MICHIGAN STATE
U N I V E R S I T Y

March 12, 2013

MEMORANDUM

To: Deans, Directors, and Chairpersons

From: June Pierce Youatt, Acting Provost

Subject: **UPDATED Guidance** on **Accessibility Considerations**: The Use of e-Texts

In a memorandum dated June 26, 2010, unit administrators were advised of a joint letter from the U.S. Department of Justice and Department of Education to universities regarding inaccessible electronic reading devices. The letter reminded us that requiring use of a technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities – individuals with visual disabilities in this instance – is discrimination prohibited by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, unless those individuals are provided accommodations or modifications that permit them to receive all of the educational benefits provided by the technology in an equally effective and equally integrated manner.

The Department of Education clarified this guidance in May 2011, and made clear that the concepts explained in the 2010 letter extended to forms of emerging technology beyond electronic book readers and applied to all operations of schools. MSU's core value of inclusiveness and our long tradition of supporting all members of our community are consistent with the legal prohibition of the use of such devices if the technology is inaccessible to populations of individuals with disabilities. **I ask you to share this message with your faculty and instructional support staff**.

To clarify our expectations we provide the following:
1) Student selection of e-texts, as their personal option of a textbook, is not a problem.
2) A determination must be made that e-texts are accessible under the following circumstances:
    a. When an e-text is required for all students in the classroom, or is only available in electronic format;
    b. When the instructor does not require the e-text, but intends to make use of an available e-text format to provide "enhanced instructional modes" such as highlighting, annotation, added hyperlinks, added content or videos, etc. that could provide a differential learning experience for students using the e-text vs. those not using it.
3) When a determination of accessibility is required, faculty should
    a. Consult with IT Services Teaching and Learning Support (contact Jiatyan Chen, Manager of Learning Technology). This unit will gather initial information about the specific text and platform, and then consult further

with the Resource Center for Persons with Disabilities to obtain a determination on whether an e-text meets accessibility standards.

b. If accessibility standards are not fully met by a component of an e-text in electronic form (e.g., proper captioning of figures), those components could be considered to meet accessibility standards if a suitable alternative (e.g. a tactile-printed version of the figure) is provided to the student *ahead of time of need* (in a way that meets the "equivalent experience" standard both in terms of content translation and timeliness of availability).

Faculty having questions about accessibility should consult with IT Services Teaching and Learning Support prior to the use of e-texts in those situations described above. Final certification of any e-text use must be approved by the Office for Inclusion and Intercultural Initiatives. Again, if accessibility standards are not satisfactorily met for an e-text use that falls into the described categories, the e-text may NOT be used at MSU for the exclusive delivery of instructor value-added content (e.g. annotations) or as an assigned reading, except as the result of a student's individual personal choice.

C: President Simon