

Relevant Laws and Best Practices Related to Accessibility and Technology as Schools Respond to COVID-19



As schools close doors in response to COVID-19, you should be aware of key laws that protect your child's rights to a free appropriate public education (FAPE) and existing frameworks that can support accessibility. As parents, it's important to know that your child's rights don't disappear when the doors of the physical building close. Schools will inevitably need to change the way they provide instruction and services—and might even need to resort to providing compensatory services for students with disabilities. But students' rights do not go away. Schools and educators can use a number of tools and frameworks to help them provide high-quality experiences for all learners during time away from school buildings.

Major Laws You Should Know

Americans with Disabilities Act (ADA)

The ADA is a federal civil rights law that provides legal protections for individuals with disabilities from discrimination in employment, state and local government, public accommodations, commercial facilities, telecommunications, and transportation. Title II of the ADA requires schools to make educational opportunities, extracurricular activities, and facilities open and accessible to all students. These provisions apply to brick-and-mortar and online schooling.

Learn more: <https://www.ada.gov/access-technology/index.html>

Technology-Related Assistance for Individuals with Disabilities Act (Tech Act)

The Tech Act promotes awareness of assistive technology (AT) and provides funds that enable access to AT devices and services. AT grants can help schools access assistive technology as more students with disabilities transition to virtual learning environments.

Learn more: <https://www.ataporg.org>

Every Student Succeeds Act (ESSA)

The nation's main law governing K-12 education, ESSA calls for states, districts, and schools to provide students access to challenging academic standards and holds schools accountable for the success of students, including students with disabilities and other subgroups. The U.S. Department of Education has provided states flexibility with regard to administering their state assessments this school year.

Learn more: <https://oese.ed.gov/files/2020/03/COVID-19-OESE-FINAL-3.12.20.pdf>



Individuals with Disabilities Education Act (IDEA)

The nation's main law governing specific rights of K–12 students with disabilities (and a civil rights law), IDEA entitles all public school students to a free appropriate public education (FAPE). Students suspected of having a disability have the right to a free evaluation, and students deemed eligible for special education have the right to special education and related services. IDEA provides parents with the right to be involved in all educational decisions about their child and also provides them with a private right of action in the event that the school fails to provide FAPE. Importantly, the U.S. Department of Education recently noted in its guidance that “FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically.” IDEA also says that students with disabilities are entitled to compensatory services to make up for challenges schools and districts are experiencing as they move instruction online.

Learn more: <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act is an anti-discrimination law that notes: “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ...” In light of COVID-19 and in conjunction with other laws, Section 504 assures that students with disabilities maintain their right to a free appropriate public education (FAPE).

Learn more: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

Section 508 of the Rehabilitation Act

Section 508 of the Rehabilitation Act requires federal agencies to procure, develop, use, and maintain information and communications technology (ICT) that is accessible to people with disabilities.

Learn more: <https://www.hhs.gov/web/section-508/making-files-accessible/checklist/index.html>



Key Frameworks You Should Know

Accessible Educational Materials (AEM)

AEM, as advanced by the National AEM Center at CAST, are technologies and materials accessible for the widest range of individual variability, regardless of format or features. Achieving this standard is particularly important right now to ensure that students with different learning needs can effectively access content.

Learn more: <http://aem.cast.org>

Universal Design for Learning (UDL)

UDL is a way to optimize teaching to effectively instruct a diverse group of learners. The approach is based on insights from the science of how people learn. It emphasizes accessibility in how students access material, engage with it, and show what they have learned. UDL can be applied to in-person or virtual educational settings.

Learn more: <http://www.cast.org/our-work/about-udl.html#.XoOyjIhKg2w>

Voluntary Product Accessibility Template (VPAT)

VPAT is a document (often presented as a chart or table) that explains how information and communication technology (ICT) products such as software, hardware, electronic content, and support documentation meet standards of information technology (IT) accessibility within Section 508 of the Rehabilitation Act of 1973 (see above).

Learn more: <https://www.section508.gov/sell/vpat>

Web Content Accessibility Guidelines (WCAG)

WCAG is a collaboratively developed set of guidelines that provides a single international standard for web content accessibility. It's designed to ensure that web content is perceivable, operable, understandable, and robust to the variety of individuals who will access it.

Learn more: <https://www.w3.org/WAI/standards-guidelines/wcag/>