

April 10, 2013

VIA E-MAIL seth.galanter@ed.gov
AND FIRST CLASS MAIL

Mr. Seth Galanter, Esq.
Acting Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue S.W.
Washington, D.C. 20202

Re: Usage of Inaccessible Technologies for Collaboration and Instant
Access in Classrooms

Dear Mr. Galanter:

I write to request clarification of the April 4, 2013 statement by an official from the Department of Education Office of Civil Rights in the Disability Law Reporter that “schools are not always required to provide the same form of emerging technology to a student who is blind or has low vision as it provides to all other students.”¹ Specifically, I would ask OCR’s position when the given technology is inaccessible to students with disabilities, promotes collaboration and digital communication among students and with the teacher, and allows the teacher to provide instant access to new content only to those using the technology. Under those circumstances, only sighted students would benefit from the opportunities for teamwork, discussion, and immediate access to content that the technology provides, and use of a separate technology for students with disabilities would significantly disadvantage blind students.

With the advent of commercial e-books and digital technologies, school districts across the country are adding e-book content and accompanying technology to their classrooms to help students become digitally literate, motivate students to learn, and reduce the cost of maintaining a library of physical books. The newest generation of this technology is used not merely to read e-books or other educational content, but also to provide teachers with the ability to instantly distribute e-book and course content to students. It allows online collaboration, including shared highlights, comments, and note-taking. Because those features also allow teachers to see how students engage with their assigned readings, they may tailor

¹ Marc Sherman, “OCR: Schools Need Not Provide Same Technology to all Students,” Disability Law Reporter (Apr. 4, 2013).

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their curricula according to the needs of individual students. Unfortunately, only some of the systems offered to schools with the features I have described above are fully accessible. If a school adopts a system offering collaboration and instant access that has inaccessible features, adopting a separate parallel technology would deny the disabled student the benefit of being an equal participant in the classroom.

I look forward to your response. Please do not hesitate to contact me if you would like further clarification of this question.

Sincerely,

/s/

Daniel F. Goldstein

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cc: Mehgan Sidhu, Esq. (via e-mail)
Jonathan Miller, Esq. (via e-mail)
Christine Netski, Esq. (via e-mail)