Technology Accessibility and eLearning Resources

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Overview of Topics

➢Greater Emphasis on Technology in Schools - ESSA

➢Electronic Books and Electronic Book Readers

➢ADA Best Practies Tool Kit for State and Local Governments – Chapter 5: Website Accessbililty under Title II of the ADA

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Greater Emphasis on Technology in Schools - ESSA

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Under ESSA, schools are directed to use funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of <u>all students</u>. ESSA also lists ways schools may effectively use technology.

http://www.specialedconnection.com/LrpSecStoryTool/printDoc.jsp?docid=10005&chunkid=369017

Greater Emphasis on Technology in Schools - ESSA

- Providing educators, school leaders, and administrators with the professional learning tools, devises, content, and resources to:
  - Personalize learning to improve student academic achievement;
  - Discover, adapt, and share relevant high-quality educational resources;
  - Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
- Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning

Greater Emphasis on Technology in Schools - ESSA

Building technological capacity and infrastructure, which may include:

- o Procuring content and ensuring content quality and
- o Purchasing devices, equipment, and software applications in order to address readiness shortfalls

Greater Emphasis on Technology in Schools - ESSA

Developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology

Greater Emphasis on Technology in Schools - ESSA

- Carrying out blended learning projects, which shall include:
  - Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or
- Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

Greater Emphasis on Technology in Schools - ESSA

Providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science;

Greater Emphasis on Technology in Schools - ESSA

Providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

Electronic Books, Electronic Book Readers, & Virtual Learning

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Dear Colleague Letter re: Public Virtual Schools
August 5, 2016, OSER

LEAs must ensure that the IDEA and Part B requirements are being met in every school they exercise general supervision over. LEAs that have general supervision over virtual schools should review policies and procedures.

Dear Colleague Letter re: Public Virtual Schools
August 5, 2016, OSER

Policies and Procedures must:

- Timely collection and reporting of data concerning disproportionality;

- Establishing and maintaining qualifications for personnel necessary to ensure adequate preparation and training in content knowledge and skills;

- The availability of dispute resolution procedures to implement IDEA procedural safeguards, including the mediation and due process hearing provisions, the discipline provisions and complaint procedures;

- Provisions to ensure the confidentiality of records.

Dear Colleague Letter re: Public Virtual Schools
August 5, 2016, OSER (Cont.)

LEAs' policies and procedures must be consistent. Child find policies and procedures must ensure that children with disabilities who attend virtual schools are identified, located, and evaluated. Children who had IEPs and transfer to virtual school enrollment require child find responsibilities to ensure periodical reevaluations. The SEA's child find policies should suggest additional ways that LEAs of virtual schools can suspect and refer a child who may have a disability to be evaluated.

Dear Colleague Letter re: Public Virtual Schools
August 5, 2016, OSER (Cont.)

LEAs' retain the responsibility of making FAPE available, even if the child is in a virtual school. To ensue FAPE, the LEA must:

- Ensuring that students with a disability are offered FAPE;
- Implementing the evaluation and eligibility requirements;
- Carrying out the IEP requirements; and
- Implementing the LRE requirements.

Dear Colleague Letter – Electronic Book Readers

"Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities […] is discrimination prohibited by the [ADA and Section 504] unless those individuals are provided <u>accommodations or modifications that permit them to receive all the educational benefits</u> provided by the technology <u>in an equally effective and equally integrated manner</u>."

Dear Colleague Letter – Electronic Book Readers

"Under title III, individuals with disabilities […] may not be discriminated against in the full and equal enjoyment of all the goods and services […]; they must receive an <u>equal opportunity to participate in and benefit</u> from these goods and services and they must not be provided different or separate goods or services unless doing so is necessary to ensure that access to the goods and services is equally as effective as that provided to others."

Dear Colleague Letter – Electronic Book Readers

- May not be excluded from participation in or denied the benefits of the services, programs, or activities of, nor subjected to discrimination by schools

- "Individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or same level of achievement as others"

- "It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students."

Example
Case Western University using Kindle DX

Case Western University using Kindle DX

Several universities signed these Letters of Resolution with the DOJ's Civil Rights Division because they were using the Kindle DX as part of a pilot program with Amazon; the electronic book reader was not accessible to students with visual impairments.

DOE FAQ about DCL on Electronic Book Readers

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DOE FAQ from DCL on Electronic Book Readers

The FAQ clarifies many things, including that the above DCL applies to all schools (not just postsecondary), to all students with disabilities (not just low vision), and ***to all forms of emerging technology (not just electronic book readers).***

DOE FAQ about DCL on Electronic Book Readers

"Substantially equivalent ease of use" means that there is equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology, even though this might not result in identical ease of use compared to that of a student without disabilities.

DOE FAQ about DCL on Electronic Book Readers

- "Innovation and equal access go hand in hand. The purpose of the DCL is to remind everyone that equal access for students with disabilities is the law and must be considered as new technology is integrated into the educational environment."

- No staff or faculty member can assign inaccessible course content for a student with a disability because it denies an equal opportunity to participate. The school may be held legally responsible for the faculty member's actions.

- Schools should provide professional development about accessibility and emerging technology to help staff comply.

DOE FAQ about DCL on Electronic Book Readers

- This applies to all online courses and online content, including: online applications, class assignments, and all programs that are part of the operations of the school that are provided by the school directly or through contractual or other arrangements.
- The implementation of an emerging technology should always include planning for accessibility, even if there are currently no students with visual impairments (or other disabilities that would affect use) are enrolled.

DOE FAQ about DCL on Electronic Book Readers

- In determining if technology is accessible, schools should ask:
  - What educational opportunities and benefits does the school provide through the use of the technology?
  - How will the technology provide these opportunities and benefits?
  - Does the technology exist in a format that is accessible to individuals with disabilities?
- If the technology is not accessible, can it be modifies, or is there a different technological device available, so that students with disabilities can obtain the educational opportunities and benefits in a timely, equally effective, and equally integrated manner?

DOE FAQ about DCL on Electronic Book Readers

Example: A school intends to establish a Web mail system so that students can: communicate with each other and with faculty and staff; receive important messages from the school (e.g., a message about a health or safety concern); and communicate with individuals outside the school. The school must ensure that the educational benefits, services, and opportunities provided to students through a Web mail system are provided in an equally effective and equally integrated manner. Before deciding what system to purchase, the school should make an initial inquiry into whether the system is accessible to students who are blind or have low vision, e.g., whether the system is compatible with screen readers and whether it gives users the option of using large fonts. If a system is not accessible as designed, the school must take further action to determine whether an accessible product is available, or whether the inaccessible product can be modified so that it is accessible to students who are blind or have low vision.

DOE FAQ about DCL on Electronic Book Readers

If accessible technology is not available, a school is compliant if it provides students with disabilities "accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner."

Relevant questions are:

- Will it be more difficult for students with disabilities to obtain the educational opportunities and benefits than it is for students without disabilities?
  - *i.e.* Does ease of use for students with disabilities meet the requirement that students with disabilities be provided benefits and opportunities in an equally effective and equally integrated manner?

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

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ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

• Government agencies must meet requirements of the ADA and make their websites accessibly. They can do this by having accessible features for people with disabilities, or providing an alternative accessible way to use the program/services (such as a staffed telephone information line).

   • "Poorly developed websites can create unnecessary barriers for people with disabilities, just as poorly designed buildings prevent some people with disabilities from entering."

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

Common Problems

- Images without text equivalents
  - Some assistive technologies (such as screen readers) only read text and cannot translate or interpret images, photographs, charts, color coded information, or other graphic elements.
  - <u>Solution</u>: Add a text equivalent to every image
    - A line of HTML code that includes meaningful information that other users obtain by looking at the image.

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

- Documents are not posted in an accessible format
  - PDF documents, and others in imaged based formats, are often not accessible to those who use screen readers, text enlargement programs, or different color or font settings to read compute displays.
- <u>Solution</u>: Provide documents in an alternative text-based format (such as HTML or RTF) in addition to PDF. Text-based formats are the most compatible with assistive technologies.

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

- Specifying colors and font sizes
  - Users need to be able to manipulate color and font settings in their web browsers and operating systems in order to make pages readable. Some webpages are designed so that changing the color and font settings is impossible.
    - Example: a person with low vision needs to use high contrast settings, such as bold white on a black background.
  - Solution: Websites should be designed so that they can be viewed with the color and font sizes set in the users' web browsers and operating systems.

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

- Videos and other multimedia lack accessible features:

  - Multimedia such as videos, automated slide shows, and video tours can present two problems for people with disabilities. People who are deaf or hard of hearing may not be able to hear the audio track of a video. People who are blind or low vision may not be able to see the images.

  - <u>Solution</u>: Videos should be accessible to everyone. Provide audio descriptions of images (including changes in setting, gestures, and other details) to make videos accessible to people who are blind or have low vision. Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.

ADA Best Practices Tool Kit for State and Local Governments – Chapter 5: Website Accessibility under Title II of the ADA

- Other considerations when developing a website:
  - Include a "skip navigation" link at the top of webpages that allows people who use screen readers to ignore navigation links and skip directly to webpage content
  - Minimize blinking, flashing, or other distracting features
    - If they must be included, ensure that they may be paused or stopped
  - Design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the forms
  - Include visual notification and transcripts if sounds automatically play
  - Provide a second, static copy of pages that are auto-refreshing or that require a timed-response
  - Use titles, context, and other heading structures to help users navigate complex pages or elements

ADA Website Accessbility

- Special education students should be provided with equal access to current technology. To stay compliant with Section 504 and Title II, districts should consider the following guidelines:
- Develop and maintain a policy regarding fair distribution of new technology
  - These policies should:
    - Serve as notices to personnel that special education students must equally benefit from new technology, and
    - Set forth the protocol to follow in acquiring new technology.
- Keep up with students' needs as they correlate to current technology
  - Bearing in mind that students with disabilities generally have different needs than their nondisabled peers, district personnel should fully consider those students when first acquiring new technology and then, when distributing those items

ADA Website Accessbility

- Keep track of recently obtained technology
  - It is wise for districts to document what new technology they receive, when it's received, and which types of classrooms receive the items. This practice will help a district ensure that it has evenhandedly distributed new technology.

Southeastern (VA) Cooperative Educational Program v. Office of Civil Rights, 66 IDELR 77, 116 LRP 26098, 11-16-1066 (April 15, 2016)

- OCR found 11 webpages operated by the district that made them noncompliant with Section 504 and Title II. OCR gave the district two years to make the websites fully accessible to individuals with disabilities, but the district did not fix the webpages. In determining whether a website provides equal access to individuals with disabilities, OCR considers whether individuals with disabilities have the same:
  - Ease of use,
  - Completeness of information,
  - Functionality, and
  - Timeliness of response

Southeastern (VA) Cooperative Educational Program v. Office of Civil Rights, 66 IDELR 77, 116 LRP 26098, 11-16-1066 (April 15, 2016)

The following were concerns the OCR identified in the district's webpages:

- Lack of textual information for non-text elements
- Main dropdown menus not exposed to assistive technology
- Photo carousel not controllable through the keyboard
- Insufficient color contrast between text and background

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

Virtual charter school did not provide individuals with disabilities with equal opportunity to participate in or benefit from its web-based education program and access was not as effective as was that provided to other students. Individuals with visual disabilities, learning disabilities, and parents interested in the school with disabilities all had difficulties with web accessibility.

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

Three students with vision-related disabilities had IEPs that provided for services such as:

- Modified curriculum
- Shortened assignments
- A scribe
- Small groups
- Abridged reading
- Large print
- A large screen monitor
- Extended time

Though the above services were supposed to be provided in their home environment, there was no explanation in the IEP about how the School would provide those things with internet based learning (specifically small groups and a scribe).

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- The School had not adopted a web accessibility policy or otherwise articulated standards for ensuring accessibility. OCR reviewed the following webpages:
  - Pages on which people are likely to enter the website (homepage)
  - Pages with different layouts and functionality
    - Tables, forms, or dynamically generated results
  - Pages with informative images
    - Diagrams or graphs
  - Pages with scripts or application that perform a particular task or function
  - Pages most likely to garner the most traffic from visitors and/or which provide the most important information regarding the program
    - Information pertaining to admissions, curriculum requirements, code of conduct, and extra-curricular activities

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- OCR also selected a sampling of classes in the School's online learning environment based on the enrollment of the three students with visual impairments, including classes from the high school, middle school, and elementary school and classes that spanned a variety of disciplines, such as science, language arts, math, and government.

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- OCR found a number of concerns:
  - The website contained some images without text equivalents, making content inaccessible to screen reading software, non-visual browsers, and Braille readers.
  - Some photographs throughout the School's website and its media library were inaccessible. Images posted by teachers within the online learning environment lacked text equivalents.
    - In one class a teacher provided no alternative text for over 1,400 images.
  - Teachers directed students to lessons on external websites that lacked text equivalents.

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013) CONT.

- Documents posted on the School's website, including the curriculum catalog, application packet, and program information for the Branching Program, were all posted in PDF format, but the PDFs were not properly tagged for the document to be accessible.
- The website used color and font sizes in areas of critical program information, such as the online Enrollment Application and its Calendar of Events, that may not be accessible to persons with disabilities
- Electronic forms used by the School to be completed online were not constructed so that persons using assistive technology could complete and submit the forms.

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- Other factors that impacted the ease of use and/or access to content located on the schools website included:
  - Dropdown menus of the main navigation bar not available to users who must navigate with a keyboard
  - Lack of a method for a user to skip repetitive navigation links
  - Including a photo gallery without text equivalents
  - Pages not organized so that they were readable without requiring an associated style sheet, and
  - Videos and other multimedia without accessible features, such as keyboard-only controls, audio descriptions, and text captions synchronized with the video images

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- Factors impacting the ease of use and/or access to content located on the School's online learning environment included:
  - Course content, class assignments, instructions, or other critical information provided in inaccessible PDF format
  - Videos and other multimedia without accessible features, such as keyboard-only controls, audio descriptions, and text captions synchronized with the video images
  - Assignments and quizzes not available to users who must navigate with a keyboard
  - Pictures and other images lacking text equivalents, and
  - Assigned lessons provided by linking inaccessible, third-party content on external websites

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

OCR determined that the School's website and online learning environment did not comply with the Accessibility Standards and are not accessible – it is a virtual school and the School has not made its website accessible.

Virtual Community Schools of Ohio v. OCR, 62 IDELR 124, 113 LRP 44971, 15-11-5002 (November 6, 2013)

- Relevant sections from the Resolution Agreement:
  - "Accessible" means that a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.
  - A person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability.
  - Identify and adopt the specific technical standards it will use to determine whether electronic and information technologies are accessible.

QUESTIONS???

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