



Association of Assistive Technology Act Programs
440 1st St NW Suite 360, Washington, DC 20001

August 1, 2016

Ms. Meredith Miller
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2016-OESE-0032

Dear Ms. Miller:

The Association of Assistive Technology Act Programs (ATAP) is pleased to provide the following comments to the Department of Education regarding the proposed rule implementing programs under Title I of the Every Student Succeeds Act (ESSA). ATAP represents 54 of the state Assistive Technology Programs funded under the Assistive Technology (AT) Act of 2004. ATAP members have been and will continue to be actively involved in supporting students with disabilities utilize assistive technology to access and benefit from instruction and equitably participate in assessments as required by ESSA. For this particular section within Title I of ESSA pertaining to accountability, we have identified one major accessibility concerns with the proposed rules.

Concern: No clear requirement for web accessibility when the web is used to satisfy information dissemination requirements.

The proposed regulations include numerous references to using web information as an acceptable means by which states and local schools can meet the requirement to disseminate information to the public. For example, states may post their proposed state plan (for public comment), and the approved state plan and annual state report cards on their web sites. Local schools may post annual report cards on their web site. However, there is nothing in the proposed regulations that explicitly require information posted on the web to be accessible nor is there anything that even references web accessibility requirements pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

The proposed rules do archaically reference providing alternative format hard copy materials upon request in 200.21 (b)(3) is as follows–

(3) Be, upon request by a parent or guardian who is an individual with a disability as defined by the Americans with Disabilities Act, 42 U.S.C. 12102, provided in an alternative format accessible to that parent.

Limiting the proposed regulations to only reference alternative format materials fails to acknowledge that most of the required information dissemination will be done online via web posting. Given clear evidence that web accessibility is not routinely provided by states and local school districts, the ESSA regulations should explicitly require web accessibility when the web is used to disseminate required information.

ATAP Recommendation: Modify the proposed regulations to require accessibility, including web content accessibility, of any information dissemination required by the following sections --

- § 200.30 Annual State report card.
- § 200.31 Annual LEA report card.
- § 200.32 Description and results of a State's accountability system.
- § 299.13 Publication of State plan.
- § 299.18 Supporting excellent educators.
- § 200.21 Comprehensive Support and Improvement

Rationale: Many schools do not currently have accessible web sites. Posting information on an inaccessible website excludes parents and community members with disabilities from equitable access to such information. The ESSA regulations should require web accessibility (WCAG 2.0 conformance) for any information that is posted online to satisfy ESSA information dissemination provisions.

ATAP appreciates the opportunity to provide these comments on behalf of our 54 State AT Program members who support AT use in schools across the country. Please feel free to contact Audrey Busch, ATAP Director of Policy and Advocacy at 202.344.5674 or audrey.busch@ataporg.org with any questions.

Sincerely,



Alan Knue
Chair, ATAP Board of Directors