



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Education Associations Express Concerns With The Technology, Equality, and Accessibility in College and Higher Education (TEACH) Act

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Last Fall, Rep. Thomas Petri (R-WI) and Sen. Elizabeth Warren (D-MA) introduced the TEACH Act, intended to ensure that students with disabilities have equal access to instructional technologies used in class, including electronic books, journals, articles and webpages. The bill would require institutions to provide equal access for disabled students by either (1) making instructional technologies accessible or (2) providing accommodations or modifications, so long as alternate means are “equally effective,” “equally integrated,” and offer “substantially equivalent ease of use.”

An analysis published on September 16, 2014 by counsel for six higher education associations (AAU, ACE, APLU, ARL, EDUCAUSE, and NAICU) raises a concern that the bill would subject institutions to more stringent requirements than under the “reasonable accommodation” and “comparable access” standards required of all other covered entities under the ADA and Section 504, and would reduce institutions’ present flexibility to meet the needs of disabled students. Moreover, the associations state that as mere consumers in the marketplace for instructional materials, institutions have little control over whether producers and publishers provide material in an accessible format.

CLIENT TIP: *Institutions should monitor the bill as it makes its way through Congress. In any event, based on the Departments of Justice and Education’s stated priority of investigating accessibility of classroom technology (Joint “Dear Colleague” Letter, June 29, 2010), institutions should review their use of classroom instructional technologies and be prepared to provide accessible materials or accommodations for students with disabilities.*