The Association of Assistive Technology Act Programs (ATAP) is pleased to provide the following comments to the Department of Education regarding the proposed rule implementing programs under Title I of the Elementary and Secondary Education Act.

The Association of Assistive Technology Act Programs (ATAP) urges the Department to issue regulations and guidance ensuring an effective and meaningful opportunity for students with disabilities to participate in assessments. Students with disabilities must be able to use the assistive technology that they regularly use to access instruction and the general education curriculum to demonstrate proficiency on assessments. Asking a student to learn new text-to-speech systems, new magnification technology, or other access features built into assessments results in the assessment measuring a student’s ability to learn the new access technology rather than measuring their expertise on academic content and unfairly penalizes students with disabilities. In addition, many access features simply cannot be built into assessments and compatibility with assistive technology is the only way to provide independent access for students with disabilities, e.g. voice recognition, switch input, and similar. Forcing these students to use human scribes or other human accommodations rather than allowing them to demonstrate their proficiency independently is not acceptable.

ATAP requests that the Department clarify that all digital assessments must be developed in conformance with nationally accepted accessibility standards that provide a baseline of accessibility for assistive technology. ATAP believes the Department must recognize the barrier created for students with disabilities when assessments are designed without a fundamental requirement for digital accessibility and support for interoperability with assistive technology and take this opportunity to update regulations so that ESEA required assessments comport with recently issued Department of Justice guidance on this issue.

ATAP appreciates the opportunity to provide these comments on behalf of our 54 State AT Program members who support AT use in schools across the country. Please feel free to contact Audrey Busch, ATAP Director of Policy and Advocacy at 202.344.5674 or audrey.busch@ataporg.org with any questions.