

THE PODIUM

On education technology, college lobbyists are keeping disabled students behind

Electronic educational materials must be accessible to those with disabilities

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A model wears a FingerReader ring at the MIT Media Lab in Cambridge. Researchers designed and developed the instrument, which enables people with visual disabilities to read text printed on paper or electronic devices. Electronic instructional materials may create barriers for the visually impaired.

By Kyle Shachmut

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Yet another semester is underway, and students with disabilities will yet again be left behind because schools are not providing equal access to electronic materials. The issue has been a subject of escalating tension between students with disabilities and their universities. Surprisingly, a common-sense, noncontroversial solution to solve this problem exists in a bipartisan, bicameral bill being considered by Congress. Even better, Massachusetts representatives have taken center stage in support of this solution; the Senate version was introduced by Senator Elizabeth Warren and cosponsored by Senator Ed Markey, and Representative Joseph Kennedy III supports the House version.

So what's the hold-up? A [vague, unexplained opposition to “accessible instructional materials”](#) on the part of colleges and universities and their lobbying associations.

By law, universities are obligated to provide students with disabilities equal access to all facets of the educational experience. In today's modern classrooms, that includes accessible educational technology. Providing instructional materials in a digital format instead of traditional print can allow students to access content in ways that best meet their needs, like having text read aloud or automatically translated into electronic braille. Such accessibility is absolutely possible if technologies are designed and coded for these applications from the start. Yet, most institutions do not ensure this access in products they build themselves or purchase from publishers and technology companies. This oversight has created an increasingly large chasm of access for students with disabilities in today's digital higher education landscape.

The chasm of access also puts institutions at unnecessary legal risk for discriminating against students with disabilities. In the last four years alone there have been numerous public-awareness campaigns, interventions by the Office of Civil Rights within the US Department of Education, and high-profile legal challenges from advocates. Yet institutions are still not equipped to adequately address this challenge. In fact, the number of universities that have faced discrimination complaints and investigations by the Office of Civil Rights has increased in recent years. Legal challenges, one school at a time, are no way to ensure equal access for students, nor do they rectify a clearly systemic issue. There has to be a better way.

The better way — the common-sense, seemingly noncontroversial solution — to address this issue is the TEACH Act (Technology Equality and Accessibility in College and Higher Education Act). It has support from over a dozen leading disability advocacy organizations, and bipartisan support in both the House and Senate — even in this divided Congress! It was developed in close collaboration with the National Federation of the Blind, the nation's leading advocacy organization for digital accessibility, and the Association of American Publishers, the largest trade association for the publishing industry. It implements recommendations from an in-depth study of accessibility in higher education conducted with broad stakeholder input over several years. Specifically, it directs an independent expert agency to develop guidelines for making electronic

instructional materials accessible. The kicker? The guidelines would merely be an optional path for universities to meet their existing legal obligation to ensure equal access. With students wanting equal access, schools wanting to avoid litigation, and manufacturers wanting to grow market-based solutions, the TEACH Act is a win-win-win.

Despite the clear need, broad support, common sense and data-driven approach, higher education has not come out in support of the effort. In fact, the American Council on Education (ACE) — the largest and most influential policy lobby for higher education — [recently wrote a letter to the Senate committee on higher education](#). Among a laundry list of comments, the group objected to language regarding “accessible instructional materials” found in a provision modeled after the TEACH Act. ACE makes the baseless assertion that, by creating voluntary accessibility guidelines, the provision creates an “impossible-to-meet standard” — even though existing law already mandates equal access. Does this mean existing law is impossible to meet? This sounds like a dangerous admission.

ACE goes on to state the provision will actually stall the development of accessible materials, meaning it would do the opposite of what is intended. Where are the data to back this up? It cannot be true just because ACE says so. They further fail to provide a viable alternative. As a blind student, I’m left to guess from this statement that ACE simply does not care about equal access for students with disabilities — or, more oddly, about providing a straightforward path for member institutions to clearly fulfill their legal obligation. ACE would be more credible if its objections came from a place of understanding. Instead, it has consistently declined to participate in dialogue about equal access, despite persistent invitations from advocates and congressional offices desiring their input.

Three prominent Massachusetts university leaders [are also leaders within ACE](#): UMass system president Robert L. Caret is ACE’s secretary. MIT president L. Rafael Reif is on ACE’s board of directors. Boston University President Robert A. Brown is the Association of American Universities representative to ACE. These presidents should do the right thing

for their institutions, students with disabilities everywhere, and demand that ACE support equal access for students with disabilities in higher education and work with stakeholders on the TEACH Act. Students with disabilities cannot afford to wait. Frankly, neither can the schools.

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