

June 5, 2020

TO: Disability Service Offices at Texas Postsecondary Educational Institutions

RE: Providing Students with Disabilities Accessible Educational Services During COVID-19 Emergency Circumstances

Dear Disability Services Office,

During this time of national emergency due to COVID-19, Disability Rights Texas understands that our state's educators are working diligently to adapt to the fluid circumstances to continue to provide quality education to their students while also working together to slow the rate of infection. I am an attorney at Disability Rights Texas (DRTX) and, as an organization, we reach out to you to offer support while you work to ensure that the changes your institution is making to your teaching methods to prevent the spread of COVID-19 do not leave students with disabilities behind.

Applicable Laws and What That Means for Postsecondary Institutions

We understand that your institution has and will continue to face difficult decisions regarding how to protect your students, faculty, staff, and broader communities from the spread of COVID-19. As you make these decisions, you will be considering guidance from the Center for Disease Control and Prevention (CDC) and local public health officials. However, complying with such guidance should not create civil rights concerns for students with disabilities.

- Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits disability discrimination by public entities, including Postsecondary Educational Institutions.
- Title III of the ADA prohibits disability discrimination by places of public accommodation, also including Postsecondary Educational Institutions.
- Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by Postsecondary Educational Institutions receiving federal financial assistance.

Changes to curriculum delivery methods, such as distance learning, will require that you revisit and revise the approved accommodations of some of your students with disabilities. All lectures and class materials and online learning tools must be accessible to ALL students with disabilities. Fortunately, there are a plethora of technologies available that can make this possible for a variety of disabilities.

Please also be mindful that as places of public accommodation, Title III of the Americans with Disabilities Act, also requires that your communications to students, faculty, staff, and the community be **equally effective** to individuals with disabilities. As such, information and materials must be provided, as appropriate, in alternate formats to facilitate effective communication for individuals with disabilities. In the rush to move many educational services and opportunities online nearly overnight to protect against

transmission of the COVID-19, accessibility may be lagging. The Department of Education Office of Civil Rights (OCR) has created a webinar covering the basics of non-discrimination laws and what it means for coursework and resources to be accessible to individuals with disabilities. The video offers tips for universities to help ensure that materials are accessible. If your institution needs technical assistance to make your institution's online learning accessible, contact the Office of Civil Rights Web Access team at OCRWebAccessTA@ed.gov.

Below is a list of these and additional resources that may be helpful to you, your students, and your institution's faculty while navigating these uncertain times.

U.S. Department of Education- COVID-19 Resources:

- [Fact sheet](#) for protecting students' civil rights during COVID-19 response
- [Webinar](#) from OCR
- List of more generalized COVID-19 [resources](#) for schools of all levels.
- [Auxiliary Aids and Services for Postsecondary Students with Disabilities](#): Higher Education's Obligations Under Section 504 and Title II of the ADA

National Center for College Students with Disabilities (NCCSD):

- [Coronavirus-COVID-19 & College Students with Disabilities](#): A list of resources for students, disability resource professionals, faculty, and other college stakeholders

Resources on How to Make Courses ADA & Section 504 Compliant:

- [Designing an Accessible Online Course](#): A toolkit to assist campuses who are quickly moving online in response to COVID-19 created by the Southwest ADA Center
- [Remember Accessibility in the Rush to Online Instruction](#): 10 Tips for Educators, by the National Deaf Center
- [Remote Interpreting Services](#), by the National Deaf Center
- [Assistive Technologies](#): Support, Advocacy and Assistive Technology to Facilitate Online Higher Education for a Variety of Different Disabilities

We are confident that as educators your institutions are committed to ensuring that your students with disabilities have equal access to educational opportunities while we all work together to slow the COVID-19 infection rates. We are here to support you and your students and hope that these resources are helpful.

Please feel free to contact me should you have any questions or concerns regarding equal educational access. I am currently working remotely but have access to both my email, asander@disabilityrightstx.org, and phone number, 469.706.9289.

Sincerely,

Angelica Sander

Angelica Sander
Attorney