September 9, 2016

Ms. Jessica McKinney
U.S. Department of Education
Room 3W107
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2016-OESE-0047

Dear Ms. McKinney:

The Consortium for Citizens with Disabilities Technology and Telecommunications Task Force appreciates the opportunity to respond to the proposed regulations for selected programs under Title I, part B of the Elementary and Secondary Education Act, now known as the Every Student Succeeds Act (ESSA). The Consortium for Citizens with Disabilities 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. For this particular section, the Technology and Telecommunications Task Force seeks to ensure that the regulations regarding the Innovative Assessment Demonstration Authority requires that assessments conform to a set of national accepted accessibility standards, such as WCAG 2.0 for digital content.

CCD Technology and Telecommunications Task Force Concern:
The requirements at §200.77(b) 2-3 require that innovative assessment systems "align with the State academic content standards, including the full depth and breadth of such standards and express student results or competencies in terms consistent with the State's academic achievement standards and identify which students are not making sufficient progress toward, and attaining, grade-level proficiency on such standards;"

Recommendation: CCD appreciates the clear articulation of these requirements, all of which are critical to maintaining full accountability of students with disabilities.   However, to "be accessible to all students" an assessment must conform to a set of nationally accepted accessibility standards such as WCAG 2.0 for digital content. This requirement should be added to the rules to ensure states understand their obligation under the ADA to create, purchase and provide accessible content.

The shift to digital assessments provided great promise for increased access for students with disabilities. Unfortunately, the reality of digital assessment deployment has not delivered on that promise. Unless digital assessments are developed consistent with nationally recognized accessibility standards, like the Web Content Accessibility Guidelines (WCAG) 2.0, they will not be accessible and will not be compatible or interoperable with assistive technology (AT) devices that students with disabilities routinely use for instruction.

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: Audrey Busch, audrey.busch@ataporg.org; Leif Brierley, leif.brierley@PPSV.com; Eric Buehlmann, eric.buehlmann@ndrn.org.

Sincerely,

Eric Buehlmann, National Disability Rights Network
Audrey Busch, Association of Assistive Technology Act Programs
Leif Brierley, Perkins School for the Blind