

11-19-2010

## No Student Left Behind: Ensuring the Accessibility of Reading Technologies at Universities

Gary C. Norman

*American University Washington College of Law*

Follow this and additional works at: [http://digitalcommons.wcl.american.edu/stu\\_blogs\\_tma](http://digitalcommons.wcl.american.edu/stu_blogs_tma)



Part of the [American Politics Commons](#), and the [Law Commons](#)

---

### Recommended Citation

Norman, Gary C. "No Student Left Behind: Ensuring The Accessibility of Reading Technologies at Universities." The Modern America Blog, entry posted November 19, 2010. <http://wclmodernamerican.blogspot.com/2010/11/no-student-left-behindensuring.html> (accessed November 19, 2010).

This Blog Posting is brought to you for free and open access by the Student Blogs at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in The Modern American by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact [fbrown@wcl.american.edu](mailto:fbrown@wcl.american.edu).

**Friday, November 19, 2010**

**No Student Left Behind: Ensuring The Accessibility of Reading Technologies at Universities**

By; Gary C. Norman, Esq. L.L.M. Candidate 2011 & Commissioner, Maryland Commission on Human Relations

Viewing the show Star Trek Next Generation as a teenager during the late 1980s and the early 1990s, I did not contemplate that, not that distant in the future, Americans would possess Star Trek like reading and communication methods and devices, such as the e-book and the iPhone. The peril of technological change is, however, not all in civic society may always benefit. For instance, blind or vision impaired individuals for whom the benefit of biomedical eye implants like Geordie is not yet available may be excluded constructively or intentionally from the promise of emerging technologies if legal safeguards are lacking. This entry will thusly explore the perspective of blind or vision impaired persons, or other persons who have disabilities that cause reading standard print not to be an option, in relation to the introduction of e-books by some post-secondary educational institutions.

In 2009, universities in Arizona and several other states engaged in a partnership with the vendor of the Kindle– Amazon, Inc. - to introduce, on a voluntary basis, this emerging mode of reading into post-secondary education. Trumpeted as an innovative pilot program by Amazon Inc., e-book readers would be furnished to students replacing paper based books in select classes. In addition, the 2010 testimony of Principal Deputy Assistant Attorney General of the Division of Civil Rights before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, indicates that, because of the cost of paper based books and the positive features of e-books, such as their light weight, e-books may replace paper based books in three to five years.

Initially providing an e-book reader that possessed text to speech capabilities, Amazon, Inc. succumbed to the pressure of the Authors' Guild.

Whereas emerging technologies might not cause an issue for able-bodied students matriculated at universities, blind, vision impaired, or otherwise disabled students and policy advocates alike possess grave concerns that emerging technologies, to the extent they are not accessible, will impede an equal education of students with disabilities. Amazon, Inc. triggered off text to speech capabilities in its e-book reader such that all of its menus could not be equally accessed by blind or vision impaired students. The Authors' Guild, which represents authors, argued that reading books out loud violated copyrights. In 2009, the National Federation of the Blind and the American Council of the blind, members of an advocacy coalition named the Reading Rights Coalition, filed litigation against Arizona State University – one of the partners with Amazon, Inc. In addition, NFB and ACB filed complaints with the Departments of Education and Justice alleging unlawful discrimination by five other universities who had partnered in the pilot program.

Notwithstanding the arguable violation of the law (i.e. the Americans with Disabilities Act of 1990), the issue is that, from a fairness and practical standpoint, students with sight or learning

disabilities may either have to wait long periods of time to acquire books in alternative formats or may have to engage in proactive endeavors to acquire their books from publishers. I can attest, as a student with a sight disability, that acquiring and utilizing books in alternative formats (e.g. on digital CD) or as a PDF that has yet to undergo further conversion to be accessible have been – sometimes challenging and often time consuming - experiences. For an able-bodied student, however, just like the introduction of the Gutenberg bible, reading by way of a device, such as the Kindle DX, can be instantaneous.

Assistant Attorney General Perez of the Civil Rights Division has stated that, “Advancing technology is systematically changing the way universities approach education, but we must be sure that emerging technologies offer individuals with disabilities the same opportunities...”

On January 11, 2010, the plaintiffs entered into an unpublished settlement agreement with Arizona State University, a settlement to which the Department of Justice was a party. In June 2010, the Departments of Justice and Education jointly conveyed correspondence to universities that expressed it would be a violation of the civil rights panoply of the ADA and §504 of the Rehabilitation Act of 1973 for universities to provide inaccessible e-books. The Departments urged universities not to acquire, deploy, or have students utilize this form of emerging technology until it was accessible to all students. Furthermore, WCL will have, in 2011, a conference concerning students with disabilities, a component of which will be focused on technology issues.

In sum, as our civic society advances technologically but also concomitantly seeks to fulfill the promise of civil rights panoply, issues of this sort will be at the forefront of public discussion and even, when necessary, litigation.

#### Links

<http://www.readingrights.org/458>

<http://www.readingrights.org/kindle-tts-issue>

<http://john.foliot.ca/unauthorized/samuelbagenstos.html>

<http://www.justice.gov/opa/pr/2010/January/10-crt-030.html>

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>

Posted by The Modern American at [1:56 PM](#)