



Accessible Instructional Materials in Higher Education Act

Until a market-driven solution for accessible instructional materials is achieved, blind college students will be 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. Studies have found that, of the 6.5 million students with disabilities in grades K-12, the number who go on to pursue postsecondary education is growing.¹

Blind students are facing insurmountable barriers to education. Instead of fulfilling the promise of equal access, technology has created more problems than the print world ever did. 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 modify another version for blind students, usually weeks or even months into class, creating a “separate-but-equal” landscape with nearly impenetrable barriers. With only an 18 percent employment rate, compared to 65 percent among people without disabilities,⁴ students with disabilities should not be denied access by the innovations that could have ensured full participation.

Institutions of higher education need help 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.⁵ In the six years since, over a dozen institutions have faced legal action for using inaccessible technology,⁶ 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, uncoordinated higher education market.⁷

Accessibility solutions are available, but guidelines are sorely needed to stimulate the market. The Accessible Instructional Materials in Higher Education Act will bring together people with disabilities and the higher education, publishing, tech developing, and manufacturing communities to develop a stakeholder driven solution to the issue of inaccessible instructional materials. With input from all relevant stakeholder communities,⁸ mainstream accessible instructional materials can be achieved, benefitting both institutions of higher education and the students with disabilities they aim to serve.

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 incentive for institutions of higher education to follow the guidelines. Institutions of higher education that use only technology that conforms with the guidelines will be deemed in compliance with the provisions of Section 504 of the Rehabilitation Act and Titles II and III of the Americans with Disabilities Act that pertain to schools' use of technology. For those instances in which accessible technology is simply not yet available, instances that will continue to diminish in frequency as accessible instructional materials become more mainstream, there is a limited safe harbor protection for institutions that otherwise adhere to existing disability law as well as some additional requirements as described in the AIM HE Act.

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 HE guidelines is only one path to compliance; schools can pursue a different path but will forfeit the safe harbor legal protection.

REMOVE BARRIERS TO EQUALITY IN THE CLASSROOM.
Cosponsor Accessible Instructional Materials in Higher Education Act.

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For more information visit: www.nfb.org/aim_he

¹ US Department of Education, National Center for Education Statistics. "Children and Youth with Disabilities" (2016) http://nces.ed.gov/programs/coe/indicator_cgg.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 Department of Labor. "Persons with a Disability: Labor Force Characteristics—2015." (2016). <http://www.dol.gov/odep/>.

⁵ Department of Justice Civil Rights Division and Department of Education Office of Civil Rights letter to College and University Presidents, June 29, 2010.

⁶ National Federation of the Blind. "The Accessible Instructional Materials in Higher Education (AIM-HEA) Act." Last modified December, 2015. <https://nfb.org/TEACH>

⁷ 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).

⁸ Organizations and institutions that have endorsed the Accessible Instructional Materials in Higher Education Act: https://nfb.org/aim_he.