Resolution 2020-02

Regarding Accessibility of School Software and Online Applications

WHEREAS, the Individuals with Disabilities Education Act (IDEA) require school districts to provide a free appropriate public education to children who are blind or visually impaired; and

WHEREAS, the IDEA regulations at 34 CFR Section 300.42 require school districts to provide supplementary aids and services to children who are blind or visually impaired, including assistive technology and adapted materials; and

WHEREAS, the IDEA regulations at 34 CFR Section 300.29 require school districts to use the mode of communication that is normally used by the individual child or parent, including Braille and other accessible forms of communication; and

WHEREAS, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 require school districts to provide equally effective communications with children, parents, and teachers who are blind or visually impaired; and

WHEREAS, the National Federation of the Blind has fought to protect the rights of blind children, teachers, and parents to have accessible instructional materials and communications, including in Nightingale v. Seattle School District No 1, which case resulted in a consent decree that required Seattle Public Schools to Ensure that electronic and information technology be fully and equally accessible to students, faculty, and parents who are blind; and

WHEREAS, Seattle Public Schools has suspended the use of software and online applications that it determined to be inaccessible to persons who are blind or visually impaired, including Typing Agent, Imagine Learning, DreamBox, EdGenuity, ST Math, iRead, READ 180, System 44, Reading Inventory, Phonics Inventory, and Math Inventory; and

WHEREAS, the pandemic has resulted in students being educated through the use of software and online applications, making even more critical the need to ensure the accessibility of such software and online applications:

Now, therefore, BE IT RESOLVED by the National Federation of the Blind of New Mexico assembled in virtual convention this 29th day of August, 2020, that the National Federation of the Blind of New Mexico calls upon the New Mexico Public Education Department and all New Mexico school districts to ensure the accessibility of software and online applications for children, parents, and teachers who are blind or visually impaired; to immediately evaluate the accessibility of existing software and online applications; to immediately discontinue the use of software and online applications that are found to not be accessible; and to put in place procurement procedures that ensure the acquisition of accessible software and online applications.