



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

August 1, 2016

Ms. Meredith Miller
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2016-OESE-0032

Dear Ms. Miller:

The Consortium for Citizens with Disabilities (CCD) Technology and Telecommunications Task Force is pleased to provide the following comments to the Department of Education regarding the proposed rule implementing programs under Title I of the Every Student Succeeds Act (ESSA).

The CCD is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Telecommunications and Technology Task Force focuses on ensuring national policy on matters of telecommunications and technology, including assistive technology, helps move society toward our ultimate goal of full inclusion of all people with a disability.

Our community recognizes the lasting impact of the ESSA regulations and the need for strong protections within them, as these regulations will be guiding federal education policy for years to come. Our coalition colleagues in the CCD Education Task Force have submitted extensive comments on the ESSA Title I proposed regulations, including comments and recommendations about our issue of concern, web accessibility. We, the undersigned organizations, submit these comments in concurrence with those of our CCD Education Task Force colleagues, with additional recommendations and points of information.

CCD Technology and Telecommunications Task Force Recommendation: Modify the proposed regulations to require accessibility, including web content accessibility, of any information dissemination required by the following sections --

- § 200.30 Annual State report card.
- § 200.31 Annual LEA report card.
- § 200.32 Description and results of a State's accountability system.
- § 299.13 Publication of State plan.
- § 299.18 Supporting excellent educators.
- § 200.21 Comprehensive Support and Improvement

Rationale: We are concerned that the proposed regulations do not contain a clear requirement for web accessibility when the web is used to satisfy information dissemination requirements. Many schools do not currently have accessible web sites. Posting information on an inaccessible website excludes parents and community members with disabilities from equitable access to such information. The ESSA regulations should require web accessibility (WCAG 2.0 conformance) for any information that is posted online to satisfy ESSA information dissemination provisions.

The proposed regulations include numerous references to using web information as an acceptable means by which states and local schools can meet the requirement to disseminate information to the public. For example, states may post their proposed state plan (for public comment), and the approved state plan and annual state report cards on their web sites. Local schools may post annual report cards on their web site. However, there is nothing in the proposed regulations that explicitly require information posted on the web to be accessible nor is there anything that even references web accessibility requirements pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

The proposed rules do archaically reference providing alternative format hard copy materials upon request in 200.21 (b)(3) as follows –

(3) Be, upon request by a parent or guardian who is an individual with a disability as defined by the Americans with Disabilities Act, 42 U.S.C. 12102, provided in an alternative format accessible to that parent.

However, limiting the proposed regulations to only reference alternative format materials fails to acknowledge that most of the required information dissemination will be done online via web posting. Given clear evidence that web accessibility is not routinely provided by states and local school districts, the ESSA regulations should explicitly require web accessibility when the web is used to disseminate required information.

Furthermore, the Task Force recommends that the regulations incorporate the core policies contained in the Department's **2012 ED Guidance on Rights of Students with Disabilities When Educational Institutions Use Technology**. The policy included in the Guidance provides information to schools about their responsibilities under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. Included in the Guidance are considerations schools should make when planning for and acquiring information and communication technologies (ICT), the obligations schools have to ensuring applicants and students with disabilities receive the privileges of education in an equally effective and equally integrated manner, and the accommodations or modifications a school can make to comply with the Americans with Disabilities Act and Section 504.

Clearly, the Department's own enforcement of the Guidance indicates the importance of including these core policies in any final regulations governing the accessibility of Web sites in order to ensure accessibility for individuals with disabilities to access the content provided online and any dissemination tools that are utilized by the State, LEA or school.

The CCD Technology and Telecommunications Task Force appreciates the opportunity to provide these comments. Please feel free to contact one of the CCD Technology and Telecommunications Task Force Co-Chairs: Eric Buehlmann, eric.buehlmann@ndrn.org; Mark Richert, 4justice@concentric.net; Audrey Busch, audrey.busch@ataporg.org; Leif Brierley, leif.brierley@PPSV.com; or Michael Brogioli, mbrogioli@resna.org.