that I would have taught these two courses far more effectively had I had accessible textbooks at the beginning of the quarter. The time required to prepare my own text materials resulted in less time spent in preparing to teach students. Additionally, text materials I created were not as professional, portable, or as easy to work with as those accessible books sent straight from the publisher.

I struggled with getting textbooks I could read throughout my undergraduate and graduate work. I would like to believe that current and future postsecondary students would not need to experience the frustration and despair of not having text materials they could read independently. It is far more effective to complete college work meeting your own schedule rather than needing to hire a reader and be subject to someone else's whims or availability! I have always learned better if I had access and control of my own accessible textbook! I'm sure that all reading disabled students agree.

When available, publishers of college textbooks do a terrific job with their electronic textbook files. Accessible text copies are nearly error free, easy to read, and easy to transfer to a portable braille note taker. Because book publishers have sent me electronic text copies, I have the same access to text materials in my classroom as do my students. Electronic textbook files allow me to be successful in completing my job duties.

AB322/SB485 is ultimately a jobs bill. Requiring college textbook publishers to make available accessible text materials in a timely manner allows students with reading disabilities to develop the skills they will need to successfully enter the job market. Students with the proper skills

training will become productive and tax paying citizens of Wisconsin. The wars in Iraq and Afghanistan have produced significant numbers of returning service men and women whose injuries make it impossible to read college texts in standard print. Wisconsin owes these returning veterans the opportunity to learn new job skills which will allow them to more successfully transfer to jobs with the civilian workforce. Passage of AB322/SB485 will make this possible.

Passage of AB322/Sb485 is essential to enable me to remain successful in my job as instructor and Department Chair with Globe University. I wish all students with reading disabilities similar success! Passage of the Wisconsin Educational Materials Accessibility Act will deliver the tools that make it possible for Wisconsin college students to develop the necessary skills to become career ready.

We are often defined by the jobs we do. Consequently, everyone dreams of career success and the ability to find and keep employment. As Wisconsin legislators, you have the opportunity to make this dream reality for Wisconsin's students with reading disabilities! Vote to keep the Wisconsin Educational Materials Accessibility Act moving forward in the legislative process! After all, "Forward" is the Wisconsin state motto to which all of you are committed.