



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

K-12 Virtual Instruction Accessibility

Issue 1: SEAs, LEAs and virtual instruction providers lack the understanding and expertise needed to ensure accessibility of virtual platforms and content as required by federal law.

Issue 2: Lack of clear and consistent federal, state and local policies that identify who is responsible for providing assistive technology needed by a K-12 student with a disability to access virtual instruction (assuming the platform and content is accessible).

Virtual Instruction Access Barriers and Legal Actions

There are many instances of legal action around online accessibility issues in both the higher education and K-12 realm. A higher education example is the [settlement agreement with EdX](#) that included making the platform, mobile application and learning content conform with WCAG access standards, mandatory accessibility training for content developers, and hiring an accessibility evaluator. Examples of actions in the K-12 space include settlement agreements in [Ohio](#) (2013), [South Carolina](#) (2014) and [Ohio](#) (2018). These include ensuring platform and content accessibility, identifying responsibility to provide auxiliary aids (assistive technology) when necessary for equal access and effective communication under the ADA and Section 504, and implementation of accessibility resolution procedures by the vendor (K-12, Inc.) and/or by the public entity.

Status of SEA Policies/Procedures on Virtual Instruction

The Center for Online Learning and Students with Disabilities report [Equity Matters](#) (2016) scanned the online learning policies of 55 states and territories and found:

- 21 have state-mandated vendor applications for online providers that specifically mention serving students with disabilities;
- Only 24% provide information on the IDEA requirements for supervision of special education, Child Find and provision of FAPE in online programs;
- Thirty-eight states do not have any clear guidance/policy of who would provide special education services in a virtual/online school setting;
- Approximately 75% of all states and territories had Unclear, No with Evidence, or Nothing Found in six of the nine items most closely aligned with IDEA.

Policies specific to ensuring virtual instruction accessibility

Based on data in [Equity Matters](#) (2016) and the [Digital Instructional Materials Acquisition Policies for States](#) database maintained by SETDA, there seems to be general agreement that SEAs should have a policy that requires accessibility of virtual instruction (both platform and content) to comply with federal law (primarily ADA) and should identify what specific accessibility standards will be used to determine "accessibility" (usually WCAG 2.0 AA level). However, even if a state does have a policy that requires conformance with WCAG 2.0 AA level, there is typically no proactive procedure in place (e.g. independent

evaluation of product compliance with access standards) to ensure virtual instruction actually conforms to the access standards before it is approved or deployed. Many states appear to use more of an “honor system” where they ask the vendor to attest to the fact their product is fully accessible without requiring an outside independent evaluation of accessibility or doing their own internal review of accessibility. Examples of policies on virtual accessibility include [Massachusetts](#) (state/vendor), [Ohio](#) (state/vendor) and [Florida](#) (public virtual system).

Policies specific to delivery of AT when needed

The Task Force discovered vastly different policies regarding who is responsible for provision of AT when students need such equipment to access virtual instruction (assuming the platform and content is accessible and interoperable with AT.) A number of state virtual programs have an Accessibility Statement ([MA example](#)) which suggests that AT is provided by either the vendor or the state – “Students with disabilities receive access through the delivery of resources and accommodations tailored to each student’s individual abilities and needs, including assistive technologies and individualized support.” A different example is [Florida](#) where it appears the LEA is responsible for students dual enrolled in the district and virtual program while the vendor/state is responsible for any IDEA/504/ADA access needs of full-time virtual students although provision of AT is not clearly addressed. Ohio and Pennsylvania loan all needed computer equipment for virtual access, but it is unclear if that includes any needed AT. The iNACOL report, [Access and Equity for All Learners in Blended and Online Education](#), suggests ADA/504 requires virtual providers to deliver not only AT but also potentially the core computer and internet connection if needed to ensure equal access. Federal guidance is needed to resolve confusion about who is responsible for providing AT when needed by students with disabilities to access virtual instruction.

Federal Recommendations:

- 1) The Department of Education should clarify that virtual instruction platforms and content must be accessible and should develop guidance and technical assistance to support SEA and LEA efforts to identify and utilize accessible platforms and content. The Global Initiative for Accessible ICT recently released two publications, [9 Steps for Procuring Accessible ICT](#) and [Guide for Engaging ICT Vendors](#) as technical support for schools in procurement of accessible technology including virtual instruction. Schools need access to not only these kinds of technical assistance materials but also access to readily available expertise in ICT accessibility to support their technology selection decision-making.
- 2) The Department of Education should clarify who is responsible for providing assistive technology necessary for a student to access virtual instruction. This may vary depending on whether the student is IDEA eligible and the IEP has determined that AT is necessary for FAPE and/or the student is ADA/504 eligible and the student services plan has determined that the AT is an auxiliary aid needed for equal access to the virtual instruction. This may also vary depending on whether or not the child is considered a public or private school student.