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Dear Colleague Letter

OFFICE OF THE ASSISTANT SECRETARY

May 26, 2011

Dear Colleague:

As the use of emerging technologies in the classroom increases, schools at all levels must ensure equal access to the educational benefits and opportunities afforded by the technology and equal treatment in the use of the technology for all students, including students with disabilities. To assist you in this regard, I write to share the attached "Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter" (FAQ), developed by the U.S. Department of Education's Office for Civil Rights (OCR). This FAQ is a follow-up to a Dear Colleague Letter (DCL) that we sent to college and university presidents on June 29, 2010, regarding the use of electronic book readers and other emerging technologies in educational settings. The legal requirements that are articulated in the June 2010 DCL, which are reiterated in the attached FAQ, also apply to elementary and secondary schools.

The June 2010 DCL outlines concerns of the U.S. Department of Education and the U.S. Department of Justice that arose in the context of reviewing several complaints regarding compliance with long-standing requirements of civil rights law. In those cases, postsecondary educational institutions were using electronic book readers that were inaccessible to students who are blind or have low vision. The DCL explains that under the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, educational institutions cannot require the use of electronic book readers in a classroom setting if the readers are not fully accessible to individuals with disabilities, including individuals who are blind or have low vision, unless those individuals are provided accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.

The June 2010 DCL generated interest from educational institutions, students, parents, advocacy organizations, and others. OCR is releasing this FAQ in order to provide more information about the obligations of schools (both elementary and secondary schools and postsecondary institutions) that provide benefits to students by means of electronic book readers or other emerging technologies. Please share this FAQ with your administrators, faculty, and staff.

For more information, the June 2010 DCL is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>, and the FAQ is available at <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html>.

Sincerely,

/s/

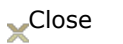
Russlynn Ali

Assistant Secretary for Civil Rights

Attachment



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