



ACCESSIBLE INSTRUCTIONAL MATERIALS IN HIGHER EDUCATION (AIM HIGH) ACT (H.R. 5312/S. 3095)

Issue--Until a market-driven solution for accessible instructional materials is achieved, blind college students are denied access to critical course content.

Technology has fundamentally changed the education system. The scope of instructional materials used at institutions of higher education has expanded. Curricular content comes in digital books, PDFs, webpages, etc., and most of this content is delivered through digital databases, learning management systems, and applications. The print world is inherently inaccessible to students with disabilities, but technology offers the opportunity to expand the circle of participation. There are currently seven million students with disabilities in grades K-12, and that number keeps growing.¹ It is reasonable to presume that the number who go on to pursue postsecondary education is similarly trending upward.

Blind students are facing unlawful and overwhelming barriers to education. Instead of fulfilling the promise of equal access, technology creates more problems when not developed with accessibility in mind. Data show that students with disabilities face a variety of challenges, including matriculation and college completion failure,² solely because, in the absence of clear accessibility guidelines, colleges and universities are sticking with the ad-hoc accommodations model.³ Currently, schools deploy inaccessible technology and then create another version for blind students, usually weeks or even months into class, creating a “separate-but-equal” landscape with nearly impenetrable barriers. With only 30.5 percent of blind people being employed full-time year round,⁴ compared to 69.5 percent among people without disabilities,⁵ students with disabilities should not be denied access by the innovations that can ensure full participation.

Higher education institutions struggle to identify accessible material and comply with nondiscrimination laws. Section 504 of the Rehabilitation Act and Titles II and III of the Americans with Disabilities Act require schools to provide equal access, and in 2010, the US Departments of Justice and Education clarified that the use of inaccessible technology is prohibited under these laws.⁶ The 2011 AIM Commission recommended to Congress that accessibility guidelines be developed for postsecondary instructional materials.⁷ In the nine years since,⁸ over three dozen institutions have faced legal action for using inaccessible technology,⁹ and complaints are on the rise. Most litigation ends with a commitment from the school to embrace accessibility, but that commitment does little in a vast and uncoordinated higher education market.¹⁰

Solution--Accessible Instructional Materials in Higher Education Act:

Develops accessibility guidelines for instructional materials used in postsecondary education.

A purpose-based commission is tasked with developing accessibility criteria for instructional materials and the delivery systems/technologies used to access those materials. Additionally, the commission is tasked with developing an annotated list of existing national and international standards so that schools and developers can identify what makes a product usable by the blind.

Provides a digital accessibility roadmap for institutions of higher education. The guidelines developed by the commission will contain specific technical and functional criteria that will clearly illustrate how to make educational technologies usable by the blind and other students with print disabilities. Such criteria will be beneficial to procurement officers, informational technology staff, chief technology officers, and other key personnel at institutions of higher education.

Offers flexibility for schools while reiterating that pre-existing obligations still apply. Colleges and universities are permitted to use material that does not conform to the guidelines as long as equal access laws are still honored. Conformity with the AIM HIGH guidelines is only one path to compliance; schools can pursue a different path but in doing so will forfeit the combined expertise of the relevant stakeholder communities involved in the development of the AIM HIGH guidelines.

GOAL--REMOVE BARRIERS TO EQUALITY IN THE CLASSROOM.

Cosponsor the Accessible Instructional Materials in Higher Education Act.

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¹ US Department of Education National Center for Education Statistics, "Children and Youth with Disabilities," last updated May 2019, https://nces.ed.gov/programs/coe/indicator_cqg.asp

² Brand, B., Valent, A., Danielson, L., College & Career Readiness & Success Center American Institutes for Research, "Improving College and Career Readiness for Students with Disabilities," 2013.

³ "Report of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities." (2011) 13

⁴ United States Census Bureau American Community Survey, "The percentage of non-institutionalized persons aged 21-64 years with a visual disability in the United States who were employed full-time/full-year in 2017," <http://www.disabilitystatistics.org/reports/acs.cfm?statistic=4>

⁵ United States Department of Labor Bureau of Labor Statistics, "69.5 percent of people who worked in 2017 worked full time, year round," December 20, 2018, <https://www.bls.gov/opub/ted/2018/69-point-5-percent-of-people-who-worked-in-2017-worked-full-time-year-round.htm>

⁶ Department of Justice Civil Rights Division and Department of Education Office of Civil Rights letter to College and University Presidents, June 29, 2010.

⁷ "Report of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities." (2011) 42, No. 1. Higher ED Accessibility Lawsuits, complaints, and settlements

⁸ LaGrow, Martin. "From Accommodation to Accessibility: Creating a Culture of Inclusivity." March 13, 2017. https://er.educause.edu/articles/2017/3/from-accommodation-to-accessibility-creating-a-culture-of-inclusivity?utm_source=Informz&utm_medium=Email+marketing&utm_campaign=ER.

⁹ Information Technology Systems and Services, University of Minnesota Duluth, "Higher Ed Accessibility Lawsuits, Complaints, and Settlements," <https://www.d.umn.edu/~lcarlson/atteam/lawsuits.html>.

¹⁰ Government Accountability Office. "Education Needs a Coordinated Approach to Improve Its Assistance to Schools in Supporting Students." Report to the Chairman, Committee on Education and Labor, House of Representatives.10-33 (2009).