

Elaborating on Online Accessibility

http://www.insidehighered.com/news/2011/05/27/education_department_elaborates_on_guidelines_against_discriminating_against_disabled_students_with_technology

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The Department of Education on Wednesday elaborated on a 2010 letter urging college and university presidents to make sure that the “emerging technology” on their campuses squares with federal laws protecting disabled students from discrimination.

While the original “Dear Colleague” letter focused on recent controversies over the accessibility of classroom devices such as electronic readers, Wednesday’s addendum made it clear that online courses and their content also must be accessible to disabled students -- even if none are currently enrolled.

“All school programs and activities -- whether in a ‘brick and mortar,’ online, or other ‘virtual’ context -- must be operated in a manner that complies with federal disability discrimination laws,” said the addendum, which was written as an FAQ.

The Americans with Disabilities Act of 1990 and the 1973 Rehabilitation Act together prohibit public organizations, and those that accept federal funding, from excluding people with disabilities. This category includes nearly all colleges and universities, public and private, which are expected to accommodate disabled students either by making resources accessible via assistive technology, such as screen readers and entrance ramps, or by providing them with alternative services that do not leave them at a disadvantage.

Many colleges probably inferred that the original letter encompassed online learning, says Pratik Patel, chair of the information access committee at the American Council for the Blind. But that letter contained no mention of online programs, which for years have comprised the fastest-growing area of higher education. “I think it’s wonderful that they did provide clarification for those colleges and universities that did not find it explicit,” Patel said.

The accessibility of online courses -- and online components of classroom courses -- turns largely on the accessibility of online learning platforms and e-mail clients, which most online programs outsource to major software companies such as Blackboard, Pearson, Google, and Microsoft. According to a number of advocates, those large companies have been amenable to the needs of users with vision impairments and other disabilities.

However, digital learning technology is evolving rapidly, and approval from a given campus’s disabled student services office is not always the first thing an instructor thinks about when introducing novel course content, says Kelly Hermann, chair of the Online Education Special Interest Group at the Association on Higher Education and Disability. Some advocates worry that as digital course content grows increasingly interactive and sophisticated, it will be more

difficult to equip disabled students with assistive technologies capable of reading it, or supply them with an equivalent alternative.

In Wednesday's release, the Education Department emphasized that compliance extends to part-time professors -- a population often utilized by online colleges, particularly in the for-profit sector, and one that includes a growing proportion of instructors on many campuses as well.

Adjuncts, who tend to receive less training and support than traditional faculty, are expected to furnish accessible course content and should be trained accordingly, the department said. "If an adjunct faculty member denies a student who is blind an equal opportunity to participate in a course by assigning inaccessible course content," it stated, "the school can be held legally responsible for the faculty member's actions."

Even courses and institutions that do not currently enroll disabled students are expected to take accessibility issues into account when introducing new technologies, the department says. "The planning should include identification of a means to provide immediate delivery of accessible devices or other technology necessary to ensure accessibility from the outset."

So far there have been no high-profile lawsuits over the accessibility of online learning programs, but the push-and-pull between campus technology and accessibility has not been without legal dust-ups. Two advocacy groups, the American Federation for the Blind and the American Council of the Blind, in 2009 sued to end pilot programs of an early version of the Kindle, Amazon's popular e-reader, at several institutions.

The move prompted a debate over whether accessibility laws should apply to colleges that are merely test-driving new technologies, with some campus technologists arguing that such a standard could stifle innovation.

One section of Wednesday's FAQ addresses that issue directly. "Does the ['Dear Colleague' letter] apply to pilot programs or other school programs that are short of duration?" the department asks, before answering: "Yes."

Martin Ringle, chief information officer at Reed College, which was one of the institutions named in the 2009 Kindle lawsuits, told Inside Higher Ed on Wednesday that while he supports the document and accessibility in general, he remains skeptical that colleges should be beholden to federal accessibility laws during pilot programs. After all, he says, a college might not know whether a certain technology might have accessibility barriers until it tests it out.

"If you can't test it within the university without running afoul of the guidelines, you have to be able to turn somewhere for some kind of certification where someone is telling you which technologies are accessible and which ones aren't," Ringle said. He added that advocacy groups occasionally issue statements about certain products, but not for every new tool a college might want to try out.

Still, one prominent feature of Wednesday's letter is its good faith, says Gregory Jackson, vice president for policy and analysis at Educause. The Education Department seems to recognize that these are thorny issues that colleges are not willfully ignoring, Jackson says. If the department were writing in response to abuses within a landscape of clearly defined rules and practices, he says, the letter would probably have been more strongly worded.

The National Federation for the Blind hailed the new guidelines in an e-mailed statement. "These documents give educational institutions ideas of how to practically apply their legal obligations when considering or deploying emerging technology, and in that respect they should be very valuable," wrote Chris Danielsen, a federation spokesman.

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