



Marc Maurer, *President*

200 East Wells Street
at Jernigan Place
Baltimore, MD 21230
Phone 410 659 9314 **Fax** 410 685 5653
www.nfb.org

Sent via first class mail and e-mail

March 11, 2013

Betsy Landers, President
Eric Hargis, Executive Director
National Parent Teacher Association
1250 North Pitt Street
Alexandria, VA 22314
blanders@pta.org
ehargis@pta.org

RE: Amazon's Sponsorship of the National PTA's Family Reading Experience Program

Dear Ms. Landers and Mr. Hargis:

It has come to my attention that your organization has selected Amazon as the exclusive sponsor of your new Family Reading Experience program. While the aspirations of this program are noble, you should know that the use of Kindle e-books will seriously compromise the education of children who are blind or have other print disabilities. This is so because, unlike other e-books, Kindle e-books do not afford children with print disabilities the same reading and learning experience as their fellow students. As a result, local PTAs that accept donations of Kindle devices or encourage the use of Kindle e-books in their schools will, as detailed in this letter, be helping to put those schools in violation of federal law.

In today's world, equal opportunity requires equal access to information. Unlike print, digital information is not inherently visual; it can be made available visually, aurally, and tactilely all at the same time and from the same original digital source. Thus, digital information can be the great equalizer, offering mainstream access to all, without regard to whether the reader has a sensory disability. For decades, the blind have used a variety of technologies to make e-books accessible. To read electronic texts, blind students use either text-to-speech software that vocalizes the words, letters, and characters on a page or a refreshable Braille display that renders the words, letters, and characters into Braille. Fortunately, a number of technology developers and content providers have designed their products and services to put sighted and blind users on an equal footing. With the advent of commercial e-books, some developers, including Apple iBooks and Blio books, have made their e-books and reading applications accessible, so that everyone—including blind students and others with print disabilities—can read and use them effectively.

Unfortunately, Amazon is not such a company. It has made a conscious decision to exclude the blind from reading and studying with its Kindle e-books. Among other barriers, blind students using Kindle e-books cannot (1) read character by character and thus learn to spell, punctuate and distinguish homophones; (2) navigate usefully through the text of a Kindle e-book to keep up with the rest of the class; (3) interact with the Kindle e-book's content through the dictionary, highlighting, search, or note-taking features; or (4) access any content in Braille through their refreshable Braille displays. In sum, blind students attempting to use Kindle e-books are effectively precluded from developing phonological awareness, phonics, fluency, comprehension, or vocabulary, which are the stated goals of your Family Reading Experience program.¹

To better illustrate the barriers Kindle e-books create, I have attached a chart to this letter showing the various functions that Kindle e-books offer sighted students and deny blind students. The chart reflects the best access Amazon offers, using a Kindle Keyboard (also called Kindle 3G) or using the Kindle for PC with Accessibility Plugin to read Kindle e-books. All other devices and platforms for reading Kindles are completely inaccessible. By way of comparison, the attached chart also shows other reading platforms, such as iBooks, that offer blind students all of the functions that Amazon reserves for the sighted. For your convenience, we have also tied those features to the Common Core State Standards to demonstrate specifically how the access barriers of Kindle e-books inhibit blind students' educational opportunities. In short, although blind readers do have "some rudimentary access to Kindle e-books" when using platforms that permit that rudimentary access, "it is not nearly enough [access] to use the books for anything but the most casual reading," much less the intense, challenging reading that characterizes the academic environment.²

Hence, the implementation of Kindle e-books proposed by the Family Reading Experience program will relegate students with print disabilities to second class status and unnecessarily exclude them from benefiting from the program's goals and objectives. Moreover, the limitations of Kindle e-books will inhibit print-disabled children from developing those grade-appropriate reading skills that are set forth by the Common Core State Standards and that are vigorously advocated for by your organization.³

¹ See "Press Release: National PTA and Amazon Team Up to Support Family Reading," available at <http://www.pta.org/about/newsdetail.cfm?ItemNumber=3567> ("The program brings together phonological awareness, phonics, fluency, comprehension and vocabulary..."); See also <http://www.pta.org/familyreading> ("The program brings together all five domains of reading including: phonological awareness, phonics, fluency, comprehension, vocabulary").

² Amy Mason, *Mainstream Access to E-Books—What Works, What Doesn't, and What Is Still Unclear*, BRAILLE MONITOR vol. 55, no. 1 (Jan. 2012), available at <http://www.nfb.org/images/nfb/publications/bm/bm12/bm1201/bm120105.htm>.

³ See, e.g., 2011 National PTA Annual Report at 9, available at <http://www.pta.org/files/2011-AnnualReportFinal.pdf> ("National PTA supported both the draft and final versions of the standards, urging its millions of members to get behind the campaign and encouraging chief state school officers and state boards of education to include parents and PTA representatives in the adoption and implementation process").

Not only does the use of Kindle e-books in the public school classroom inhibit the educational development of print-disabled students, it is also a violation of federal law. This is so because use of Kindle e-books discriminates against students with print disabilities by denying them equal access to educational programs. Under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, public schools must not deny students with disabilities the benefits of their programs and activities. Therefore, public schools that choose to use Kindle e-books will be violating federal law, and PTA organizations that encourage the use of Kindle e-books in their local schools will be assisting those schools in that violation.

In 2009 and 2010, the U.S. Departments of Justice and Education resolved complaints against five post-secondary schools that used the inaccessible Kindle DX e-reader device in their classrooms with agreements that required these schools not to purchase any e-reader device for their classrooms or require use of any device “unless or until such electronic book reader is fully accessible to individuals with visual impairments”⁴ An electronic book reader is only fully accessible if “*all uses* of the device that are available to individuals without disabilities are available to individuals with visual impairments in a manner which ensures that its use in the university setting is equally as effective for individuals with visual impairments as it is for others.”⁵ In 2010, the Departments of Justice and Education jointly issued a letter to the post-secondary educational community, explaining that when it comes to e-book readers and e-book content, equal access is the law.⁶ In 2011, the Department of Education again made clear that elementary and secondary schools likewise must refrain from using technology that will deny students with disabilities equal access.⁷

If we can further assist you in understanding which e-books and e-book platforms are accessible and compliant with federal and state law, or provide further information about the deficiencies of Kindle e-books, please do not hesitate to contact us. The National Federation of the Blind, whose 50,000 members comprise not only blind people of all ages and backgrounds but also parents of blind children and others who support equal opportunity for blind Americans, has as its ultimate goal the complete integration of the blind into society on an equal basis with our sighted peers. We are fortunate to live in an age in which that ideal has been written into law.

Amazon’s deliberate choice to scorn that ideal and ignore the needs of blind readers does not give public schools a free pass to discriminate on the basis of disability by purchasing and using Kindle e-books in their classrooms. Nor should your organization be party to such discrimination. Your Position Statements emphasize “the special needs of underserved populations including children with disabilities,”⁸ and you have assumed the role of being

⁴ Letter of Resolution, D.J. No. 202-61-117, Reed Coll. (Dec. 18, 2009), available at http://www.ada.gov/reed_college.htm.

⁵ *Id.*; Letter of Resolution, D.J. No. 202-57-146, Case W. Reserve Univ. (Dec. 22, 2009), available at http://www.ada.gov/case_western_univ (emphasis added).

⁶ Letter from U.S. Department of Justice, Civil Rights Division, & U.S. Department of Education, Office for Civil Rights, to College and University Presidents, at 1 (June 29, 2010) (copy attached).

⁷ Letter from U.S. Department of Education, Office for Civil Rights, to College and University Presidents, Frequently Asked Questions About the June 29, 2010 Dear Colleague Letter, at 3 (May 26, 2011) (copy attached).

⁸ See “PTA Position Statement – Education Emphasis”, available at <http://www.pta.org/about/content.cfm?ItemNumber=1294>.

Ms. Landers and Mr. Hargis

March 11, 2013

Page 4 of 4

“a powerful voice for all children.”⁹ We look forward to your cooperation in this matter and are confident you will raise your powerful voice in support of the rights of our nation’s blind and print-disabled students.

Sincerely,



Marc Maurer, President
NATIONAL FEDERATION OF THE BLIND

Enclosures

cc: David Zapolsky, Esq., General Counsel, Amazon, Inc.

⁹ See “Press Release: National PTA and Amazon Team Up to Support Family Reading,” *supra* note 1.