



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

July 30, 2018

Mr. Johnny Collett
Assistant Secretary
Office of Special Education and Rehabilitation Services
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Ms. Ruth Ryder
Acting Director
Office of Special Education and Rehabilitation Services
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

RE: Meeting Request on Guidance on Virtual Schools for Students with Disabilities

Dear Mr. Collett and Ms. Ryder:

We are writing on behalf of the Consortium for Citizens with Disabilities (CCD) Technology and Telecommunications Task Force regarding the [guidance](#) the Department of Education's Office of Special Education and Rehabilitative Services (OSERS) issued on August 11, 2016 pertaining to educating students with disabilities using virtual schools. CCD is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Technology and Telecommunications Task Force focuses on ensuring that national policy on matters of telecommunications and technology, including assistive technology, moves society toward our ultimate goal of full inclusion of all people with a disability.

We are concerned that the guidance issued does not address the need for accessibility of the online instructional platform and digital content provided by virtual schools. For many students with disabilities, especially those who use assistive technology, this is THE greatest barrier to being able to access and benefit from a virtual public school. It is essential that virtual public

schools are fully accessible for students with disabilities by ensuring that their instructional platform and digital content conform to nationally accepted accessibility standards, such as WCAG 2.0 level AA. Virtual public schools must be made aware of their obligation under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) to create, purchase and provide accessible digital content, and the Federal government should ensure this requirement is clear in any guidance issued to Section 504 and ADA covered entities (such as virtual public schools). If digital instructional content is not accessible, students with disabilities who use assistive technology will be denied equal access to a virtual public school.

Additionally, guidance must be provided to clarify responsibility under Section 504, ADA and the Individuals with Disabilities Education Act (IDEA) regarding provision of assistive technology needed by a student with a disability to access virtual instruction. Virtual schools typically have a set of minimum internet connectivity and computer requirements that students must have available to access online instruction. However, for students who use assistive technology, these minimums may not be sufficient and more importantly they require additional assistive technology to equally access the online instruction under Section 504 and ADA and to receive a free, appropriate public education (FAPE) under IDEA. Guidance is critically needed to clarify the responsibility of a public virtual school to provide assistive technology as auxiliary aids and services under a student services plan or as part of a student's individualized education plan (IEP) to ensure equal access or FAPE.

Furthermore, in order to create greater transparency regarding how virtual schools are fulfilling their obligations under federal law, more data must be collected and reported to ensure the students with disabilities are receiving a free and appropriate education via virtual schools. There is not enough information to garner the full scope of challenges students with disabilities encounter when accessing virtual schools. Therefore, data collection is imperative. Additionally, it is essential to know if teachers who are teaching through virtual platforms have the credentials, qualifications, and proper training to support students with disabilities.

The CCD Technology and Telecommunications Task Force co-chairs respectfully request a meeting with the Department of Education to discuss this issue. The CCD Technology and Telecommunications Task Force appreciates the opportunity to provide these comments.

Sincerely,

The CCD Technology and Telecommunications Task Force Co-Chairs

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